Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 29 August 2024

By authority of the Victorian Government Printer

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[1]	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, Gaelle	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[2]	Western Metropolitan	IndLib	Ratnam, Samantha[5]	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[3]	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[4]	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard[6]	North-Eastern Metropolitan	Lib

[1] Resigned 7 December 2023
[2] Lib until 27 March 2023
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] 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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Thursday 29 August 2024

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Committees

Integrity and Oversight Committee

Membership

The PRESIDENT (09:34): I advise the house that I have received a letter from Eden Foster, member for Mulgrave, resigning from the Integrity and Oversight Committee, effective 29 August 2024.

I acknowledge previous member of this chamber Jan Kronberg in the gallery. Jan was very good at giving me a hard time in here – in a nice way.

Bills

Supermarket Industry Bill 2024

Introduction and first reading

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:34): I introduce a bill for an act to provide for the Essential Services Commission to carry out functions in relation to the supermarket industry, to create an independent panel to advise on essential grocery items, to amend the Essential Services Commission Act 2001 and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Aiv PUGLIELLI: I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Committees

Public Accounts and Estimates Committee

Inquiry into Vaping and Tobacco Controls

Michael GALEA (South-Eastern Metropolitan) (09:35): Pursuant to section 35 of the Parliamentary Committees Act 2003 I table a report on the Inquiry into Vaping and Tobacco Controls, including appendices and a minority report, from the Public Accounts and Estimates Committee (PAEC), and I present the transcripts of evidence. I move:

That the report be published.

Motion agreed to.

Michael GALEA: I move:

That the Council take note of the report.

I am very delighted to be here today presenting the PAEC's report into our most recent inquiry into tobacco and vaping controls into the Parliament. This has been a very illuminating inquiry to be a part of along with other members in this place and in the other place as well, including Mr McGowan, Mrs McArthur and Mr Puglielli from this place. It is very timely for us to be looking at this issue. We

have seen a spate of incidents across Victoria in relation to illicit tobacco. We have also seen some very concerning trends when it comes to the increased uptake of vaping products and in many cases dangerous vaping products among large parts of our population. Victoria has a long and proud history of effective tobacco regulation and control and has had some of the best results in the Western world, along with other parts of the country as well. But we have seen many issues arise of recent times, and it is why I am also very glad to see that the Allan Labor government has announced a suite of new reforms which will be implemented in order to bring in our state's comprehensive tobacco retail regulation scheme.

That is what makes this report very timely, because it was an opportunity for us on the PAEC to sit down and take a widescale look at the issue and also to hear about best practice from experts, and we heard evidence from other jurisdictions around Australia about the best methods of implementing such a scheme. There are recommendations in this report which I certainly hope will constructively help the government to formulate the strongest possible response to the current situation we have with illicit tobacco in particular. We conducted many inquiries, many of them in Melbourne. We conducted site visits as well to see firsthand the scale of the challenges that our border force and Victoria Police face in dealing with the importation of large quantities of illicit tobacco. Indeed not all illicit tobacco products are imported. Some in fact are grown still; that loose-leaf tobacco product is still grown illicitly in some parts of Victoria as well.

We also had the opportunity to talk to many stakeholders when it comes to the issue of vaping. Indeed our very first day of inquiry was held in the city of Shepparton. It was in the lead-up to our regional parliamentary sitting that week. We heard from stakeholders ranging from Victoria Police to council to other stakeholders in the City of Greater Shepparton, and indeed we had representatives and student leaders from Greater Shepparton Secondary College come and speak to us as well. Of all the many interesting parts of evidence that we heard in this inquiry I think the school captains themselves from Greater Shepparton Secondary College gave perhaps the most powerful testimony – really valuable – and I would like to thank them again for their contributions. We heard very interesting evidence from them around the cultural attitudes around vaping and how it pertains to their experiences. Indeed they told us that in many cases it is the younger generation, as in late primary school students, who are the ones most commonly associated with vaping and that at an older age it is seen as uncool. It is very concerning that vaping is such an accepted thing at such young ages. That evidence was backed in by teachers, and indeed in a separate inquiry, which will come to this place quite soon, the Legal and Social Issues Committee inquiry into education, certainly some of the teachers that we spoke to in that inquiry absolutely backed that up as well.

This was a very good inquiry. I would like to particularly thank our wonderful committee staff, who as always work tirelessly to produce the best quality reports possible and to get the best possible evidence for us, in particular Caroline Williams, Dr Krystle Gatt Rapa and their teams, who have put together what is an excellent piece of work, and I would also like to acknowledge all other committee members, including our chair Sarah Connolly. I will leave my remarks there, and I am sure others will have a few words to say on this important report.

Bev McARTHUR (Western Victoria) (09:40): I endorse the comments of my colleague on the Public Accounts and Estimates Committee and this inquiry, Mr Galea. It was an enlightening inquiry. When you see the truckloads of illicit tobacco and vapes that are coming into this country and into this state and when you think that only about one in 10 are being trapped, it is a shocking situation. We also learned that the illegal tobacco and vaping trade is part of organised crime and it certainly is a funder of other illicit drug products and other illicit activities, including immigration and prostitution. It was most important that we learned exactly how extensive this problem is in this state and the fact that the regulations are not sufficient and, even worse, that the penalties just do not meet the crimes. If we have got a situation where tobacco shops are being burnt, trashed, invaded and so on, then we have got a serious problem. If people only get a penalty that is not much different to a traffic fine, then of course they are just going to keep on doing it – it means nothing. Even the penalties for bringing in

these illicit products are so minor that you could easily pay the fine and keep going. What a dreadful situation that is. It is extraordinary that we even had to do this inquiry. Why hasn't the government made sure we have a better system of controlling the illicit trades that exist in this state? Like Mr Galea, I thank the staff.

Motion agreed to.

Business of the house

Notices

Notices of motion given.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:52): I move:

That the Council, at its rising, adjourn until Tuesday 10 September 2024.

Motion agreed to.

Motions

Middle East conflict

Samantha RATNAM (Northern Metropolitan) (09:53): I move, by leave:

That this house:

(1) notes that:

(a) the special rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 reported to the 55th session of the United Nations Human Rights Council on 24 March 2024;

(b) the report is titled *Anatomy of a Genocide*, and its second conclusion states that the state of Israel 'has sought to conceal its eliminationist conduct of hostilities sanctioning the commission of international crimes as IHL-abiding. Distorting IHL customary rules, including distinction, proportionality and precautions, Israel has de facto treated an entire protected group and its life-sustaining infrastructure as "terrorist" or "terrorist-supporting", thus transforming everything and everyone into either a target or collateral damage, hence killable or destroyable. In this way, no Palestinian in Gaza is safe by definition. This has had devastating, intentional effects, costing the lives of tens of thousands of Palestinians, destroying the fabric of life in Gaza and causing irreparable harm to its entire population';

(2) does not support the state of Israel's continued invasion of Gaza; and

(3) supports calls for an immediate and permanent ceasefire and calls on the Victorian government to advocate to the Australian government that it end its support for the state of Israel's invasion of Gaza.

Leave refused.

Members statements

Women in Local Democracy forum

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:54): I rise today to speak on the impactful WILD, Women in Local Democracy, meet-the-candidates forum I attended recently, and it was a very well attended forum, I must say. It was inspiring to meet 13 female candidates from nine wards across the Geelong region and to hear them passionately share their views and aspirations. Women are exceptional leaders, and together we must champion the leaders of tomorrow not just in government but across every facet of Victorian life and society. The WILD forum highlighted the crucial need to support and encourage women to stand for office at all levels of government – local, state and federal. It truly embodies the goals we strive to achieve in our pursuit of gender equality. I commend all those women who are rising to the challenge of making a difference. *Our Equal State* 2023–2027 is a vital gender equality strategy and action plan

that keeps us on the right path here in Victoria, guiding our efforts both now and into the future. While we recognise that gender equality remains a work in progress, each step forward is significant. We cannot afford to lose momentum. A special shout-out to the WILD convener Jenny Wills OAM. In 2008 Jenny was inducted into the Victorian Honour Roll of Women, recognising her lifelong pioneering work and outstanding contributions to women's rights. A heartfelt thankyou to WILD organisers and participants for making the event such a fantastic success. Your dedication to advancing gender equality is truly inspiring.

Drug Advisory Council of Australia

Bev McARTHUR (Western Victoria) (09:56): As our President has noted, joining us today in the gallery is former member for Eastern Metropolitan Region Jan Kronberg, now the national president of the Drug Advisory Council of Australia, or DACA. Jan is joined by very special young Victorians Stacey Mubaira, Matilda Hope and Charlie Ryan, who are three of the dedicated Victorian youth ambassadors of DACA. DACA is a harm prevention charity, and its youth ambassadors are being trained to deliver peer-to-peer drug and personal resilience training. They display a splendid commitment to the cause of effectively pushing back against the momentum to have illicit drugs decriminalised, legalised and, most sinister of all, normalised. Recently I have had the pleasure of hearing their speeches and watching how they connect and convey their knowledge of the dangers of illicit drugs. Their anecdotal stories from school and university are extremely troubling. Like DACA, the notion of working upstream in the prevention space is critical now. As more young people are succumbing, drug addiction is increasing. I firmly believe that this peer-to-peer approach will be a successful means of ensuring that many young Victorians will not fall for the siren song of the drug peddlers. Imparting their knowledge of the menace of illicit drugs – which lead to a constellation of mental health problems, impaired brain development and chronic ailments – can save lives and futures. So on your behalf I applaud Stacey, Matilda and Charlie and thank them.

Mano Yogalingham

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:58): Last night the community gathered on the steps of Parliament for Mano. Mano Yogalingham took his own life and passed away yesterday after 12 years of suffering at the hands of Australian governments who refused to allow him to live here permanently. He arrived here as a child. He made good friends at high school and should have been looking forward to his life, but at 23 he could not take the pain of this limbo anymore. As was remarked by those paying tribute to him last night, the act of self-immolation is an act of profound pain. What are we doing to people in this country? Mano was one of thousands of people seeking asylum and refuge who were unjustly denied permanent protection, because of the Liberals' fast-track scheme. Despite its veiled promises, Labor has refused to review and reassess all those who were unfairly denied permanent protection by Scott Morrison and his government, which waged a war on people seeking asylum and refuge in Australia. Maybe that is because Labor were the architects of our cruel border regime when they denied thousands fleeing war, including Tamils from Sri Lanka, the right to live peacefully here, because of their political need to look tough. Mano had helped to organise the encampment that has been protesting for 45 days and is now outside the Department of Home Affairs office. They have been keeping vigil, desperately pleading for the government to listen to their plights. Our community grieves for him, his family and friends. Politics in this country is killing people.

Climate change

Tom McINTOSH (Eastern Victoria) (09:59): I want to again put on the record my concern about the impact of changing climate on the cost of living. In the last 12 months insurance bills have risen 16.4 per cent. More frequent and severe storms are hitting consumers at the supermarket: when our regions are smashed, produce – fruit, veg, grain and crop – is more expensive. And those opposite might laugh and smirk, but farmers in the south-west have received some of the lowest rain on record, snowfall is half the annual average and we know last year average temperatures around the world were up by 1.5 degrees. For 20 years the Liberals and Nationals have denied and delayed reducing our

emissions, and now we see a further delay with the conversation on nuclear. So I stand and commit myself, as does the Labor Party, to act to prevent further weather change driven cost-of-living increases, being insurance, food, health, infrastructure and many more costs that are imposed on all of us. Before the next severe weather event when they stand up and ask for more and more supports for communities that are being smashed, I ask the coalition members, the Liberals and the Nationals, to stand up and confirm that they acknowledge and understand the changes to our climate and say what they intend to do to stop these severe weather events that keep occurring.

Ambulance Victoria

Nick McGOWAN (North-Eastern Metropolitan) (10:01): For the third time in as many days I rise in this place to speak of Maroondah Hospital, and I do so because it is very important. We all know now that two nights ago paramedics were required to come inside the hospital to treat patients of that hospital – that is, locals from Ringwood, Ringwood East as far afield as Donvale, Blackburn, Vermont, Forest Hill and even Croydon and further afield than that. Well, that was two nights ago. This morning we woke to yet more bad news. We now know that the new head of Ambulance Victoria, someone who many of us in this place do have respect for, Mr Crisp –

A member: Going on holidays.

Nick McGOWAN: That is right. But he has just assumed this new position, and having assumed that position, guess where he is going today as we are standing in the Parliament advocating on behalf of all Victorians for a serious approach from this government, which is yet to happen, on health care? He is jetting off to Europe for seven weeks. Until 23 October Ambulance Victoria will not have a CEO, and this is the response of this minister in the other place in the middle of an ambulance crisis, in the middle of an industrial dispute. It is absolutely, utterly unacceptable that any minister in any government ought to allow the CEO of Ambulance Victoria in the middle of an industrial dispute and in the middle of a crisis locally in Ringwood affecting my constituents to go to Europe for holidays for seven weeks flat.

National 4x4 Outdoors Show

Jeff BOURMAN (Eastern Victoria) (10:02): Over the weekend I attended the four-wheel drive show at the Melbourne Showgrounds. As usual it was massive and afforded me the opportunity to talk to people, to hear their concerns and to give them information as well as show that the Shooters, Fishers and Farmers were the only political party there. We are always the only political party there every time. We are not just there in election years. This year the focus was on the great forest national park, which we are of course totally opposed to. On that note I wish to acknowledge a very positive comment from the Premier stating there will be no padlocks on state forests. I look forward to exploring those comments further. I want to thank all those volunteers that came up and helped fly the flag and of course all those that joined up.

State Emergency Service volunteers

Ryan BATCHELOR (Southern Metropolitan) (10:03): We have indeed had wild and windy weather in the last couple of days. There have been dangerous conditions across the state and some tragedy in the last 24 hours. I just want to take this opportunity to extend my thanks to SES volunteers across the state but particularly in the Southern Metropolitan Region, who have been responding to hundreds and hundreds if not thousands of calls for assistance in dealing with broken branches, fallen trees and debris and helping those in need. The work that our SES volunteers do in metropolitan Melbourne and across regional Victoria is first-class. I had the opportunity on Monday night to head down to the Glen Eira SES facility. I had a chat to Danielle, the unit controller. I spoke to some of the volunteers and witnessed what they were doing in their training to prepare. The SES performs an incredibly important role here in the state of Victoria. Our recent inquiry into the 2022 flood event demonstrated just how important the SES volunteers are across our state. Given the weather we have

had this week, I wanted to use this opportunity to thank all of them for the work that they continue to do to help all Victorians.

Koonung Secondary College

Richard WELCH (North-Eastern Metropolitan) (10:05): This morning in my members statement I would like to give thanks to the thoughtful and bright young minds of Koonung secondary school who came and had a tour in Parliament last week. It was refreshing to hear their views on democracy and see their engagement. These are our future leaders, our future entrepreneurs, our future doctors – they could be anything at all. I would like to thank Koonung Secondary College and their teachers, who support their education so strongly.

Glen Waverley Traders Association

Richard WELCH (North-Eastern Metropolitan) (10:05): Last week I thoroughly enjoyed meeting with Mitchell, Craig and Aret from the Glen Waverley Traders Association. They gave us important insights into how the Allan government's 55 new increased taxes and disruptive Suburban Rail Loop works are affecting their local businesses and the community. Shops, restaurants and cafes on Kingsway, Glen Waverley, are suffering significant reduction in trade, and we need to give them our support.

Freedom of speech

David LIMBRICK (South-Eastern Metropolitan) (10:06): We are in a dire strait in what is often called the Western world. Our governments state and federal are both complicit. I am of course talking about the state of free speech. The United Kingdom was already in trouble under a conservative government, with people being put on a list for sharing a meme or even song lyrics, but now people have been given jail sentences for sharing offensive Facebook comments that someone else made, posting anti-Establishment rhetoric or shouting religiously offensive slogans. They have even threatened to go after foreigners, and the Home Secretary has threatened to come down hard on people who push what they term to be harmful beliefs. Even the United States, which has one of the best free speech cultures in the world, is not safe, with Facebook and Instagram founder Mark Zuckerberg admitting that it caved to pressure from the Biden administration to censor posts about COVID. The Canadian Parliament are also considering a bill that would impose draconian criminal penalties for what they consider to be hate speech. Back home the Victorian and the Australian governments are both considering new speech censorship laws. This is a grave mistake. I urge all governments to follow New Zealand's example; they were considering similar laws and shelved them.

Ukraine Independence Day

Lee TARLAMIS (South-Eastern Metropolitan) (10:07): As the Ukrainian diaspora in Australia gathered to celebrate 33 years of Ukraine's independence last week, the Parliamentary Friends of Ukraine were honoured to welcome two remarkable women to our Parliament, Ruslana Danilkina and Ksenia Ilenkiv from the Superhumans Center in Lviv. Ruslana and Ksenia graciously shared their personal stories with us so we can better understand the impacts of Russia's illegal, immoral and unprovoked full-scale invasion of Ukraine. At just 18 Ruslana courageously volunteered for the armed forces of Ukraine following the full-scale Russian invasion in 2022. Ruslana's story exemplifies the bravery of Ukrainian youth, and as a communications operator her role involved receiving critical intelligence on enemy movements and passing it on to her command, often while working around the clock under extreme stress.

On 10 February 2023 Ruslana's life changed forever when during a combat mission her military vehicle came under mortar fire. Despite the intense situation, combat medics miraculously saved her life, though her leg was lost. In her words:

> I thought that my life was over … my leg was placed near me. Then I realised that my life would change forever from now on!

Initially overwhelmed by the trauma, Ruslana's indomitable spirit led her to fight for recovery. Now as a 21-year-old war veteran and amputee Ruslana dedicates her life to being an inspiration to others like her who have lost their limbs in the war, as a first-contact specialist in the Superhumans Center, the Ukrainian centre for prosthetics, reconstructive surgery and rehabilitation for war victims. Though much work remains on her rehabilitation and prosthetics, there is no doubt that she will persevere and her goals will be achieved.

As Ruslana and Ksenia spoke of the incredible work of the Superhumans Center, we learned the stark reality that over 100,000 Ukrainians will require their services because of this war, a figure that is only going to increase. These extraordinary women were a palpable reminder of what Ukraine is fighting for – freedom, identity, culture and self-determination. They are a symbol of the strength, courage, resilience and unity of the Ukrainian people. Slava Ukraini.

Craigieburn Eagles Basketball Club

Evan MULHOLLAND (Northern Metropolitan) (10:09): My congratulations to the Craigieburn Eagles on their enormous effort to win the Big V men's division 2 basketball championship last weekend. The Eagles performed brilliantly all year, led by coach Tim Annett and captain Max Viitala. Congratulations also to the grand final MVP Lewayne Grant, as well as their dedicated president Belinda Tirant and operations manager Jaak Ponsford. I was proud to support this club and visit with my good friend the Liberal candidate for Calwell Usman Ghani.

Saraya Lawyers

Evan MULHOLLAND (Northern Metropolitan) (10:10): It was also really good to visit Ms Emily Saraya, who recently opened her new law firm, named Saraya Lawyers, located in Glenroy. I also met with her partner Saja Darwiche and discussed many legal issues concerning to locals, including rising crime in the north, and thanked them for their dedication and service to the community.

Storm event

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:10): I want to really shine a light on the work that our SES, CFA and FRV brigades have been doing since the storms began to lash the state last week. We do know that tree falls, emergency call-outs and people in situations of extreme distress and vulnerability have inundated our frontline responder services. The Emerald SES, for example, has received around 200 calls for support since Sunday this week. It has taken an enormous amount of collaboration and cooperation to provide assistance to clear roads, to restore power and to help people who have needed to be able to get in and out of their properties. Relevant to the Eastern Victoria Region, I want to give a huge shout-out and vote of thanks to the many CFA rural fire brigade and SES folks who have worked so hard to make sure that people have been able to get the support that they need as quickly as possible.

Morwell Bowling Club

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:11): On 20 August the Morwell Bowling Club was hit by a devastating fire due to what we understand to be an electrical fault. Around 60 firefighters attended from the CFA and FRV. We know that this is such an important part of the community – not only is it a place for people to gather and to enjoy a meal or an event, but it is also a real hub for the community to exchange information. Thank you to Teena Johnson and to everybody who is working hard to make sure temporary facilities and all options can be investigated.

LGBTIQA+ community

Michael GALEA (South-Eastern Metropolitan) (10:12): I rise to reaffirm the unwavering support of the Allan Labor government for our state's LGBTIQA+ community. As a co-chair of the tenacious Minister Shing's ministerial taskforce working groups on health and wellbeing and on justice, I have the great privilege of hearing firsthand from the passionate and diverse voices of our community. I

have come to know all the more the importance of high-quality data so that we can address the community's challenges as effectively and as efficiently as possible. This government will always stand with LGBTIQA+ Victorians and do what we can to support the community to prosper as part of our broader Victorian community. To those community members, I say: you matter, and you deserve to have your voice counted.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:13): I move:

That the consideration of notices of motion, government business, 278 to 562, be postponed until later this day.

Motion agreed to.

Bills

Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024

Committed.

Committee

The DEPUTY PRESIDENT: Mr Limbrick, I believe you have some amendments to circulate.

David LIMBRICK: I should have circulated these in my speech on the second reading. I will detail them during the course of the committee, but for the functioning of the committee I circulate my amendments now.

Clause 1 (10:16)

David LIMBRICK: If it suits the Attorney-General, I will just acquit all my questions on clause 1, for convenience's sake, if that is fine. My first question is around the absolute privilege for people who report cases of sexual assault. If an accusation of sexual assault is made with absolute privilege to officials of Australian police forces or services who are acting in an official capacity and then that information somehow enters the public domain through a leak or a data compromise and does not result in a guilty conviction but nonetheless does result in defamation of the accused, is there any recourse for the victim of defamation in such circumstances?

Jaclyn SYMES: The absolute privilege only applies to the actual reporting to the authorities. Once that is published in any other way, the person responsible for the publishing of it is not afforded the privilege that was afforded in the first instance. So if your scenario has a little bit of a convoluted way of not being able to identify, potentially, the source, the courts would look at who published it and work backwards from there.

David LIMBRICK: Just for clarity's sake and my understanding, in a hypothetical scenario where data was leaked, for example – or through a data compromise – the person, be it the media or whoever published that, would be the one liable for the defamation, and the complainant, the person who made the report, would still retain their immunity?

Jaclyn SYMES: That is correct.

David LIMBRICK: I thank the Attorney for clarifying that. One concern that has been discussed within my team about the potential unintended consequences of this is that for people in a workplace environment who may suffer some sort of sexual harassment. It may incentivise them to skip going through any sorts of workplace procedures and to go straight to the police, because they are afforded full immunity on defamation for that. Does the government believe that this will encourage people to skip those workplace procedures and go directly to police in these sorts of cases?

Jaclyn SYMES: No, we have not considered that as an unintended consequence, because what we are doing is we are responding to a known problem of a barrier for victims of sexual violence or harassment who are concerned that their reporting to police to seek a criminal justice response might result in them suffering a counterdefamation act. It is pretty narrow. Police still have the same standards to investigate a complaint and the like. I take your point, but we have got no advice to suggest that that would be a consequence.

David LIMBRICK: I will go to my next question, which is around the Crime Statistics Act 2014 section: why have the reasons under the Crime Statistics Act (CS act) for the Chief Commissioner of Police declining to provide law enforcement data information to the chief statistician not been adopted for the reasons the court CEO can decline to provide court data to the chief statistician?

Jaclyn SYMES: We have used the police reasons as a basis, but we have consciously not replicated it because of the ability to receive different information from police versus courts, and police often have got active investigations and the like, whereas we think that courts are well placed to provide the information that is set out.

David LIMBRICK: My final question is: what is the reasoning behind clause 78, where advanced copies of IBAC reports are sent to the Premier and the Department of Justice and Community Safety (DJCS)?

Jaclyn SYMES: Our intention to add the Premier and the secretary for DJCS is to match what is pretty much custom and practice. The issue with the current ability of IBAC to at their discretion provide advance copies to the relevant minister – they come to me – is it is kind of a hangover from when IBAC was under the remit of the Special Minister of State and the SMOS was the Department of Premier and Cabinet (DPC) and the Attorney was Justice. We are catching up with what is usually followed by IBAC but not always. It is up to them about their advance copies and the like, but it is custom and practice to give it to the relevant minister, so therefore it makes sense for the relevant minister's department to be in a position to help prepare any briefings that might be a result of that and because DPC get a copy under the legislation, bringing in the ability for that to also go to the Premier. There is no intention for any compulsion. It is really just matching up ministers and the Premier with the relevant departments.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7 (10:24)

David LIMBRICK: I move:

1. Clause 7, page 8, line 25, omit "data; or" and insert "data.".
2. Clause 7, page 8, lines 26 and 27, omit all words and expressions on these lines.
3. Clause 7, page 9, lines 9 to 16, omit all words and expressions on these lines and insert –

'(5) A Court Chief Executive Officer may refuse to give the Chief Statistician a copy of applicable court data required by the Chief Statistician if the Court Chief Executive Officer considers that giving a copy of that data would, or would reasonably be likely to –

(a) prejudice the fair trial of a person or the impartial adjudication of a particular case or disclose data that is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege; or

(b) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law; or

(c) endanger the lives or physical safety of persons engaged in or in connection with law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law; or

(d) be incompatible with the rights of any person under the Charter of Human Rights and Responsibilities.

(6) Any data provided by the Court Chief Executive Officer to the Chief Statistician under this section is taken to be crime statistics data for the purposes of standards issued, amended or reissued by the Information Commissioner under section 92 of the **Privacy and Data Protection Act 2014**.".'.

These amendments are related to the standards through which the chief of Victoria Police may decline to provide law enforcement data and to the reasons the court chief may decline to provide applicable court data and require the chief statistician to comply with existing privacy legislation and principles from the Crime Statistics Act 2014 and regulations. They also apply privacy standards set by the information commissioner for crime statistics data to applicable court data.

I would like to thank the Attorney-General's office for her consultation on these amendments. It is my understanding that the government does not support them, but nevertheless I think that this is an important privacy protection that I wish to move at this time.

Jaclyn SYMES: I concur we have had constructive discussions in relation to this and I understand the position that Mr Limbrick is attempting to put forward, but the government, as he has correctly identified, will not be supporting his amendments. As I said in response to a question that Mr Limbrick posed, we have not sought to replicate the provisions that apply to Victoria Police. We have a bespoke approach to the courts, because court data is different. They hold different information than police, and the functions of police and courts are obviously different. The current protection in providing discretion for court CEOs to refuse to provide data which could prejudice the fair trial or impartial adjudication of a case is sufficient in our view to meet any of the concerns that Mr Limbrick has. The intention of this is to ensure that there is monitoring of the justice system but indeed to provide government and policymakers with the ability to test law reform and to meet gaps and the like. I have experienced it when we are trying to respond to problems that have been brought to our attention. It has been difficult to stack up or correlate those complaints or those concerns with accurate data. We think it is going to make a big difference to informing broader policy outcomes but also accountability to the Victorian public.

In relation to suppression orders and refusing to provide information about them, it is the government's intention that the reform provides a clear framework to enable confidential, protected sharing of applicable court data between the CEO of the court and the chief statistician. Mr Limbrick's amendments, in our view, would unnecessarily narrow the range of data available, which would undermine the aim of improving statistical linkage and monitoring of the justice system. We believe the change is unnecessary because there are existing safeguards on sharing and security which have been carefully considered in the development of this legislation. The chief statistician will receive identified data from the courts, as occurs currently from Victoria Police. Identified data is provided in a highly secure manner to a very small number of authorised personnel only, who clean and deidentify the data. Only deidentified data is provided to other staff in DJCS for the analysis. Any information that is publicly reported by the chief statistician is reported as a deidentified aggregate statistic, and even smaller counts of data are further aggregated to maintain the privacy of individuals. This is a standard procedure which has been applied to Victoria Police law enforcement since the commencement of the CS act and will apply to applicable court data should this legislation pass the Parliament.

Evan MULHOLLAND: We want the Crime Statistics Agency Victoria to have maximum data to give the fullest picture of crime for similar reasons to the Attorney. As good as the intent of these amendments is, we will not be supporting them.

Katherine COPSEY: In a similar vein, we understand the intent of the amendments being put forward but appreciate the Attorney's outline of the protections that are in the bill and the transparency that is affected, and the Greens will not be supporting the amendments.

Council divided on amendments:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (33): Ryan Batchelor, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to; clauses 8 to 13 agreed to.

Clause 14 (10:35)

David LIMBRICK: This amendment is rather simpler in that it is our belief that the definition of 'online service' as outlined in the bill should be changed. We have changed it to what we think better matches the publicly accepted interpretation of what social media is. I move:

4. Clause 14, page 13, lines 9 to 22, omit all words and expressions on these lines and insert –

"***online service*** means a website, application or other scalable technology that allows a user to create, share, or publish content online or participate in social networking via means of a conduit service;".

Jaclyn SYMES: At the outset – and I think this is applicable to all of Mr Limbrick's amendments to the defamation reforms in this bill – I would just put on record again that defamation reforms were developed by all jurisdictions and approved by a majority of the Standing Council of Attorneys-General following extensive consultation with stakeholders and the public. The digital intermediaries part of this bill was led by New South Wales. New South Wales and the ACT have already passed and commenced these defamation reforms, so any variation to the model defamation provisions could undermine the objective of uniformity of defamation laws across Australia. Inconsistency is of course quite problematic in the space of digital intermediaries and publications of online content, which it goes without saying operates across state borders.

Mr Limbrick's proposal in this first amendment is around the definition of 'online service' to instead mean:

> … a website, application or other scalable technology that allows a user to create, share, or publish content online or participate in social networking via means of a conduit service.

We understand that this alternative definition has been proposed so that the definition of online service better reflects a publicly accepted definition of 'social media', for example. However, the proposed definition of online service in the bill was deliberately not intended to be a definition of social media. The variation to the definition as described as an online service would be a narrow definition and maybe have unintended consequences. A specific reference to a conduit service, for example, may unintentionally narrow the definition to exclude other online services defined in the bill, including a caching service and storage service, as is outlined in clause 15. The inclusion of the terms 'create' and 'publish' may unnecessarily complicate the definition, particularly where the definition of a digital intermediary already means a person other than an author, originator or poster of a matter – that is, not the creator or publisher of content. So, Mr Limbrick, for those reasons we will not be supporting your amendment in relation to the definition of online service.

Evan MULHOLLAND: For similar reasons as the Attorney-General, although there is very good intent, the opposition will not be supporting Mr Limbrick's amendments.

Katherine COPSEY: The Greens appreciate the intent of the amendment but also consider that consistency is desirable, especially in relation to online matters.

Council divided on amendment:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (33): Ryan Batchelor, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 15 to 17 agreed to.

Clause 18 (10:46)

David LIMBRICK: I move:

5. Clause 18, lines 18 to 25, omit all words and expressions on these lines and insert –

"(c) if the plaintiff gave the defendant a written complaint under this section about the publication –

(i) the defendant provided a response to the plaintiff giving reasonable grounds for the defendant's belief that the publication is not defamatory; or

(ii) reasonable access prevention steps, if steps were available, were taken in relation to the publication –

whether before the complaint was given or within 7 days after the complaint was given.".

6. Clause 18, line 32, omit "after "(1)(c)" insert "(ii)".

7. Clause 18, page 22, line 19, after "plaintiff" insert "reasonably".

These amendments I believe are the most important amendments that I am proposing today. The reason is I am concerned about one of the potential unintended consequences of this bill, and that is the vexatious use of complaints to service providers. One could quite easily imagine online campaigns to say that everything that they did not like was defamatory, and we know that many social media companies are very risk-averse and will therefore take down anything that someone says is defamatory whether or not it is obviously not defamatory. What these amendments do is provide a mechanism through which the social media company or other intermediary can provide a response to the plaintiff saying that they believe that the complaint is obviously not defamatory and that they will not take it down. We believe that this will stop an unintended consequence which may result in a chilling of free speech, and that is why we are putting forward these amendments.

Jaclyn SYMES: The intention of Mr Limbrick's amendments is not disputed by the government, but I just want to take people through the purpose of the digital intermediary defence as is currently drafted in the bill. Clause 18 inserts a new section into the Defamation Act 2005 to provide specific defences for digital intermediaries against a defamation claim. The bill provides that it is a defence to the publication of defamatory matter if the digital intermediary can prove they were a digital intermediary in relation to the publication – for example, a person who administers an online service and is not the author, originator or poster of the matter; can prove that at the time of publication they had an accessible complaints mechanism for the plaintiff to use; and can prove that they took reasonable access prevention steps before or within seven days of a written complaint being given to them – for example, taking steps to prevent access to the content by blocking it, removing it et cetera. The new defence is similar to the existing defence of innocent dissemination but is specific to digital intermediaries to overcome problems with how that defence applies to them.

Obviously Mr Limbrick's intention is to prevent digital intermediaries being overly cautious in removing or preventing access to online content that may not be defamatory, and he has given examples of his concerns about vexatious participants and the like. I confirm that we certainly support that intent, but we do not think that this drafting has struck a reasonable balance of the harmony of laws, and again, the harmony of laws across the states is something that we do not want to abandon.

We are concerned about the proposed expansion of the defence as proposed by Mr Limbrick, because it would require a digital intermediary to make an assessment and provide grounds about whether content is defamatory. This is a matter for the courts – digital intermediaries are not equipped to make this assessment and should not be expected to. We also think it is difficult to envisage circumstances where a belief on reasonable grounds that a publication is not defamatory would be reasonable where a court determined that the publication was defamatory.

The current defence as drafted, in response to the proposition that it would encourage vexatious complaints to remove content that may not be defamatory – we do not believe that that is going to be a major concern for this reason: digital intermediaries can already moderate content published on their platforms or via their service and already may remove or prevent access to that content. These reforms in some way piggyback off what is already existing practice. The new defence as currently drafted in our bill does provide greater clarity and certainty to digital intermediaries about their liability and responsibilities when potentially defamatory content is published online.

Mr Limbrick, thank you again for constructive conversations about this. We are not at odds; we just think that what we are doing is appropriate and are a little bit concerned about what you are proposing. But again, there is merit to it, and I would point to the agreement at the Standing Council of Attorneys-General that this suite of defamation legislation be reviewed after three years.

Evan MULHOLLAND: In similar comments to the Attorney, while the intent is there and I understand the intent and the reasoning for this, the opposition will not be supporting Mr Limbrick's amendments. Requiring the platform to contact a person posting a defamatory post to get their view is not really practicable and will likely cause more issues. I will leave it at that. We support the intent and understand what Mr Limbrick is trying to do, but we will be opposing the amendments.

Katherine COPSEY: Similarly, the Greens understand the intent of the amendments that have been moved but accept the desire for consistency and the existing protections that are covered in the bill.

David LIMBRICK: On this point I disagree with the government. I believe that this mechanism will be abused. The circumstances outlined by the Attorney where a platform provider would have to make an assessment – anything that is complex, I believe, would follow the guidelines as set forth in the legislation. What I am referring to are things which are obviously not defamatory. If I say online that the sky is blue and someone puts in a complaint against my comment that the sky is blue and says that it is defamatory, it is my belief that online platforms will default to removing me saying that the sky is blue, and I think that this is clearly open for abuse. I acknowledge that there is a desire for harmony of legislation, but harmony of what I believe to be a bad part of legislation is not a desirable outcome, and therefore I disagree with the government on this point.

Council divided on amendments:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, John Berger, Gaelle Broad, Katherine Copsey, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to; clauses 19 to 49 agreed to.

Clause 50 (11:00)

Jaclyn SYMES: I move:

1. Clause 50, page 50, line 4, after "64(6)" insert "of the **Freedom of Information Act 1982**".

This is an administrative amendment picked up by the Office of the Chief Parliamentary Counsel to clarify a reference to the FOI act.

Amendment agreed to; amended clause agreed to; clauses 51 to 77 agreed to.

Clause 78 (11:01)

Evan MULHOLLAND: I move:

1. Clause 78, line 4, before "After" insert "(1)".
2. Clause 78, line 8, omit "Safety; and" and insert 'Safety; and".'.
3. Clause 78, line 9, omit all words and expressions on this line.
4. Clause 78, after line 9 insert –

'(2) After section 162A(3) of the **Independent Broad-based Anti-corruption Commission Act 2011 insert** –

"(4) The IBAC may give an advance copy of the report to the Premier before the report is transmitted to the Parliament.".'.

These amendments were explained in my speech on the second reading. This is more of a measure supporting integrity. We do not believe it is appropriate for the Premier to receive a heads-up about IBAC reports prior to this Parliament and prior to the general public. If we truly believe that our integrity agencies are at arm's length, as has been stated by the government, then this adds an extra integrity measure to that by keeping them at arm's length. On a hypothetical, what is to say the government might not drop a significant story separate to the IBAC report on the day of a particular release of an IBAC report or be given time to massage the media messaging?

On a separate note, of a particular IBAC report and different reports we have seen claims that they were somewhat 'educational' and other descriptors, and this would give the Premier time to peruse the report before all members of Parliament. I think members of Parliament but also the general public should be given the opportunity, if our integrity agencies are truly independent, to view them at the same time as when they are tabled.

David LIMBRICK: The Libertarian Party will be supporting these amendments.

Jaclyn SYMES: I am just a little concerned about the way Mr Mulholland has characterised this amendment. He has also characterised IBAC as some kind of agency that should be able to get the government and hold them to account. When it comes to IBAC, they are responsible for preventing and exposing public sector corruption and police misconduct. Their reports are really important for community confidence, and they are really important for government to respond in an appropriate way. As I have identified previously as the responsible minister for IBAC, the legislation does provide for IBAC to give an advance copy to me already. So on your statement that everyone should get it at the same time, I am not sure why you have just decided to try and exclude the Premier and not the Attorney.

It is always open to IBAC to determine for themselves whether they do provide advanced copies. What we are proposing to do is pretty much catch up with custom and practice. As I think I explained in a question to Mr Limbrick, at the moment it can go to DPC and the Attorney. We are adding in the relevant minister for DPC, which of course is the Premier, and the relevant department for the Attorney, which of course is the Department of Justice and Community Safety. What happens currently under the Independent Broad-based Anti-corruption Commission Act 2011 is that IBAC, if they intend to transmit a report to Parliament, can provide to the Secretary of the Department of Justice and Community Safety and the Premier an advance copy of the report at least one business day prior

to the report being transmitted to Parliament. As I said, the amendment in the bill seeks to reflect proper practice; it clarifies and updates the section to reflect that. The Attorney-General is the minister administratively responsible for the IBAC act. By adding the Secretary of the Department of Justice and Community Safety it is enabling the Attorney-General, whether it is me or someone else, to be appropriately briefed on the contents of a special report just prior to it being tabled in Parliament. This is longstanding practice. As I have said, the amendments enable the briefing of the Premier as the leader of the government, noting that section 162A already provides for an advance report to be provided to the Premier's department. I would point out that section 162A(3) of the IBAC act provides IBAC an appropriate discretion not to provide an advance copy of a report if it considers that in all the circumstances it would be inappropriate to do so.

As I indicated in my summing-up, this is not an overly problematic suggestion; it is just unnecessary and clunky and does not reflect custom and practice. I think you are trying to make it out to be something that it is not. We think that our amendments will actually create better administrative practice that is reflective of IBAC's practices. We will not be supporting your amendment, but nor do we fear it.

Katherine COPSEY: Similarly the Greens do not consider that this amendment is necessary. The discretion is available currently to IBAC to determine whether advance copies are required. I would just echo the concerns raised: I do not think it is appropriate to question the independence of these processes based on whether or not this amendment rises or falls. The Greens will not be supporting this amendment.

Council divided on amendments:

Ayes (15): Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 79 to 91 agreed to.

Clause 92 (11:14)

Evan MULHOLLAND: I move:

5. Clause 92, line 21, omit "the Premier,".
6. Clause 92, lines 27 and 28, omit all words and expressions on these lines.
7. Clause 92, after line 31 insert –

'(3) After section 25AAB(4) of the **Ombudsman Act 1973 insert** –

"(5) The Ombudsman may provide a copy of a report to Parliament under section 23(6) or 25 to the Premier before the report is transmitted to the Parliament under section 25AA.".'.

I will not go through them again, but the same points apply to these, being Ombudsman reports.

Jaclyn SYMES: Taking Mr Mulholland's lead, my response substitutes 'Ombudsman' for 'IBAC'.

Katherine COPSEY: For similar reasons as outlined for Mr Mulholland's previous amendment, the Victorian Greens will not be supporting this one or the remainder of Mr Mulholland's amendments.

Amendments negatived; clause agreed to; clauses 93 to 104 agreed to.

Clause 105 (11:15)

Evan MULHOLLAND: I move:

8. Clause 105, line 10, omit all words and expressions on this line.
9. Clause 105, line 22, omit 'so.".' and insert "so.".
10. Clause 105, after line 22 insert –

'(4) The Victorian Inspectorate may give an advance copy of the report to the Premier before the report is transmitted to the Parliament.".'.

These are similar to points that I have raised but substituting in Victorian Inspectorate reports.

Amendments negatived; clause agreed to; clauses 106 and 107 agreed to.

Clause 108 (11:16)

Jaclyn SYMES: I move:

2. Clause 108, page 85, lines 24 to 26, omit all words and expressions on those lines and insert –

'(k) disclosure for the purposes of making a complaint to the Integrity and Oversight Committee; or

(l) disclosure as is otherwise authorised or required to be made by or under this Act.

Note

See also sections 39 and 40 of the **Public Interest Disclosures Act 2012**.".'.

This house amendment is off the back of advice from the Integrity and Oversight Committee to ensure that they can accept complaints about the Victorian Inspectorate, which will be renamed Integrity Oversight Victoria, in very limited circumstances in relation to the committee's monitoring and review function. The intention of the offence provision is not to displace this function. To ensure that the intent of the offence is clear we are proposing a house amendment to clause 108 of the bill to be made to explicitly provide for an exception to the offence of disclosure to the IOC for the purposes of making complaints about the Victorian Inspectorate.

The IOC can also receive, handle and investigate public interest disclosures about the Victorian Inspectorate. The Public Interest Disclosures Act is clear that a disclosure is not bound by the provision of any act that imposes a duty to maintain confidentiality with respect to a matter or any other restriction on the disclosure of information. This bill does not amend these protections in the Public Interest Disclosures Act, so the proposed house amendment references the relevant rights under the Public Interest Disclosures Act in sections 39 and 40 to ensure that this is clear.

I take the opportunity to thank the IOC for their consideration and feedback on the integrity measures contained in this bill.

Katherine COPSEY: The Greens will be supporting these amendments. We thank the IOC for their feedback and the government for taking on board the ability to clarify their functions to receive complaints.

Evan MULHOLLAND: Likewise, we thank the government for moving this and agree with it, and the opposition will be supporting this amendment.

Amendment agreed to; amended clause agreed to; clauses 109 to 115 agreed to; schedule 1 agreed to.

Reported to house with amendments.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (11:19): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (11:19): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The DEPUTY PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the same with amendments.

Aboriginal Land Legislation Amendment Bill 2024

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (11:20): I am pleased to rise and make a contribution to the Aboriginal Land Legislation Amendment Bill 2024. It is a very modest bill, and the opposition – the Liberals and the Nationals – will not oppose this bill. It is a bill that does a number of technical amendments and some simple tidy-ups. It has, we are informed through the shadow Peter Walsh and the information provided through the briefings, had consultation involved. The main purpose of the bill is to amend the Aboriginal Lands Act 1970 and the Aboriginal Lands Act 1991. It updates the management and ownership structure for the Indigenous community funds, and it removes restrictions on the use and transfer of Ebenezer and Ramahyuck mission cemeteries while retaining restrictions that have been requested by other traditional owners. It aims to improve landholders' control over their property and usage.

The bill proposes changes to the governance and shareholding structures of Aboriginal trusts created under the Aboriginal Lands Act 1970 and 1991, specifically for Framlingham and Lake Tyers Aboriginal trusts. The bill proposes updates for the management and ownership structures for community funds. It removes a number of restrictions on the use and transfer of historic cemeteries whilst, it is argued, maintaining safeguards. It changes the landlords' control over their properties. Key amendments include appointing deputy and acting chairpersons for governance continuity, amendments to terminology and ongoing evaluation to represent stakeholders' interests. The aim is to ensure fair distribution and responsible management.

New sections 7A and 7B deal with a number of locations, including the maintenance of restrictions at Coranderrk mission cemetery as per the wishes of the Wurundjeri people. 7B ensures that amendments do not affect native title rights. The bill is very technical about filling vacancies and so forth, quorum requirements, reporting requirements, the disqualification of committee members, the declaration of personal interests, stricter reviews and penalties for consistent accountability, exemption from or extension of requirements to hold general meetings and independent auditor powers. I am pleased to see that those audit powers are there. It would be simpler under this arrangement to appoint administrators. As I said, the shadow Peter Walsh, Deputy Leader of the Coalition and Leader of the National Party, has consulted widely with various authorities, including the First Peoples' Assembly and a number of trusts as well.

This bill, as I said at the start, is not opposed by the coalition. It is a bill that is essentially technical in nature. I do want to make some broader comments of context. I think there is increasing concern about a number of points of engagement where construction and new homes are involved with a range of

Indigenous groups where we have seen – in common with some other parts of the planning and construction process, most notably water authorities and others – there have been significant delays. I also note the significant delays reported to me and to many others where cultural heritage management plans are required for projects to proceed. This is potentially very significant. There have been cases where cultural heritage management plans have held up projects for very long periods of time. I do think it is important to put on record that the opposition has sought to indicate that in common with some of the other points of restriction in the process for construction and for bringing houses to market, notably Melbourne Water and other water authorities, there would be a need to put in key timelines and arrangements to ensure that there is action across certain time periods.

I would also be, I might add, in favour of seeing tighter timelines for the Minister for Planning. At the moment we have got the planning minister out pointing at councils and saying that they are actually the problem. Well, actually in my experience in my electorate and more broadly as shadow planning minister on a number of occasions, it is often not councils that are the problem in making slower progress than should occur. It has often been the department and the minister who have been the slow points – the slowcoaches if you will – in the process. Often planning scheme amendments sit on the planning minister's desk for years – eons – after councils and communities have proposed them. It is often the case that one of the major problems getting housing and new lots of development to market and available for young people and young families to purchase is that these administrative and regulatory controls of government have become an actual brake on proper development. If the minister and the department could actually get their processes in order and set a lead, that would be helpful. That is not what we have seen in recent times, and I could go through some legendary examples, but I am not going to take up the house's time. As I say, there are issues around referral authorities and their snail-like processes that often hold up projects for very, very long periods of time, Melbourne Water being the most spectacular of them but by no means the only one.

I think there are a number of points that I have dealt with here, but ensuring smoother progress of projects with all the necessary checks and balances and with all the necessary examinations does not mean that it should take years and years and years to deal with projects. There are specific problems with cultural heritage management plans. I do think the points made by the Leader of the Opposition and our planning spokesperson on these matters James Newbury are correct; we do need KPIs and we do need proper arrangements in place to see that matters are dealt with in an expeditious way.

I also note the challenge that is increasingly occurring across the country. I spoke in the chamber last night about the processes that have come to play from the Commonwealth level. We have seen the interaction where the Environment Protection and Biodiversity Conservation Act 1999, the EPBC act, has come into play, and the Indigenous cultural heritage requirements at a Commonwealth level have also come increasingly into play to frustrate and make projects more difficult. We have seen, for example, the recent decisions of Tanya Plibersek on the Port of Hastings, which have thrown the state government's renewable wind projects into chaos, and that is –

Sheena Watt: That doesn't have anything to do with First Nations.

David DAVIS: No, it hasn't. That is right. That is the point I am making. There are a whole series of these issues that cause considerable trouble, and I am talking about federal matters now and saying the EPBC act itself is becoming a significant brake and is being used by the federal environment minister to block projects around Australia. To pick up the interjection, we have seen the recent goldmine near Orange where the federal environment minister has stymied, blocked and stopped dead, stone dead, in its tracks a $1 billion goldmine and has done so on the basis of claimed cultural heritage. That is not available for scrutiny, and I think that there is a huge problem with secret information being used to block projects. No-one can assess the validity or the veracity of that because it is secret, but it is clear that the firm involved has been quite direct with government and said that if it knocks off this tailings dam, the project will not be viable. Currently the project is dead, as dead as the proverbial parrot. I note the position of the New South Wales Premier. He has gone to town on this because he sees that the state – in this case New South Wales, and it is the federal intervention there that I am

talking about – has suffered through this decision to block what is a major project. I think there are a lot of issues that can be pointed to that slow and prevent progress on a lot of our construction, both housing and resource development.

I am in favour of proper processes that ensure that heritage of all types is protected. I notice in Victoria the planning minister has just decided that for once she will act and override everything and is going to give planning layers of control or planning layers of approval on a wide front in 10 zones in metropolitan Melbourne. In my own electorate, in Camberwell, which is Boroondara, and in the Moorabbin case study, which has elicited the ire of the Bayside council, it is clear that the government are intervening in a thoughtless, ill-informed way and that they have not understood what they are actually doing. In the case of Boroondara a very large swathe, perhaps as much as half of the area, is heritage-listed in some way, is heritage-denominated, and that denomination does not appear to have been considered by the minister in her stroke of the pen. Where you want projects and development to proceed, you have to have tight timelines and tight processes for proper assessment. There has to be proper assessment, otherwise you get perverse and unintended and destructive outcomes. So you do need proper assessment, but that proper assessment cannot drift on and linger forever, as we have seen with so many projects in this state. As I said, the minister could start herself and deal with a lot of the planning scheme amendments that have been requested from her and through the department's examination.

Speaking very directly about those two case studies in Moorabbin and in Boroondara in Camberwell, this is an arrogant government. It is a government that has now decided it will steamroll local communities. This is becoming a pattern. They will block things when they do not like them, but otherwise they are quite prepared to steamroll through local communities, riding roughshod over those local communities. In the case of Boroondara – I live in Boroondara, but obviously I represent all the way to the southern end of the Sandringham electorate and east to Clayton and so forth – the government has decided it is going to impose these high-density developments. It has done this without consultation. The council found out about this through the announcement in the press. The consultation process is absurdly lax in the way the government has gone around it.

If you want good planning outcomes, if you want good outcomes in terms of the broader community and if you want places people want to live and want to have their families grow in, you have got to plan this properly. Where are the services for these? Where is the plan to ensure that there are more education services in these suburbs where they are doing the huge density? Where is the plan for the increased health services that are required? None of this is evident in what the government is saying. Where is the plan for the sewerage? I am seriously looking at this, scratching my head and saying, 'If you're going to put tens of thousands – maybe 70,000 more people – in some of these zones and there's no sewerage plan attached, well, I'll give you a tip: 70,000 people in tall towers in a dense development need open space. They need a sewerage plan. They need a proper plan to deal with the matters around health services and education services.' We have seen this in inner-city suburbs where density has gone nuts, where local schools have not been able to cope – they have had to put catchment zones around them. Those are not the community outcomes that we want. Looking at the open space requirements, there is a really significant need for open space in many of our municipalities, but the state government do not seem to have got to grips with this and actually coordinated the development that they are proposing or that they would seek to push forward with the open space that is required.

I pay tribute to Bayside for standing up to the government juggernaut, and I pay tribute to Boroondara for their strength in being prepared to stand up to the Allan Labor government juggernaut that seeks to strip powers, strip democracy from local communities and strip democracy from local people who would want to have a say in the future of their suburbs. This will be seen as one of those turning points. It is an arrogant government. It has been there a very long time; it has been there for 10 years. But more than that, many in this government felt that they were denied something between 2010 and 2014 – their natural right to be in government. But actually if you look at it from 1999 through to 2024, that is 25 years. The coalition has been in power for four years in that period. The problems of the

state – the energy problems, the planning problems, the debt problems – are all the fault of Labor, this long-term arrogant government, a government that is determined to ride roughshod over local communities because it thinks it knows best.

They have been in power for so long that they do not understand that there are community views. They do not understand that communities want to have a say. They do not understand that there is knowledge, wisdom and capacity in other parts of the community beyond the ministerial office. That is the truth of the matter. It is a government that thinks it can run and control everything – well, we have seen how badly they have done on some of these things: the growth in debt, the massive cost overruns on that and the Commonwealth Games. The current Premier was the Minister for Commonwealth Games Delivery, and we have seen the absurd lack of process that was involved there – the overriding of bureaucracies, the overriding of proper Westminster accountability and procedures and the decision of government to just decide on the Commonwealth Games but not properly cost it – and then the issues that came forward. This is my point about process. These long-term arrogant governments lose the ability to both come up with sensible, practical new ideas on the one hand but also then, wherever the ideas come from, process them in a way that actually delivers for the community. I have made those broader comments about the context of these matters. As I said, we will not oppose the bill.

Sheena WATT (Northern Metropolitan) (11:41): Today I rise to speak on a bill that is one of the many steps that this government is taking on the road to reconciliation. It is actions like this that are guided by this state's First Peoples that will lead this state in having a productive and genuine relationship with its First Peoples. As was stated by Mr Davis at the beginning of his contribution, the main function of this bill is to amend the Aboriginal Lands Act 1970 and to update the shareholding systems and governance requirements of the Framlingham Aboriginal Trust and the Lake Tyers Aboriginal Trust. Just whilst I was reading that about Framlingham, it brought me to Aunty Frances Gallagher, and I would like to take a moment to acknowledge and celebrate her birthday this week. She is 98 years old and, as I understand it, one of the oldest Gunditjmara elders we have got in our state. So a big happy birthday to you, Aunty Frances. I know that your family will be wrapping you in love this week, because 98 is an extraordinary achievement and one that I am sure we are all looking to with envy.

I was thinking then about the experience of Framlingham and the communities that come from there as well as Lake Tyers. I actually had the good fortune to be out in Lake Tyers, a few years ago now, to celebrate and meet with the community there and understand their governance arrangements. They are on country at Lake Tyers. It is a site that used to be an Aboriginal mission. It is a place with an enormously proud community, a community that have lived there for a really long time and that have some really strong ideas about what they want their community to look like in the future. I want to thank the health workers and the nurses from the health service out there. The work that you do is just extraordinary. Can I take a moment to acknowledge the ambulance folks out there as well, who I know are building a really strong relationship with the community. As we know, it is a very challenging thing to live out in some the more regional areas of our state, so to the emergency services personnel and the folks out there that find Lake Tyers to be home, thank you for all that you do to keep that community thriving and strong, and thank you of course to the health service as well as the folks at the Lakes Entrance Aboriginal health service. I understand that they will be here in October to discuss what is going on out that way, and I know that members have been invited and will have the opportunity to meet with health service providers from out in these communities as well as from right across the state.

I will in fact just come back to the bill for a moment and say that having met some of the shareholders, as they are known, out in these communities, I know that they have some big dreams and ambitions, so it is no surprise to me that they have been working with government to make this bill before us come to life. It helps to give effect to phase 1 of the Victorian government's response to the independent review of the Aboriginal Land Act 1970 and implements 22 legislative recommendations,

which have been supported in full. This bill also amends the Aboriginal Lands Act 1991 to remove use and transfer restrictions for the Ebenezer and Ramahyuck mission cemeteries, sites that are incredibly important culturally for Aboriginal communities. This bill essentially modernises both acts and will bring Aboriginal land legislation up to a contemporary standard.

The Aboriginal Lands Act 1970 is one of the most important pieces of legislation for First Nations Victorians. It was the first time the Victorian Parliament recognised Aboriginal land rights and the government's first attempt to recognise self-determination. It was created in direct response to the Framlingham and Lake Tyers Aboriginal community and their advocacy to advance land rights. As former mission sites, it is worth noting that Framlingham and Lake Tyers represent the state's racist past. It was segregationist and assimilationist law that was in place on these mission sites, and it actively sought to deny First Peoples any form of self-determination.

The 1970 act saw members of the Framlingham and Lake Tyers Aboriginal trusts allocated shares in the trusts, granting them freehold title of the land. Each member holds part of the trust, and the trust owns the land. This is how the members of that community indirectly own the land. At the time it was landmark legislation, but the scheme right now is outdated and it remains inadequate to achieve the act's goals in promoting full self-determination and economic independence for the trust's shareholders and the non-shareholder residents – it is important to note that some folks that are not shareholders do find a home there.

There have been over the last five decades periodic minor legislative amendments, but they have really failed to ensure that the act remains consistent with its purpose of giving back to the people of Framlingham and Lake Tyers the dignity which was theirs in their original ownership of the land. Currently there are some really unfair administrative requirements on the trust impacting their ability to comply with legislation, and these include duplicating financial reporting systems and issues that have plagued the community for a long time around the shareholding system and legislated processes for share transfers. There are also some ineffective accountability and transparency provisions, which I know that review picked up. There are also some governance and composition arrangements that are not effective, so I thank the members of that review, some of whom I am familiar with, for the work that they have done. We need to provide the trusts with the power to carry out business on trust land in a way that works for them, in a way that enables true self-determination.

This state – Victoria – is already leading the nation on truth, treaty and reconciliation, and we have heard in previous hearings of the Yoorrook Justice Commission about the historical injustices facing First Peoples. In that commission we have heard the history and stories of Victoria, how First Peoples were historically affected by colonisation, how those events continue in today's community and how that plays out. There have been institutions, organisations and ministers that have all taken part in the commission, including members of the faith community, particularly the Christian community, who have been very much a part of these missions in our state in the past. I thank those members; I believe it was the Catholic and Anglican churches that have faced Yoorrook in past hearings. I really do applaud all of those that have approached Yoorrook in such a collaborative and productive way, and I have of course talked about the many ministers of the Parliament that have fronted up to Yoorrook, which has never been an easy thing.

Further to self-determination, if you were around on Tuesday morning this week you may have had the opportunity to pop into the south library, where the First Peoples' Assembly were doing a briefing on some of the transformative and influential work that this state is doing as we advance on the path to treaty, led by the co-chairs of the assembly of First Peoples Ngarra Murray and Rueben Berg. Thank you for coming in and updating us on the work. I congratulate you and I thank you for your enormous dedication to fighting for First Peoples and updating us as we are on the path to treaty.

I have spoken recently, as members may recall, about the launch of the treaty commission in Victoria, which saw the appointment of umpires for the process. I attended that launch, and I have got to tell you it was a pretty significant moment for me. Treaty is something that I have been fighting for for a

really long time, and I know that many others there at that launch have been doing it longer and harder, so to them: thank you very much. Seeing treaty in our state come together piece by piece since this announcement is like watching history unfold right before my eyes, and to all of those who are supporting our efforts, our First Peoples and all that are there: I am just so happy to be with you on this. We are the first state in the country to begin this process because we know the importance of engaging with and listening to First Peoples. Involving First Peoples in caring for country and land is crucial, and the environmental stewardship and cultural preservation that occurs with mob on country is completely unparalleled. For many, many years First Nations communities have lived on country and developed sophisticated systems of knowledge and practices that are deeply rooted in our connection to the environment.

I just want to take a moment to say that some time ago, when I began my professional career down here in Victoria, I had the good fortune of working with the Lake Tyers community, so I have some strong connections with them and their entirely fierce commitment to caring for country, including those areas that are fire prone, and there are some really good folks there that are committed to further education and integration of cultural knowledge in the management of country. I worked it out – it was 16 years ago that the first round of rangers were trained up to support the community there in Lake Tyers. I went along to some training sessions on all sorts of things – how to identify invasive species, how to look for sites of cultural significance. I enjoyed every moment of it except the chainsaw; that is a frightening, frightening device, and I will not go anywhere near one ever again. I do now have the good fortune of being connected to the communities with training for rangers. I have met now I think about four or five different cohorts of First Nations rangers that are committed to working on country, and every time I recount the story about my absolutely terrifying experience with the chainsaw. But I have got to tell you, these folks are getting out there. They are recovering after storms, and they are looking to rebuild wildlife habitat and replant native species. They are doing all sorts of really exciting things on country there in Lake Tyers, and I know out in Framlingham they are keen as well. So opportunities like this bill that further enable self-determination for the folks out there, whether that is Gunnai/Kurnai mob or out in the western districts in Gunditjmara, I have got to say are an exciting thing, and I cannot be more supportive.

I know that Victoria and the world are facing really increasingly complex environmental challenges such as climate change, biodiversity loss and resource depletion, and integrating First Nations knowledge with some modern scientific approaches can lead to more effective solutions. These are the sorts of dreams and ambitions that those communities have, and bills like this before us today help to further enable these ambitions to come to life.

They are led by some extraordinary leaders, the traditional owner community, and as I said earlier it was Aunty Frances Gallagher's 98th birthday earlier this week. I have got to tell you her daughter is a very powerful First Nations leader, and that is Jill Gallagher, the CEO of the Victorian Aboriginal Community Controlled Health Organisation, but you may know her in fact as a member of the Victorian Aboriginal Heritage Council, which has done some extraordinary work in making sure that we look for and care for country here in our state. So thank you for your work on that, Aunty Jill. Aunty Frances, you have brought up a leader, and that is something that is an extraordinary achievement.

I have of course shared room with folks that have a big dream for a brighter future for First Nations communities, whether that is folks in health care or indeed folks working on country and working for the protection and defence of country. I also know that there are a whole lot of folks looking to work on law reform and resetting legal relations between First Peoples and the state of Victoria, and this is an example of that work here today. So thank you to the shareholders of the Framlingham and Lake Tyers trusts. Thank you to the communities that make it home. Thank you for continuing to dream big. It was 17 years ago that you thought that maybe you should have some skilled-up, trained-up folks to run that first round of a ranger traineeship on country, and now it goes from strength to strength all over the country. It was in fact the first one run anywhere in the nation, as I understand it, and so now

what we see are rangers up in the territory, we see rangers up in the gorge and we see rangers all over the state. It is worth knowing that all of the international expertise started with a few folks with a big dream on Lake Tyers to integrate some cultural knowledge, particularly around fire. This work was done in a very timely way, I have got to say, because just before Black Saturday came through Victoria these folks had graduated from their ranger training and were able to use those skills to defend country right across the state. I support this bill in its entirety.

Bev McARTHUR (Western Victoria) (11:56): I rise to speak on the Aboriginal Land Legislation Amendment Bill 2024. As Mr Davis has said, the coalition will not be opposing this bill. The various sections of this bill are about good governance and fairness, and I entirely agree with them. They are necessary, firstly, to bring the ownership and administration of the areas in question up to date. While in 1970 the act may have appeared enlightened, the approach is not one we would take today, and I have no objection to it being modified appropriately.

But significantly, I think we should recognise that a lot of the mechanics of this bill are not about Indigenous affairs but about the management of membership organisations with significant assets and potentially lucrative sources of income. In any organisation with a smaller core of individuals running a body with wider membership there is an inherent tendency for that executive core to take over and to do things their own way and in their own interest. That is not an Indigenous or Aboriginal thing, it happens the world over in voluntary and community organisations.

This bill is about governance and accountability, and that is to be welcomed. Clause 8 on quorum requirements, for instance, attempts to ensure the organisation is run in accordance with the views of members, not the board or the executive. The share transfer provisions in part 2, division 1, are likewise designed to enhance transparency and prevent hidden concentrations of power and conflicts of interest. New section 13B, which requires that the responsible body must ensure that the register is available for inspection within 14 days after receiving a written request, is put in place for the same reasons. I also welcome the provisions in part 2 which disqualify from committee membership individuals found guilty of serious offences or dishonesty. It is quite right that the standards which apply in other public bodies and companies should also apply here.

Unfortunately, it has not always been the case that bodies dedicated to the management of Indigenous assets or the advancement of Indigenous causes have avoided corruption, and measures to stamp out abuses and increase the trust we can have in them are to be welcomed. In the same vein are the declaration of interest requirements. Finally, on this point, I welcome the stricter rules on accountability, on oversight and on independent audit, as well as the insistence on holding regular meetings, which should reduce the ability for cliques to control organisations and avoid scrutiny.

Business interrupted pursuant to standing orders.

Members

Minister for Children

Absence

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:00): I wish to advise the house that for the purposes of question time today I will answer questions for the portfolios of children and disability, and I will refer any matters that Minister Blandthorn has responsibility for in the other place.

Questions without notice and ministers statements

Port Phillip Prison

Georgie CROZIER (Southern Metropolitan) (12:00): (645) My question is to the Minister for Corrections. Minister, the 40-bed secure hospital facility at Port Phillip Prison was upgraded in 2020 at a cost of $20 million. The unit supported prisoners requiring dialysis, chemotherapy, rehab services

and end-of-life care. There is a new ambulance bay and telehealth capabilities. Why was this upgrade undertaken given the prison will now be bulldozed?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:00): I thank Ms Crozier for that question and her interest in our corrections system. As a government we make no apologies for investing in the infrastructure to make sure that the community is kept safe and those in custody get the care they need. In 2020 those services were needed, as upgrades were required to make sure the health and wellbeing of those in custody could be maintained to the standards we expect. They will continue to operate until the end of 2025, so I think that investment was definitely needed. On top of that we have built a brand new prison at Western Plains, which will have state-of-the-art facilities on site, including medical facilities, to serve the people there. I think that was a service that was needed in 2020. Port Phillip Prison will continue to operate until the end of 2025.

Georgie CROZIER (Southern Metropolitan) (12:01): Minister, I thank you for your response. Minister, many of the services provided in this secure facility will now have to be provided within public hospitals. Given the government's funding cuts to health, what is the expected cost to deliver these services, including the additional staff required for transfers and guard duty?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:02): I reject the premise of the question by Ms Crozier, in particular her remarks about the health system, but I think in my substantive I answered that we have a new state-of-the-art, modern facility at Western Plains that will have modern beds in place to cater for those in custody. We have made a number of improvements to the health system and provision of services in custodial settings in all our prisons in the last 12 months. In particular we have a new public health provider in our women's system and we have a new private contract with GEO in our adult men's system. We are seeing the benefits of those. The early reports I have from the department are that there has been a very high uptake of Aboriginal health checks, we have had increased services for communicable and infectious diseases and we have better engagement, and those are all positive changes that we have made to the health system. Of course there is always more that can be done, but in terms of the facilities we have, Western Plains has modern facilities.

Department of Treasury and Finance

David LIMBRICK (South-Eastern Metropolitan) (12:03): (646) My question is for the minister representing the Treasurer. I have been reflecting on the Parliamentary Budget Office submission to the inquiry into the 2026 Commonwealth Games bid, particularly their analysis of the high-value, high-risk framework in the Department of Treasury and Finance. This is essentially an analysis tool to ensure that risky projects over $250 million are appropriately assessed for risk. This is of course a good idea, as it is not their money, but I have some concerns. Are there ways that the government could slip around these obligations? If the end-of-project assets are not owned by the state, will it be applied? And could projects be split up to ensure that this framework is not applied? My question for the Treasurer is: how is the Department of Treasury and Finance ensuring that appropriate risk analysis is provided for high-value, high-risk projects?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04): I thank Mr Limbrick for his question for the Treasurer. I will pass on both his reflections and his question to him.

David LIMBRICK (South-Eastern Metropolitan) (12:04): I thank the Attorney-General for passing that on. My supplementary question is: how many times has the high-value, high-risk assessment framework been used during this term of Parliament?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04): Mr Limbrick, thank you for your supplementary question. Likewise, I will pass it on to Minister Pallas.

Ministers statements: International Overdose Awareness Day

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:04): I rise today to acknowledge International Overdose Awareness Day, which takes place this Saturday 31 August. Convened by Victoria's own Penington Institute and now in its 24th year, this important day has become a global call to action to end overdose and, importantly, to remember without judgement and without stigma those who have died and to acknowledge the grief of loved ones left behind. Stigma tries to teach us that drug harms and overdose effect only particular parts of our community in particular parts of our state, that overdose is the result of individual failing and that its harms are contained to the darkest corners of our cities' streets. But let us be clear, overdose impacts all communities and all parts of those communities, from the CBD to the suburbs, from regional centres to country Victoria.

In 2022, 528 Victorians lost their lives due to unintentional overdose. That is too many Victorians, and we must reflect on each of these lives lost. But more importantly, we must act. In Victoria we take a health-led response to addressing drug harms. It is why we are proud to be home to one of only two safe injecting facilities in the Southern Hemisphere, and it is why we are proud to be introducing drug-checking services this year. It is why we are proud to be delivering a statewide action plan to reduce drug harm. The plan will provide greater access to vital health and social supports, greater access to pharmacotherapy treatment and greater access to the life-saving medication naloxone.

This International Overdose Awareness Day I encourage each and every one of us in this chamber to take a moment to think about those Victorians impacted by overdose, those whose suffering is all too often in silence, and to think about the steps we can take to help end overdose rather than contributing to stigma.

Port Phillip Prison

David DAVIS (Southern Metropolitan) (12:06): (647) My question is to the Minister for Corrections. Minister, on a recent visit by union officials to the soon-to-be-closed Port Phillip Prison, staff were told that unless they were a member of the CPSU there was no job for them at Western Plains. Minister, is this discrimination against non-union employees at Western Plains consistent with government policy?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:07): I thank Mr Davis for his question and his interest in our corrections system. I have never heard of that report before, so I would just suggest that that may be a bit of misinformation there or mischief from those opposite. What I will say is that staff are employed by G4S at Port Phillip. It is the responsibility of the employer, and those people are experienced staff. There will be a dedicated pathway for them irrespective of their association with the union – for all those staff. We need more staff. We are hiring. There are going to be 600 additional jobs at Western Plains. I look forward to meeting with the people at Port Phillip, who are dedicated, hardworking people in our corrections system, and again I want to thank each and every one of them for that work that they do – in a maximum-security setting, I might add – to keep us all safe and to care for those in custody. There will be a dedicated pathway for them – 600 new jobs at Western Plains – and I encourage them to apply.

David DAVIS (Southern Metropolitan) (12:08): My supplementary is again for the minister. Minister, will you intervene to ensure that all employees from Port Phillip Prison that apply for a role at Western Plains are considered on merit, not on their membership of the union?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:08): I thank Mr Davis for his supplementary question. I will add that the Port Phillip Prison will continue to operate for about another 18 months, until the end of 2025. There will be a dedicated pathway for those employees. Corrections Victoria have been clear that they will work with all workers at Port Phillip to apply for dedicated –

Members interjecting.

Enver ERDOGAN: The department runs a merit-based process, and they will be able to apply.

David Davis interjected.

Enver ERDOGAN: Mr Davis, if you have some information, I recommend that you report it to the appropriate authorities. But what I will say is that there is a dedicated pathway for all employees regardless of their association. There are 600 new jobs, and I encourage those dedicated, hardworking people at Port Phillip to apply.

Land Forces International Land Defence Exposition

Sarah MANSFIELD (Western Victoria) (12:09): (648) My question is for the Leader of the Government representing the Premier. In two weeks the world's largest weapons manufacturers will gather in Melbourne for the Land Forces expo, an arms fair featuring weapons that are being used in violent oppression around the world, including the genocide occurring in Palestine. Protests by those who support peace and disarmament are expected. The government has already committed to mobilising 1800 additional police officers, including the riot squad and mounted police, to police the protesters. Given the costs and risks of this event, let alone the moral and ethical imperatives, it begs the question: why is the government sponsoring it? Attorney, given the concerns your government clearly has, will you cancel the Land Forces expo?

Members interjecting.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:10): I thank Dr Mansfield for her question. As people have interjected, for those who tuned in to the Assembly question time yesterday, a very similar question was put directly to the Premier. Given that your question today is for the Premier, I am more than happy to refer that to her, but you might want to review the footage from yesterday because it indeed answers comprehensively the question that you have asked. I can provide a link to that if you would like to view it.

Sarah MANSFIELD (Western Victoria) (12:11): I thank the Attorney, although the question was not actually responded to particularly well. There was not a direct answer to that question yesterday, which is why we are asking it again. It is somewhat ironic that those who are protesting in the name of peace against the manufacturers of weapons used to destroy people's bodies are being recast as the violent ones. There has been escalating rhetoric by the police and ministers about the force that police will use to control protesters. Under the Victorian human rights charter, police are obliged to respect and protect the right to protest and must not use force or other measures to limit or disperse peaceful protesters. Attorney, how does your government's response to the planned protests accord with the obligation to protect and respect the right to protest?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:12): Just to confirm again that Dr Mansfield's question was directed to the Premier and not to me in my capacity as Attorney-General, and again it is similar if not the same question that was put directly to the Premier in the Assembly. So given that this is a repeat of a question that was put to the Premier, I am sure it will be easy for her to furnish the answer. I would only conclude with some comments in relation to the question posed. Everyone in this chamber, I think, is respectful of peaceful protest, and we urge anybody that is engaging in protest activity to keep that at the forefront of their minds when organising such things.

Ministers statements: Tiny Towns Fund

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:13): I am pleased to announce that round 2 of the Allan Labor government's Tiny Towns Fund is now open. We know that there is work to do to keep and attract working families in our regions. That is why our smallest rural and regional towns of up to 5000 residents can once again

apply for up to $50,000 grants for projects that boost tourism and livability and make a positive difference to communities. In this new round of Tiny Towns we are encouraging even more of a focus on project ideas that boost local jobs, economic growth and resilience for communities impacted by natural disasters. We are continuing to promote equity across towns and regions, with townships that have not yet received a grant to be prioritised in this round. And we are making the application process even easier for smaller, volunteer-run community groups to apply. I have seen and heard firsthand how the Tiny Towns Fund is already supporting community-driven projects across the regions, from the hidden gem that is the Terang civic hall, where upgraded flooring will ensure that the magnificent venue is accessible for the whole community, to the annual Kennett River tennis tournament, which will soon be played on a fully upgraded tennis court. And with the new pathways at the Camperdown botanic gardens, more Victorians can enjoy the breathtaking views of the volcanic plains. We are going to back even more projects like this through the program's second round, because under this government we are delivering for our regional communities big and small.

TAFE teachers

Evan MULHOLLAND (Northern Metropolitan) (12:15): (649) My question is for the Minister for Skills and TAFE. Seventy-one per cent of TAFE teachers are considering quitting as a result of working excessive hours and unpaid overtime. As part of the enterprise bargaining negotiations, have TAFE teachers been asked to increase their workloads?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:15): Firstly, can I indicate our government's support for TAFE teachers, the fantastic work that they do each and every day and the fact that they have been doing that for a long time. They have been completely onside with the government in terms of the reform agenda that we have embedded, creating a new TAFE and vocational education and training system in this state. Again, I thank them for their efforts on an ongoing basis. In terms of the negotiations, the negotiations are well advanced. There have been further discussions in the last week over several sessions, and I encourage those that are involved in that process to come up with the solutions that are required so that we can move on and get other changes and reforms put in place. There is a process in place, like any negotiations, and we are pleased to see that the parties are in discussions. Again, I hope to see fruitful solutions as a result of the process that is in place. I remind the house that it was those opposite that sacked over 2000 TAFE teachers, shut down 22 TAFE campuses in this state and –

Evan Mulholland: On a point of order, President, the minister is debating the question. It was simply about whether TAFE teachers have been asked to increase their workloads. The minister has not gone near the question.

The PRESIDENT: The minister was being relevant to the question as far as negotiations go.

Evan MULHOLLAND (Northern Metropolitan) (12:17): Minister, after 10 years your Labor government has starved TAFE and not saved it. TAFE teachers are the lowest paid in the country and have taken stop-work action for the second time since June because of failed enterprise bargaining negotiations. What action is the government taking to settle its protracted pay dispute with TAFE teachers?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:17): Again, it just is gobsmacking that those opposite stand here and try to indicate that they are the saviours of the working class and indeed saviours of TAFE teachers. I mean, what an absolute joke. The fact of the matter is that the most recent data shows that Victoria's own contribution to vocational education increased by 48 per cent between 2014 and 2022, and that joint expenditure is the second highest in the country. This is a government that has got a proud, demonstrated history of its commitment to the funding of the TAFE system, to the vocational education and training system. Industrial action and rallies often are a normal part of negotiations, and I respect TAFE teachers' right to take industrial action. But again, I call on those that are at the table – the VTA and AEU – to come forward with a solution that is supported.

Gender services

Moira DEEMING (Western Metropolitan) (12:19): (650) My question is for the minister representing the Minister for Health. It is no secret that I think trans affirmation surgeries on minors have no medical or ethical basis and should not be legal. Last year Minister Thomas assured me no less than eight times in writing, using caps, that the Royal Children's Hospital does not provide or refer children to surgical treatment. But in July this year Minister Thomas contradicted her earlier claims about it – about things like mastectomies for minors – and wrote that the Royal Children's Hospital may refer adolescents to a private specialist clinician to consider the appropriateness and need for surgery and that the Royal Children's Hospital has been consistent in this approach over time. My question is: did the health minister mislead Parliament or did the Royal Children's Hospital mislead the health minister?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:19): I thank Mrs Deeming for that question, and I will refer it on to the health minister for a reply.

Moira DEEMING (Western Metropolitan) (12:20): And the same again: if the Royal Children's Hospital is found to have misled the Minister for Health, what action will Minister Thomas take to investigate the issue and explain what happened to Parliament and to the public?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:20): I will pass on that supplementary question to the Minister for Health for a written response.

Ministers statements: Victoria Legal Aid

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:20): I rise today to update the house about the important work being done by Victoria Legal Aid and its community legal partners in supporting victims of crime across our state. Recently I had the pleasure of joining my colleague in the other place the hardworking Kathleen Matthews-Ward to visit the Victoria Legal Aid office in Broadmeadows.

A member interjected.

Enver ERDOGAN: Yes, born and bred in Broady. For over 18 years Victoria Legal Aid's Broadmeadows office has been providing a wide range of legal advice and supporting the growing and diverse communities in the north-western suburbs. Victoria Legal Aid also delivers the government's Victims Legal Service in partnership with community legal centres and Aboriginal legal service providers. The victims legal service provides free legal advice and assistance to victims of crime in Victoria, supported by over $7.3 million in government funding. Victims of crime often have specific needs and challenges in accessing justice. Cross-organisational support by community legal organisations can be the key support they need, and they are exactly the services that are being provided.

At the Broadmeadows office I had the pleasure of meeting with Victoria Legal Aid civil justice director Lucy Adams and the Broadmeadows team. Not only did I get to witness firsthand how the victims legal service does its important work, I also heard how the service is making a real difference to the lives of victims. It was also an opportunity to meet with representatives from delivery partners, including Victorian Aboriginal Legal Service, Djirra, Women's Legal Service Victoria and the Northern Community Legal Centre. I want to express my gratitude to everyone working at Victoria Legal Aid in Broadmeadows and right across our state with our community legal partners. Their commitment to supporting victims of crime plays a pivotal role in contributing to a safer and more just Victoria.

TAFE funding

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:22): (651) My question is to the Minister for Skills and TAFE. Minister, if you value TAFE teachers and TAFE, why are Victorian TAFE teachers the lowest paid in the country and Victorian TAFEs the lowest funded in the country?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:22): Again, I want to thank the member opposite in terms of an opportunity for us to talk about how we support and value TAFE teachers and indeed support the TAFE system, because this government believes that the TAFE system is important. Those opposite hate TAFE. They cut 2000 teachers out of the –

Ann-Marie Hermans: On a point of order, President, I would like to ask that you draw the minister back to the actual question.

The PRESIDENT: Thank you, Mrs Hermans. I think the minister was responding to the preamble, but I am sure she will get to the answer.

Gayle TIERNEY: As the member well knows, there are negotiations currently underway that are covering a number of issues, and those negotiations are being conducted by the VTA and the AEU. Of course I have covered off on a number of these points in answer to the substantive and the supplementary question of one of her colleagues earlier in question time today. The fact of the matter is that this government does strongly support TAFE teachers. That is why we added the certificate IV in training and assessment to the free TAFE list, so that we could have more TAFE teachers recruited into the system where they did not have to pay tuition fees to be able to work in the system. We have also funded the TAFE teacher incentive program, which I have taken this house through several times. And of course we have backed TAFE teachers and all TAFE staff and students by investing $4.6 billion into the TAFE system since 2014 – something that those opposite did not do, because what they did was rip money out of the TAFE system and sack 2000 TAFE teachers. They also shut down 22 campuses.

Ann-Marie Hermans: On a point of order, President, I would like to draw the minister back to the actual question about the funding for TAFE and this being the lowest funded state.

The PRESIDENT: I actually did hear the minister quote a figure, so I will ask the minister to continue.

Gayle TIERNEY: I thank the member for her interjection because again it provides me the ability to repeat what I said in terms of her other colleague, and that is that the most recent data shows that Victoria's own contribution to vocational education increased by 48 per cent between 2014 and 2022 and that joint expenditure is the second highest in Australia. So all I will say is: get your facts right, and also remember what you did when you were last in power – what you did to the TAFE teachers and what you did to the TAFE system.

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:26): The Australian Education Union said:

> When Labor was elected in 2014, they promised to save TAFE. But Victoria has had the lowest funded TAFE system in the country for the last 10 years.

They also said:

> … it's not the case that the state government had 'saved TAFE' as they promised to do.

Can you explain, Minister, why the Allan Labor government failed in its promise to save TAFE?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:26): I have got to say: wow. Seriously, if you really believe that, wow. The fact of the matter is, as I have said time and time again, there are negotiations underway, and of course people

will say certain things at certain times to attempt to promote their position at the negotiating table. So it is hanging your hat on something that someone said leading up to or around negotiations when the facts remain for all to see that we have actually increased vocational education expenditure by 48 per cent. The reality is that we have saved TAFE. We turned the switches back on in TAFE. We have built new TAFEs. We have rebuilt and refurbished so many facilities – $4.6 billion in the TAFE system – and we are the nation leader.

State forest access

Rikkie-Lee TYRRELL (Northern Victoria) (12:28): (652) My question today is for the minister representing the Minister for Environment. On Monday at the bush summit held in Bendigo, the Premier Jacinta Allan said:

> That's why today I want to be very clear as Premier and as a proud country Victorian I won't be putting a padlock on our public forests. It's not who I am. It's not what I believe in.

Can the minister confirm the Premier's promise that Victorians will not be locked out of public forests?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:28): I am aware of the speech that the Premier made at the bush summit, and I will refer that matter back to the minister. I am sure that he would be more than delighted to respond to you in writing as soon as possible.

Rikkie-Lee TYRRELL (Northern Victoria) (12:28): I thank the minister for her response. Can the minister confirm that the public forests in Victoria will remain open to all recreational users, including campers, four-wheel drive enthusiasts, trail bike riders and hunters?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:29): Again, this is a matter for the Minister for Environment, and I am sure that he will be pleased to respond to you in writing.

Ministers statements: LGBTIQA+ community

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:29): I rise today in my capacity as Minister for Equality. I am deeply saddened to share that today the Honourable Coroner Giles handed down her findings from the coronial investigation into the trans and gender-diverse suicide cluster following the loss of five young trans and gender-diverse Victorians in 2020 and 2021. I express my deepest condolences to the families and friends of those who lost their loved ones, and I acknowledge the pain and distress felt by the broader LGBTIQA+ community. Let me be really clear: being trans and gender diverse is not an inherent vulnerability or risk factor for suicidality; rather, repeated experiences of violence, discrimination and stigma contribute to tragedies such as these. Suicide prevention is everyone's business, and it is incumbent upon everyone in this place to call out transphobia in all forms, including attempts to challenge the legitimacy of people's inherent gender identities and the supports and services they may access. We know there are gaps in the understanding of contributing factors to mental ill health for primary care, community and specialist mental health supports that are accessed by the trans and gender-diverse community in Victoria.

The coroner has been clear, and I again reiterate the Victorian government's unwavering support for data and what it enables us to understand about the needs and vulnerabilities of LGBTIQA+ people. Continuous improvement for our systems and service responses relies on the ability to capture appropriate data in order to continue work across government to improve whole-of-life outcomes for LGBTIQA+ people. Research from La Trobe University in 2020 revealed that 73.2 per cent of LGBTIQA+ people have considered suicide compared with 13.2 per cent of the general Australian population. The coroner's report of 14 October 2022 also revealed that 208 LGBTIQA+ people died by suicide in Victoria between 2012 and 2021.

I would encourage anybody who needs support as a result of the coroner's report from today to seek out and reach out for what is available to assist them.

Written responses

The PRESIDENT (12:31): Minister Tierney, in regard to Mrs Tyrrell's substantive and supplementary questions, will get a response from the Minister for Environment in line with the standing orders; similarly, Minister Stitt for Mrs Deeming's substantive and supplementary; Minister Symes for Mr Limbrick for the Treasurer, two questions; and Minister Symes also for Dr Mansfield's two questions to the Premier.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:32): (1077) My question is to the Minister for Economic Growth in the other place. Minister, how is the government supporting businesses in Eastern Victoria with access to the enormous opportunities from international trade? Gippsland is home to some of the state's best exporting businesses. Just last week I was at Burra Foods in Korumburra, which produces and markets value-added dairy products to the global market. Burra Foods are expanding the capacity of their 170-plus team with an upgrade of their cream cheese manufacturing equipment. This investment will support jobs in the region and the export of our world-class dairy products. Thanks to Steve for the site tour, and congratulations to all involved in innovating Victorian dairy at Burra Foods Australia. Victoria is the nation's premier state for food and fibre, with exports increasing 7 per cent in value in 2022–23 and reaching a record $19.6 billion. I look forward to supporting this program in Eastern Victoria, home to some of the world's finest produce. Taking advantage of these trading opportunities is allowing Victoria to be the world's deli.

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:33): (1078) My question is to the Minister for Environment, and it is in relation to the Albert Park Lake restaurant The Point, which was involved in an unfortunate and looks to be a criminal act of arson just a few weeks ago. Parks Victoria has managed The Point since 2021, when it was abandoned, and they were supposed to be doing daily patrols conducted by the rangers to secure the property, but there has been graffiti and a whole range of issues that have been happening around The Point. There have been rough sleepers and also an underground rave party that occurred I think earlier this month. It has got to be rebuilt because it is being looked after by Parks Victoria. The question is: how much will that cost and when will the works be undertaken?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:34): (1079) My constituency question is for the Minister for Agriculture. On Monday another truck rolled over at Browns Plains, with 289 sheep killed during the crash or euthanised shortly after due to their injuries. With every crash that has occurred this year, totalling thousands of animals killed, we have asked for answers, and every time we are told investigations are underway, only for nothing to come of it and nothing to change. It is entirely unacceptable to have this level of avoidable loss of life. No driver has been held accountable for their irresponsible driving and failure to adhere to the height limits. Last time I asked this question the minister stated that Agriculture Victoria keeps detailed records of all livestock transport incidents, so my constituents want to know if the minister will publish these records for Northern Victoria.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:35): (1080) My question is for the Minister for Health Infrastructure. Pakenham residents have been contacting my office to seek urgent assistance in accessing desperately needed surgical procedures, with no certainty of when they will go ahead. In the meantime they are enduring daily debilitating pain. Some rely on opioid-based drugs for relief, others

cannot afford to stay home so continue to work through the pain. With recent budget cuts to hospitals, Monash Health is reportedly considering the cancellation of all weekend surgeries, which will put Pakenham's nearest hospital, Casey, under even greater pressure. Pakenham is in dire need of its own hospital, so my question for the minister is: when will construction of the Pakenham hospital finally begin?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:36): (1081) The management of Federation University in my electorate currently plans to cut over 160 staff members as part of its 25th restructure since 2020. This would be one of the most severe cuts an Australian university has faced when considering the small size of this institution. In the shadow of these cuts Fed Uni staff members are reporting that teaching standards have declined at the institution, including through the overuse of hybrid and online teaching. They are also up against pervasive practices of poor consultation, with major decisions regularly made without the genuine involvement of staff members, such as the decision to axe the bachelor of arts. My question is for the Minister for Skills and TAFE: will you meet with the staff of Federation University to discuss how you can support a permanent, ongoing and supported workforce at the university?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:37): (1082) My matter is for the Minister for Planning, and it concerns the announcement in recent days of 10 zones across the metropolitan area, a number of which are in my electorate of Southern Metropolitan, specifically Camberwell, Chadstone and Moorabbin. These areas the government has singled out for intense development – a high-rise, high-density development – and what we have not seen from the government are detailed plans for health services, for education services and for additional capacity to deal with the tens of thousands of new people. So will the minister release the education plan, the health plan and the sewerage plan for these high-density, high-rise, intense developments that are being forced on local communities without consultation?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:38): (1083) My question today is for the Minister for Roads and Road Safety in the other place. The intersection at Waaia-Bearii Road and the Murray Valley Highway at Yalca in the Northern Victoria Region has been a concern for my constituents for many years. My constituent David reached out after losing his son in a fatal crash at this intersection in February of 2023. He has been working tirelessly to have this intersection upgraded and made safer for all road users. David feels as though his pleas are not being heard. There is minimal warning on a major intersection along the Waaia-Bearii Road, which can lead to drivers being unaware of the busy highway ahead. My constituents ask the minister to complete a safety audit on this intersection and work on a plan to make it safer for all.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:39): (1084) My constituency question is to the Minister for Roads and Road Safety and concerns the roundabout on Settlement Road and Dalton Road, in Thomastown. Minister, I have recently been contacted by a constituent, Mr Daniel Binns, about the road safety at this intersection. The intersection of Settlement Road and Dalton Road is a busy roundabout with a petrol station, a Bunnings Warehouse and a large number of other retailers and businesses. Mr Binns wrote to VicRoads to outline his concerns about the safety of this intersection and asked them to consider installing traffic lights. I have seen the response from VicRoads, and its generic copy-and-paste response is far from ideal and also terrible customer service. My question to the minister is to ask the minister to investigate what actions can be taken to improve safety at this intersection and provide me with information I can pass on to my constituent.

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:40): (1085) My constituency question is for the Minister for Mental Health, Minister Stitt. My constituent is a young person who has recently moved to the Cranbourne area. My constituent struggles with their mental health but cannot afford the ongoing cost to go and visit a psychologist. The nearest Headspace to my constituent is in Narre Warren, over an hour away via public transport. This means that my constituent cannot readily access mental health services, and as a result their mental health is suffering. They are not alone in this struggle. Cranbourne, as part of Casey City Council, is set to grow to over 100,000 residents in the next decade. This problem is only set to get worse, so my constituent asks: will the minister ensure the provision of adequate affordable mental health services in the Cranbourne area?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:41): (1086) My constituency matter is for the Minister for Education. Recently I had the pleasure of meeting with Koonung Secondary College and principal Andrew McNeil. As principal, Mr McNeil has provided strong leadership and vision, driving upgrades and rebuilds of the 1960s-built Koonung Secondary. An important step in this case is the addition of eight new classrooms and open learning spaces. However, there is a problem: the first half of the building was completed, and then subsequently Melbourne Water changed the flood zoning, meaning a farcical situation where the second half of the same building has to be higher than the first, significantly adding to cost, delay and loss of utility of the building. I ask that the minister intervene and speak with the Victorian School Building Authority and Melbourne Water to ensure the second half of the building can be grandfathered under the approvals that existed at the commencement of stage 1 and ensure a commonsense solution to the problem for the school and the school community.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:42): (1087) My question is for the Minister for Roads and Road Safety. When will the government respond to repeated calls to fix the C729, the Epping-Kilmore Road? The stretch of the Epping-Kilmore Road between Donnybrook Road and the Hume Freeway at Wandong is in a disgraceful condition. It is a 100-kilometre-per-hour road with sections with a reduced speed limit of 40 kilometres per hour because of supposed roadworks, but no roadworks are actually going on, leaving local commuters incredibly frustrated. Once you leave the reduced speed area and get back to the 100-kilometre area, the road condition deteriorates to a worse state than within the restricted speed limit area. It is riven with cracks, ripples and potholes that can damage cars and force motorists to swerve at speed. Constituents have been complaining about the road for years, but no action has been taken by the government to fix it.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:43): (1088) My question for the Minister for Planning concerns ACEnergy's proposed battery storage facility adjacent to the You Yangs Regional Park. On fire days in western Victoria the wind begins from the north and swings to the west and south. The land in question on Sandy Creek Road currently has a fire overlay as well as vegetation and landscape overlays. A devastating fatal fire took place in the area in 1969, and we have recently seen a spectacular fire at the Moorabool battery, yet with no effective public consultation these protective overlays will be replaced by a special land use permit, enabling this potentially dangerous development. It is shocking that residents did not know about this proposed amendment until a *Geelong Advertiser* article last week. Geelong City Council admitted that they, along with the community, have been caught unaware. So, Minister, will you listen to the community and extend the consultation period?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:44): (1089) My question is to the Minister for Environment. Will the state government commit to no new national parks in Victoria and keep our forests and bush open for public access and enjoyment? I acknowledge the work of my Nationals

colleague Melina Bath, who is sponsoring a petition which now has 21,000 signatures on this issue. In the lower house a similar petition sponsored by Wayne Farnham now has close to 13,000 signatures. The Victorian Environmental Assessment Council proposed to reclassify the Central Highlands state forest as the great forest national park. Communities are concerned that this will mean areas of state park, forest and bush are not accessible, blocking users from a range of activities including bushwalking, four-wheel driving, mountain bike riding, horseriding, prospecting, hunting, camping and fishing. As town blocks are getting smaller it is important to keep access open. While the Premier has assured the public that our state forests will remain open and accessible, will the Labor state government rule out any extension to national parks in Victoria?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:45): (1090) My question is to the Minister for Local Government, and I refer the minister to a recent change to Casey council's governance rules. Given that the rules could be updated in October when newly elected councillors will commence their new term, why was the requirement for 4 pm council meeting times added to the governance rules just last month? Cardinia shire, City of Monash, City of Greater Dandenong, City of Frankston, City of Kingston and City of Knox each hold their monthly council meetings at 7 pm. A petition of about 250 signatures has been collected to support the change to 7 pm to allow greater community participation. Given that these changes are required to be made in consultation with the community and given the minister's previous advice that newly elected councillors can determine the need for changes to governance rules, could this update have waited until October? When will the councillors elected to Casey be giving their local people the voice that they need for council meetings at a time that allows them to participate?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:46): (1091) My constituency question is for the Minister for Housing. Can the minister please update my constituent on when she will have access to the priority access special housing she needs? My constituent Natalie is a single mother that left a domestic violence relationship, with two of her children. She is now currently couch surfing at the children's grandparents' house and has been since April this year. Her application was approved by the Footscray housing office on 10 July this year. Since then she has been in communication with the office but has had no reply. Can the minister please update my constituent on when she will be able to access her approved priority access special housing?

Bills

Aboriginal Land Legislation Amendment Bill 2024

Second reading

Debate resumed.

Bev McARTHUR (Western Victoria) (12:47): I will continue. The fact that all the measures I have discussed apply to only a small number of Indigenous trusts, however, is what I want to talk about. They have been considered necessary by the framers of this bill, and rightly so, for the consequences of failing to ensure good governance are serious.

I want to talk now about the cultural heritage management plans (CHMP), a system administered by bodies which do not appear to have all the controls exhibited in this bill or where those controls are not being properly enforced. Cultural heritage management plans are required when high-impact activities are carried out in areas of cultural heritage sensitivity. These terms, defined in the Aboriginal Heritage Regulations 2018, are widely drawn and therefore affect a significant amount of building and development work across Victoria, even on previously built-up sites, some of which have been built on previously several times and yet might right now have to go through the entire process again,

despite involving only demolition of an existing building and its replacement on the same development footprint.

The issue raised by private individuals and developers large and small is the inconsistent application of the process by registered Aboriginal parties – the RAPs – involved. In some cases apparently outrageous cost and financial demands result. They have been branded in the press by one Indigenous leader recently as 'extortion'. There is no rhyme or reason to how they are applied. One significant issue is that because of the monopoly position held by RAPs in providing this service in their area and because of the difficulty of appeal, applicants feel compelled to go along with whatever is asked of them. It is even worse as these are often small organisations. Applicants do not dare disagree or fall out with the individual making these decisions. In some cases, because of the monopoly situation, the small number of staff and the lack of any properly objective criteria for much of the process, decisions are made based upon whether or not the decision-maker likes the applicant. It is entirely unsatisfactory.

There are also more bureaucratic and performance-related issues – time delays in dealing with applications, producing reports and approving plans. Indeed in one case the RAP being placed in administration prevented progress with any regional projects. I have spoken to a senior manager in one RAP with extensive experience of the system, who raised the following concerns: there is no expected performance standard or target for the process; costs, requirements and timescales vary significantly across the different RAPs; the department does not adequately oversee performance and will not intervene with staff, not daring to direct RAPs as to how they operate; no standard is set out for cost; and importantly, there appears to be no specified use for the moneys received.

Published accounts show the RAPs have built up cash reserves which vastly exceed annual expenditure. There is no requirement, for example, that revenue from the CHMP program be spent on historical exhibitions or educational scholarships. The heritage outcome of the program is variable at best and in many cases very poor. For example, items recovered are simply piled up in warehouses or reburied, thereby undermining the point of the legislation – and in many cases reburied only to be the subject of another cultural heritage assessment.

What all of this illustrates is not an Indigenous issue but a monopoly issue. The fact is that a monopoly without supervision, guidelines or assessment has grown into an ever larger, more expensive, more inefficient, more controlling entity. It is not a surprise, and it is not a matter of race; it is the inherent way any bureaucracy or any self-interested individual would act. Where the element of race or identity politics does arise, however, is in how and why the systems and bodies were established in the first place and why they are not properly regulated. That, I am afraid, is down to liberal guilt. Non-Indigenous department bureaucrats do not feel comfortable intervening in the manifest abuses of the cultural heritage management plan process. They do not feel comfortable overseeing, intervening in, managing or auditing the process properly, because they might feel themselves to be controlling Indigenous people and that might seem patronising or colonial. They will not hold these bodies to the same audit standards, the same financial control standards, the same accountability standards and, I am sorry to say, also on occasions the same honesty standards. They do not feel comfortable doing it themselves, and then there is the overriding horror that they might be described as racist.

When you combine this with the inherent problems of a monopoly position, which the registered Aboriginal parties hold over cultural heritage management plans, it is a recipe for inefficiency, expense, delay and in some cases corruption. I welcome the good governance detailed in this bill, but I call upon the government to consider it as part of its secret review of the process – a review which arose only when some of us started highlighting the absurdities and the impact on all Victorians through damage to development, business and house building.

Sitting suspended 12:54 pm until 2:02 pm.

Michael GALEA (South-Eastern Metropolitan) (14:02): I rise today to speak on the Aboriginal Land Legislation Amendment Bill 2024, and in doing so I acknowledge that I am here on the lands of

the Wurundjeri Woi Wurrung people and I pay my respects to elders past, present and emerging of this particular nation, one of many Kulin nations. I acknowledge the very many Indigenous nations that make up the state of Victoria, including the lands of the Bunurong Bunurong, which much of my region overlaps with. We recognise the enduring connection to this land, the skies and the waterways, a connection that has sustained the world's oldest continuing culture for well over 60,000 years.

This bill before us today is an important piece of legislation that truly underscores this government's commitment to the principles of self-determination, reconciliation and truth-telling. The bill is not just about legal amendments, it is about making a meaningful impact on the lives of Aboriginal Victorians, empowering them to take control of their land and their future. To understand the significance of this bill let us first reflect on the historical context from which it originated. The Aboriginal Lands Act 1970 was a landmark act in Australian history, a recognition, albeit partial, of the deep injustices that had been perpetrated against Aboriginal communities throughout the dispossession of their lands. The Framlingham and Lake Tyers Aboriginal communities whose lands were taken under the guise of assimilation and economic development stood as symbols of resistance and of resilience. Their persistent advocacy for land rights culminated in the passage of that act in 1970, which for the first time recognised the principle that Aboriginal people should have control over their traditional lands. However, whilst the 1970 act was groundbreaking, it was still nevertheless limited. It established a framework that at the time was considered progressive, but it was also steeped in the corporate governance models of the day – models that did not align with the Aboriginal ways of knowing, being and doing. These governance structures imposed compliance requirements that were foreign and often burdensome on the communities that they were meant to empower. The result was a system that, while recognising land rights, also constrained the full realisation of those rights through outdated and in many cases inappropriate mechanisms.

The Aboriginal Lands Act 1991 addressed land justice for Aboriginal communities, focusing on culturally significant burial sites. It transferred site management to Aboriginal organisations, and in doing so it recognised their cultural and spiritual importance. However, the act also imposed restrictions on land use and transfer, limiting the autonomy of traditional owners and managing organisations.

Over the past five decades it has become increasingly clear that the frameworks established by these acts are not fit for purpose. The compliance requirements imposed by the 1970 act have created barriers that prevent Aboriginal communities from effectively managing their lands in a way that aligns with their cultural values. The shareholding system, which was intended to distribute ownership equitably among community members, has instead led to administrative challenges and disputes that detract from what is the primary and most fundamental goal: self-determination. Moreover, those restrictions imposed by the 1991 act on the use and transfer of Aboriginal burial sites have been a source of frustration for many traditional owners. These restrictions, whilst they were certainly well intentioned, have limited the ability of Aboriginal organisations to manage their lands in a way that reflects their cultural priorities and community needs. In essence, these acts, while they were progressive for their time, have not evolved to meet what we now understand to be the needs and the aspirations of Aboriginal Victorians.

The bill before us today, the Aboriginal Land Legislation Amendment Bill 2024, seeks to address these issues by modernising the governance structures established by those previous acts of 1970 and 1991. It removes the barriers to self-determination that have persisted for far too long now. This bill has come as a result of extensive consultation with the trust communities, with traditional owners and with other stakeholders, who have provided invaluable input throughout the review process.

The amendments to the 1970 act will update the shareholding system and governance requirements for the Framlingham and Lake Tyers Aboriginal trusts. This includes simplifying the processes for share transfers, strengthening governance provisions and modernising the language used in the act to reflect contemporary understanding of Aboriginal governance. These changes are designed to make it easier for the trusts to manage their lands in a way that aligns with their cultural values and priorities,

while also ensuring that the governance structures put in place are transparent, accountable and effective.

Additionally, the bill will amend the 1991 act to remove the restrictions on the use and transfer of the Ebenezer and Ramahyuck mission cemeteries. These cemeteries, which hold deep cultural and spiritual significance for the traditional owners, will now be managed in a way that reflects the wishes of the Aboriginal communities which they serve. This includes the potential transfer of these lands back to the traditional owners, ensuring that they will have full control over these sacred sites.

At the heart of this bill is the principle of self-determination. 'Self-determination' is not just a buzzword or a lofty policy goal, it is a fundamental human right that has been denied to far too many Aboriginal people for far too long. It is the right to control one's own future, to make decisions about one's own life and to govern one's own community according to one's values and priorities. The amendments which are proposed in this bill are designed to empower Aboriginal communities to exercise this human right. By removing the barriers imposed by the outdated governance structures and well-intentioned but ultimately flawed restrictions on land use, this bill will enable Aboriginal communities to manage their lands in a way that reflects the cultural values and aspirations which they have. It will also provide them with the tools they need to build a future that is grounded in their own traditions, whilst also being responsive to the challenges and the opportunities that the modern world presents.

The government's decision to implement the recommendations in two phases is a decision that was not taken lightly. It was based on the careful consideration of the complexities involved in reforming legislation that has been in place now for well over 50 years. The implementation of all the recommendations at once would have been a monumental task, and there was a real risk that in doing so we would not get it absolutely right. By taking a phased approach we will ensure that each stage of the reform is implemented with the appropriate care and attention that it deserves and that we are able to respond to the feedback and the evolving needs of the communities that we are serving. Moreover, we are committed to continuing our engagement with the trust communities throughout the implementation process. This bill is just the first step in a broader journey of reform, and we will continue to work closely with the Aboriginal communities as we move into the second phase of this process. This will include addressing the remaining 14 recommendations of the review, which will involve further analysis, further community engagement and more consideration of the interdependencies between the various different aspects of the reforms.

Legislative reform is important, but it is not of course enough on its own. True self-determination requires ongoing investment in the capacity of Aboriginal communities to govern themselves and to manage their lands effectively. That is why our government has committed significant resources to supporting the Framlingham and Lake Tyers trusts, including funding for critical infrastructure upgrades designed to strengthen the resilience and sustainability of these communities in addition to governance and other capacity-building programs. For example, in the 2024–25 state budget there is $12.544 million to support the operation of the trusts and ensure that they can deliver essential services to residents safely and effectively. This funding will also support the implementation of long-overdue infrastructure upgrades, such as a new wastewater management system at Framlingham and a new jetty at Lake Tyers, which will help to reduce the risks to human safety as well as the environment. Additionally, the 2022–23 state budget allocated just over $1 million over four years to support self-determined governance and wellbeing programs at both trust communities. These programs are designed to build social cohesion, invest in future leaders and strengthen the governance capabilities of these trusts. We are also providing resources to help the trust communities better understand the 1970 act and its shareholding system, ensuring that they have the knowledge and the tools that they need to navigate the complexities of the legislation that currently exists.

This bill is part of a broader effort by this government to advance reconciliation, treaty and truth-telling in Victoria. We are proud to be the first state in the nation to be pursuing treaty, and we are committed to ensuring that this process is driven by the voices and the aspirations of Aboriginal Victorians. Treaty

is not just about formal agreements; it is about recognising and addressing the deep historical injustices that have been perpetrated against Aboriginal people in this state, and it is about building a new relationship, one that is based on respect, trust and dignity. It is about giving Aboriginal people a say in the decisions that affect their lives and ensuring that their rights, their culture and their identity are respected and upheld. The Yoorrook Justice Commission, Australia's first formal truth-telling inquiry, is also a critical part of this process. The commission is shining a light on the systemic injustices that have been inflicted on Aboriginal Victorians since the days of colonisation. Its findings will also inform those treaty negotiations and our broader efforts to create a more just and equitable society. I must also acknowledge that we do have the First Peoples' Assembly of Victoria, now in its second term, which is also a significant part of ensuring that Indigenous voices are heard and are heard by government.

In addition to addressing land rights and governance, this government is also committed to protecting Aboriginal cultural sites and heritage in Victoria. Our state's cultural heritage management system places traditional owners at the heart of decision-making about their cultural heritage, ensuring that the protection of this heritage is led by the communities who have the deepest connection to it. These laws are amongst the strongest in the country, providing robust protections for Aboriginal sites but doing so in a way that also ensures that development can proceed in a way that is respectful of Aboriginal culture and history. We are committed to the continuous improvement that needs to be made in this area and are actively engaging with various parts of industry, local and Aboriginal communities and stakeholders to ensure that our cultural heritage management system remains effective, efficient and responsive to the needs of Aboriginal Victorians and non-Aboriginal Victorians alike.

The Aboriginal Land Legislation Amendment Bill 2024 is a powerful statement of this government's commitment to self-determination, reconciliation and truth-telling. It is a recognition of the strength, the resilience and the wisdom of Aboriginal Victorians and a commitment to supporting their aspirations for a future that is grounded in those traditions. As we move forward with these reforms, we do so with a deep sense of responsibility and a commitment to working in partnership with our Aboriginal communities. We recognise that there is more work to be done but are determined to continue this journey together. I commend the bill to the house.

Samantha RATNAM (Northern Metropolitan) (14:18): I rise to speak to the Aboriginal Land Legislation Amendment Bill 2024. I want to start by acknowledging the traditional owners of this land, the Wurundjeri, Woiwurrung and Bunurong peoples of the Kulin nation. I pay my respects to their elders and to the First Nations communities who have been fighting tirelessly for land justice. I acknowledge that Parliament has a long, shameful history of making decisions for First Nations people without their permission and that a lot needs to change if First Peoples are to have full, true self-determination.

This bill amends the Aboriginal Lands Act 1991 to remove restrictions on how traditional owners use and transfer interest in the land located at Coranderrk, Ebenezer and Ramahyuck missions. The bill also amends the Aboriginal Lands Act 1970 to implement some of the recommendations of an independent review of the act which was conducted in 2021. The Aboriginal Lands Act 1970 was a truly historic piece of legislation that was hard fought and won by the Lake Tyers and Framlingham communities. It saw the first freehold land handed back to First Nations people in Australia. This came before the native title framework and before the concept of traditional ownership. To get there the Lake Tyers and Framlingham communities overcame violent, racist and assimilationist policies stemming from the mission history of these sites. They prevailed, and their achievement was a key milestone in the ongoing struggle for First Nations land justice. The original Aboriginal Lands Act 1970 established a system which vested land in two trusts and gave residents of Lake Tyers and Framlingham the right to hold personal shares in the trusts. This allowed these First Nations communities to make decisions about their own land. Fifty years on from the trusts' establishment the government commissioned a review from the act in 2021.

The review produced 42 recommendations, which the government committed to implementing in two phases. The bill before the chamber today gives effect to phase 1 and has a focus on amending the trusts' governance. It makes changes to the administrative requirements of the trusts and how shares are transferred. The bill also includes amendments which were not recommended by the independent review, such as changes to rules around the governance and composition of the trusts' board.

In developing this bill we are told that the government conducted some consultation with the Lake Tyers and Framlingham communities in February and that representatives from both communities had written to the government to confirm their support for the bill. However, in recent weeks it has come to our attention that some community members were not consulted through this process and that in fact they did not know the consultation process had taken place. They expressed their discontent with the bill and urged the government to slow down and undertake a more fulsome consultation process before progressing with the bill. We are informed that one of the trusts' board and committee, along with the shareholders from the other trust, has written to the minister this week opposing the bill. The relevant board is newly formed following a period of administration for that trust. The community members we have spoken to raised concerns about some of the clauses in this bill, that the bill process seems out of step with treaty, and they especially took umbrage with the government's consultation approach. They felt that insufficient consultation took place to inform this bill and that many shareholders and community members did not get a say. This legislation has come as a complete surprise to many as well. They tell us that while some shareholders were consulted, the ultimate decision-making process was not one where informed consent from the community was sought.

We acknowledge that there are members of the two communities who do support this bill and who are eager for change. In particular, people raised with us issues around the complexity of the current system, making it difficult for traditional owners to fully engage, and many traditional owners living on country are not entitled to shares, something which community members did not feel is fair or right. But there are also community members who feel the government has not heard what they have to say on this legislation. Despite all of this, it is clear that the bill will pass today as the opposition have indicated their support for it, so it will have the support of both Labor and the Liberals and Nationals in this chamber, which means it will have the overwhelming numbers to pass in the Parliament.

I am concerned that this is happening when we are about to embark upon a treaty process. We do not want community members feeling shut out of or blindsided by processes that affect them. The government has signalled that it will begin a second phase of reform for the two trusts in the next year, and it is my understanding that the intended reforms will be more complex, as these changes will go to the very heart of how the trusts function. Given the concern about consultation on this first bill, many community members are rightfully wary. We hope that the government will commit to deep community engagement and really listen to the needs of the Lake Tyers and Framlingham communities. Clearly something in the approach taken by the government has not worked, and some community members are feeling disenfranchised and in the dark. The government cannot afford to keep repeating mistakes of governments past and get this wrong. Self-determination is a deeply important principle and must be adhered to, as should free, prior and informed consent.

I also want to put on record that this Labor government has refused to commit to a number of significant recommendations made by the Yoorrook Justice Commission, including raising the minimum age of criminal responsibility to 14. They continue to woefully underfund Aboriginal community controlled organisations. Meanwhile Victoria is falling behind on closing the gap targets. Under Labor Victoria has the highest rate of First Nations child removal of all states. It is unacceptable. Labor also continues to sell off swathes of public land that could potentially form part of treaty reparations or be used for public purposes like much needed Aboriginal housing. For treaties in Victoria to be meaningful and enable true self-determination for First Nations people, Labor must commit now to the treaty principles across all areas of government work. This means handing over real decision-making power to First Nations communities. It means sustainably funding essential services, not leaving important ACCOs to serve First Nations people on a shoestring budget. To

achieve true land justice and First Nations sovereignty, self-determination and free, prior and informed consent must be at the heart of any actions going forward.

Jacinta ERMACORA (Western Victoria) (14:24): I am pleased to speak on the Aboriginal Land Legislation Amendment Bill 2024, and in doing so I want to acknowledge the traditional owners and custodians of the land on which this Parliament stands, the Wurundjeri Woi Wurrung people of the Kulin nations. I also want to pay my respects to the clans of the Eastern Maar and Gunditjmara nations along with the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and the Jupagulk people in my electorate in south-west and western Victoria. I pay my respects to their elders and ancestors, elders from all Victorian First Peoples and any elders and other Aboriginal people who may be joining us today.

We recognise that true reconciliation starts with self-determination. With this bill the Allan Labor government is ensuring legislation enables traditional owners to take control of their own destiny. This bill goes towards addressing recommendations from the independent review into the Aboriginal Lands Act 1970. It makes amendments to the Aboriginal Lands Act 1970 and the Aboriginal Lands Act 1991. This bill seeks to bring about clearer, straightforward processes for stakeholders in a trust as well as greater transparency and strengthening governance mechanisms. The bill improves the way land is managed at the Framlingham and Lake Tyers Aboriginal trusts. This bill removes the restrictions placed on First Nations people under the Aboriginal Lands Act 1991 for the Ebenezer and Ramahyuck mission cemeteries, and the bill addresses past racist laws by removing the frameworks that created significant compliance requirements that created barriers for communities. References to the Coranderrk mission cemetery remain unchanged, in line with the aspirations of the Wurundjeri traditional owners.

This bill is about addressing past racist legislation that prevents full self-determination by First Nations people. The shameful truth is that First Nations people have been subjected to racist legislation since colonisation, with the effects of the declaration of terra nullius still felt by First Nations people today. We know that First Nations people have managed, farmed and lived on country for thousands of years. The evidence of this can be seen across our state if we look at the landscape from their perspective rather than through our own Western eyes. One famous example is the Budj Bim National Park near Portland in south-west Victoria in my electorate. I have had the deep privilege of visiting this place for nearly two decades now. Every time I go there, meet people and interact with the landscape, my appreciation for what was there before European settlement grows. These lands are managed by the Gunditj Mirring Traditional Owners Aboriginal Corporation. Budj Bim is evidence of a well-established aquaculture farming facility where breeding, processing and trading of eels and eel products occurred. As well as hydrology, engineering, landscape management and business the Budj Bim landscape hosts stone homes and villages, which is evidence of strong social structures and governance, all of this operating thousands of years prior to European settlement. When I say that self-determination was not an aspiration prior to this time, what I mean is that the Gunditjmara people had complete and utter self-determination from the perspective of governance, law, justice, business, economy and society prior to European settlement.

Self-determination is a goal that seeks to re-establish as best as possible the dignity of self-determination over issues that affect Aboriginal people. Generations of First Nations people have called for treaty and for land rights to allow them the freedom to self-determine decisions that affect them, their communities and their country. In the late 1960s the Framlingham Aboriginal community in my electorate – it is near Warrnambool – and the Lake Tyers Aboriginal community advocated for land rights. Framlingham was a former mission site where we know in the past cultural practices were banned; decisions on marriage and where people resided were taken from Aboriginal people; decisions on health, justice practices and family structure were dismantled; and decisions on the welfare of children were taken away as well. Framlingham, like other mission sites, was a place where our state's racist assimilationist laws sought to dampen First Nations peoples' right to self-determination.

In 1970 the Aboriginal Lands Act was brought into effect in direct response to that strong advocacy from the Framlingham and Lake Tyers Aboriginal communities. This piece of legislation was

nation-leading at the time. It was the first time that the Victorian Parliament recognised Aboriginal land rights and the very first step towards self-determination for First Nations people. The 1970 act saw community members of Framlingham and Lake Tyers Aboriginal trusts allocated shares in the trusts, granting them freehold title of the land. Community owns a part of the trust; the trust owns the land. This is how the community members indirectly own the land.

Now, in 2024, that act is outdated and inadequate at promoting self-determination. It is not fit for purpose in promoting economic independence for the trusts, shareholders and non-shareholder residents. The current act contains no review mechanism and no checks and balances to ensure that it remains consistent and at pace with the Allan Labor government's work for First Peoples. The minor amendments over the last 50 years have failed to keep the vision of giving back to the First Peoples of Framlingham and Lake Tyers the power and sense of belonging that was theirs with their ownership of country. At present the act contains many unfair administrative requirements of the trusts, which greatly impact on their ability to comply with the legislation as it currently sits. The legislation contains duplicative financial reporting requirements, issues with shareholding systems and legislated processes for share transfers, ineffective provisions for accountability and transparency and ineffective government arrangements.

In July 2016 the government made a promise to begin reviewing the 1970 act. The independent review was completed in 2021. A series of recommendations came from the review, with the purpose of strengthening governance and share transfer mechanisms. In 2023 the Allan Labor government committed to ensuring all recommendations from the review would be implemented. This bill brings together 22 legislative recommendations supported by this government. Phase 1's focus, which is this bill, is upon the reduction and easing of unfair administrative requirements upon the trusts. There will be a phase 2 where the remainder of the recommendations will be addressed. Further to this it will improve the share transfer process and increase transparency and accountability in the governance arrangements of the trusts. This bill will give trusts the powers to carry out business on trust land. Trusts will see greater improvements to the governance arrangements of the board of administrators model under the 1970 act. Phase 2 of the process will see 13 legislative recommendations and one non-legislative recommendation implemented. With these phases we continue forging ahead on this path to First Peoples determination. This is a path the Victorian government fully supports, to enable the Framlingham and Lake Tyers First Peoples communities to be self-governed and use trust land for the benefit of residents and shareholders.

The 1991 act was another effort of government to address the calls from First Peoples communities for land justice. The act granted freehold title for the management and protection of significant Aboriginal burial sites to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Goolum Goolum Aboriginal Cooperative up in Horsham and the Gippsland and East Gippsland Aboriginal Cooperative. The sites were the Coranderrk mission near Healesville and the Ramahyuck mission near Sale, both of these missions created in 1863, and the Ebenezer mission near Lake Hindmarsh, which was created in 1859. These missions, like all of the missions created, in time saw traditional owners dispossessed of their traditional lands and relocated. Like many colonisation stories the creation of these missions was driven by racism, paternalism and a religious-centric belief that this was the only way to so-called 'help' First Peoples. These missions were less about the welfare of traditional owners and more of a way to control, monitor, segregate and exploit them. As Minister Hutchins said in her statement to the Yoorrook Justice Commission:

> It is shameful to think that the State's answer to providing for First Peoples who they had dispossessed of lands and waters, was to place them on small pieces of land with little supplies and to temporarily loan – not give – reserve residents blankets and clothing.

These missions were also places where children were taken away from their parents, splitting families up and causing enormous distress. It is shameful to think that so much of this forced relocation was done simply because new settlers wanted the land that First Nations people were inhabiting at the time.

The creation of the 1991 act saw culturally significant land returned to Aboriginal organisations; however, it created restrictions on their self-determination. The act prohibited First Nations people from transferring their interests in the land and restricted usage of the land to cultural or burial practices. The Allan Labor government is determined to redress this wrong. In accordance with the express wishes of the titleholders and traditional owners this bill will remove restrictions on the Ebenezer and Ramahyuck mission cemeteries and allow the transfer of these cemeteries to the traditional owners. In line with the wishes of titleholders, the traditional owners, all references to the Coranderrk mission cemetery will remain unchanged.

Our understanding of self-determination has come a long way since the 1970s and indeed even the early 1990s. The amendments in this bill are as a result of listening to communities. The original paternalistic prescriptions that governed how traditional owners could use their lands; the corporate structures imposed, which did not reflect how the communities governed themselves; and the requirements for these communities to report to the minister are all amended in this bill. Throughout the independent review of the 1970 act and the drafting of this bill before us today, the trust communities were meaningfully engaged with and consulted. Framlingham Aboriginal Trust expressed that the amendments will bring the act in line with current legislation, enable the trust to create corporations to do business on the lands and develop strategic plans which will assist the trust with forward planning.

This bill directly responds to the wishes of these communities. The Allan Labor government continues to support the trust communities through budget investments. The 2024–25 state budget provides $12.54 million to support operation of the trusts to ensure they can deliver municipal and other essential services safely to residents. In closing, the bill is a result of direct and open conversations with communities today. This is phase 1 of the two phases, which goes towards ensuring trust communities have self-determination. The Allan Labor government will not just stop with recommendations of the 2021 review, but we must ensure that we forge ahead and we remain consistent, with self-determination for First Peoples at the forefront. I commend this bill to the house.

Ryan BATCHELOR (Southern Metropolitan) (14:39): I am pleased to rise and join colleagues making contributions today on the Aboriginal Land Legislation Amendment Bill 2024, which is an important piece of legislation that seeks to amend the Aboriginal Lands Act 1970 and the 1991 act to make some important updates to the governance arrangements for the Lake Tyers and Framlingham trusts and also to effect arrangements to facilitate the transfer of some Aboriginal burial sites in the state. The legislation we are dealing with today marks what I think is an important moment in updating these governance arrangements but also should be seen within the context in which they sit, which helps us to look at the context which this bill sits in and the context that the principal acts that it seeks to amend also sat within. Obviously this state is moving ahead on a path towards treaties with the First Peoples of the land we now call Victoria. It is doing so in a thoughtful, structured and consultative way that is putting principles of self-determination for Aboriginal Victorians at the heart of this process.

Earlier this week I was, as all members of Parliament were, invited to a forum hosted by the First Peoples' Assembly of Victoria to discuss how the path to treaty is progressing. As the co-chairs of the First Peoples' Assembly noted at that event held earlier this week in the south library, there was no specific occasion or event to mark. It was not being done to announce anything or to mark an anniversary; it was being done as part of an ongoing process of engagement and information about the treaty process here in Victoria. It was a signifier of how seriously the First Peoples' Assembly of Victoria, Victoria's Aboriginal community, the Victorian government and, by their attendance, most members of this Parliament take that process, and it really demonstrates the landmark nature of the work that Victoria is doing to head towards the path to treaty – work that is at the forefront of what is going on in this nation with respect to the way we as colonisers engage with Aboriginal Australians.

The 1970 piece of legislation that the bill here seeks to amend was also a very significant piece of legislation. It was the first time that the state of Victoria recognised and the first piece of legislation

that the Victorian Parliament passed recognising Aboriginal land rights. It was a Liberal government at the time making that recognition in the wake of a very significant moment in our nation's history, being the 1967 referendum, which changed our constitution to remove some provisions that were racist, and that began a process. It was the first step in a multiyear process of the recognition of Aboriginal Australians here in Victoria as custodians, owners, of land and commenced a process of land rights. Obviously Victoria passed the Aboriginal Lands Act in 1970. It was followed several years later by landmark land rights legislation at a Commonwealth level.

Here in Victoria that Aboriginal Lands Act 1970 created the trusts on former mission sites in Framlingham and Lake Tyers, because those communities had been vocal advocates for the right of self-determination. Those trusts, as prior speakers have mentioned, were created on the sites of former missions, which themselves were constructs designed to deny the First Peoples of Victoria the land that they had cared for for thousands of years and were an express denial of their right to self-determination. What the land rights legislation did, what the Aboriginal Lands Act did, in 1970 was to create these trusts and give the freehold titles to these Aboriginal communities in a form of collective ownership through a trust structure in which the title land was held by the trust and members of the community were members of that trust, so that in an indirect and collective sense the Aboriginal communities finally owned this land.

It was landmark at the time, but as with many schemes of governance that were created in earlier eras, it has become outdated and inadequate for achieving the legislative goals or the underpinnings, the policy goals, of promoting self-determination for the trust shareholders and other residents of the sites. There has been periodic amendment over the last 50 years to try and ensure that there has been a contemporary policy connection to the original intent and that we have given effect to the original intent of land rights and self-determination, but there are several issues around governance and operational requirements that are currently rooted in outdated corporate governance models that, instead of enabling, are putting barriers in the way of that sort of self-determination for communities and that are making it harder, not easier, for communities to make decisions about and manage their lands.

The bill by enacting these amendments seeks to create a better future for all members of these communities by listening to them and supporting their priorities. The bill has arisen following a very extensive review of the 1970 act. Back in 2016 the Labor government committed to reviewing the act with the aim of improving governance and self-determination. An independent review of the 1970 act was commenced and concluded a few years later in 2021, and in 2023 the government publicly committed to implementing all the recommendations of the independent review in two phases. This bill gives effect to phase 1 of the government's response to that independent review. It will implement 22 legislative recommendations which the government has supported in full. Phase 1 is strengthening governance mechanisms and improving the shareholder system of the Framlingham and Lake Tyers trusts and also lays the groundwork for phase 2 and further reform. That further phase, which is not being dealt with by the bill today but which the bill lays the groundwork for, will look at the implementation of the remaining 14 recommendations, and that itself will need to be the subject of further engagement, consultation and implementation of the necessary interdependent recommendations from phase 1. The reforms to the act will not end with the implementation of the recommendations from the independent review. The Labor government will continue to support Aboriginal communities to pursue self-determination so that the Framlingham and Lake Tyers communities can be truly self-governing and use the trust lands for the benefit of residents and shareholders alike.

The other principal act that this bill seeks to amend is the Aboriginal Lands Act 1991, which was a further attempt to answer the calls for land justice in this state – calls for land justice that grew stronger after the protest movements arising following 1988. The 1991 act granted freehold title for the management and protection of significant Aboriginal burial sites to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Goolum Goolum Aboriginal Cooperative and the

Gippsland and East Gippsland Aboriginal Cooperative. These sites included the former Coranderrk mission, located near Healesville on Wurundjeri country, the former Ramahyuck mission, located near Sale in Gippsland on Gunnai/Kurnai country – both of which were established in 1863 – and also the former Ebenezer mission, located near Lake Hindmarsh on Wotjobaluk country, which was established in 1859. Again the establishment of these missions enabled the dispossession of First Peoples from their traditional lands and their relocation. I think, as others have quoted, Minister Hutchins gave very compelling evidence at the Yoorrook commission earlier that this move reflected the paternalistic and racist attitudes of the time and had the effect of facilitating the removal of children and discouraging the continued speaking of languages and the practice of Aboriginal culture. They were not focused on welfare but became places of segregation and exploitation. So the history of these places is not a pleasant one.

What the 1991 act sought to do was to transfer some culturally significant land to Aboriginal organisations, but it restricted self-determination by prohibiting them from transferring their respective interests in the land and restricting their use of the lands to Aboriginal cultural and burial purposes. The continuation of these restrictions is really not in keeping with principles of self-determination where landholders should be able to exercise their rights in the land that they own. This bill will empower the Aboriginal organisations to do such things. It does so in line with the wishes of titleholders and traditional owners, removing restrictions on the Ebenezer and Ramahyuck mission cemeteries to allow for the transfer of these cemeteries to the traditional owners. In line with the titleholders and the traditional owners, the references to the Coranderrk mission cemetery are to remain unchanged. These amendments are in line with the recommendations of the 2021 review of the 1991 act. The amendments will also fulfil the government's legal commitments in its recognition of settlement agreement to use best endeavours to return the ownership of the Ebenezer mission cemetery to the Barengi Gadjin Land Council Aboriginal Corporation, who represent the traditional owners in the land encompassing the Ebenezer mission. This government's understanding of self-determination has come a long way since 1970, and these amendments are responding to what Aboriginal communities want.

The corporate structures that underpin that attitude that was embedded in legislation are being amended. The corporate structures that sought to disenfranchise and not reflect the will of communities are being amended in this legislation. I think it is important to note that the communities affected, the trust communities, were consulted throughout the review process of the 1970 act that recommended these legislative amendments – so the process that concluded in 2021. They have also been meaningfully engaged in the drafting of this piece of legislation that we are debating here today. During that process, as you would expect from a meaningful engagement process, additional amendments reflecting those wishes have been incorporated.

The public service regularly meets with trust communities to engage and reflect, and the trusts have indicated their support. Earlier this year the Minister for Treaty and First Peoples visited Lake Tyers, where local communities expressed their support for the improved governance systems which will be made through these amendments. There has been extensive consultation, as there should be, on significant legislation like this that affects the interests of Aboriginal Victorians – Aboriginal Victorians who were in receipt of the first parts of land justice delivered by this Parliament back in 1970. We have a lot more to do to deliver ongoing self-determination and ongoing land justice for Aboriginal Victorians, and for as long as I am a member of this Parliament I will continue to advocate for that justice.

Sonja TERPSTRA (North-Eastern Metropolitan) (14:54): I also rise to make a contribution on the Aboriginal Land Legislation Amendment Bill 2024, and in so doing I wish to acknowledge the traditional Aboriginal owners of the land on which we are gathered today. I wish to pay my respects to them, to their culture, to their elders past and present and to elders from other communities who may be here today but also to other elders who may be watching us on the live stream as well. As I just indicated, we are meeting on Aboriginal land that was stolen, and it always was and always will

be Aboriginal land. I acknowledge their strength, resilience and continued connection to their country, skies and waterways.

The Victorian government is committed to true reconciliation, truth-telling and treaty with First Peoples. The Victorian government is committed to true reconciliation, but this can only occur by empowering and supporting Aboriginal people through self-determination. We recognise that true reconciliation begins with self-determination. That is why the Allan Labor government is ensuring that legislation enables traditional owners to take control of their own destiny.

I am really pleased to say that part of my North-Eastern Metropolitan Region is the Mullum Mullum gathering place, which is based in East Ringwood, and I just want to give a shout-out to the people there, who do amazing and very important work. I want to acknowledge that the Mullum Mullum gathering place is I think the second-largest gathering place in Victoria, and I have learned so much about the needs of First Peoples, their history, their culture and also the continued journey upon which they travel towards self-determination, truth-telling and healing. It is always a real pleasure to visit them at the gathering place.

I turn back to the bill that is before the chamber today. The bill will improve the way the land is managed at the Framlingham and Lake Tyers Aboriginal trusts in addition to removing restrictions on decisions made about Aboriginal land by Aboriginal communities at the Ebenezer and Ramahyuck mission cemeteries. It does this by effectively amending two acts, and these acts were enacted in 1970 and 1991.

The 1970 act has never substantially been updated since being enacted, and of course it is now well over some 50 years ago that that occurred. Many of the governance and operational requirements in that act are rooted in outdated corporate governance models. As things evolve, obviously there is a need for change and updating. This has clearly been some time in the works, but better late than never, nevertheless. The frameworks have imposed significant compliance requirements, creating barriers for the communities. It has actually over time made it harder for communities to make decisions about and manage their own lands, and as I just talked about in the introduction to this speech, it is really critically important that we continue on the path to self-determination for First Nations people. At the time of enactment no consideration was given to the role of Aboriginal models of governance and cultural ways of doing business, which causes significant barriers today, and this bill will change that. The bill will help build a better future for all community members by listening to and supporting the priorities of First Peoples and strengthening existing systems.

The purpose of the bill is to amend the Aboriginal Lands Act 1970 and update the shareholding system and governance requirements of the Framlingham Aboriginal Trust and Lake Tyers Aboriginal Trust. It will help give effect to phase 1 of the Victorian government's response to the independent review of the Aboriginal Lands Act 1970 by implementing 22 legislative recommendations, supported in full. The bill will also amend the Aboriginal Lands Act 1991 to remove use and transfer restrictions for the Ebenezer and Ramahyuck mission cemeteries. These amendments implement in full all the recommendations of a review of the 1991 act. Further to that, the bill will also modernise both these acts.

The Aboriginal Land Act 1970 was a landmark piece of legislation. It was the first time that the Victorian Parliament recognised Aboriginal land rights and was the government's first attempt to recognise self-determination. It was created in direct response to the Framlingham and Lake Tyers Aboriginal communities' advocacy for land rights. As former mission sites, the Framlingham and Lake Tyers sites represent the state's past racist, segregationist and assimilationist laws which actively sought to deny First Peoples any form of self-determination at all. The 1970 act saw members of the Framlingham and Lake Tyers Aboriginal trusts allocated shares in the trust, granting them freehold title of the land. Each member holds part of their trust, and that trust in turn owns the land. Despite being landmark legislation at the time, the scheme is outdated and remains inadequate in achieving the act's goals in full of promoting self-determination and economic independence for the trusts'

shareholders and non-shareholder residents. Periodic minor legislative amendments over the past five decades have failed to ensure the 1970 act remains consistent with its purpose of giving back to the people of Framlingham and Lake Tyers the dignity which was theirs in the original ownership of the land.

Currently there are unfair administrative arrangements and requirements of the trust impacting their ability to actually comply with the legislation, and some of these restrictions include duplicative financial reporting requirements, issues with the shareholding system and legislative process for share transfers, ineffective accountability and transparency provisions, and governance and composition arrangements. That is just simply not effective, and we need to provide the trusts with the powers to carry out business on trust land in a way that works for them and in a way that enables true self-determination.

As part of the journey to reform, in July 2016 the Victorian government publicly committed to reviewing the 1970 act with the aim of improving governance and enabling greater self-determination. The independent review of the 1970 act concluded in 2021, and then in September 2023 the Victorian government publicly committed to implementing all the recommendations of the independent review in two phases. The bill gives effect to phase 1 of the government's response to the independent review. It will implement 22 legislative recommendations, supported in full, and phase 1 will strengthen the governance mechanisms and improve the shareholding system. Once that is implemented, that will then lay the groundwork for phase 2 of the reforms and any further reform.

Phase 2 will consider implementing the 14 remaining recommendations, subject to further analysis, community engagement and the implementation of interdependent recommendations from phase 1. This includes clarification of shareholdings at both trusts. The second phase of reform will commence after shareholdings are clarified and further discussions are held with the trust communities around mechanisms to better support governance and resolve any disputes as they arise and if they arise. Reforms to the 1970 act will not end with implementing all the recommendations of the independent review, and the Allan Labor government will continue to support Aboriginal communities to pursue self-determination so that the Framlingham and Lake Tyers communities can be truly self-governing and use the trusts' lands for the benefit of residents and shareholders alike.

Moving forward in time along the journey, the 1991 act was another effort to answer calls from the Aboriginal communities for land justice. It granted freehold title for the management and protection of significant Aboriginal burial sites to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Goolum Goolum Aboriginal Cooperative and the Gippsland and East Gippsland Aboriginal Cooperative. The sites included the former Coranderrk mission located near Healesville on Wurundjeri country and the former Ramahyuck mission located near Sale in Gippsland on Gunnai/Kurnai country, and both of these were established in 1863. It also includes the former Ebenezer mission located near Lake Hindmarsh on Wotjobaluk country, and that was established in 1859. Through the establishment of these missions First Peoples were dispossessed of their traditional lands and relocated. These matters have been the subject of inquiries at the Yoorrook Justice Commission, with the Minister for Treaty and First Peoples Natalie Hutchins stating:

> … the State's establishment of missions and reserves at Coranderrk, Lake Tyers, Framlingham, Lake Condah, Ramahyuck and Ebenezer was driven by the paternalistic and racist attitudes of the time, including the idea that Christianity was the only means of assisting Aboriginal people. The reserve system aimed to change Aboriginal people and to make them more like white, European people by removing children, discouraging the speaking of Aboriginal languages and the practice of Aboriginal culture.
>
> … the reserves became less concerned with Aboriginal peoples' welfare and became places where First Peoples were segregated, monitored, their labour exploited and made to conform to mission life.

The minister's evidence further went on to say:

> It is shameful to think that the State's answer to providing for First Peoples who they had dispossessed of lands and waters, was to place them on small pieces of land with little supplies and to temporarily loan – not give – reserve residents blankets and clothing. It is equally shameful that, after confining First Peoples on the

> reserves, the State then often expelled families and split parents from children from the reserves that First Peoples had come to call home.
>
> …
>
> … in 1917 the Board decided it would close three of the four remaining reserves … and forcibly relocate the residents to Lake Tyers in Gippsland. It appears the State made this decision so the Board could reduce spending on Aboriginal people and sell the reserve land, as it was desired by Europeans.
>
> …
>
> When the Aborigines Welfare Board announced the closure of Lake Tyers Aboriginal Station in 1962, residents mobilised and, with the support of prominent Aboriginal and non-Aboriginal people, began a determined campaign to protect their home. This resulted in the eventual State transfer of the lands to some members of the Framlingham and Lake Tyers communities and the passage of the *Aboriginal Lands Act 1970*, the second piece of legislation in Australia to return land to Aboriginal communities. I acknowledge that it is due to the persistent activism of residents over many generations that former reserve sites at Framlingham and Lake Tyers are in Aboriginal ownership today.

So whilst the 1991 act succeeded in transferring culturally significant land to Aboriginal organisations, it conversely restricted First Peoples' self-determination by prohibiting them from transferring their respective interests in the land and restricting their use of the lands to Aboriginal cultural and burial purposes. These restrictions are not in line with the government's commitment to self-determination. That is why this bill will empower Aboriginal organisations to freely exercise their land rights. In line with the respective wishes of titleholders and traditional owners, it will remove restrictions on the Ebenezer and Ramahyuck mission cemeteries and allow for the transfer of those cemeteries to the traditional owners. In line with the wishes of titleholders and traditional owners, all references to the Coranderrk mission cemetery are to remain unchanged. This is in line, again, with the recommendations of the review of the act. These amendments will also fulfil the government's legal commitment in its recognition and settlement agreement to use its best endeavours to return the ownership of the Ebenezer mission cemetery to the Barengi Gadjin Land Council Aboriginal Corporation, who represent the traditional owners of the land encompassing the Ebenezer mission.

This government's understanding of self-determination has indeed come a long way since 1970, and these amendments listen to what Aboriginal communities want. The initial paternalistic prescriptions of how lands could be used and governed, the corporate structures imposed that did not reflect the community's way of governance and requirements to report to the minister are therefore being amended in this bill. The trust communities were consulted throughout the 1970 act review process that recommended the legislative arrangements, and the trust communities were also meaningfully engaged during the drafting of the bill. During this process additional amendments from the trust communities have been incorporated. Earlier this year the Minister for Treaty and First Peoples visited Lake Tyers, where community members directly expressed the need for improvement of governance of these systems through these amendments.

I only have a few seconds left on the clock. There is a little bit more to say, but I know my colleagues have also spent a lot of time talking about this bill today. I might conclude my contribution there and in doing so commend this bill to the house.

John BERGER (Southern Metropolitan) (15:09): Firstly, I would like to acknowledge the traditional owners of the lands on which I work, both here in Parliament House and at my electorate office in Prahran in the great community of the Southern Metropolitan Region. Those are the Wurundjeri people of the Kulin nations, and I want to acknowledge their elders past and present, given the context of this legislation we are debating today.

Though we were the second state to introduce an Aboriginal land rights act, in 1970, to legislate a basis on which to recognise traditional ownership and management of the lands, this legislation, as my colleague Ms Watt said, was landmark legislation at the time, but it needs to be modernised. It is evident that these provisions, with several minor amendments over the past half century, are not adequate to ensure the dignity and the self-determination of Indigenous communities in Victoria.

The Allan Labor government is committed to sponsoring reconciliation with the Aboriginal communities in Victoria, the sovereign peoples of these lands since time immemorial. We began on the journey to treaty with the Advancing the Treaty Process with Aboriginal Victorians Act 2018, and since then we have seen the establishment of the First Peoples' Assembly of Victoria through a statewide election. I want to acknowledge the leadership of the co-chairs of the First Peoples' Assembly Ngarra Murray and Rueben Berg in particular for their work.

This bill aims to make amendments to two acts of Parliament regulating land trusts in Victoria, the Aboriginal Lands Act 1970, in reference to the Lake Tyers and Framlingham trust communities governance provisions, the latter of which returned to self-governance following a period of administration until July this year, and the Aboriginal Lands Act 1991, to facilitate burial site share transfers. The independent review of the Aboriginal Lands Act 1970, which concluded its work in 2021, proceeded with the aim of improving governance and self-determination for the trusts' communities and additionally facilitating economic activity previously restricted in acts of Parliament to achieve self-determination principles. The independent review provided our government with recommendations with which to achieve these targets.

Before I continue I would like to acknowledge and thank the Framlingham and the Lake Tyers Aboriginal communities, who have advocated for the land rights that this bill aims to achieve and who submitted a formal response to the draft bill providing overall support; independent reviewers Jason Behrendt and Timothy Goodwin, who led the process with their legal and cultural expertise; and former Minister for Treaty and First Peoples Gabrielle Williams, as well as the current minister Natalie Hutchins, who have been working tirelessly to bring these amendments to Parliament today.

It would be remiss of me not to also acknowledge the communities which contributed their lived experiences and knowledge to the process of enacting these changes – those shareholders, residents, families and stolen generation members who provided critical knowledge to the review of these acts; I sincerely thank them – and the Anglican and Catholic communities which have worked with the government and Aboriginal communities with the aim of repairing the harms caused in their historic missions.

Our government is committed to implementing all the recommendations in a process of two phases, and the Aboriginal Land Legislation Amendment Bill 2024 is the first phase of this endeavour, implementing 22 of these recommendations made through the independent review. We are focused in this phase on good governance of land trusts, mitigating unreasonable administrative requirements that have hindered compliance, improving the shareholder system and transfer of shares, ensuring accountability and transparency of governance for the benefit of communities, strengthening powers to engage in business on lands governed by trusts and modernising terminology in the act as appropriate.

In reference to the unreasonable, hindering administrative requirements, these are duplicative financial reporting requirements to the community and to the minister, issues with shareholding systems and legislated process for share transfers, ineffective accountability and transparency provisions and governance and composition arrangements that are not effective. This bill will also improve the board and administrative arrangements of the board of administrators' role defined in the previous act. Through these amendments we are streamlining the land trusts' administrative requirements to ease the burden of overly convoluted reporting and governance requirements on land trust administrators and in doing so ensuring that they can be fully compliant with government legislation.

Legislative amendments will be enacted with economic support of $12.54 million through the 2024–25 state budget to the Framlingham and Lake Tyers communities to support the continued operation of their Aboriginal-controlled organisations to ensure that they can continue to provide municipal and essential services to their communities and to support the implementation of critical infrastructure upgrades at both trusts to end-of-life and noncompliant assets, reducing risks to human safety and environmental impacts. This will include a new wastewater management system at

Framlingham and a new jetty at Lake Tyers. The Allan Labor government also allocated $1.03 million over four years in the 2022–23 state budget to support self-determined governance and wellbeing programs at both Framlingham and Lake Tyers, as well as $150,000 to provide resources which support Framlingham's and Lake Tyers' understanding of the 1970 act and its shareholding system. Financial support and the legislative changes enacted in this bill will work together to support the governance capabilities of traditional owners in these communities and self-determination of these communities over government interventions, which I will speak more about now.

The Aboriginal Lands Act 1991 granted freehold title over Aboriginal burial sites located at the former Coranderrk, Ebenezer and Ramahyuck missions to the Aboriginal-led community organisations in these areas at the time. These were the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Goolum Goolum Aboriginal Cooperative and the Gippsland and East Gippsland Aboriginal Cooperative respectively. The establishment of these missions and relocation of Indigenous people dispossessed them of their traditional lands and their cultural and spiritual practices through enforced Christianity. Whilst this legislation acted as a significant step towards reconciliation, it prevented traditional owners from transferring their respective interests in the land and restricted the use of the lands to Aboriginal cultural and burial purposes. This harmed self-determination, and as a government committed to reconciliation, we are changing it.

While the Coranderrk mission cemetery provisions will not be impacted by this legislation through the wishes of the Wurundjeri Woiwurrung Cultural Heritage Aboriginal Corporation, the Ebenezer and Ramahyuck mission cemeteries will have the aforementioned restrictions removed and the provision of transfer rights legislated under amendments to the 1991 act. These changes to the act are in line with the aspirations of all mentioned traditional owner groups to allow for Indigenous self-determination in the exercise of land rights. As it was put by the Framlingham Aboriginal Trust, these amendments will bring the act into line with current legislation to make the role of the trust clearer, enable the trust to create corporations to do business on the lands and create strategic plans which will assist the trust with forward planning and develop mechanisms to incorporate the hopes and aspirations of the stakeholders.

I am proud of the Allan Labor government in enacting these legislative changes, fulfilling our legal obligations for recognition and settlement agreements – RSAs – under the Traditional Owner Settlement Act 2010, particularly in returning the Ebenezer mission cemetery and the burial site of the Wotjobaluk nations to the Barengi Gadjin Land Council Aboriginal Corporation, and, as a principle, taking action to work collaboratively and respectfully with Indigenous people to achieve our aims of treaty and truth-telling. It is crucially important that we speak with our actions as a government in achieving reconciliation with the First Peoples of Victoria, and through this bill we are demonstrating a key example of doing just that: working with communities and providing our support through legislation, rather than imposing restrictions or paternalistic legislation upon Indigenous communities. Trust is critical in enacting this, and I hope this will be a step in the right direction to facilitating this with the communities impacted by this bill.

Following this phase of legislative changes, phase 2 will see the evaluation of the remaining 14 recommendations of the independent review with due consultation with the communities impacted by the legislation, including an exploration of potential alternative governance systems with increased autonomy for the trusts. The Allan Labor government will engage with traditional owners and the First Peoples' Assembly of Victoria on these reforms. I am pleased to hear that Mr Davis said the opposition will be supporting the passage of this bill. There has been consultation – that word I like to mention. In the words of Mr Davis, it has technical amendments and some simple tidy-ups to succeed. However, I want to make it clear the government does not support all of what the coalition has said. There are differences of opinion on their side it seems. I want to associate myself with the sentiments of my colleague Ms Watt, and I also want to wish Aunty Frances Gallagher a big happy birthday and acknowledge her contribution and life, as you only get one of them.

Our work will be to consistently and continuously support communities such as Framlingham and Lake Tyers to facilitate self-determination and governance of land trusts. I also want to acknowledge my hardworking and passionate staff member Lauren Scott of Arabana land and Arrernte land for their work in assembling my contributions today. I am pleased to have the opportunity to learn firsthand about the Indigenous community through a team member, so I want to thank them for their work.

I think the bill presented to the Council is an excellent foundation for reform, and I am proud to support the government in implementing it. I thank the house.

Tom McINTOSH (Eastern Victoria) (15:21): I rise today to support this bill and acknowledge the traditional owners of the land on which we meet and pay respect to elders past and present. I am really happy to speak on this bill today, and I just want to start off by sharing some of the great experiences I have had in this role. I have been in the role for a bit over two years now. Just to get out with our First Nations groups and individuals, just to be with them and learn, is really fantastic, whether it is on the peninsula or across Gippsland, seeing the living culture on the peninsula, getting out and just walking along the foreshore and learning more about the bush tucker that is available that is just there to have. There is the history of so many of our plant species, whether it is for food or for medicinal purposes, which have been used for tens of thousands of years. What is sitting right under our nose is quite incredible, and the plants' shape or appearance or names are linked to the way that people have used those plants for a very long time. I think it is something that is a low-hanging fruit – pardon the pun – as many of those plants we could start to use more either in our cooking or in our medicinal use.

The Gunaikurnai Land and Waters Aboriginal Corporation is up at the other end of the electorate. Danny and others have been a fantastic group to get to know and see what they are doing. The property they have purchased down at Wilsons Prom and everything they are looking to do from a tourism perspective I think is fantastic. The GLAWAC centre – a lot of people go through there. There is some really beautiful art on the walls, the new amphitheatre that has gone up I think is a fantastic place for people to gather and come together, so I am really proud the government was able to support that. It is a really beautiful facility that extends on the GLAWAC precinct there, which of course is alongside the TAFE. I was there probably four or five weeks ago just to talk about the training that is being provided to the broader community but also to those working at GLAWAC. It is fantastic, the land and water management that is occurring through GLAWAC and joint management and the various things that are happening across those spaces. They can be trained basically next to their home base there, which is really good. The bushfire relief centre, the $2.4 million emergency relief centre, I think is one of the first things I was able to announce in starting this role with Minister Symes. I think it is really important that there is a place where so many groups can come together.

The Lake Tyers emergency relief centre project brought together Gunaikurnai Land and Waters Aboriginal Corporation, Lake Tyers Aboriginal Trust and the Lake Tyers community. They co-designed that space to be supportive and secure for bushfire disasters, and we know how important that is. The fact that we have got the fire station also at Lake Tyers is sensational, with a CFA brigade in its own right, which is really, really good. The members are the CFA's only all-Indigenous crew, and they have successfully and very proudly responded to incidents within the trust land as a satellite station of the nearby Toorloo brigade.

They have also had the jetty funded there. Then I think of other projects, like oysters at Lakes Entrance, where there has been so much work going into looking after the natural environment of our lakes, and then to see a project that sits alongside that protection of waterways and the protection of our fish and marine species there – people who go fishing there now comment about how there is just so much coming out of those lakes that was not previously. Our First Nations people are able to tap into their cultural heritage from a food source perspective but also get that operating as a small business.

Just coming back to that tourist element, whether it is stargazing dark skies or lots of other projects that are emerging for tourists to get to, again, the whole community benefits with tourists coming in

and making that sort of sticky tourism where people come in and spend a lot of time. There is a real, real appetite, and you see it at the GLAWAC building where people want to come in and spend time and understand the history. The fact is that you are talking about the oldest human remains being found at Buchan Caves, and there is just such incredible history – tens and tens of thousands of years of history that we must always acknowledge and, as I said earlier, learn from and really appreciate learning from.

The Victorian government is committed to true reconciliation, truth-telling and treaty with First Peoples. This can only occur by empowering and supporting Aboriginal people through self-determination. We recognise that true reconciliation begins with self-determination, and that is why the Allan Labor government is ensuring legislation enables traditional owners to take control of their own destiny. It was fantastic just a couple of days ago to have the First Peoples' Assembly in here just talking about the journey of treaty, talking about engaging with community and talking to community about what it is and how that path will be walked and the fact that it is a gift to all people. The fact is that treaty is something that we can all benefit from together and a journey that we all walk together. So I am really, really proud to have been able to sit along and be part of that discussion.

This bill will improve the way land is managed at the Framlingham and Lake Tyers Aboriginal trusts in addition to removing restrictions on decisions made about Aboriginal land by Aboriginal communities at Ebenezer and Ramahyuck mission cemeteries. It does this by amending two acts which were enacted in 1970 and 1991. The 1970 act has never been substantially updated despite being enacted 50 years ago, with many of the governmental and operational requirements being rooted in outdated corporate governance models. These frameworks have imposed significant compliance requirements, creating barriers for communities. They have made it harder for communities to make decisions about and manage their lands. At the time of enactment no consideration was given to the role of Aboriginal models of governance and cultural ways of doing business, which causes significant barriers today, and the bill will change that. The bill will help build a better future for all community members by listening to and supporting the priorities of First Peoples and strengthening existing systems.

I think so much of the good work that is occurring and so much of the engagement is about listening and seeing what works for our First Nations communities. As I was saying before, it is such an opportunity for us to learn at the same time. It is such a two-way street, listening and being listened to but also absorbing and just understanding, particularly with the land management side of things. When we talk about biodiversity and ensuring we are not having habitat and biodiversity loss, when we talk about managing water through drought and when we talk about ensuring resilience of our land, that conversation is so valuable with our First Nations people.

This bill will amend the Aboriginal Lands Act 1970 to update the shareholding systems and governance requirements of the Framlingham Aboriginal Trust and Lake Tyers Aboriginal Trust. This bill helps to give effect to phase 1 of the Victorian government's response to the independent review of the Aboriginal Lands Act 1970 by implementing 22 legislative recommendations supported in full. The bill will also amend the Aboriginal Lands Act 1991 to remove use and transfer restrictions for the Ebenezer and Ramahyuck mission cemeteries. These amendments implement all recommendations in full of a review of the 1991 act. The bill will also modernise both acts.

The Aboriginal Lands Act 1970 was a landmark piece of legislation. It was the first time the Victorian Parliament recognised Aboriginal land rights and the government's first attempt to recognise self-determination. It was created in direct response to the Framlingham and Lake Tyers Aboriginal communities' advocacy for land rights. As former mission sites, Framlingham and Lake Tyers represent the state's past racist, segregationist and assimilationist laws which actively sought to deny First Peoples any form of self-determination.

For me, growing up in country Victoria, we used to have a spot up on a hill nearby, King Billy's seat – miles and miles, hundreds of kilometres away from these locations. But I know that people ended up

there and just how close it is to our history, to all of our history, but growing up as a kid I heard about it as almost ancient history. It is important that our school students, our kids today – and we have some here at the moment – are learning of and being educated on the wrongs that have occurred in history and, as I have been discussing at the start of this contribution, about the incredible two-way learnings we can have with our First Nations peoples.

The 1970 act saw members of the Framlingham and Lake Tyers Aboriginal trusts allocated shares in the trusts, granting them freehold of the title of the land. Each member holds part of their trust, and that trust owned the land. This is how members indirectly own the land. Despite being landmark legislation at the time, this scheme is outdated and remains inadequate at achieving the act's goals in full of promoting self-determination and economic independence for the trusts' shareholders and non-shareholder residents. Periodic minor legislative amendments over the past five decades have failed to ensure the 1970 act remains consistent with its purpose of giving back to the people of Framlingham and Lake Tyers the dignity which was theirs in their original ownership of the land.

Currently there are unfair administrative requirements of the trusts impacting their ability to comply with the legislation. These include duplicative financial reporting requirements, issues with the shareholding system and legislated process for share transfers, ineffective accountability and transparency provisions, and governance and composition arrangements that are not effective. We need to provide the trusts the powers to carry out business on trust land in a way that works for them and in a way that enables true self-determination.

In July 2016 the Victorian government publicly committed to reviewing the 1970 act with the aim of improving governance and enabling greater self-determination. The independent review of the 1970 act concluded in 2021. In September 2023 the Victorian government publicly committed to implementing all the recommendations of the independent review in two phases. The bill gives effect to phase 1 of the government's response to the independent review. It will implement 22 legislative recommendations supported in full. Phase 1 will strengthen governance mechanisms and improve the shareholding system. It will lay the groundwork for phase 2 and further reform. Phase 2 will consider implementation of the remaining 14 recommendations subject to further analysis, community engagement and the implementation of interdependent recommendations from phase 1. This includes clarification of shareholdings at both trusts. The second phase of reform will commence after shareholdings are clarified and further discussions are held with the trust communities around mechanisms to better support governance and resolve disputes.

Reforms to the 1970 act will not end with implementing all the recommendations of the independent review. The Allan Labor government will continue to support Aboriginal communities to pursue self-determination so that the Framlingham and Lake Tyers communities can be truly self-governing and use the trust lands for the benefit of residents and shareholders alike.

The 1991 act was another effort to answer the calls from Aboriginal communities for land justice. It granted freehold title for the management and protection of significant Aboriginal burial sites to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Goolum Goolum Aboriginal Cooperative and the Gippsland and East Gippsland Aboriginal Cooperative.

Again, I want to state my support for this bill. It is another important step in the journey that we all take together, and I am glad that we have been able to speak to it today.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:36): I thank all members for their contributions in this debate on the Aboriginal Land Legislation Amendment Bill 2024. Of course the Victorian government is absolutely committed to true reconciliation, truth-telling and treaty with First Peoples, and we are committed to empowering and supporting Aboriginal people through true self-determination. This bill will amend and modernise the very outdated 1970 act, and the changes are in line with what the Framlingham Aboriginal Trust and Lake Tyers Aboriginal Trust governing bodies and their communities have told

us that they want. It will also amend the 1991 act to reflect what titleholders and traditional owners have said they want in returning important burial sites to traditional owners.

Many of my colleagues have already gone through in great detail in the second-reading debate what the bill seeks to reform, but of course at the heart of it is the improvement of governance structures and reducing unfair administrative burdens on the trusts. Obviously there is an important element in the bill to remove duplicate financial reporting requirements, and it will also set a foundation up to resolve issues and improve processes to share transfers at the trusts to enable shareholders to manage shares in accordance with their own wishes, and the reality is that the act had not kept up with the efficient mechanisms required to do so. So there will be enhanced accountability and transparency in governance arrangements, bringing this into line with comparable legislation, and reforms will grant the trusts the ability to conduct business on trust land. There is also a tidy-up of outdated language all the way back from 1970 that will be improved as a result of this bill's passage through the Parliament.

There has been extensive community engagement in the lead-up to the bill coming to the Parliament, and that has been I think also detailed in many of my colleagues' contributions. But I think that, importantly, these amendments contained in the bill really are a direct result of that deep engagement between the department and the trusts' members and also the trusts' communities, and it is important because we want to make sure that the bill before us today really reflects the wishes of local communities. The Allan Labor government will stand with Aboriginal Victorians and support self-determination by backing Aboriginal organisations and communities, and by bringing this bill we bring to life the wishes of these communities that we have been engaging with. We are improving these laws alongside our nation-leading work on a path to treaty and truth. By supporting this bill, members of this house can be part of supporting the wishes of the Aboriginal communities. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (15:40): I move, by leave:

> That the bill be now read a third time.

Motion agreed to.

Read third time.

The ACTING PRESIDENT (Jeff Bourman): Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024

Council's amendments

The ACTING PRESIDENT (Jeff Bourman) (15:41): I have a message from the Assembly on the Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024:

> The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Crime Statistics Act 2014**, the **Criminal Procedure Act 2009**, the **Defamation Act 2005**, the **Freedom of Information Act 1982**, the **Independent Broad-based Anti-corruption Commission Act 2011**, the **Judicial Commission of Victoria Act 2016**, the **Local Government Act 2020**, the **Ombudsman Act 1973**, the **Privacy and Data Protection Act 2014**, the **Public Interest Disclosures Act 2012**, the **Public Interest Monitor Act 2011**, the **Racing Act 1958**, the **Spent Convictions Act 2021**, the **Surveillance Devices Act 1999**, the **Telecommunications (Interception) (State Provisions) Act 1988** and the **Victorian Inspectorate Act 2011**, to make consequential amendments to various Acts following the establishment of

the National Anti-Corruption Commission and for other purposes' the amendments made by the Council have been agreed to.

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (15:42): I move:

That the consideration of orders of the day, government business, 3 to 6, be postponed until later this day.

Motion agreed to.

Motions

Budget papers 2024–25

Debate resumed on motion of Jaclyn Symes:

That the budget papers 2024–25 be taken into consideration.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:43): I rise today to respond to the appalling state budget delivered by our new Premier this year. In fact it could be summarised by simply saying this government is broke, this government has run out of ideas, this government is in a state of flux and does not know how to stimulate the economy and this government has come up with some appalling budget propositions which are going to leave 29 schools without the money that they need and that they were promised. It is going to leave this state in a sorry state of affairs. It is predictably disappointing, the budget. It continues to demonstrate the disaster that this incompetent government has imposed on long-suffering Victorians. It is even described by some as a 'debt bomb', and there is no apology for the debt bomb.

The Institute of Public Affairs (IPA) summed it up when it said:

> The Victorian state budget demonstrates the consequences of a decade of reckless and irresponsible economic management. Generations of Victorians are going to be left with a bill they will have to pay with little, if anything, to show for it …
>
> …
>
> Recent IPA research showed Victoria is the worst overall performing state in the nation –

that is right, the worst performing state in the nation –

> with the highest tax burden, state debt burden, and energy price increases. Victoria is also ranked second last in per capita state economic growth, wages growth, retail trade, and productivity growth.

It is a debt bomb, this budget, and there has been no apology to the Victorian people. We know that this budget leaves future generations in a state of debt up from $156 billion next financial year to nearly $190 billion, with $40 billion in cost blowouts. Everything from roads to hospitals to the building industry has been severely impacted. All the promises made, which we knew at the time could not possibly be delivered, were just a cheap, nasty ploy for the government to greedily hold on to government regardless of the cost to Victorians. They have left us with a debt bomb and no apology.

This budget could have been a way forward for the new Premier to address the issues that are so important to Victorians' livelihood, but the disasters just continue. The Labor government has introduced 55 new and increased taxes since 2014, with the government to collect $21.5 billion in annual revenue just from Victorian property taxes – that is right, just your property taxes. This is almost half the state's total tax revenue. Yes, they have left us with a debt bomb, and they have made no apology.

Parliamentary Budget Office data shows Victoria is the highest taxed state in the country. Victorian businesses – you do not have to tell them this is the highest taxed state, because Victorian businesses and property investors are already reeling from the $8.6 billion in temporary levies imposed on them to help pay off the state's COVID debt. They are calling it the COVID debt, but the reality is this state

government has continued to put us into debt. Research by the IPA shows that since 2014 the Victorian state economy has grown by 29 per cent in real terms, but state government spending and debt have dramatically outstripped the economic growth. Victorian government spending has grown by 59 per cent, more than double the economic growth rate in the same period. The state government debt has grown by 415 per cent, a rate almost 15 times the growth of the economy in the same period. Every sector in Victoria is suffering. You do not have to go far to find a story of a local person who is having to pay an outrageous land tax bill, property tax, business tax, payroll tax or WorkCover premiums. The whole thing is just through the roof in this state.

We are now learning the full extent of the control of the CFMEU too, which is adding to our costs for building infrastructure. Our hospitals are being asked to reduce their services to cut costs – that is right, they are having to reduce their services, which means there are going to be job cuts. The budget also showed that there is going to be rollout of 30 government childcare centres, 35 mental health centres and 29 school upgrades, but there is no money for the three hospitals as previously promised. In fact there is no money for 29 of these school upgrades in this budget. How is this even a possible consideration in a country such as ours? Our children are suffering. Our families are suffering. Our parents are suffering. School absenteeism is through the roof; it is at an all-time high.

If we look at the cost of living, from what Foodbank is telling us the demand for food has increased in Victoria by 47 per cent, with 58 per cent of Victorians experiencing food insecurity. You do not have to go far to visit a soup kitchen or a food bank to see how the lines are growing and the people are suffering, and there are people accessing these services now that have never had to access them before.

Fifty-four per cent of Victorians are experiencing cost-of-living and personal debt distress, and this is way beyond our normal levels, according to a survey by Suicide Prevention Australia. We do not have to go too far to find these frightening statistics on how people's lives are now in more jeopardy. Australian Bureau of Statistics data shows that Victorians' wages have only increased by 3.3 per cent over the year, the lowest in the country, while in Queensland wages lifted by 4.6 per cent, in New South Wales by 4.2 per cent, in Western Australia by 4.2 per cent and in Tasmania 5.1 per cent. Victoria's unemployment is also the highest in the country, with more Victorians out of work month by month. This is Victoria. This is because of this government's budget, and there has been no apology for what they are doing to the people of Victoria.

Let us look at energy. In Victoria the price of electricity rose by 23 per cent between June and August in 2023 alone, while approximately 70 per cent of energy customers received payment difficulty support in Victoria last year. What does the government do to respond to the everyday real needs of Victorians? It promises us a $216 billion Suburban Rail Loop. That is right – a $216 billion Suburban Rail Loop. That is not going to turn your lights on or your heaters on or your air conditioners on in summer. Few people have asked for this Suburban Rail Loop. Few people asked for it – and there is not even a business case to support it – yet that is where your taxes are going to be going. Is there even a question about this particular debt? Even the federal government – a Labor federal government – has refused to help out anymore.

If we look at the Suburban Rail Loop, let us just have a look at some of the figures from that. In 2022 the Victorian Labor government stated that the $34.5 billion Suburban Rail Loop East would be funded by three equal $11.5 billion contributions from the Victorian state government, the Commonwealth government and new taxes via a value capture initiative. The federal Labor government has committed just $2.2 billion towards this project and has refused any further money now until the project has been assessed by Infrastructure Australia. This means our Premier has to find $20 billion – that is right, $20 billion extra – for the proposed works to be signed by 2026. All this money will be spent on a rail link when people cannot afford to eat, they cannot afford to have a roof over their head, they cannot afford to feel safe in their home and they cannot give their children the education that they want to.

Let us look at crime. In Victoria crime has increased by 5.6 per cent since 2022. In my electorate, let us take Frankston for example. It is up by 17.1 per cent, with the City of Casey topping the list of the worst local government areas for crime. How did this government respond in the budget? It cut $1 million from the community crime prevention budget. That is right – that is what it did. It cut $1 million from the community crime prevention budget, and that is down 46 per cent on the previous year.

Let us look at homelessness. The lack of affordable rentals and housing generally is out of control. We all know that in this state; it is a very sad state to live in. In 2021 there were 2366 people experiencing homelessness in the Greater Dandenong area, which is equivalent to one in 67 residents. The next highest rates in metro Melbourne were Brimbank, with one in 126; Melbourne, with one in 128; and Port Phillip, with one in 95 in the council area. That is according to some of the research that has been done by journalists at the *Guardian*. The *Dandenong Star Journal* looked at how Dandenong had topped the state for levels of homelessness last year in March, and that was up by 22 per cent. It is also in the state's top five for growing numbers of working homeless. That is right – people are working and they are still homeless.

The Big Housing Build: the government promised the big build would deliver the target of building 80,000 homes a year. Haven't we heard that many times in this chamber – 'It's going to do this, it's going to do that'? Well, let us have a look at what they are actually going to do with their budget. They give us a lot of rhetoric, but the Australian Bureau of Statistics highlighted that just under 56,000 homes have been built in the last 12 months. And in the *Age* it was reported that hundreds of new social homes which were to be built on Crown land cannot now be built due to a lack of funding, with the Victorian government quietly removing 15 projects from its Big Housing Build scheme to cut costs. That is right – removing them. The 2020 promise to build 12,000 social and affordable homes over four years under the $5.3 billion plan is three years behind schedule, and savings have been found to keep it on budget as construction costs rise.

How is this government handling all of this? I will tell you how it is handling it: it has created a debt bomb, and it has not apologised. The Premier just recently called for an ideas summit into housing. Isn't this a crazy way of managing a state – making promises first and then trying to work out how it is going to happen? The housing industry is in crisis. Victorians know the true story. The CFMEU has controlled the industry, and the government for too long now has allowed criminals and bikies using standover tactics to make huge monetary demands on the sector. Yet the Premier refuses to call for a royal commission and allow the federal government to intervene.

We are having to look at all sorts of costs here. If we take education as another topic of exploration for this budget, education is one that is near and dear to my heart, and anyone that knows me knows that. Our children are suffering in our schools. We are having trouble getting teachers. The Victorian Department of Education and Training has confirmed that Victorian years 7 to 10 students lost an average of 29.2 school days across 2022–23, while students in years 11 and 12 lost an average of 23.4 school days over the same period. Almost 40 per cent of our 16- to 24-year-olds in Victoria reported having a mental health disorder between 2020 and 2022, and a key impact of the mental health crisis has been increasing, as school refusal rates increased by 50 per cent in the past three years.

In my electorate of Casey alone there has been a dramatic increase in student absenteeism. I know I have spoken about it before; it is up by 53.8 per cent since 2019. Okay, COVID lockdowns – did they contribute to the situation we are in? Of course. Well, who locked us down? This Labor government. But how is this going to get fixed?

Let us not forget about what is happening now in teaching in general. A Monash University survey recently found that three out of 10 teachers in Victoria intend on remaining in the public school system until retirement – that is right, only three out of 10 – and 40 per cent of teachers are now looking to get out. And can you blame them? There are 1500 vacant teaching positions – or up around that,

anywhere from 1200 to 1500 – in Victoria remaining right now today. There are almost double the 800 vacancies that there were at the beginning of the 2024 school year.

If we look at NAPLAN data, it is confirmed that almost 30 per cent of Victorian students are failing to meet basic standards in English and mathematics under this failed Allan Labor government. Spelling, grammar, punctuation and numeracy outcomes fell for year 9 students compared to the previous year. In fact in the last quarter, if we look at education costs in Melbourne, they have risen by nearly 6 per cent, highlighting the sacrifices made by families who have paid school fees after their after-tax income. I could go on.

I just want to finish with the government's blatant disrespect and arrogant approach to our community by talking about the $140 million that the government spent last financial year on taxpayer-funded advertising. This money was spent for campaigns, and we really cannot afford it. It is nearly $440 million that has been spent in the last three years on this sort of thing, and we cannot afford it. It is a debt bomb, and – *(Time expired)*

Wendy LOVELL (Northern Victoria) (15:58): I rise to speak on the state budget 2024–25, and once again I am going to start my contribution by saying this is a typical Labor budget. It is a typical Labor budget because it is a high-spending and high-taxing budget that delivers very little for Victorians. What we see is that a decade of financial mismanagement by this Labor government has landed our state in a very perilous financial position, and this budget shows that net debt in this state has increased from $21.8 billion to a projected $187.8 billion by 2028 under this government. The total tax revenue has increased from $17.8 billion to a projected $45 billion over the same period. This is a budget that shows the real-world consequences of Labor's financial mismanagement, and interest rates on that Labor debt are set to reach over $25 million a day under this government. So what we see in the budget, in order for them to service that $25 million a day in interest payments on Labor's debt, is cuts to health, education, housing assistance, disability services, senior programs, community and crime prevention, waste and recycling and wellbeing support for students. These are cuts that directly impact on everyday Victorians, and they will affect them every day as well.

Victorians are continuing to pay the price of having a Labor government that cannot manage projects and cannot manage money running this state. As I said, we now have a debt position of $188 billion by 2027–28. This has blown out by $10 billion from last year's forecast. It just keeps mounting and mounting and mounting under this government. Interest repayments keep mounting and mounting and mounting, and Victorians continue to miss out. But what do Labor do? When they run out of money, they come after yours. So of course this budget increases taxes, and we see that Labor will take $21.5 billion just in property taxes in this particular budget. Over the decade of Labor, they have brought in 55 new and increased taxes and charges, 30 of which are property based. I think around about 40 per cent of the cost of building a home in Victoria is now in state government charges and taxes. That is an incredible percentage of the cost of building a home. No wonder young Victorians are thinking that they will never own their own homes. We heard the previous Premier say – brag, actually – that his children have said to him they never intended to own their own homes; they only ever intended to rent. Well, you know, that is a really sad situation when young people feel that they are being forced out of home ownership because of the impact of Labor's decisions to increase taxes and charges.

In this budget there is $7.8 billion in land tax, $10.1 billion in land transfer duties and $1.5 billion for the COVID debt levy in land holdings. We also see the fire services levy – and this will really have an impact, particularly in country Victoria – raised from $847 million to $1.4 billion. But we have not seen the same increase in the CFA's budget. They are certainly not reaping the benefits of Labor's heavy-handed taxing with the fire services levy. The waste levy has more than doubled under Labor in this budget from $65 a tonne to $170 a tonne. Land tax is up, and of course we know that all other taxes are up too.

We also know that the government is coming after money that is sitting in the accounts of government authorities. Budget paper 5 actually shows that Labor ripped $2.4 billion out of the TAC and put that into consolidated revenue rather than investing that in road safety initiatives, and our roads are really showing the toll of that. I know that two hospitals in Victoria were sent letters in the past couple of months from the state government to say they were the only two hospitals in the state that had money in their bank. It was Goulburn Valley Health and the Eye and Ear Hospital. The amounts were $25 million and $25.8 million, and the government just said, 'We'll have that money, thank you, to prop up our bottom line, because of our fiscal irresponsibility.'

We have seen a number of critical hospital projects delayed from being delivered in this budget. One of those is the Maryborough hospital redevelopment. There is a one-year delay on that, but of course that is not funded anyway. I think that that was for the operating theatres, perhaps. But the budget in 2023–24 said that the redevelopment would be finished in quarter 2, 2024–25. The budget for 2024–25 said quarter 2, 2025–26. The City of Whittlesea Community Hospital – again, that has had a one-year delay. It was announced that it was going to finish in 2024, but the budget now shows it finishing in 2025. So what we know is the government are pushing out the timelines on projects to try and smooth out that funding over several years rather than just the next year.

This budget cut money from health tremendously. We know that $207 million – a cut of 33.8 per cent – was cut out of public health in this budget. Ambulance services, while we see a crisis in our ambulance services, were cut by $20 million in this budget. The health workforce training and development budget was cut by $24 million, which is down by 5.1 per cent. We are critically short of health workers, and we see them cutting money for workforce training and development. Aged care and home care is down by $43 million; that is a 7.3 per cent cut to that budget. Home and community care programs for younger people were cut by $41 million; that was a 21 per cent cut in that budget. And dental services were cut by 14.9 per cent – $36 million.

There were hospitals in my region that missed out on funding, hospitals that are desperately needed. Our Albury–Wodonga hospital, which got some funding announced by both New South Wales and Victoria prior to elections, cannot be delivered within the funding envelope. It was supposed to be a new greenfield site. They are now doing some half-baked idea on the Albury hospital site that will not deliver the health services that the community needs. We needed more money in this budget to actually deliver a new greenfield site hospital for Albury–Wodonga that would service that community into the future. We are already seeing ramping at the new emergency department, which has only just opened. In fact NSW Health today issued a guideline for the paramedics: 'While you're ramping, here's exercises to do to keep you active and busy.' It is terrible. And now they are proposing to completely close the emergency department in Wodonga and shift all emergencies to Albury, which is already under stress.

Goulburn Valley Health stage 2 has completely missed out on funding under this government. In fact they are now saying the hospital is complete, and they have only done stage 1. We know there is more to be done at Goulburn Valley Health. I have an FOI in for information on this, but of course the government is frustrating that at every opportunity and has actually taken me to VCAT over that FOI. Even though the Office of the Victorian Information Commissioner ordered information to be released, the government have now taken it to VCAT to keep that information secret, because they know that information would show the desperate need for the redevelopment of Goulburn Valley Health and the stage 2 project. They want to keep that secret because they do not want to be under pressure to have to fund it.

The Daylesford hospital redevelopment – this is a hospital that is in the Minister for Health's own electorate that has not got any funding for its redevelopment. The coalition promised $75 million for that redevelopment at the last state election; Labor promised nothing. They gave them $6 million a few years ago for operating theatres, which have only just been completed, but the community themselves had to raise $100,000 to pay for master planning. It is shocking that the government will not even do the master planning. The master plan that they came up with has broad community support

and also has the Victorian Health Building Authority's support, but the government will not fund the works that need to be done to redevelop that hospital.

We know a lot about the Mildura hospital. You have heard ad nauseam from me over the years about the need for a new hospital in Mildura. We promised $750 million for a world-class hospital in that remote area of our state. Labor have given nothing, and the hospital continues to be under pressure. Even the new Bendigo Hospital is under pressure. When we built that we put extra money in and we built a bigger hospital. Jacinta Allan actually said, 'We don't need a hospital that size' – that the smaller hospital that Labor had been dragged kicking and screaming to fund would be sufficient for the Bendigo community. Well, guess what, their CEO told me the other day that the new hospital is now at capacity and they are absolutely full. Jacinta Allan is the only MP I have ever known who has argued for less in her community. Had we as a government listened to her, Bendigo would be in crisis in health at the moment. But we know that there is far more to be done.

The education cuts in the budget – $79 million was cut out of early education and care. This is a shocking cut because, as we all know, early education and care is the area where we can make the biggest difference to a child's life. Ninety-five per cent of your brain is developed by the time you are six, by the time you start school. We need to be doing as much as we possibly can in those first early years to make sure that children do have the best opportunity to get their best outcomes in life.

The early parenting centre in Shepparton – the timeline for delivery of that was delayed until 2026, so construction has not even started on that yet. We also saw Labor fail to fund 29 schools that they promised to upgrade across Victoria. Of those 29 schools that failed to get funding, four of them were in my electorate. There was the Broadford Primary School, Hazel Glen College in Doreen, Wangaratta High School and also the White Hills Primary School, which is in the Premier's own electorate. So once again we see the Premier not delivering for her own electorate. The White Hills Primary School was promised funding, they got nothing. The Epsom Primary School, which needs a safer drop-off and pick-up point at their school, got nothing for that.

The Howard Street and Midland Highway intersection, which is the most dangerous intersection in the state according to the RACV – there is nothing to upgrade that in the budget. The Premier is ignoring her own electorate just as she is ignoring the rest of Victoria. That is a real shame.

Other projects that missed out in my electorate included the Shepparton sports and events centre. Now the council have rescoped that to a smaller project in the hope of being able to attract funding from the state and federal governments, but good luck to them, because this is the Labor Party and they do not care about our area. Stage 1 of the Shepparton bypass, which is so desperately needed, did not get funding, nor did stage 2 of Goulburn Valley Health, as I have already said. A school crossing at Kialla West, where six years ago on 10 September a family were so badly injured that one of the children is still undergoing care and treatment for those injuries today – nothing has been done to upgrade that school crossing and make it safer, despite persistent advocacy from me and even from Suzanna Sheed and of course advocacy from Kim O'Keeffe as well. The Rochester pool – we heard about that in April when we were in Campaspe sitting – there is nothing in the budget to upgrade that. The Yarrawonga fire station is 30 years old, it has failed OH&S standards and it has had to spend $25,000 of its own money just to put in some change rooms. It got nothing in the budget. Rutherglen bypass – again, no money. Albury–Wodonga hospital, Daylesford hospital – my list could go on and on.

Renee HEATH (Eastern Victoria) (16:13): I rise to speak on the budget take-note motion with great pleasure. The reason it is with great pleasure is because there is so much to say about this pathetic document that is already out of date. It is unbelievable. There is no better evidence for it being out of date than the Treasurer's own words. I was absolutely amazed two weeks ago when out the back at the steps of Parliament the Treasurer literally had to tell his colleagues 'Hey, rein in a bit of the spending here.' He gave one of the most amazing press conferences at the back door that I have ever

seen, where he admitted to losing control of his own budget. Following the government's commitment to make up for the shortfall in hospital funding, the Treasurer said:

> The Treasurer of the state does get a little bit unhappy when I'm presented with short payments in budget management.

Mate, you are the Treasurer. Managing the budget is literally your job. Then he went on to say:

> … so that will essentially mean that the government's going to have to make further adjustments in terms of our budgetary settings.

And there was this ominous warning for all Victorians. I quote from the *Australian Financial Review*:

> Asked on Wednesday if he had reached the end of the line in how much he could lean on business and property investors to pay off debt, Mr Pallas said: "We've pretty much done most of what we could do."
>
> But he refused to "rule in or rule out" other taxes, saying he could give "no assurances about where the government is going with this matter".

This is absolutely extraordinary. We have a government that has either increased or introduced 55 new taxes that have just driven us into the ground, so much so that we have more debt than New South Wales, Queensland and Tasmania combined, where our people are literally taxed to poverty, taxed to oblivion, and then the Treasurer is saying, 'Look, we just can't rule anything in or out.' It is just a state of disaster under these guys here.

Another news report said:

> Asked if new taxes on business were no longer an option, the treasurer said … "never say never".

This is unbelievable. He said:

> I'm not ruling anything in or out at the moment …

This Treasurer is an absolute dud. I am sure he has got some fantastic attributes. I think he probably might have a nice personality. He should get another job; he should not be the Treasurer of this state. It is unbelievable. If the Treasurer were employed in the private sector, he would have been fired long ago for his incompetence, there is no doubt about it, let alone the legal consequences he would have faced for his complete and utter failure and what he has done with our taxpayer dollars.

This Labor government is always quick to criticise the private sector and threaten all manner of legal actions, and I always thought it was because they had limited private sector experience.

Joe McCracken interjected.

Renee HEATH: Well, that is right, Mr McCracken – often zero. They left school, went into an electorate office, got indoctrinated in the Labor Party and then went on just quoting their party propaganda. They actually might think they are doing a good job, but they are a complete and utter failure. But the truth is that it is not that Labor members have not had the opportunity to work in the private sector; they just know that if they behaved this way, like they do here, in the private sector there would be legal consequences, there absolutely would, because when a business misleads the public or promises outcomes it cannot deliver or seeks to con people, there will be consequences. Have a listen to some of the actions that get pursued if you are a business, and consider whether or not this sounds like the Treasurer of Victoria. There are warning signs of director fraud as outlined by the Australian Securities and Investments Commission's Moneysmart service. It says:

> There are some common signs that may indicate something is not right … This can be when the company:
>
> • continually raises funds –

you could put taxes in brackets there, but I will continue –

> but it isn't clear what it's using those funds for

Isn't that amazing? We are taxed through the nose in this state, yet there are not many projects that are actually delivered. That sounds a lot like this government. Or how about this from the Victorian government's own Consumer Affairs Victoria website, which states:

> A statement about the future that does not turn out to be true is not necessarily misleading or deceptive. But promises, opinions and predictions may be misleading and deceptive if, for example, the person making the statement:
>
> - knew it was untrue or incorrect
> - did not care whether it was true or not
> - had no reasonable grounds for making it.

That sounds like the very essence of the Treasurer of this government. They know that their projections are not correct. They do not care, and they have no reasonable grounds for making the statements in the first place.

I often talk to people in my electorate about how they feel so let down by the government, because they feel – and I agree with them – that this government will promise them anything with no way of paying for it and with no plan of delivering it in order to get their vote, and it is wrong. Our state is already in massive debt – it will be a millstone around the neck of this generation and the next – not to mention the increased taxes and charges that are driving up the cost of living, that are making life so hard for families, that people in my region are dealing with and that are making it so hard for people to get into their own homes because of this government's Labor-made cost-of-living crisis. Already the government is failing to provide hospitals, roads, schools and other amenities that it has promised. How much worse is it going to get now?

I would like to talk about the impact of this financial mismanagement – the impact that it is having on my community – and some of the most disappointing revelations of this budget. It has now been 2134 days since Labor promised Pakenham a community hospital. In this budget the completion date was, unsurprisingly, pushed out a further 12 months. However, work has not even begun, so we all know that it will not be delivered on this timeline either.

In the original media release from Daniel Andrews, the former Premier, it speaks about how we are going to have this community hospital that is going to service the local community, works will start in 2018 and it will be complete by 2024. Well, it is now 2024, and there has not been a shovel in the soil. There is nothing that has been done there – it is unbelievable. When the former Premier first promised a Pakenham hospital in 2018, he said nothing is more important than having peace of mind that when a loved one gets sick, care is just around the corner. Well, they do not have that under Labor. He went on to say that only a once-in-a-generation boost would deliver new community hospitals and would give patients the best care and that 'Only Labor will get it done.' What a beautiful line. If only it was the truth – it is a complete joke.

The member for Bass said at the time:

> Locals shouldn't have to travel long distances to access services like chemotherapy, dialysis and paediatric care and under Labor's plan, they won't have to.

But that is exactly what is happening. It is unbelievable. Your words have been completely misleading and untrue. The Phillip Island Community Hospital completion has also been delayed by another 12 months. There is still no money for stages 2 or 3 of the Wonthaggi Hospital upgrade. And that is hospitals. Every day – and I am not kidding – people come into my electorate office in Pakenham, and they are asking for help. They are saying, 'Is there an end date in sight?' It is so upsetting that we can give them no hope, because this government offers us absolutely no security.

I will just briefly talk about education. The San Remo Primary School have not received funds yet that they were promised. These are failures – I have spoken about Wonthaggi Hospital, Phillip Island hospital, San Remo Primary School – in just one seat, the seat of Bass. I will not even mention the

extracurricular failure that was not in the budget, the audit overlays, which have just caused so much stress – talk about letting a community down.

Let us cast the net just a little wider. In Narracan, for example, the West Gippsland Hospital commitment is still unfunded. We have been hearing about this for years – empty words and empty promises. Throughout my electorate there are schools that have not received the funds promised, and I am going to name a few: Drouin Secondary College in Narracan; Lakes Entrance Primary School, which is in East Gippsland; Leongatha Secondary College in South Gippsland; and Mount Eliza North Primary School in Mornington. And by the way, I have spoken to some of the staff in that school that have said when they were promised the funding, Labor rolled out their MPs and got a fantastic photo. They posed, they celebrated themselves – as they do – posted it and then that was it. Nothing – absolutely nothing. This is absolutely wrong. The completion date for the Yarra Ranges Special Developmental School upgrade in Evelyn has been pushed back another 12 months, and when it comes to the very important and necessary upgrades of equipment and plants by the Central Gippsland Region Water Corporation, some of their projects have been pushed out and delayed by another five years.

This has been a terrible budget. It is not worth the paper that it is written on. This government is hopeless. The Treasurer is a complete failure. We have got to come back to serving the people that put us here, to actually looking after their money like it means something, rather than spending like drunken sailors.

In schools – I do not have time to go into it now – what a disgrace that in a place like Victoria we are letting down the next generation so badly that one in three children cannot even read and write proficiently. That is absolutely devastating. I am so glad that Ben Carroll said, 'Let's come back to phonics,' yet they did not have enough push to get the unions onside – unbelievable. Is it the unions running this place or is it supposedly you guys? I think that we need to start putting the next generation back in the spotlight and doing what is best for them, rather than just what is easy for you guys. Those opposite all stand condemned by their inaction.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (16:26): I move:

That this matter be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Nuclear energy

Sonja TERPSTRA (North-Eastern Metropolitan) (16:27): I move:

That this house:

(1) condemns the federal Liberal–Nationals coalition plans for dangerous and costly nuclear energy, which will send power bills sky-high;

(2) calls on the leader of the Victorian opposition to:

(a) retract his statement that nuclear may well be part of the energy mix going forward;

(b) rule out nuclear power plants in Victorian communities;

(3) calls on the leader of the Victorian Nationals to confirm whether his party supports the pro-nuclear motion passed at the 2024 Victorian Nationals state conference;

(4) notes:

(a) the pro-nuclear statements made by Mrs Bev McArthur MLC and Mr Richard Welch MLC;

(b) the latest CSIRO 2023–24 GenCost report that confirms that nuclear energy is by far the most expensive form of energy generation you can build; and

(c) that because of the Allan Labor government's record investments in cheap, reliable renewable energy, Victoria's wholesale power prices are consistently amongst the lowest in the country.

We have all been eagerly awaiting the opportunity to debate this motion. I note Mrs McArthur is over there on the opposition benches. It is going to be a battle royale, isn't it, Mrs McArthur? It is going to be on like Donkey Kong I think today, because I have got half an hour to talk about nuclear. So bring it on. It is going to be a great end to the Thursday of the sitting week. It is going to be fantastic. I welcome your contribution, Mrs McArthur. I know it will be a great one. I hope that you will be able to mention some candle-powered something in there and also some quangos. I have not heard the word 'quango' for a while. Absolutely bring it all out, because we love to talk about that when we are talking about alternative sources of power.

But anyway, I do rise to talk about my motion, which notes the federal Liberal-Nationals coalition plans for dangerous and costly nuclear energy, which will send power bills sky-high, and also calls on the leader of the Victorian opposition to:

(a) retract his statement that nuclear may well be part of the energy mix going forward;

(b) rule out nuclear power plants in Victorian communities.

This is going to be something I will talk a lot about in this debate today – what has just been happening in Gippsland and why it is not a good idea to build nuclear power plants out there. The motion also:

(3) calls on the leader of the Victorian Nationals to confirm whether his party supports the pro-nuclear motion passed at the 2024 Victorian Nationals state conference;

(4) notes:

(a) the pro-nuclear statements made by Mrs Bev McArthur MLC and Mr Richard Welch MLC;

(b) the latest CSIRO 2023–24 GenCost report that confirms that nuclear energy is by far the most expensive form of energy generation you can build; and

(c) that because of the Allan Labor Government's record investments in cheap, reliable renewable energy, Victoria's wholesale power prices are consistently amongst the lowest in the country.

There is little bit of a grab bag there of a whole range of things about renewable energy, the costs of electricity and power and power prices. What I will do is just talk a little bit about our record on renewables. It is important to note just as the underpinning basis for this contribution that in terms of our emissions targets, in 2020 we smashed our emissions target of a 15 to 20 per cent reduction. In fact we achieved a 29.6 per cent reduction, and then in 2021 we achieved a 32.3 per cent reduction. We are decarbonising at the fastest rate in the country, and since the government was elected in 2014 we have cut emissions by more than any other state. We have got the strongest climate change legislation in the country. Victorians voted overwhelmingly for the next steps in our ambitious agenda, and our targets of a 75 to 80 per cent reduction by 2035 and net zero by 2045 align Victoria with the Paris goals of limiting global warming to 1.5°degrees Celsius. Our targets are delivering the most rapid reduction of emissions in Australia, unlocking billions of dollars of investment and creating thousands of jobs. We are investing almost $2 billion in programs to reduce emissions. That is just the background in terms of our record on emissions reductions and renewable energy.

I will get to the GenCost report in a moment, because that is something that I think sparked a lot of debate between people who are wedded to renewables and decarbonising and those who think that putting nuclear energy in the mix is a good thing. I will just refer to the Honourable Chris Bowen, Minister for Climate Change and Energy, as he was then in May 2024, who also referred to the GenCost report and talked about the fact that in his view that confirms that the federal government's plan for reliable renewables is on track to deliver cheaper, cleaner energy now and into the future.

The GenCost report was prepared by the CSIRO – and these are expert bodies, mind you. We like science; we are wedded to science over here on these benches. It is something that is critically important. The CSIRO and the Australian Energy Market Operator compared the cost to build new coal, gas, solar, onshore wind, offshore wind batteries and nuclear generators – that is important. If

you want to look at the benefits of these sorts of things, there has got to be a comparison done. The report finds:

> … firmed renewables, including transmission and storage costs, provide Australians the cheapest power, at between $83/MWh and $120/MWh in 2030 –

so that is projecting forward what it will cost –

> when they account for 80 per cent of variable generation.

It goes on to say:

> Were small modular nuclear reactors able to be up and running in Australia by 2030 –

because other reports talk about the fact that nuclear power would not really be available in Australia until 2040, and we really cannot afford to wait that long –

> … the cost of their power would be up to $382 MWh, not including the hefty 'first of a kind' premium.

Again, we do not have a nuclear industry here in Victoria or in Australia. The cost of power from small modular nuclear reactors, if that were possible, would be eight times more expensive than firmed large-scale wind and solar when the first-of-a-kind premium is included. That is quite concerning. Again, we are looking at the cheapest renewable power, between $83 and $120 per megawatt hour projected forward in 2030, compared to $382 per megawatt hour. That is very concerning, and it just goes to show that people talk about small modular reactors, but the technology just is not there yet. It is an unknown cost, but the projections are done by the GenCost report.

I might just now go to the GenCost report itself and talk about some of the content that was in fact in the executive summary of that report. What the GenCost report authors talk about is the majority of submissions in the consultation process in developing the GenCost report saying that the submitters wanted and requested the inclusion of large-scale nuclear in addition to the nuclear small modular reactors that had been included in the report since the inception of the GenCost report in 2018. In response to those requests GenCost re-examined the appropriateness of large-scale nuclear and concluded that, although the development of large-scale nuclear would require a significant increase in the reserve margin relative to the small modular reactors and existing Australian generation plants, there was no known technical constraint to deploying generation units of this size. But it also concluded that due to the state of the development pipeline in Australia the earliest deployment would be from 2040. So, again, it confirmed what the Honourable Chris Bowen had said – that we are not ready yet. The technology is not there, and at the earliest possible opportunity it would not be until 2040 that we would actually see any availability of nuclear to fall into the renewables mix. That would significantly delay any capacity or ability that we have to try and meet our renewable energy targets, and that is something we just cannot afford. We do not have the time to waste. We want to decarbonise. We are on track to meet our commitments to renewables and, as I outlined earlier at the beginning of my contribution, we are very well on track in terms of meeting our targets and exceeding them. As I said, our net zero by 2045 target aligns Victoria with the Paris goals. We have got to reduce warming by 1.5 degrees Celsius, so that is what we are on track to do.

In terms of the GenCost report, the GenCost report based the large-scale nuclear costs on the South Korean costs as the best representation of a continuous building program consistent with other technologies in the report. GenCost then adjusted for differences in the Australian and South Korean deployment costs by studying the ratio of new coal generation costs in each country, and that ratio was used to scale the South Korean large-scale nuclear costs to Australian deployment costs. Based on this approach the expected capital cost of a large-scale nuclear plant in 2023 was $9217 per kilowatt. The capital cost can only be achieved if Australia commits to a continuous building program and only after an initial higher cost unit is constructed. So you can see the cost is astronomical, and I am not sure where we would actually find that kind of capital investment coming from and, again, at what cost. If we waited or delayed, what that would then mean is we would fall behind in meeting our renewable energy targets and we would not be on track to reduce global warming at all.

It is just concerning that the proponents on the opposition benches, who love nuclear – and again, we get criticised on the government benches all the time; I just heard Dr Heath's contribution earlier saying how terrible we are at managing money – want to plunge us into a bit of an unknown and risky foray into exploring nuclear power, particularly when there are a lot of unknowns. What the experts are telling us is that not only is it risky but it is horrendously expensive; it would not result in cheaper energy prices but it would result in more expensive energy prices; and we would still not be doing the heavy lifting when it comes to global warming. Again, we need to continue to reaffirm our commitment to renewable energy.

I might say, I did dust this off – I know I am not allowed to use props, but I will just give it a quick shout-out. I am just disappointed, Mrs McArthur, that you were not on this one. This was the inquiry into nuclear prohibition. It was a committee inquiry that the government did in November 2020. I know Mr Limbrick was there.

Bev McArthur interjected.

Sonja TERPSTRA: Okay, a minority report. Well, there you go.

Bev McArthur interjected.

Sonja TERPSTRA: They must have left you off the blurb at the front. My apologies if you did do a minority report, but there it is there. This one is a bit like a good old Acme fightback, I reckon. I dusted it off my shelf and had a bit of a look around at it. The interesting thing about that report and why I am mentioning that report is because one of the things that the inquiry looked at was the ability to actually support a nuclear industry in Victoria. One of the things that the report looked at was the availability of natural resources and whether that was something that could be sustained. For example, when you look at uranium, Australia is the third-largest producer of uranium in the world, but uranium deposits are located in six locations in South Australia, the Northern Territory and WA; there are none in Victoria. At the time of looking at this there were three operating mines in Australia: Ranger in the Northern Territory; Four Mile in South Australia; and Olympic Dam, which is the world's largest uranium deposit, in South Australia.

If we were to look at embarking upon having a nuclear industry here – because we do not have one – obviously resources are something that you need to operate nuclear power. There are no uranium deposits in Victoria, so the question then becomes: what do we do? Where do we mine those things from? Yes, there is an availability of these natural resources, but you would have to truck them in. This means that those natural resources would have to be transported through our suburbs. So because of that lack of resources, how would that actually play out? Whilst those opposite might like to talk about the benefits of nuclear, there is a lot of detail that is not actually factored in. We have no industry, and the GenCost report actually talks about that. They talk about that in their executive summary, saying that the initial costs would be astronomical. Again there is that early premium to try and get that industry up and running.

The other thing I will talk about shortly and that I have done a lot of reading on just recently, not only in the GenCost report, is that when we talk about not having an industry – we have got to have workers. So you have got to either bring workers into the country to work on these projects who have the appropriate skills or you have got to train them. You have got to do one or the other, because you just cannot magic something to happen unless you want to run it with robots, but I do not think anyone is wanting to do that. It is actually better that you have people working in jobs. There has been a lot of research also done on the impacts of nuclear on workers and people who have worked long term in the nuclear industry and what the health impacts have been on those workers. I am going to talk about that again in a minute.

Of course the big question that was discussed in the nuclear inquiry, which is also something that people talk to me a lot about every day when they talk about nuclear, was how there are so many unanswered questions about waste – waste disposal, waste storage and what we are going to do with

it. You hear lots of stories about how they will just encase it in concrete and put it in a hole that is 30 kilometres down or whatever and how it will be safe and secure, but we know that that is not the case. We also know that we can look around the world in terms of accidents, and I will talk a little bit about Fukushima in a minute and what that has done to people – and Chernobyl.

One of the proposed sites that I think Peter Dutton talked about when he was talking about his plan for nuclear power – there were seven proposed sites, I believe, and the seven sites that Peter Dutton thinks are appropriate for nuclear power plants are Tarong and Callide in Queensland, Mount Piper and Liddell in New South Wales, Collie in WA and of course Loy Yang in Victoria and Northern Power Station in South Australia – I thought I would like to have a bit of a detailed look into. People say that Australia is such a seismically stable continent and that there are not a lot of earthquakes and the like. But given the seismic activity in Gippsland of late, we should note there have actually been quite a few earthquakes recently. I just looked at some of the scientific information available about this, and there have actually been 700 earthquakes in the Gippsland region since 1960. Loy Yang power station is just 33 kilometres from where a 5.4 magnitude earthquake was recorded in Moe back in 2012. It was one of the biggest seismic events since the 1960s. Then a 5.9 magnitude quake was 36 kilometres from Rawson in 2021. On average 10 earthquakes occur in Gippsland each year, and mostly they are between 2 to 3 magnitude in range. However, in Gippsland you can have four to six earthquakes which are known to cause some structural damage on average once every three years. So there is a significant amount of seismic activity that is there. Obviously with the recent earthquakes that have just occurred in the last month or so, it raises the question about nuclear safety again. We only have to look, as I said, to places like Fukushima and Chernobyl to understand about nuclear safety.

I know those opposite have got to be wedded to what Dutton says about Victoria. I doubt that the communities that he has listed were ever consulted about whether they think the sites for these proposed nuclear power plants are actually a good idea. No-one was consulted. I think they were just announced. So it came as quite a surprise to a number of people that these things are being thought about. Then of course there has been, following on from that, lots of discussion and debate about the safety or relatively unsafe state of nuclear power. Mr Limbrick, I am sure you are going to talk on this motion too, aren't you?

David Limbrick interjected.

Sonja TERPSTRA: Yes, of course. And I know Mr Limbrick will disagree with everything I say.

David Limbrick interjected.

Sonja TERPSTRA: You will not be able to correct it because I know that we just have opposing views, and just because we have opposing views it does not mean I am wrong. As I said, I like to talk about the science and the facts, and I have actually gone through and referred to science and facts, which I know you do not like, but nevertheless it is something that is important.

With the Liberals in Victoria, it is a bit disappointing because I would like to think that we could have the Liberals over there on the opposition benches come up with some of their own ideas. Rather than being the Dutton lickspittles of the world, they have got an opportunity to rise above those sorts of things and actually propose their own ideas. It would be wonderful to see them on board with renewable energy. We have got an abundance of wind here in Victoria particularly and around Australia. Bass Strait is one of the windiest places in the world. We have got such an amazing opportunity to look at increasing our share of renewables, but again those opposite just want to kowtow and be Dutton lickspittles.

Anyway, what I am going to talk about next are some of the impacts of these things. I am going to talk about the health impacts. I note that during the nuclear inquiry Dr Helen Caldicott, who is a renowned expert in nuclear, and she is actually a doctor and a scientist –

Members interjecting.

Sonja TERPSTRA: I know, that is something that you do not like to talk about, but it is something. She is an expert and a seasoned antinuclear campaigner and has written numerous books on it.

Members interjecting.

Sonja TERPSTRA: Well, she is an expert. She is a doctor.

David Davis: On a point of order, Acting President, the member is misleading the house by calling Dr Caldicott an expert. She is not an expert; she is an ideologue.

The ACTING PRESIDENT (Jacinta Ermacora): That is not a point of order.

Sonja TERPSTRA: Dr Caldicott did give evidence to our nuclear inquiry as an expert. Her evidence was excellent and very much appreciated. I just want to quote from some of the research that she has put out there, particularly on neutron radiation and what it does to people. In relation to Fukushima, she said:

> Reactor 1 at Fukushima has been periodically emitting neutron radiation as sections of the molten core become intermittently critical. Neutrons are large radioactive particles that travel many kilometers, and they pass through everything including concrete, steel … There is no way to hide from them …

Let us talk about what that does – radioactive elements that are continually being released into the air and water at Fukushima. What are the consequences of that? So:

> … there are over 200 such elements each with its own … characteristics and pathways in the food chain and the human body. They are invisible, tasteless and odorless. When the cancer manifests it is impossible to determine its aetiology, but there is a large literature proving that radiation causes cancer including the data from Hiroshima and Nagasaki.
>
> Cesium 137 is a beta and gamma emitter with a half-life of 30 years.

Okay. So some of this stuff is around a long time, and when you have an accident like a nuclear explosion at a power plant, these things can get into the food chain and then people consume them. It is not only humans that consume it; it is other things like fish. Caesium has a half-life of 30 years.

> That means in 30 years only half of its radioactive energy has decayed, so it is detectable as a radioactive hazard for over 300 years. Cesium, like all radioactive elements bio-concentrates in at each level of the food chain – from soil to grass, fruit and vegetables and tens to hundreds of times more in meat and milk and the sea from algae to crustaceans to small fish to big fish.

So it goes on and on. If anyone understands anything about the food chain – because humans eat fish and meat and consume milk, we are consuming those sorts of things. When we talk about nuclear and we talk about the potential for accidents and the impacts of that being felt on humans, the risk is too high.

We talk about what the impacts might be on people, but again there is very little discussion from those opposite. Mr Limbrick, I look forward to your contribution and hearing you talk about what the impacts on workers have been around the world. I have looked at the National Cancer Institute paper which actually examines the impacts on workers who have worked in the nuclear industry for many, many decades. That is important. Working people actually work in these jobs. You do not just want them to go off and, you know, think of them as automatons just to be used and abused and disposed of when their productive lives have finished.

We all know what happened in Chernobyl when the workers, after that exposure, actually had to go down there and clean it up. The impacts, the thyroid cancers – people died. And I know Mr Limbrick is going to say, 'Oh, that wasn't this or that,' whatever, but you cannot deny the fact. Let us talk about what the National Cancer Institute researchers have said and what they have learned from nuclear

accidents. They looked at the April 1986 nuclear power plant disaster in Chernobyl in Ukraine and then talked about what was involved – radioactive isotopes and the like. This is what they found:

> **Power plant workers on-site at the time of the accident.** Approximately 600 workers at the power plant during the emergency received very high doses of radiation and suffered from radiation sickness. All of those who received more than 6 grays (Gy) –

they call it 'grays', and that is their reference point to refer to the measure of radiation –

> … became very sick right away and subsequently died. Those who received less than 4 Gy had a better chance of survival.

But that does not then address the point about what happened afterwards:

> **Cleanup workers.** Hundreds of thousands of people who worked as part of the cleanup crews in the years after the accident were exposed to average external doses of ionizing radiation that ranged from approximately 0.14 Gy in 1986 to 0.04 Gy in 1989.

The studies conducted through that group of people have found an increased risk of leukaemia as well:

> **Residents near Chernobyl.** From 1986 through 2005, approximately 5 million residents of the contaminated areas surrounding Chernobyl received an accumulated whole-body average dose of around 0.01 Gy. Studies that have followed children and adolescents exposed to I-131 from the Chernobyl accident showed an increased risk of developing thyroid cancer.

So the effects of radiation and the after-effects of nuclear accidents when they have looked at workers who have worked at the time of the accident, clean-up workers who then went into those areas to clean up things after the accidents, residents of Chernobyl and then subsequently children who lived in those areas are that they have all been affected:

> In a 2021 study, investigators found that thyroid tumors in children who were exposed to fallout from the Chernobyl accident had higher levels of a particular kind of DNA damage that involves breaks in both DNA strands than tumors in unexposed individuals born more than 9 months after the accident. The more radiation the children had been exposed to, the more of this type of DNA damage was seen.

Not only do we see disease caused in people, there was actually damage to their DNA. So I just ask the question of those opposite and any nuclear proponents: if it is all about nuclear and we want to see nuclear being added to the mix, the risks associated are very well documented and scientifically proven, and we know, according to the GenCost report, that the cost of electricity will be astronomically higher. We know that the –

David Davis interjected.

Sonja TERPSTRA: Well, you were not here, excuse me. I will take up the interjection, because you were not here. You were not here when I talked to the GenCost report, because I went through it in great detail.

David Davis interjected.

Sonja TERPSTRA: No, you were not here, and do not verbal me either, Mr Davis, because you were not here when I went through it. So the point is –

David Davis interjected.

Sonja TERPSTRA: You were not here. The point is that you are wrong when you talk about the cost of power, because again the cost has been well documented and documented by experts like the CSIRO.

David Davis interjected.

Sonja TERPSTRA: They are scientists, and the scientists are the people who know what they are talking about. You do not want to acknowledge science, because it is an inconvenient truth for you.

I will just talk about one other little accident that happened just recently – and people thought it was kind of funny at the time but it really was not funny; it was kind of embarrassing. This was documented in February 2023. A tiny radioactive capsule fell off the back of a truck in the Australian outback. It was an 8-millimetre by 6-millimetre capsule. It fell from a truck that was travelling from a Rio Tinto mine site in the Pilbara to Perth. The radioactive capsule was part of a gauge used to measure the density of iron ore feed in the mine of the state's remote Kimberley region. This is what happened as a consequence: a 20-metre exclusion zone had to be established because the device was found just a short distance from where it began an over 1400-kilometre journey to Perth. This was a consequence of not wanting to expose people to any fallout. Health authorities warned that standing within a metre of the capsule would be the equivalent of receiving 10 X-rays in an hour. They warned people not to touch or approach it. Having to impose a 20-metre exclusion zone around where the device was found is ludicrous. They believed a bolt securing the lead-lined gauge containing the capsule worked loose – it had shaken loose because of the vibration of the truck – and therefore the capsule then fell through a hole left by the missing bolt.

The thing is: we see time and time again accidents that happen in the nuclear sector – time and time and time again. But the nuclear proponents over there want to conveniently wipe all those things away. They want to sweep them under the rug or under the carpet and say the Holy Grail of renewable energy is all about nuclear. It is not. It is deadly. I have just gone through in great detail in a whole range of ways why it is deadly, how it is deadly. I have relied on expert scientific evidence to back up all those claims.

I have also gone through in great detail reports from the CSIRO in the GenCost report detailing how expensive it is going to be – the cost of building it – and the fact that nuclear, even if we do look at small modular nuclear reactors, is not going to be available until 2040. We simply cannot wait that long. The unanswered questions go on and on and on.

What are we going to do with any waste that is produced as a consequence of having nuclear reactors? Again, in Victoria we do not have natural resources like uranium. Where are we going to truck that in? Through people's streets? There are so many unanswered questions. We saw yesterday in this place that they could not even draft a motion in the house. What would it be like if these people on the opposition benches were ever in government? The stuff-ups would be immeasurable and ongoing.

People's lives are too valuable. We do not want to see children impacted by nuclear. It is dangerous. But those opposite feel that people's lives and their health and livelihoods are absolutely disposable, and that is a shame and a sad indictment on those opposite.

I call on the federal Liberal–Nationals coalition to really come clean on the true cost of nuclear power.

David LIMBRICK (South-Eastern Metropolitan) (16:57): I am very pleased to talk on this motion. I will start by reflecting my deep offence at not being named in this motion. It only names Mrs McArthur and Mr Welch. I am deeply offended by this – that I was not named in this motion – but nevertheless, let us put that aside.

Ms Terpstra spoke at length about the GenCost report. In fact there has been much discussion amongst the scientific community and those involved in the energy industry about the GenCost report.

David Davis interjected.

David LIMBRICK: It is a very shoddy report. They made two –

Members interjecting.

David LIMBRICK: I majored in physics, so let us talk about science. Let me talk – let us talk about science.

One of the first assumptions that was put in the GenCost report is that the lifetime of a nuclear reactor will be 30 years. Now, anyone that knows anything about nuclear technology will laugh at that. In fact

many reactors in the United States are licensed out to 80 years, and there is no technical reason they could not run even longer than that. I would pose a question to the chamber: how many wind turbines and solar panels will still be operational in Victoria in 30 years? What is the answer to that? Zero – every single one of them will be decommissioned within 30 years.

David Davis: 25 for wind.

David LIMBRICK: Yes. And for solar I think the average life span is around 15 to 20 years, depending on weather events and things like that. People say that nuclear is going to take a long time, that it might take us 20 years to get an industry. Guess what, it will be just in time for when every bit of renewables infrastructure will have to be decommissioned – and there are lots of issues around that, I might say.

Another major problem with the GenCost report by the CSIRO was that they assumed that all of the transmission and other infrastructure required for renewables was a sunk cost. They magicked it away. They imagined that the infrastructure already exists, which it does not. As the government itself is discovering, there are a lot of people in regional Victoria who are getting quite upset about this infrastructure, and we are only just getting started. I am sure the opposition will have more to say about the GenCost report, but suffice to say there have been corrections made to these assumptions.

David Davis: They've gone away with their tail between their legs.

David LIMBRICK: Yes, there have been corrections done to this, and actually nuclear is quite competitive with other types of technologies.

Onto the issue of safety now. Ms Terpstra talked about Fukushima. Interestingly, as I have said before in this place, I used to be anti nuclear power technology once upon a time and the thing that actually changed my mind was what happened at Fukushima. The reason is my family, as many people would know, is from Japan. My wife is from Japan, and I have got many friends and family in Japan. When Fukushima happened I was very, very concerned about what might be happening. I did not know much about the effects of radiation on the human body and what might be a problem. In Japan they have very sophisticated systems to monitor radiation throughout cities, and they can monitor the tiniest amount of radiation. In fact ANSTO are very good at this as well. That is why they found that radioactive isotope that was lost in Western Australia some time ago, which Ms Terpstra mentioned. However, despite all my concerns about what might be happening – I was even thinking, 'Am I going to have to try and evacuate my parents-in-law from Japan to Australia?' – what I discovered is I would receive a higher radiation dose of natural radiation from cosmic radiation on the plane trip over than what I would receive on the ground in Japan.

One of the things that has been a big problem for the people of Fukushima, who I have much sympathy for, is misinformation about the area. There have been many attacks on the people of the Fukushima prefecture – scientific misinformation about produce from that region. A lot of it has been coming from China, I might add. In fact I went for a holiday to Fukushima over Christmas. It is a wonderful place. I recommend anyone go there. I ate much of the seafood from there, and despite what the Labor Party may think, the fish did not have three eyes and I am not glowing. I do not think I am glowing. Am I glowing, Mrs McArthur?

Bev McArthur: No.

David LIMBRICK: No, I am not glowing; I am fine. The Australian Embassy in Tokyo was so concerned about the misinformation being propagated by other countries, mostly Korea and China, that they cooperated with the Japanese government and in the Australian Embassy in Tokyo they had a sampling of a wide array of produce from Fukushima, including sashimi and many other delicious products. The officials at the Australian Embassy ate the sashimi and these other products, with some other Japanese people, to prove that there is no problem whatsoever with the produce from Fukushima and it is in fact safe. I wish that the Victorian and federal governments were as sensible as our staff in

the Australian Embassy in Tokyo, who are doing an excellent job of combating misinformation unfortunately propagated by our own government, which is terrifying to think. Because of this misinformation, there has been much concern about produce from the region of Fukushima – all of it based on misinformation and anti-science ideas. I have a lot of sympathy for the fishermen and other people who have suffered because of this. That is one of the reasons why my family went there, to support the local people of Fukushima. They have some wonderful attractions there. We went to a resort, actually – a beautiful resort. It has got water slides and hot springs and all sorts of stuff, and it is wonderful.

Many people, mostly the Chinese Communist Party and the South Korean government, have been making much of this radioactive water that the Japanese are planning on releasing into the ocean, which contains a radioactive element called tritium. They have removed all of the elements from it except for the tritium in very small amounts. This water, if you drank it – you would in fact die from drinking large amounts of this water, but the reason that you would die is not because of the tritium, it is because it is sea water. In fact the levels of tritium in this water would pass Australian safety standards for drinking water, but of course humans cannot consume salt water. Salt water is very dangerous to drink. I do not recommend that anyone drinks salt water. It is a very bad idea. But certainly from very small amounts of tritium there are no known effects on the human body, and in fact it is quite safe. Fisheries are open, beaches are open, and in fact at Fukushima they had a surfing competition some time ago and it was quite popular. Lots of people attended and there were no concerns about radiation or anything like it.

One of the things that happened after the Fukushima disaster was they shut down all the nuclear power plants in Japan and they went through a safety review, because of course they were concerned. They needed to replace that power with other forms of energy, and one of those forms of energy that they replaced it with was gas, and a lot of that gas came from Australia. They signed long-term contracts to import a large amount of gas from Australia. That gas turned out be very expensive, and for Japanese consumers power bills went up enormously. Quite recently they have started turning on the nuclear reactors again and they no longer require this Australian gas. This is a problem for Australia. It is not a problem for Japan, because they signed very long-term contracts at very good prices and now they are onselling the gas at a profit, so that is questionable. But now people in Japan are receiving huge reductions in their power bills because the nuclear reactors are coming back online, and in fact many, many people are clamouring for them to be brought back online because they realise that they do not need to pay for burning gas anymore.

Another point brought up by Ms Terpstra was about uranium and the quite ridiculous idea that we cannot get enough uranium to power reactors in Australia. We have one of the largest uranium reserves on the entire planet. But the amount of uranium required to power a nuclear reactor is absolutely tiny. We are talking tiny amounts of material. An amount of processed uranium the size of a can of soft drink is enough to power a human's energy requirements for their entire life. Consider that. The size of a uranium pellet – they are about this big; they are very, very small, tiny things. One of those is equivalent to – I cannot remember the exact number, but it is a very large amount of coal. We are talking tiny, tiny, tiny amounts. The reason that we do not bury a lot of what many people term nuclear waste – in fact it is not really waste, it is actually considered a resource in many cases – is because once the fuel is spent in a nuclear reactor actually only about 7 per cent of the energy has been extracted from it. It is totally possible to reprocess the uranium, reprocess the reactor rods, and reuse it over and over again and effectively reduce the amount of material that eventually turns up as waste. The reason they do not do that is because the amounts are so minimal it is not really a big problem. In fact Switzerland has been running a nuclear program for decades and decades now. Their entire nuclear waste facility, all of the nuclear waste they have ever produced, fits in a room about the size of a basketball court. You can just go and walk along, look at it, walk around and it is totally safe. They do not want to bury it underground yet because they might want to reprocess it. It is a valuable material that might be valuable in the future. It would be silly to put it under the ground and bury it forever.

Also with Fukushima, what happened there was a terrible disaster. Tens of thousands of people died but the tragedy of that was not that they died from radiation. Many people may be surprised that actually no-one died from radiation and current projections are that no-one will die from radiation or radiation effects. People died from effects of the tsunami and also many people died from the frankly irresponsible response from the government of evacuating people from retirement homes and places like that, which turned out to be not necessary, and putting them in shelters. Many of those people unfortunately passed away and it was a terrible situation that happened, but no-one died from radiation from what was one of the worst disasters that we have ever seen. It is incredible, isn't it? And the Labor Party keeps going on about safety. Well, if we look in terms of the number of people hurt per terawatt hour produced of energy, nuclear is easily one of the safest, if not the safest form of energy production that humanity has ever devised, so this is ridiculous.

When we talk about long-term energy independence, this is something that people do not talk about much. Australia has the capability to make ourselves energy independent through our own infrastructure, which we cannot do with renewables. We are making ourselves perpetually dependent on 'cheap renewables' from China because we are going to have to replace them every 15 to 20 years. They reckon some turbines last up to 30 years. We are putting ourselves in a position where we are making ourselves perpetually dependent on a foreign state. This is a dangerous thing to do. Some people may say, 'Why don't we produce it here?' Well, if we start producing it here, guess what, it is not cheap anymore. One of the reasons solar panels are cheap is because the polysilicates used in those supply chains – and I have brought this up in this chamber many times – are tainted with slave labour from the Xinjiang province. Many people will be familiar with the plight of the Uyghur people in China and many of these polysilicate supply chains are tainted with slave labour. The Victorian government has said that they are not aware of whether their subsidies for solar are effectively propping up slavery in China, but I do note that the Future Fund divested from a number of Chinese companies for exactly this reason. They were concerned about the supply chains being tainted by slave labour. I would urge the Victorian government to pay close attention to this because this puts a very dark spin on the idea of cheap renewables. In fact when they used slave labour in the United States historically, the idea of cheap cotton might have had a very dark ring to it as well. I think we need to be very careful about this.

I actually am not particularly fond of what the federal opposition is proposing in terms of the way that they are funding it. I am not particularly fond of what they are proposing, but I do thank them for opening up a discussion on whether or not Australia can use this technology. They are opening up a discussion on this and I think it is a sensible discussion to have. I think that the Labor Party's response, both at a federal and a state level, of trying to reduce this to *The Simpsons* memes rather than taking it seriously and seriously considering whether or not Australia has the capacity to do this, is irresponsible. What they are doing with this scare campaign is trying to tell people, 'What if we have to transport nuclear material?' We transport nuclear material all the time in this city. Every single hospital has nuclear material transported to and from it. It is my understanding that about 50 per cent of Victorians will actually use nuclear medicine produced from our nuclear reactor that we already have at Lucas Heights. They will use that in medical technology. About half of the population will at some point use medicine produced from that nuclear reactor. It is also used for lots of industrial processes and many other things – but we already have it. As we heard during the inquiry into nuclear prohibition in Victoria, Australian Nuclear Science and Technology Organisation were quite confident that they could expand their regulatory capacity for an energy sector as well as the current sector that we already have.

Ms Terpstra also brought up a point about labour force – what sort of labour force. We got some submissions to the nuclear inquiry, most notably from the Australian Workers' Union and the CFMEU Victorian division, that were very interested in the idea of a nuclear reactor in the Latrobe Valley. One of the reasons that they were interested was because the construction workforce that would be required for a nuclear reactor is quite similar to the construction workforce that you already have on a coal-fired power station, namely welders, electricians and these sorts of jobs. These are exactly the types of skills

that you need in the construction of a nuclear reactor, and therefore with some retraining these people could continue working in a high-tech industry that would provide intergenerational high-tech, high-paying jobs, possibly even union jobs, for eastern Victoria.

Although there was criticism of the opposition for not doing consultation with the local community on their plans for this, I will note that the Libertarian Party senate candidate Mr Jordan Dittloff did go out and talk to people on the streets in the area in eastern Victoria, and he spoke to many people. To no-one's surprise, many average people on the street are quite interested in the idea of having an intergenerational high-tech industry to replace coal-fired power stations in eastern Victoria. Anyone who looks at polls – and I know that the Labor Party looks at polls very often – will know that especially younger Australians are not particularly scared by this technology. In fact many of them are wondering why on earth we are not using it. The majority of Australians either support or are open-minded about nuclear technology. The idea that you are going to convince everyone that we are going to have three-eyed fish and this sort of thing is absolute nonsense.

I would urge people to at least consider whether or not Australia is ready to move forward in the 21st century and not make ourselves perpetually dependent on China for renewable technology, because that is what we are doing at the moment. This transmission infrastructure that GenCost magicked into their numbers, saying that nuclear was expensive – what that number finally turns out to be maybe the government can tell us in their contribution. But actually I do not think they know, and they do not know. They do not know exactly how much resistance they are going to get from local communities. They are already starting to see it, and it is only going to grow further. I will end my contribution there.

David DAVIS (Southern Metropolitan) (17:19): I rise to make a contribution to this ill-considered motion 452 brought to the chamber by Ms Terpstra. I notice that Ms Terpstra fled the chamber as soon as she had finished. Off she went – away she went. Let me just record that fact. But if I start –

Members interjecting.

David DAVIS: No, but she had a go at that. She had a go at others, so there you are. The point I want to make here is that this motion is a longwinded motion that goes nowhere. It seeks to condemn the federal Liberal–National coalition, and it seeks to run around the block on a whole series of things about the Victorian Liberals and Nationals. It then seeks to attack members of the house – Bev McArthur and Richard Welch – and further, it then lauds the CSIRO *GenCost 2023–24* report, and I will come to that. Then it makes false claims about record investments in cheap, reliable renewable energy. Victoria's wholesale power prices, it claims, are amongst the lowest in the country. One of the reasons they are the lowest in the country is because of coal still being a very substantial share of our mix. That is actually true. But leaving that aside, what I want to do here is move some amendments to this motion. I move:

1. In paragraph (1) omit the word 'condemns' and replace it with 'notes'.
2. In paragraph (1) omit the words 'dangerous and costly' and the words and expressions ', which will send power bills sky-high'.
3. Omit paragraphs (2), (3) and (4).
4. After paragraph (4), insert the following:

'(2) notes the CSIRO GenCost report that has been heavily criticised for failing to properly cost alternate energy forms;

(3) notes that the Allan Labor government's record of energy policy management is, in fact, a record of mismanagement that the government cannot be proud of, in particular noting:

(a) the massive surge in electricity and gas prices for Victorian households that has occurred in recent years, during a cost-of-living crisis;

(b) the massive increase in prices of gas and electricity faced by Victorian businesses that is increasingly driving businesses from Victoria and making Victoria uncompetitive with other jurisdictions;

(c) the deteriorating position of energy security for Victorian households and businesses as pointed to in the recent statements and publications of the Australian Energy Market Operator;

(4) condemns the Minister for Energy and Environment, the Honourable Lily D'Ambrosio MP, who is conducting 'a war on gas' through the so-called *Gas Substitution Roadmap*;

(5) holds the Andrews and Allan governments, and Minister D'Ambrosio, responsible for the failure to issue gas exploration permits over the last 10 years;

(6) condemns the Allan Labor government for the increased regulatory burden and increased costs imposed on Victorian households and businesses; and

(7) notes the damage done by Minister D'Ambrosio's ideological approach to energy policy.'.

David DAVIS: What these amendments seek to do is correct the first paragraph. They seek to omit paragraphs 2, 3 and 4 and insert a new paragraph that picks up a series of points about the state government's achievements. The state government's achievements are not ones to be proud of. They actually say that instead of 'condemn' the motion 'notes' the federal government's position. They remove the words 'dangerous and costly' and 'will send power bills sky-high'. They omit a number of paragraphs, and then they insert paragraphs that deal with issues that the mover of the motion tried to deal with.

One of those issues is about the GenCost report, and I want to talk about the GenCost report and note the exchange with Mr Limbrick and the fair set of points he made about the GenCost report. The GenCost report does not reflect well on the CSIRO. The CSIRO got this wrong. Other scientists have since criticised it, and the CSIRO has beaten a hasty retreat. It made some fundamental errors, and I am just to put these on the record, because they are now freely available everywhere – people can read them. But instead of looking at a 30-year cycle, nuclear arrangements would be much more reasonably examined on an 80-year cycle. Whether you agree or do not agree with nuclear, whether you think is a good thing or a bad thing, at least get the science right and make sensible analyses. It underplays the potential use of nuclear and underestimates the total system cost of the alternate renewables. It underplays the dispatchable advantages of nuclear, and indeed it does not deal with the short life cycle of a number of the renewables. Mr Limbrick pointed to this very sensibly. I mean, generally it is about 25 years for the wind farms, and it makes –

Bev McArthur: People are falling over in the car park.

David DAVIS: They are, but I am not going into a long analysis here. What I am also saying is that in the case of solar 20 years is a typical length of time, and it fails to properly take account of a number of these points. These are freely available, and that is why I have sought to amend that paragraph to read:

> notes the CSIRO GenCost Report that has been heavily criticised for failing to properly cost alternate energy forms …

That is a very, very fair point.

Members interjecting.

David DAVIS: Yes, I understand from your whip that that is the intention. In fact I will just put on the record that we have negotiated that you are bringing it back and that I will speak briefly and succinctly. The government is intending to bring this motion back next sitting week, they inform me.

Members interjecting.

David DAVIS: No, they are talking about the nuclear motion. The Lawyer X bill is stalled. It has stopped. I do not understand why it has stalled. It was brought forward with great haste –

Sonja Terpstra: On a point of order, President, I am not sure that what Mr Davis is referring to has got anything to do with the motion that we are debating, and I would ask Mr Davis to be relevant to the motion. The Lawyer X bill has got nothing to do with this motion, nothing at all –

A member interjected.

Sonja Terpstra: No, relevance.

David DAVIS: On the point of order, President, I was responding to interjections about the fact that we will be coming back to this motion next sitting week. We were then talking about the flow of the house. Clearly another alternate thing that is on the notice paper this week is the Lawyer X bill, and that presumably will be debated next week, but at the moment it appears stalled and I understand that this motion is to come back. That is all.

The PRESIDENT: Mr Davis is the first speaker so he has some latitude. I call the house to order. Mr Davis, without any assistance.

David DAVIS: President, I undertake not to respond to interjections overly. I think the general points that have been made by me and Mr Limbrick about the failure to look at levelized costs of energy in the GenCost report are reasonable points. All of us want to have this assessment of energy options on a rational basis, on a properly costed basis. That means that you bring in all of the costings: the powerlines, the sunk costs and the long-term costs. The environmental costs should be properly brought in too. If there are going to be costs in cultural heritage, they should be brought in. All of these costs should be examined properly, and the GenCost report did not go within cooee of doing that. That is a point that I make.

The other points I want to make in the amendments are that they note the Allan Labor government's record on energy policy management is an effective record of mismanagement and that the government cannot be proud of a number of things, in particular the massive surge in electricity and gas costs. Let me be clear that in the last several years there has been a surge in electricity and gas costs in Victoria under this government – you have been there for 10 years. The most reliable figures are the St Vincent de Paul's figures. St Vincent's went out late last year and they examined the actual bills that people encountered and paid.

Sonja Terpstra interjected.

David DAVIS: St Vincent's – Gavin Dufty. They are a consumer advocacy group who are worried about energy and its impact on families. They said gas was up 22 per cent in a year, electricity was up 28 per cent, and that was year on year. There is more and more going up and up and up, massive costs. These points are very significant. Go and read the St Vincent's figures if you doubt that energy costs are rising in the state. But most people know because the bills come through the mail and they are paying more and more and more. Further, it is hitting businesses, small businesses. In fact I spoke to somebody in Queen's Hall today, a person who runs a nursery business. His gas costs have surged massively, and it is making it far less viable. That is what he is confronting. His electricity costs are up, but his gas costs have gone up too. That is the record of Labor. That is under your government. He is talking about the last two years.

Sonja Terpstra: On a point of order, President, Mr Davis is aggressively pointing, and I would ask that he not aggressively point.

The PRESIDENT: It is against standing orders to point. I am not too sure if he was pointing towards anyone or if he was gesticulating.

Sonja Terpstra: Further to the point of order, President, perhaps without gesticulating so much.

The PRESIDENT: I do not want to create a new ruling. I think people should be allowed to gesticulate.

David DAVIS: People can read the amendments that are proposed. They deal with the gas substitution plan and the war on gas. They deal with the failure to issue enough gas exploration permits. There has not been a proper permit issued since 2013, and you wonder why there are gas challenges

and costs are going up. It condemns the Allan Labor government for the increased regulatory burden and notes the ideological approach.

But I am going to be brief here, because I did have some sort of agreement with the whip that I would not go on endlessly and that if people wanted to speak a little further, including me and others next week, including on the other side, there might be some agreement on that so that others, particularly ones who are named in the motion, had the opportunity to speak.

The Australian Energy Market Operator has released figures in the last few days. People will be aware of those. They are ever so slightly better than a year ago, but they are much worse than just a few years ago. There is a problem in Victoria. There is a problem with supply, and there is a real risk this summer going forward. Nobody should be under any illusions that we are skating on thin ice, that we are right on the edge of the precipice. We have been left there by Labor and their policy in the last decade. That is their fault, their mismanagement, their mistakes, so I will say more about that at a future point.

I did want to very briefly draw the house's attention to a very authoritative piece of material. I think Mr Limbrick would love to read this. This is the sort of thing that boffins read, and I read it from time to time, especially when I have got insomnia. WattClarity by Global-Roam is a site that goes into huge and detailed analysis of what is happening in our energy markets. They asked a question, and this was very recent: 'Are we *still* not building enough replacement firming capacity?' We have got a problem with our energy mix. We have intermittent supplies from some of the lower emission technologies, and we do not have enough firming, and we have got a government that is against gas. Lily D'Ambrosio has gone to war. She has fully declared war on 'fossil gas' as she calls it. She must have said fossil gas 4000 times in the last year. 'Fossil gas' she calls it. Well, she seems to have slowed on the use of fossil gas. I know that because the pollsters are telling her that people quite like natural gas, and they like the choice of gas. I note her federal colleagues said people should have a choice about energy in their homes. The principle that was laid out by Madeleine King and the federal government is that there should be choice on these issues.

Back to WattClarity, and people can go and read this. They talk about the peak requirement for firming capacity, and they look through this and they do some very, very useful graphs that look at the variable renewable energy in what is best understood as a waterfall chart. I quote them at point A:

> In *each* edition of Appendix 4 within GenInsights *Quarterly Updates* we have updated the waterfall diagrams …

And they go on. They lay out the firming capacity on 30 June 2024 in absolute terms. If people want to look at that graph, there is a collapse, there is a fall in the amount of energy that is available. The graph is a straight line down. Look at it. It is like a shocking fall, isn't it? That is the truth. Then they move to the change in installed firming capacity in relative terms. They said:

> In relative terms, we see that we're down *(over)* 4% of the installed … Firming Capacity in the post Hazelwood world …

That is what they are describing. Then looking forward to projected additions and withdrawals, they take three different perspectives. They look at perspective 1, which some might like to use. They said:

> … we'd issue a strong note of caution …

if you were thinking like this. This is where they see a net increase in forward capacity but not all of this capacity will necessarily be delivered. It is kind of optimal: if everything goes well, we might get to that. That is perspective 1. They said:

> However we'd issue a strong note of caution – including for reasons outlined below.
>
> Perspective 2 = isn't it more realistic to *just* consider additions that are (fully) Committed?

The problem is we have got power being withdrawn across the system, including in 2028 in Victoria when Yallourn goes, but the perspective is:

> … isn't it more realistic to *just* consider additions that are (fully) committed?

They said:

> The AEMO uses the term 'Anticipated' for these projects …

anticipated. They said:

> … if we *excluded* those (i.e. Anticipated, but not Committed) …

we have got a fall in the amount of energy in the system, a fall in what is available. This is, again, WattClarity. That is perspective 2, excluding anticipated but not committed new energy developments. Then they went on to say:

> That's not to say that *either* perspective is 'wrong' … just hoping to illustrate that **each projection could yield a *different* narrative** …

So you might look at the glass half full and say it is all going to be hunky-dory; well, I say I am a bit more cautious than that when our whole economy – heating our homes, running businesses, everything – is dependent on this. I am a bit more cautious than that.

They look at things like the Big Battery and other points and various load shedding and so forth. Then they went to perspective 3, excluding anticipated and discounting the system integrity protection scheme. The SIPS – I have to give you a description here of what the SIPS is. This is the actual amount that is available rather than the proposed amount. For example, when the Big Battery was meant to deliver a certain amount there was an actual lesser amount. There is the installed capacity of the battery and any share of the capacity specifically reserved for SIPS. It goes forward on this and says that once you exclude anticipated and you discount for SIPS, the fall is more catastrophic.

I would suggest to people that they look closely at this site. I think it is a very sensible analysis. I note Paul McArdle is the author, and I specifically say this is the kind of analysis that people will understand is very important to be done. What is a realistic way of looking forward at this as you go forward? What will we realistically be able to deal with given load shedding, given the perhaps not fully realised amounts and given the anticipated but not committed power? When you look at that, there is actually a significant fall across the forward period, and I direct people to the WattClarity website, which is I think a very thoughtful and sensible way to examine all of this.

I should conclude now to say that those who would move this motion, like Ms Terpstra, have misunderstood the issues here. We are obviously at a point where the federal coalition clearly has a pro-nuclear policy. We have been quite clear that we are neither for nor opposed. It is not our policy. We have also been in a position where we have said we will discuss these things. We are actually open to sensible discussion. My point is that the WattClarity site – and other similar sites and similar analysis – makes it clear that we have a real problem. I say the solution in the interim in Victoria – in the next two, four, six, eight, 10 years – is gas. Nothing else has a prospect of filling that problem hole that we have got in our system. We need to get on and find more gas. We need to make sure that people can use gas. We need to make sure that the gas contribution to firming the system is there and that the inherently intermittent nature of renewables is backed up by long-term firming gas that actually ensures that we have got a reliable supply.

Lee TARLAMIS (South-Eastern Metropolitan) (17:39): I move:

> That the debate be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until the next day of meeting.

Bills

Health Legislation Amendment (Regulatory Reform) Bill 2024

Introduction and first reading

The PRESIDENT (17:39): I have received the following message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Assisted Reproductive Treatment Act 2008**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Health Services Act 1988**, the **Non-Emergency Patient Transport and First Aid Services Act 2003**, the **Public Health and Wellbeing Act 2008**, the **Radiation Act 2005** and the **Safe Drinking Water Act 2003** in relation to regulatory and enforcement matters and to amend the **Assisted Reproductive Treatment Act 2008**, the **Births, Deaths and Marriages Registration Act 1996**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Epworth Foundation Act 1980**, the **Health Services Act 1988**, the **Human Tissue Act 1982**, the **Public Health and Wellbeing Act 2008** and the **Safe Drinking Water Act 2003** to make minor miscellaneous amendments and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:40): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:41): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Health Legislation (Regulatory Reform) Bill 2024 (the **Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview of the Bill**
>
> The Bill has two main purposes – firstly, to amend seven Acts to provide a modern, streamlined, best practice set of compliance and enforcement tools to enable the Department of Health's Health Regulator to apply a graduated, proportionate and risk-based approach to health regulation in Victoria and to better minimise and prevent the risk of harm to health or safety in Victoria. Secondly, the Bill will amend the *Assisted Reproductive Treatment Act 2008* (**ART Act**) to transfer some of the powers and functions of the Victorian Assisted Reproductive Treatment Authority (**VARTA**) to the Secretary of the Department of Health and remove other functions from the ART Act. VARTA will then cease as a statutory authority.
>
> The Bill will amend legislation (the **relevant health legislation**) in order to implement a baseline compliance and enforcement regulatory toolkit (**regulatory toolkit**) across various health regulation schemes in Victoria. The regulatory toolkit will comprise powers to:
>
> - issue improvement and prohibition notices;
> - accept enforceable undertakings;
> - issue infringement notices for prescribed offences; and
> - issue information or document production notices.
>
> These powers will be conferred on the Secretary of the Department of Health, and in some cases, authorised officers (**Health Regulator**). These powers, where appropriate and necessary, will be accompanied by

additional supporting amendments, including offences for non-compliance or providing false or misleading information, external review rights and service of document provisions. These ensure the powers will operate as intended.

The following legislation will be amended to provide for or amend components of the full regulatory toolkit for the Health Regulator:

- Clause 74 amends the ART Act which regulates the use of assisted reproductive treatment (and artificial insemination other than self-insemination) in Victoria;
- Clause 89 amends the *Drugs, Poisons and Controlled Substances Act 1981* (**DPCS Act**) which regulates the obtaining, possession, use, administration, prescription, sale, supply or manufacture of medicines and poisons;
- Clause 93 amends the *Health Services Act 1988* which regulates private hospitals and day procedure centres and establishes the minimum requirements for the safety and quality of patient care in these health service establishments; and
- Clause 101 amends the *Non-Emergency Patient Transport and First Aid Services Act 2003* (**NPTFAS Act**) which regulates non-emergency patient transport service providers and commercial first aid services providers to promote safe and appropriate services.

Together, these clauses will be referred to as the **full regulatory toolkit clauses**.

The following legislation will be amended to introduce certain elements of the regulatory toolkit:

- Clause 104 amends the *Public Health and Wellbeing Act 2008* (**PHW Act**) to introduce enforceable undertakings and information or document production notices for the regulation of pest control operators, cooling towers and water delivery systems;
- Clause 108 amends the *Radiation Act 2005* to introduce enforceable undertakings and information or document production notices in the regulation of radiation practices and the use of radiation sources; and
- Clause 110 amends the *Safe Drinking Water Act 2003* to introduce the issuing of infringement notices in the regulation of the supply of drinking water.

The ART Act will also be further amended to:

- Transfer VARTA's regulatory powers and functions to the Secretary;
- Establish the Donor Conception Registrar, who will have responsibility for managing the Central Register and Voluntary Register (the **Donor Registers**);
- Transfer VARTA's donor registry functions to the Donor Conception Registrar;
- Remove mandatory requirements relating to counselling that apply before information on the Donor Registers may be accessed or a contact preference lodged;
- Require the Donor Conception Registrar to provide explanatory materials to persons who are currently required to undertake, or be offered, counselling before information on the Donor Registers may be accessed or a contact preference lodged;
- Require a person applying for information from the Donor Registers to provide a 'statement of reasons' for applying, which is provided by the Donor Conception Registrar to a person whose consent is required before information can be disclosed;
- Remove provisions regarding donor-linking services;
- Replace the requirement for pre-approval by VARTA of the movement of donor gametes or embryos formed using donor gametes (**donor formed embryos**) into and out of Victoria with a certification process regulated by the Secretary;
- Provide for regulation making powers to prohibit, or place conditions or requirements on, the movement of donor gametes and donor formed embryos into and out of Victoria in certain circumstances; and
- Broaden the power to impose conditions on the registration of assisted reproductive treatment providers (**ART providers**).

Consequential amendments will also be required to the *Human Tissue Act 1982* and the *Births, Deaths and Marriages Act 2004* (**BDM Act**).

Human rights issues

Abolition of VARTA

The amendments to the ART Act will abolish VARTA and transfer some of its functions and powers to the new Donor Conception Registrar and to the Secretary. Other functions currently performed by VARTA will be removed from the Act. The Bill provides for VARTA's property, rights, liabilities and staff to transfer to the Secretary. The Bill does not alter the content of these property rights, liabilities or other interests, and both the Secretary and the Donor Conception Registrar (once established) will be subject to the obligations under the Charter for public authorities.

Among the transfer of VARTA's powers to the Secretary include powers of entry on to the premises of ART providers, and the seizure of documents under s 119 of the ART Act. The Bill will not materially alter the content of existing interferences with the rights to privacy or property, which I consider to be appropriately prescribed and compatible with the Charter.

The Bill will also remove the legislative requirement for VARTA to provide public education about treatment procedures and the best interests of children born as a result, and the requirements that counselling be offered or undertaken before disclosure of information from the registers or lodgement of a contact preference. Current requirements relating to minors will remain in the Act – where a minor applies to access information from the registers, or is eligible to lodge a contact preference, and they do not have the consent of their parent or guardian, then before the information is disclosed or preference lodged they must have received counselling by a suitably qualified practitioner, who must have confirmed the minor is sufficiently mature. As the removal of these services do not constitute any direct interference with Charter rights nor are relevant to any of the State's positive obligations to protect rights, I am of the view that these amendments do not engage the Charter.

Additionally, the Bill will remove the requirement for the provision of donor-linking services; the facilitation of contact between donors and donor conceived persons; from the ART Act. While this service promoted the right to the protection of families and children (s 17), privacy (s 13) and freedom of expression (s 15), by assisting donor conceived persons to potentially make contact with their donor or other genetic relatives, the repeal of the donor-linking provisions of the ART Act does not interfere with these rights for the purpose of the Charter. Donor conceived persons, their parents, and donors themselves will still be able to access relevant information from the Donor Registers, which will be managed by the new Donor Conception Registrar, and may use this information to make contact with their donors or donor conceived children. I am therefore satisfied that the repeal of the donor-linking provisions does not limit rights under the Charter.

Regulatory toolkit

The establishment of the regulatory toolkit by the Bill in the relevant health legislation, including the ART Act, is intended to improve health outcomes in Victoria by preventing and minimising the risk of harm to health or safety. The new regulatory tools will replace VARTA's oversight of ART providers with a greater range of compliance and enforcement mechanisms, that may instead be utilised by the Secretary or their delegates.

The following rights are relevant to the Bill:

- Right to freedom from forced work (s 11)
- Privacy and reputation (s 13)
- Freedom of expression (s 15)
- Fair hearing (s 24)
- Presumption of innocence (s 25(1))
- Protection from self-incrimination (s 25(2)(k))
- Right not to be tried or punished more than once (s 26)

Right to freedom from forced work

Section 11 of the Charter provides that a person must not be held in slavery or servitude, or made to perform forced or compulsory labour. 'Forced or compulsory labour' does not relevantly include any work or service that forms part of normal civil obligations.

The full regulatory toolkit clauses of the Bill amend the relevant health legislation to give the Health Regulator the power to issue improvement and prohibition notices, and to accept enforceable undertakings. Clauses 104 and 108 amend the PHW Act and Radiation Act respectively, to give the Health Regulator the power to accept enforceable undertakings.

Improvement Notices

The improvement notices require a regulated person who the Health Regulator reasonably believes has contravened, is contravening or is likely to contravene a provision of the relevant legislation or regulations or a condition of a permission, to take specific action, within a specified timeframe, to rectify the contravention, or to cease the contravention, or to prevent a likely contravention from occurring, or to address the matters or activities that caused the contravention. It is an offence to then contravene an improvement notice without reasonable excuse.

Prohibition Notices

Prohibition notices allow the Health Regulator to prohibit a regulated person from engaging in a specified activity if the Health Regulator reasonably believes the regulated person has contravened, is contravening or is likely to contravene the relevant legislation or regulations or a condition of a permission, and prohibiting the conduct or activity is necessary to prevent or minimise the risk of harm to health or safety. Additionally, the Health Regulator may require the person subject to the prohibition notice to take any specified action the Health Regulator reasonably believes is necessary to prevent or minimise the risk of harm to health or safety, or to rectify or cease the contravention, or prevent a likely contravention from occurring or to address the matters or activities that caused the contravention.

Enforceable undertakings

The Health Regulator will have the power to accept enforceable undertakings given by a regulated person relating to a contravention or alleged contravention of the relevant legislation or regulations. The regulated person undertakes to take certain action, or refrain from taking certain action, in order to comply with the relevant legislation or regulations. In turn, no criminal proceeding may be commenced against the person for the contravention or alleged contravention of the relevant legislation or regulations if the enforceable undertaking is complied with, and while it is in force.

Analysis

The compulsion to undertake an activity or to 'do' something as required by an improvement notice, or as may be required in a prohibition notice or enforceable undertaking, may interfere with the right to freedom from forced work, specifically the prohibition on compulsory labour in s 11(2) of the Charter. I am of the view, however, that the right is not engaged, as any required work or action would fall within the scope of the exception to the prohibition in s 11(3) of the Charter, namely work or service that 'forms part of normal civil obligations.' The improvement and prohibition notices and enforceable undertakings can only be given to regulated persons or entities (or those acting on their behalf) who are engaging in a regulated activity and have voluntarily assumed associated responsibilities and obligations. Additionally, the required action or work serves a protective or remedial purpose, being to stop, mitigate or remedy conduct that poses health or safety risks.

If the exception in s 11(3) does not in fact apply, and the right is engaged, I am of the view that any limit on the right is reasonable and proportionate to the legitimate aims of protecting health or safety in Victoria. Any limitation of rights will also be mitigated by various safeguards, including review of an improvement or prohibition notice by VCAT, while enforceable undertakings may only be enforced by the Health Regulator obtaining an order from the Magistrates' Court.

Accordingly, I am satisfied these provisions are compatible with the Charter.

Right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Section 13(b) of the Charter provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by an appropriately circumscribed law.

Information or document production notices

The full regulatory toolkit clauses and clauses 104 and 108 of the Bill, amend the relevant health legislation to empower the Health Regulator to issue a notice for the production of information or documents, which may include health or personal information. An offence for contravention of an information or document production notice has been included in the Bill, as has an offence for providing false or misleading information.

The information or document production notice provisions may interfere with the right to privacy, given they can compel the production of information or documents that may contain personal or sensitive information. However, in my view, any resulting interference will be lawful and not arbitrary, for the following reasons.

First, any interference in a person's private sphere will be limited by the scope of the powers, which only require production of information or documents relevant to monitoring compliance with the relevant health legislation and whether a person has committed a relevant offence. To issue an information or document production notice in the first place, the Health Regulator must first reasonably believe the information or document is in the person's knowledge, possession or control and the information is, or the document contains information that is, necessary for monitoring a regulated person's compliance with the relevant Act or regulations or determining whether an offence has been committed. This threshold limits the personal or health information that would be disclosed.

Secondly, the information or document production notice serves the important purpose of ensuring compliance with legislation that protects health or safety. Safeguards are also included in the Bill including that certain required matters are to be included in a notice, a right of review of an information or document production notice by the Victorian Civil and Administrative Tribunal (**VCAT**), and a reasonable excuse defence in the offence provisions.

Finally, the production of information and documents under the changes to the relevant health legislation will also be subject to the privacy principles in the *Privacy and Data Protection Act 2014* and *Health Records Act 2001* in relation to how personal and health information is collected, handled and disclosed. These requirements impose additional safeguards to ensure that personal and health information collected through a document the subject of an information or document production notice is dealt with appropriately.

I therefore consider that the production of information and documents provisions in the Bill are compatible with the right to privacy.

Publication or display of improvement or prohibition notices, enforceable undertakings or the failure to comply with enforceable undertakings

The full regulatory toolkit clauses of the Bill include provisions allowing the Health Regulator to require a person, to whom an improvement notice or prohibition notice is given, to display a copy of the notice in a specified manner. These clauses, and clauses 104 and 108 of the Bill relating to enforceable undertakings, also contain a provision allowing the Health Regulator to publish details of an enforceable undertaking on the Department's Internet site. Further, if the Health Regulator obtains an order from the Magistrates' Court for the enforcement of an enforceable undertaking, and a person is found in contempt of court for contravening such an order, the Health Regulator may publicise this contravention on the Department's Internet site.

The display or publication of a person's contravention of a provision of an Act, regulations or a permission or an enforceable undertaking may interfere with the right to privacy (including the right not to have one's reputation unlawfully attacked under s 13(b) of the Charter). However, I do not consider that this right would be limited, as the publication of information that might constitute an 'attack on reputation' is pursuant to properly circumscribed law, and in the case of enforceable undertakings, follows appropriate judicial oversight of the person's non-compliance with the enforceable undertaking. Further, the legislation aims to protect Victorian health or safety – including protecting the safety of those undertaking assisted reproductive treatment, and regulating health services, medicines and poisons – and the publication of non-compliance with relevant court orders is necessary and proportionate to fulfil this important purpose.

Improvement and prohibition notices and enforceable undertakings

The improvement and prohibition notices and enforceable undertaking powers may also interfere with the right to privacy, as they may compel a person to 'do' something. I am of the view, however, that the right to privacy is not limited, as the requirements to undertake a specified activity will largely fall outside of a person's private sphere and therefore the scope of the right. Where prohibition notices or enforceable undertakings prevent a person from working and forming relationships at work, such that the privacy right may be interfered with, the interference is minimal, and is not arbitrary, as it is in accordance with a law that is proportionate to the legitimate purpose of minimising the risk of harm to health or safety.

Statement of reasons before release of information by the Donor Conception Registrar

Clause 16 of the Bill amends s 56(3) of the ART Act to require applicants for information on the Central Register to include a written statement of reasons with their application. This application will be made to the Donor Conception Registrar, who must in turn provide the applicant with prescribed explanatory material. Clause 54 then inserts new s 67AA into the ART Act, which provides that an applicant's statement of reasons must be given to a person who needs to consent to the release of information on the Central Register. Clause 62 of the Bill then amends s 72 of the ART Act to require that a person who needs to consent to disclosure of information from the Voluntary Register must also be given the applicant's statement of reasons, in addition to prescribed explanatory material. So, if for example, a parent of a donor conceived person applies for information from the Central Register regarding a donor, they must provide a statement of reasons with their

application, which will then be provided to the donor by the Donor Conception Registrar, before they may then consent to the release of the information.

The requirement for the disclosure of a statement of reasons to another person, such as a donor, engages the right to privacy. However, I do not consider that the right is limited, as any interference with privacy is not arbitrary, as it would be pursuant to a properly circumscribed law that is proportionate to its purpose of enabling the safe disclosure of information to people involved in donor conception treatment, and allowing people to identify and make contact with their genetic relatives. The Donor Conception Registrar will be responsible for receiving and then disclosing the statement of reasons, so will act as an intermediary between the two parties and will have a role in safeguarding privacy. Further, a person will only be required to provide the statement of reasons if they voluntarily decide to seek information from the Donor Registers, and the information will be subject to the confidentiality protections set out in sections 66A and 66C of the ART Act.

Accordingly, I am of the view that clause 16 of the Bill is compatible with the right to privacy.

Certification requirement for the movement of donor gametes and donor formed embryos into and out of Victoria

Clause 6 of the Bill amends s 36 of the ART Act to permit a person to bring donor gametes or donor formed embryos into or take them out of Victoria if they provide a certification to the Secretary that attests certain requirements have been complied with. These matters include that the relevant donor has given consent for the movement, storage and use of their gametes or the donor formed embryos, that the donor has received counselling, and that the donor has provided information required to be kept on the Donor Registers. Although the process of certification does not require any personal or health information to be disclosed, clause 6 also inserts a new section 36D into the ART Act which requires the certifying person to keep a written record of the matters certified by that person under section 36. New section 36D(2), which requires the certifying person to keep written records of the prescribed matters for a prescribed period after the certification is made is an offence provision. It is likely that the certifying person will be required to keep records of the personal and health information of donors of gametes in order to comply with section 36D. This may constitute an interference with the right to privacy.

I am of the view, however, that the privacy right will not be limited, as any interference will be pursuant to a properly circumscribed law, and will be proportionate to the legitimate purpose of regulating the use, and maintaining the safety of, donor material used in assisted reproductive treatment.

Right to freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Offence to provide false or misleading information

The full regulatory toolkit clauses, and clauses 104 and 108 regarding information or document production notices, include provisions making it an offence to provide false or misleading information.

These offence provisions might be considered to amount to an interference with freedom of expression, in particular, the right to impart ideas. However, this right is qualified in that it may be subject to restrictions that protect public order, health and safety or the rights of others. In this case, the Bill aims to protect the health or safety of Victorians by strengthening compliance and enforcement mechanisms of various regulated health related areas such as assisted reproductive treatment. The offence provision supports the power of the Health Regulator to require regulated persons to provide information or documents that relate to potential contraventions of the relevant health legislation. The information or documents need to be true and accurate in order for the Health Regulator to monitor compliance with the legislation, and ultimately protect the health or safety of Victorians.

Accordingly, I am of the view that the offence provisions for the information or document production notices in the Bill fall within the qualification of the right, such that the right to freedom of expression is not limited.

Fair hearing

Section 24(1) of the Charter relevantly provides that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision-makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided.

However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Improvement, prohibition and information or document production notices and enforceable undertakings

While the improvement and prohibition notices, production of information and documents notices and enforceable undertakings mechanisms may interfere with the fair hearing right, as they may be imposed on a person unilaterally and impact their rights and interests by requiring them to 'do' or 'not do' a certain thing, I am of the view that the right is not limited. This is because procedural fairness safeguards have been included in the Bill, including the right of review of the notices by VCAT, and oversight of the enforcement of enforceable undertakings by the Magistrates' Court. The Bill also requires the notices to contain detailed information pertaining to the conduct that is alleged to have contravened the relevant legislation and that has prompted the issue of the notice, as well as information regarding the person's review rights.

I am therefore satisfied that the improvement, prohibition and information or document production notice provisions of the Bill, and the enforceable undertaking provisions, are compatible with the right to a fair hearing under the Charter.

Specific conditions to be imposed on ART providers

Clause 66 of the Bill inserts s 75A into the ART Act to empower the Secretary to impose specific conditions on the registration of a registered ART provider relating to any matter relevant to their provision of services. A specific condition is distinct from the prescribed general conditions imposed on all registered ART providers following the amendment of s 75 of the ART Act, also by clause 66 of the Bill. Clause 66 then inserts new s 75D into the ART Act to make it an offence for an ART provider to contravene a general or specific condition of registration.

The imposition of specific conditions of registration on ART providers without a hearing, the contravention of which is a criminal offence, is relevant to the right to a fair hearing. I am satisfied, however, that the fair hearing right is not limited, because clause 66 includes written notice requirements of the pending imposition of the specific condition, and allows for an ART provider to make written submissions in response, which must then be taken into consideration by the Secretary. The ART provider would then have a right of judicial review of the decision under administrative law. Finally, an ART provider is a regulated role attracting special responsibilities and duties, including to comply with conditions of registration imposed by the Secretary, to which a person voluntarily assumes when engaging in registration under the scheme.

I am therefore of the view that clause 66 and the imposition of specific conditions on ART providers' registration, is compatible with the right to a fair hearing.

Right to be presumed innocent

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

Offences to contravene improvement, prohibition or information or document production notice, and to provide false and misleading information

As outlined above, the full regulatory toolkit clauses and clauses 104 and 108 of the Bill, contain offences relating to contravention of an improvement, prohibition or information or document production notice without reasonable excuse. These clauses also provide for the offence of providing false or misleading information in responding to an information or document production notice, with the provisions creating an exception to the application of the offence if the person believed on reasonable grounds that the information or document was true or not misleading.

By creating a 'reasonable excuse' or 'reasonable grounds for belief' exception, these offences place an evidential burden on the accused, in that they require the accused to raise evidence of a reasonable excuse or belief. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse or belief, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent.

Offence to certify a false or misleading matter or to contravene a general or specific condition of registration – ART Act

Clause 6 of the Bill inserts new s 37A into the ART Act, and provides that in certifying certain matters in relation to the movement of donor gametes or donor-formed embryos into or out of Victoria, it is an offence to certify a false or misleading matter. New s 37A provides a defence if the person believed on reasonable grounds that the matter was true or not misleading.

Clause 66 of the Bill creates a new s 75D in the ART Act, which provides that it is an offence for an ART provider to contravene a general or specific condition of their registration without reasonable excuse.

As discussed above, the right to the presumption of innocence would not be limited by a defence of reasonable excuse or 'belief on reasonable grounds' because once an accused provides evidence of this excuse or belief, the prosecution must prove the relevant elements of the offence, such that the legal burden of proof remains always with the prosecution.

I am therefore of the view that clauses 6 and 66 of the Bill are compatible with the presumption of innocence.

Right against self-incrimination

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

Information or document production notices

As discussed above, the full regulatory toolkit clauses and clauses 104 and 108 of the Bill, provide for the compulsory production of information and documents via information or document production notices issued by the Health Regulator. It is an offence to contravene an information or document production notice without reasonable excuse. The compulsory production of documents or information may interfere with the right against self-incrimination, as a person may be forced to provide information or documents that might contain incriminating material.

The information or document production notice offence provisions provide that a person may refuse or fail to provide any information specified in the notice if to do so would tend to incriminate them. There is no such protection from self-incrimination in respect of document production notices – the Bill expressly excludes the protection against self-incrimination as a reason not to produce a document. However, the full regulatory toolkit clauses and clauses 104 and 108 of the Bill do provide further safeguards, in that any document produced by a natural person under an information or document production notice that might tend to incriminate the person is not admissible in a criminal proceeding against the person, unless they are required by law to keep the document, or the proceeding relates to false or misleading information included in the document. The Bill also includes a right for VCAT to review the decision to issue the information or document production notice.

At common law, the protection accorded to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are brought into existence to comply with a request for information. The compulsion to produce pre-existing documents that speak for themselves is in strong contrast to testimonial oral or written evidence that is brought into existence as a direct response to questions. Accordingly, any protection afforded to documentary material by the privilege is limited in scope and not as fundamental to the nature of the right as the protection against the requirement that verbal answers be provided. This is particularly the case in relation to a regulatory regime where a person has assumed a role attracting special responsibilities and duties, including record keeping requirements for the purpose of demonstrating compliance with regulation.

In view of the protection against self-incrimination offered by the Bill in respect of the production of information, the limited protection afforded at common law to pre-existing documents such as those that might be subject to an information or document production notice in the Bill, and the safeguards referenced above, including the oversight of the powers by VCAT, I am of the view that the right against self-incrimination is not limited by the information or document production notice powers provided by the Bill.

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Suspension of ART providers

Clause 67 of the Bill amends s 76 of the ART Act to transfer the power to suspend the registration of ART providers, for a contravention of a condition of their registration, from VARTA to the Secretary. Additionally, clause 67 inserts a new s 76(1)(ab) into the ART Act to empower the Secretary to suspend the registration of an ART provider if the Secretary reasonably believes that the provider has contravened a provision of the

ART Act or the regulations. Clause 68 then amends s 77 of the ART Act to empower the Secretary, rather than VARTA, to immediately suspend a provider's registration if there is an overriding public interest.

The suspension of an ART provider's registration for contravention of a condition of their registration or of the ART Act or regulations is relevant to this right, if the provider is also prosecuted for an offence under the ART Act or any other legislation for the same conduct. However, I am of the view that the right not to be tried or punished more than once is not limited, because sanctions imposed by professional disciplinary bodies or regulators do not usually constitute a form of 'punishment' for the purposes of this right. The suspension of ART providers' registration has a preventative rather than a punitive purpose – to protect users of assisted reproductive treatment – and is not a criminal sanction imposing personal liability.

Should this right in fact be limited, I am of the view that any limitation is justified under s 7(2) of the Charter, in that the suspension of registration is reasonable and proportionate to the legitimate aim of protecting and promoting the quality and safety of assisted reproductive treatment in Victoria.

Hon Ingrid Stitt MP
Minister for Mental Health
Minister for Ageing
Minister for Multicultural Affairs

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:41): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

Introduction

The Bill will make amendments to regulatory frameworks in seven Acts to modernise, streamline and strengthen compliance and enforcement powers to support a graduated, proportionate and risk-based approach to regulation by the Department of Health's Health Regulator, and prevent or minimise the risk of harm to the health or safety of Victorians.

The Bill will also amend the *Assisted Reproductive Treatment Act 2008*, to improve regulation of assisted reproductive treatment by transferring the regulatory function to the Department of Health and strengthening compliance and enforcement powers. It will also transfer management of the donor conception registers to a new Donor Conception Registrar employed in the Department of Health. As a result of these reforms the Victorian Assisted Reproductive Treatment Authority (commonly known as VARTA) will cease to be established as a statutory authority under the Assisted Reproductive Treatment Act.

Improved compliance and enforcement tools for health regulation

Health regulation plays a key role in minimising or preventing risk of harm to the health or safety of Victorians and contributes to the vision of a Victoria free of the avoidable burden of disease and injury, so that all Victorians can enjoy the highest attainable standards of health, wellbeing and participation at every age.

The Department of Health has a diverse range of regulatory responsibilities including in relation to child safety, communicable disease, medicines and poisons, legionella risk management, pest control, radiation safety, food safety, private hospitals and day procedure centres, non-emergency patient transport and first aid service providers, tobacco and e-cigarettes, and safe drinking water. The Bill also proposes to transfer regulation of assisted reproductive treatment from VARTA to the Department.

Most of the Department's regulatory functions are now consolidated in the Health Regulator – a branch of the Department established in early 2024 to consolidate regulatory functions and enable the Department to adopt a more consistent, risk-based regulatory approach.

To perform regulatory functions effectively, regulators should be equipped with a best-practice regulatory toolkit that provides compliance and enforcement powers to enable them to take a risk-based, effective, graduated and proportionate approach to compliance and enforcement. Some health regulation schemes have not kept pace with modern best-practice regulatory design and do not include common mid-range compliance and enforcement powers, limiting the ability of the regulator to take graduated, risk-based and proportionate regulatory action to prevent harm. This is why this Bill modernises compliance and enforcement powers across a number of health regulation schemes.

The Bill improves the compliance and enforcement powers in the Assisted Reproductive Treatment Act, the *Drugs, Poisons and Controlled Substances Act 1981*, the *Health Services Act 1988*, the *Non-Emergency*

Patient Transport and First Aid Services Act 2003, the *Public Health and Wellbeing Act 2008*, the *Radiation Act 2005* and the *Safe Drinking Water Act 2003*.

The Bill ensures that these Acts include powers for the regulator to issue improvement or prohibition notices, to issue an information or document production notice, to issue infringement notices for prescribed offences, and to accept an enforceable undertaking. The amendments in the Bill and the addition of these powers will enable the Health Regulator to choose the right tool at the right time to respond to non-compliance proactively as well as reactively, and to prevent or minimise the risk of harm to health or safety.

Regulation of assisted reproductive treatment

The Bill will amend the Assisted Reproductive Treatment Act to transfer regulatory functions under the Act from VARTA to the Secretary, Department of Health and make other reforms to improve regulation of the sector.

Victoria has long been a leader in the provision and regulation of assisted reproductive treatment. The first Australian IVF baby was born in Victoria in 1980, and Victoria was the first jurisdiction in the country to provide legislative safeguards for individuals undertaking assisted reproductive treatment through the *Infertility (Medical Procedures) Act 1984*. Victoria was also the first Australian jurisdiction to recognise the needs of people conceived through donor treatment procedures to have access to information about their genetic heritage.

Although assisted reproductive treatment has become an increasingly common way for Victorians to start or grow their families, specific regulation of this sector – including donor conception treatment – remains important to provide safeguards for the children who may be born as a result of treatment, donors, surrogates, and those undertaking treatment. It is critical that we have a modern, fit-for-purpose regulator with the expertise and tools they need to protect and support Victorians.

VARTA currently regulates assisted reproductive treatment in Victoria. To improve the regulation of the sector, including to address certain recommendations in the *Final Report of the Review of Assisted Reproductive Treatment* undertaken by Michael Gorton AM (the Gorton review), the amendments will make changes to the functions currently performed by VARTA under the Assisted Reproductive Treatment Act. The regulation of assisted reproductive treatment will be transferred to the Secretary, Department of Health. The reforms will also introduce new compliance and enforcement powers to the legislation and new offences, to align with other health regulatory schemes and address issues specific to the sector.

The management of the donor conception registers will be transferred to a new Donor Conception Registrar, which will be located within the Department of Health, administratively separate from the regulatory functions. Counselling before information being accessed from the registers or a contact preference being lodged will transition from mandatory to voluntary, respecting the rights of individuals to make an informed choice about their needs. Counselling will remain mandatory before consenting to treatment or consenting to be a donor. The Assisted Reproductive Treatment Act will continue to require that people are provided with the information they are entitled to from the donor conception registers in a supportive way and that they have access to resources to help them make informed decisions. As part of this, the amendments in the Bill introduce requirements for the Donor Conception Registrar to provide information to people who are making applications to the registers, or whose information might be released from the registers, to assist them to navigate the issues that might arise.

We know that while donor conception is an increasingly common method of family formation, it can present unique challenges and complexities for those involved. That is why the proposed reforms include plans to deliver funding for an appropriate organisation, with suitably qualified and experienced counsellors, to deliver quality, culturally safe counselling, for those involved in accessing the registers and who wish to access counselling.

VARTA's public education, research promotion and community consultation functions will be removed from the Assisted Reproductive Treatment Act. The Victorian Government recognises that resources developed and published by VARTA over many years are highly valued, and is committed to continuing to make those available through non-legislated arrangements.

The Victorian Government is committed to upholding the guiding principles in the Assisted Reproductive Treatment Act, including that the welfare and interests of persons born or to be born as a result of treatment procedures are paramount. These amendments are intended to allow the protections in the legislation to operate most effectively as safeguards for Victorians – including persons born as a result of treatment procedures, those seeking and receiving ART treatment, and others involved in donor conception.

The amendments are also intended to reflect changes since VARTA was established, that include significant clinical and social advances in relation to fertility treatment. The specialised aspects of assisted reproductive treatment as a health service will continue to be recognised. It is also acknowledged that assisted reproductive

treatment raises issues that are not common to other health services – for those accessing treatment, for people conceived through donor treatment procedures, and for donors and surrogates – and that these issues may require specific legal protections. However, the changes recognise that the most effective avenue of support for those who are involved or impacted may not require legislated functions delivered by a regulatory agency.

In line with a recommendation of the Gorton Review, the amendments will reduce unnecessary regulatory barriers for movement of donor gametes or embryos formed from them into or out of Victoria while maintaining effective safeguards and existing requirements, including those relating to counselling, consent and provision of information for the registers. The requirement to have pre-approval from the regulator before moving donor eggs or sperm (or embryos formed from them) into or out of Victoria, will be replaced with a requirement to certify specific criteria have been met, providing additional clarity and reducing delays.

A Donor Conception Advisory Group, made up of experts and lived experience advocates will be established to assist with the implementation of the reforms and provide ongoing advice and expertise in relation to donor conception.

Other amendments

The Bill makes minor or miscellaneous amendments to a number of Acts. The Bill amends the Drugs, Poisons and Controlled Substances Act to enable the Minister to amend the Victorian Poisons Code to remove, substitute or incorporate amended provisions from the Poisons Standard relating to the supply or possession of certain scheduled medicines.

The Bill will rectify an error in the general immunity provision in the *Public Health and Wellbeing Act 2008* to make it consistent with the Government policy and guidelines: indemnities and immunities.

The Bill removes the definition of *Epworth Hospital from the Epworth Foundation Act 1980* as the definition is not relevant to any substantive provisions in the Act and may unnecessarily create confusion about the current corporate structure of Epworth Healthcare and the Epworth Foundation.

The Bill will amend the definition of water supplier in the Safe Drinking Water Act by substituting "Alpine Resorts Victoria" for "Alpine Resort Management Board" to reflect updates to the *Alpine Resorts (Management) Act 1997*.

The Bill will make some other minor amendments to reflect machinery of government changes and make statute law amendments.

Conclusion

This Bill will enable the Health Regulator to more effectively minimise risks to the health and safety of Victorians. The amendments to the Assisted Reproductive Treatment Act will improve the regulation of assisted reproductive treatment to better protect Victorians, simplify access to information from the donor conception registers, and reduce unnecessary barriers related to accessing donor gametes.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:41): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Melbourne Convention and Exhibition Trust Amendment Bill 2024

Introduction and first reading

The PRESIDENT (17:41): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Melbourne Convention and Exhibition Trust Act 1996** to change the name of that Act, to change the name of the Melbourne Convention and Exhibition Trust and to modernise governance and operational provisions and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:42): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:42): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Melbourne Convention and Exhibition Trust Amendment Bill 2024.

In my opinion, the Melbourne Convention and Exhibition Trust Amendment Bill 2024, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Bill is to amend the Melbourne Convention and Exhibition Trust Act 1996 (the MCET Act) to introduce a framework that supports the MCET Act's principal function of managing convention and exhibition facilities in Victoria. The Bill is an important part of the government's initiative to modernise and reform the MCET Act. The Bill:

a) changes the name of the Melbourne Convention and Exhibition Trust (MCET), to Victorian Convention and Event Trust (VCET)

b) enables the Minister to determine additional functions for the MCET, to meet the broader statewide coverage, and the changing needs of Victoria's tourism and events industries in response to changed market conditions due to the COVID-19 pandemic

c) updates the functions of the MCET to modernise MCET membership and governance arrangements to strengthen and balance the suitable skills and professional duties of the members of MCET in line with contemporary practices

d) also provides for the MCET's additional functions as the operator of the new Geelong Convention and Event Centre (GCEC), which will open in 2026

e) would not affect the continuity of the Trust as a legal entity.

I consider that that the amendments under the Bill do not engage or limit any rights under the Charter.

Human Rights Issues

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

The Bill does not raise any human rights issues.

Consideration of reasonable limitations – section 7(2) of the Charter Act.

As the Bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter Act.

Hon Gayle Tierney MP
Minister for Skills and TAFE
Minister for Regional Development

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:42): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

I want to start by commending the Trust, the Hon John Brumby, and all the Trustees, the CEO Natalie O'Brien and all the team for running such an important asset with professionalism and efficiency.

Overview

The Bill will amend the *Melbourne Convention and Exhibition Trust Act 1996* (the Act) to change the name of that Act and the name of the Melbourne Convention and Exhibition Trust (the Trust), expand the functions of the Trust to meet the changing needs of Victoria's tourism and events industries, and to modernise governance and operational provisions.

Introduction

The Trust is the operator of the Melbourne Convention and Exhibition Centre (MCEC), Victoria's and Australia's premier convention and exhibition facility and an important government-owned economic asset.

The Trust is responsible for the development, promotion, management, operation and use of convention and exhibition facilities in Victoria, including the use of those facilities and services for entertainment purposes.

While the Act has adequately served as the Trust's governing legislation to date, there is now a need to modernise and reform the Act.

Reflect the Trust's new role as the operator of GCEC

The Bill will rename the Trust as the Victorian Convention and Event Trust.

The Trust will be the operator of the new Nyaal Banyul Geelong Convention and Event Centre (GCEC), which is scheduled to open in 2026. GCEC will be a major driver of jobs and economic growth to Victoria, particularly regional Victoria, supporting new jobs during construction and additional ongoing jobs through operation.

There is broad support from regional and other key stakeholders that the name of the Act and the Trust be updated to reflect the Trust's new role in regional Victoria.

Support Victoria's tourism and events industries

The Bill will allow for the functions of the Trust to be expanded via a determination by the Minister, if required, to meet the emerging needs of Victoria's tourism and events industries.

The tourism and events industries make an important contribution to Victoria's economy through direct spending, employment and investment, and they face ongoing challenges across many fronts, including substantial workforce and skills challenges.

As the operator of MCEC (Melbourne's pre-eminent convention and exhibition venue) and the new GCEC venue (which is poised to become the state's pre-eminent regional convention and event venue), there may be a broader role for the Trust to support the sector to address existing and emerging issues and challenges. Examples of potential opportunities for the Trust could include delivering training to support the needs of the sector, becoming a registered training organisation, or showcasing the industry and strengthening career pathways through, for example, a centre of excellence.

The Bill provides the flexibility to determine and confer the Trust with additional functions, as required, to support Victoria's tourism and events industries, subject to a determination of what the function is and that any determination be published in the Government Gazette.

Contemporise governance arrangements

The Bill will modernise Trust membership and governance arrangements, and support its new responsibilities.

The Bill will increase the maximum number of Trust members from 7 to 9, appointed by the Governor in Council, to reflect the additional responsibilities of the Trust as the operator of GCEC and its expanded functions proposed in this bill.

The Bill will enable the appointment of a Deputy Chairperson and Acting Chairperson to ensure better coverage should the Chairperson be absent or unable to perform duties.

The Bill will expand the scope of conduct that allows for a member to be removed or suspended to ensure greater consistency with comparable statutory authorities within the Tourism and Major Events portfolio, such as the Puffing Billy Railway Board.

The Bill will amend the automatic vacancy provisions of members to provide that the office of a member of the Trust becomes automatically vacant where the member becomes insolvent under administration, rather than bankrupt, as this is considered more appropriate terminology.

The Bill will clarify powers and responsibilities of temporary members of the Trust, including clarifying that a person, acting as a member, will have the same voting rights as an appointed member.

Conclusion

The Bill will amend the Act to support the Trust's new role as the operator of GCEC, and will modernise Trust membership and governance arrangements.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:42): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Residential Tenancies and Funerals Amendment Bill 2024

Introduction and first reading

The PRESIDENT (17:42): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Residential Tenancies Act 1997** in relation to Part 4A parks, to amend the **Funerals Act 2006** in relation to funeral goods and services price lists and coffin price lists and for other purposes.'

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:43): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Enver ERDOGAN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:43): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the **Residential Tenancies and Funerals Amendment Bill 2024**.

In my opinion, the Residential Tenancies and Funerals Amendment Bill 2024 (the Bill), as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Residential Tenancies Act 1997* (RT Act) to introduce reforms to strengthen consumer protections for site tenants of residential parks. Key reforms include requiring site agreements to be in a standard form, strengthened pre-contract disclosure requirements, and ensuring transparency around the method used by site owners in calculating rent increases. It will be an offence to prepare or authorise the preparation of a site agreement that is not in the prescribed standard form, punishable by a fine of up to 25 penalty units. The Bill will also amend the *Funerals Act 2006* (Funerals Act) to enhance funeral price disclosure requirements. The reforms will bring Victoria into line with other states by requiring funeral service providers to display their goods and services price list on their website and at their business premises, in a form and with details to be prescribed in regulations. It will be an offence to fail to comply with the price disclosure requirements, punishable by a fine of up to 60 penalty units.

Human rights issues

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

- The right to privacy and reputation (section 13);

- The right to freedom of expression (section 15).

Right to privacy and reputation

Section 13 of the Charter provides that a person has the right not to have their privacy unlawfully and arbitrarily interfered with and the right not to have their reputation unlawfully attacked.

Clause 5 of the Bill provides for expanded pre-contractual disclosure of information to a prospective site tenant of a residential park. A site owner will be required disclose a range of information to site tenants to better enable them to make an informed decision to enter into a site agreement. Information to be disclosed may include a range of personal information relating to the site owner or owner of the residential park, including their name, address, and contact details. Non-compliance with the disclosure requirements will be an offence, punishable by a fine of up to 60 penalty units. The Bill may engage the right to privacy under section 13(a) of the Charter to the extent that clause 5 expands the nature and extent of personal information that a site owner must disclose to a prospective site tenant.

Clause 3 of the Bill will also require site agreements to be in a prescribed form. The contents and form of the prescribed form site agreement will be set out in regulations. However, it is intended that the prescribed form site agreement would also require the disclosure of a range of personal information pertaining to both the site owner and the site tenant, including names, current addresses, contact details, Australian Corporations Number (if relevant). The Bill may engage the right to privacy under section 13(a) of the Charter in the unlikely event that clause 3 requires a site owner and a site tenant to disclose more personal information in the prescribed site agreement than is currently required.

However, in my view, any interference with the right to privacy will not be unlawful. The Bill will only require, or enable, the disclosure of limited information in circumstances that are confined by the regulatory framework for residential parks under Part 4A of the RT Act. Any such interference would also not be arbitrary in the sense of resulting from unpredictable, unjust, or unreasonable conduct. Disclosure of personal information under the Bill is fundamental to the equitable transacting between a site tenant and site owner, ensuring site tenants are provided with the necessary information to properly inform in their decision to enter into a site agreement. Accordingly, I consider that the Bill is compatible with the right to privacy.

Right to freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression. This includes the freedom to seek, receive and impart information and ideas of all kinds – whether orally, in writing, in print or by way of art or other medium chosen by that person. The right to freedom of expression is generally considered to encompass the right not to impart information.

Clause 3 will require site agreements to be in a prescribed form. This requirement will take effect for all new site agreements that are entered into on and from 1 August 2025. In doing so, the Bill amends section 206F of the RT Act to provide that any other additional term of a site agreement must not be inconsistent with the prescribed form of site agreement. Any such additional term will be void. This may engage the right to freedom of expression enjoyed by both site tenants and site owners by constraining their ability to impart information and ideas through agreed additional terms of a site agreement.

Clause 9 of the Bill will also require funeral service providers to publish on their website and display at their business premises the providers' goods and services price list, and their coffin price list, whether that be in one or two separate lists. Clause 10 will also enable regulations to be made prescribing the form and particulars for the goods and services price list and coffin price list to be published online or physically displayed. Non-compliance with this disclosure requirement will be an offence, punishable by a fine of up to 60 penalty units. Although this reform will not prevent funeral service providers from displaying their price lists through other mechanisms, it may nevertheless engage the right to freedom of expression by compelling funeral service providers to impart information via the specified media of the internet and public display, in a form and including particulars not determined by the funeral service provider.

To the extent that the Bill engages the freedom of expression under section 15(2), I consider that the right is not limited as any such impact of these amendments is necessary to protect the rights of the public, including those in the market as a prospective site tenant as well as consumers of funeral goods and services. The amendments are required to ensure that consumers are not subject to unfair or unclear contract terms included in addition to the prescribed form of site agreement, and that consumers can make a fully informed decision to acquire funeral goods and services with transparency of relevant costs.

Hon Enver Erdogan MP
Minister for Corrections
Minister for Youth Justice
Minister for Victim Support

Second reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:43): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

We know the provision of information is critical to Victorians exercising their rights and driving compliance with consumer laws. This Bill includes a package of reforms that ensures Victorians have the appropriate information when making critical decisions about their housing arrangements or when making funeral arrangements following the passing of a loved one.

Enhanced protections for residents of residential parks

The Victorian Government is committed to delivering new protections for Victorians living in residential parks and supporting them to make informed choices about their housing. Residential parks are regulated under Part 4A of the Residential Tenancies Act 1997 (Residential Tenancies Act) and are commonly marketed as a lower cost or alternative accommodation option for Victorians. Residents living in residential parks usually own a moveable dwelling (a small house) and rent the underlying site (land) from the owner, who are often land lease companies. With the existing pressure on Victoria's housing market, more and more Victorians are turning to residential parks and there has been a substantial growth in the land lease industry. This pressure presents new risks as the market is not well regulated - information on caravans and moveable dwellings is registered with local councils, but there are few protections for residents who lease land. The Bill will amend the Residential Tenancies Act to strengthen consumer protections and clarify rights and obligations to better support these vulnerable cohorts.

In this Bill we will introduce targeted reforms which address concerns raised by residents and their advocates. These issues were identified as part of the consultation on the Victorian Government's review of the *Retirement Villages Act 1986*. We will amend Part 4A of the RT Act to require site agreements to be in a prescribed standard form, prescribe specified methods for calculating rent increases, and strengthen pre-contract disclosure requirements. Regulations will be made to prescribe the relevant details.

These reforms will improve clarity and transparency for consumers entering residential park contracts, better support residents to make informed choices about entering, living in, and leaving a residential park and will respond to concerns raised by residents and their advocates.

We know that there is more work to do to ensure that the rights of residents are protected; this is the first step in strengthening protections for these Victorians.

Strengthening funeral price transparency

The Victorian Government is also committed to increasing transparency on funeral pricing to support Victorians to make informed choices when they are grieving and vulnerable. *The Funerals Act 2006* does not currently require funeral providers to display their price list online or at their business premises. As a result, consumer advocates have raised concerns about the lack of pricing transparency in Victoria.

To increase transparency, the Bill will require providers to display a price list for all goods and services on their online business website and in a prominent position at their business premises. Funeral providers will also be required to publish and display a coffin price list in the same place. A failure to comply with the display requirements will be an offence.

The Bill will enable regulations to be made that set out the prescribed form for the price list and the particulars that must be displayed online and at the funeral service provider's business premises.

These reforms will bring Victoria into line with the law in other jurisdictions that have already enacted funeral pricing transparency reforms, including New South Wales, Western Australia and Queensland, and support consumers to make informed choices at a very difficult time.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:44): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (17:44): I move:

That the house do now adjourn.

Health funding

Georgie CROZIER (Southern Metropolitan) (17:44): (1101) I have an adjournment matter for the Minister for Health, and it is in relation to the budget cuts to health services that have been in the news for many months now. As we know, in May the minister wrote to Victorian health services, telling them their budgets would be cut significantly. The department secretary followed up with a letter, almost echoing the words of the minister in his letter. The minister at the time of her letter said that there would be no further funding provided. There was quite a concern around the community, as you could understand. Many Victorians were very concerned about what these funding cuts were going to do – the loss of services, loss of jobs and a loss of a local voice – and there were rallies around Victoria. The community came out in force to speak about the funding cuts. The government then were forced to make an announcement on 8 August that they would provide $1.5 billion of extra health funding, after the sustained campaign that I spoke about. The Treasurer at the time was most upset. He was sort of having a bit of a go at the Premier and the Minister for Health on it and actually gave them a bit of a swipe in passing with his words.

It is actually very concerning, because there has been no transparency around this funding and no detail on the carve-up of the funding, the $1.5 billion. We are still in the dark about which health services are getting what from that $1.5 billion. The minister herself has said there will be no frontline services cut. Yet a lot of back-of-house roles that are going to be subjected to these cuts are held by women. They rely on these jobs to support their families, and in a cost-of-living crisis this is going to have a massive impact on thousands of women right across the state who are going to lose their jobs. So the action I seek is for the minister to provide what advice she has received as to how many women working in these back-office roles will lose their jobs as a result of the government's budget cuts.

Financial discrimination

David LIMBRICK (South-Eastern Metropolitan) (17:47): (1102) My adjournment matter today is for the attention of the Attorney-General and is related to the issue of debanking. I raised this issue a couple of times during the last term of Parliament. It is an issue that affects sex workers, bitcoin traders, gold bullion dealers, firearm dealers and others. It is also not unique to Australia, and as with other jurisdictions it is usually tied to anti money laundering and terrorism financing laws. These laws create a risk-averse environment, particularly when poorly drafted. Our federal laws are indeed poorly drafted, particularly section 235 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006. This was noted nearly 20 years ago by the Australian Human Rights Commission, which identified the possibility of this clause enabling discrimination.

Matthew Roberts, a sex worker here in Victoria, recently concluded legal action against Mint Payments and First Data Merchant Solutions in the Magistrates' Court, with Maurice Blackburn acting on his behalf. This was enabled by this government's reforms last term which made it illegal to discriminate on the basis of employment. In other words, the laws here are working, but it should not be this hard. Libertarians believe that the free consensual trade of goods and services is the pathway to a prosperous society that allows people to benefit from their ideas and their labour. For sex workers this is not just about financial wellbeing, it exposes them to significant risk. If they are dishonest in banking applications due to concern about being debanked, it makes it harder to initiate a chargeback if a client makes a fraudulent payment, which let us remember under recent Victorian law meets the definition of a sex crime. Despite the law changes in Victoria, the issue persists.

Other cases that have occurred throughout Australia involving sex workers or bitcoin traders have all involved section 235 of the federal money laundering and counterterrorism act. There may be hope,

though. The federal Attorney-General's office are currently reviewing these laws, with over 100 submissions published on their website just today. As you would expect, several of these were from bitcoin enthusiasts. Libertarians are generally not in favour of more regulations, but in this circumstance we currently do not have a bitcoin economy that can provide an alternative pathway for meaningful financial transactions. Without digital merchant services and digital banking it can become very difficult to conduct trade. Whilst I do not have any particular insight into what the federal government are proposing, it is possible that they have already identified this issue and are proposing solutions. In the interests of ensuring that this issue is adequately addressed, my request for the Attorney-General is to consider the impact on Victorians and write to her federal colleague to request a meeting or simply to request that section 235 is addressed in future proposed legislation.

Water policy

Gaelle BROAD (Northern Victoria) (17:50): (1103) My adjournment is for the Minister for Water regarding the federal Labor government's move to purchase irrigation water entitlements in Northern Victoria. History shows that water buybacks have a devastating impact on regional communities, the communities that I represent. Last Friday I attended the Goulburn–Murray Irrigation District Water Leadership forum in Bendigo with over 100 leaders, including parliamentarians, irrigators, agriculturalists and food manufacturers. The consensus from the room was clear: no-one supported Tanya Plibersek's water buybacks. Yet the federal government is pressing ahead and ignoring the concerns raised. The Goulburn Broken Catchment Management Authority has said that they already struggle to use the environmental water they have and more water is not going to help the system.

If you live in the city and think this issue does not concern you, well, it does. Commonwealth intervention causes prices to skyrocket, raising the water prices for everyone and flowing through to higher production costs and higher food prices. The Commonwealth's scattergun approach also causes a Swiss cheese effect. By permitting water buybacks across the region, some channels will be forced to close down and large numbers of farms will be dried off. For those who remain, the additional burden of water fees and service delivery charges can make it unsustainable. Once water is sold it is out of the system forever, and there will be less water available every year to produce food. Less water means less food production. Less food production means less jobs. Less jobs mean regional communities will suffer.

Victoria's population is rapidly growing. The aim should be to produce more food, not less. There is nothing good about water buybacks. The Commonwealth is taking the high-sugar, fast-food option. It may provide a short-term sugar fix but long term it is bad for your health. Jason Limbrick, CEO of Australian Consolidated Milk, spoke about the impact of water buybacks on Victoria's dairy industry. Twenty per cent of Australia's milk production comes from Northern Victoria. Eighty-five per cent of milk produced in the basin comes from Northern Victoria, and we also supply milk to northern states. The dairy industry creates about 13,000 jobs in Northern Victoria alone. Twenty years ago Northern Victoria produced 2.7 billion litres of raw milk. Now, because of reduced water availability and higher water prices, we produce half that amount – about 1.4 billion litres.

The Commonwealth government talks about structural adjustment, and the Victorian government refers to sensible transition support. Well, there is nothing sensible about $300 million in compensation across the basin when production losses from 70 gigalitres of water permanently lost to Northern Victoria will be in the billions. There are healthier choices that would be much better long term, like saving water by improving water delivery infrastructure. I thank the Minister for Water for standing firm against these water buybacks, and I seek the minister's support to stop them.

Recreational fishing

Georgie PURCELL (Northern Victoria) (17:52): (1104) My adjournment matter is for the Minister for Outdoor Recreation, and the action I seek is for him to investigate the mass deaths of stonker trout in the lead-up to the annual Goulburn Fishing Festival. The Goulburn River and Eildon Pondage have recently had 2000 rainbow trout dumped at various sites in a bid to guarantee fishing

opportunities this September. Fish are purchased and dumped in rivers at three or four years old after spending their entire lives eating pellets in a fish farm. With no familiarity with natural waterways, they quickly become stressed and disorientated. As they make their way to the water's edge they are in such poor condition that people have been seen clubbing them over their heads without even needing to cast a line. With intervention to nature comes consequence, and locals – even fishers – are becoming increasingly concerned with the number of dead and dying trout washing up on shores before the event is set to take place.

In December last year, another attempt to promote fishing saw this government hand out 95,000 fishing kits to year 5 students across the state. That program was soon linked to an increase in wildlife-related cruelty, including the death of a swan at Edwardes Lake, who contracted a severe infection from a fishhook wound. Between 2018 and 2022 the Victorian Fisheries Authority detected almost 5000 fishing offenders per year. An average of one in 10 people inspected were found to be fishing illegally, and a federal analysis suggested 17.5 per cent of Australian fish stocks are overfished. Many fish species carry the status 'conservation dependent', meaning it is acknowledged that they are under serious threat from fishing. Some may be close to endangered but are still allowed to be caught. Instead of breeding trout to simulate fishing opportunities, this government should be addressing water quality and the regulation of commercial and non-commercial fishing. They should be more concerned with why there are not enough fish in our waterways to begin with. I hope the minister can investigate just why so many trout are dying in the lead-up to the government-endorsed Goulburn Fishing Festival.

School violence

Trung LUU (Western Metropolitan) (17:55): (1105) My adjournment matter is for the Minister for Education regarding the recent school lockdown at the Copperfield College Delahey campus. The action I seek from the minister is to implement stronger means of communication between schools and parents during lockdowns. I was recently contacted by constituents about the distressing incidents at Copperfield College on Friday last. They described a frightening scene where students were locked in a classroom, not allowed to use their phones and forced to use a sink as a toilet for nearly 2 hours while authorities dealt with suspects armed with knives. My constituent arrived at Copperfield to collect her daughter, who had finished class for the day, only to be turned away by school staff and informed the school was having a lockdown. Parents were waiting outside with little to no information until the lockdown ended. As parents in this situation, my constituents worried about the safety of their children.

The current means of communication between schools and parents are inadequate and out of touch. Victorians are currently facing a youth crime crisis, with a 30 per cent rise in youth crime cases over the past year. Providing stronger communication between parents and schools will not only give parents the information they need about their children's whereabouts but will also make the school more accountable for the safety of their students on campus. So again I ask the minister: will you implement stronger means of communication between schools and parents during school lockdowns to provide parents with the assurance and knowledge that their children are safe when they go to school?

LGBTIQA+ community

Michael GALEA (South-Eastern Metropolitan) (17:57): (1106) My adjournment matter this evening is for the Minister for Equality Harriet Shing, and I take note of her letter of Monday of this week to the federal assistant minister, calling on LGBTIQA+ Australians to be properly counted in the census. The census is one of the most important instruments that governments at a state, federal and local level have. They help us to understand the demographic attributes and needs of our communities, and they inform policy decisions at a macro and micro level. But the answers that you can glean from the census can only be as good as the questions you ask. There are many challenges unique to the LGBTIQA+ community as a whole and amongst its many diverse parts. If we do not have meaningful questions on those attributes, how are governments supposed to appropriately

respond to those challenges? How indeed are those communities themselves supposed to work together and self-determine their responses to these challenges if they do not have that same reliable data?

To say that attributes of LGBTIQA+ Australians should not be questioned in the census is to say that those Australians do not get to be fully seen or indeed counted. It is a decision that is as questionable as it is disappointing, which is why I strongly welcome the leadership shown by the minister as well as the leadership shown by the federal member for Macnamara Josh Burns, who has come out today in support of a census that recognises all Australians, and I thank him as well for the work that he has been doing behind closed doors to right this wrong. I am proud to be part of a government that stands up for LGBTIQA+ Australians and Victorians and proud to have federal Labor colleagues, such as Josh Burns, who also stand with us. I ask that the minister continue her advocacy to the federal government on this matter, and I wish her every success in that endeavour. Let us count all Australians in the 2026 census.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (17:59): (1107) My adjournment matter is for the Minister for the Suburban Rail Loop. The Allan government's own cabinet is divided on the SRL. MPs in marginal seats are clearly worried about how unpopular the SRL is in their community, let alone the cost and the resources it diverts from important sectors. Deputy Premier Ben Carroll, several cabinet members and senior Labor figures have been warning against the project and have lost faith in the Allan government. It seems almost certain that there is a U-turn coming from Premier Allan to save her own position as Premier. It is great to see the government finally realising what we have been saying for years: Labor's financial mismanagement means we simply cannot afford the SRL. Unfortunately, the government are seemingly having this epiphany after hundreds of local properties have already been acquired, after local businesses have had to shut down due to SRL works, after high-rises have begun construction and after community precincts such as Box Hill Gardens have already been destroyed. But most importantly this realisation comes after $6 billion has already been spent on the SRL and certain other contracts signed. When the SRL is shelved, how will those who have had their homes taken, businesses shut down and community destroyed be compensated? Many of those in SRL precincts who have not yet had their properties acquired are left in limbo wondering what is happening. To make matters worse, in recent years the government has repeatedly promoted the SRL, yet now they are considering rephasing the project – a cop-out way of admitting that they were wrong.

They told us that the SRL was a piece of infrastructure we cannot afford not to build, but they now realise we just cannot afford to build it or perhaps that we also cannot afford to cancel it. This creates unacceptable uncertainty. The action I seek from the minister is to confirm without delay whether the project will continue, whether the project will be cancelled or whether the project will be rephased, and if it is to be rephased, to provide clear details on what that means for timelines and what that means for residents under compulsory acquisition, for businesses considering relocation or closure and for community groups negotiating and signing up to new arrangements.

International Overdose Awareness Day

David ETTERSHANK (Western Metropolitan) (18:01): (1108) My matter is addressed to the Minister for Mental Health. This Saturday marks International Overdose Awareness Day, a day of action to raise awareness of this worldwide public health crisis and to advocate for overdose prevention. I want to acknowledge the Penington Institute for convening this global event and for their continued advocacy for sensible and humane drug laws.

Penington have also released *Australia's Annual Overdose Report 2024* to coincide with the day. It has some sobering statistics. Overdose deaths continue to increase, and each year we set a new record for the number of drug-induced deaths. This grim record is largely driven by opioids, including dangerous novel synthetic opioids like nitazenes, which now account for 69 per cent of overdose deaths internationally. In 2022 we recorded 2356 overdose deaths in Australia, 80 per cent of which

were unintentional. Since 2008 overdose deaths have exceeded the road toll, and not by some small margin. Around 40 per cent more people die each year from unintentional drug overdoses than are killed on our roads. Both are tragic, but we spend millions every year on reducing our road toll. Where is the bold strategy to set Victoria on a path to zero overdose deaths by 2050?

It does not have to be inevitable that our drug overdose toll continues to rise. The Penington report calls for a comprehensive overdose prevention strategy, one which includes education, ready access to naloxone, more overdose prevention sites, better access to treatment and more drug checking, not just at festivals but in the community. We warmly welcome the government's announcement of a drug-checking trial and its plans to roll out naloxone-dispensing units in the community, but we need to do more. The theme of this year's campaign is 'Together we can'. It encourages us to stand in solidarity with those affected by the tragedy of overdose and to acknowledge the intense grief felt by those who have lost a loved one. Overdose deaths are preventable. We can and we should be doing more to avoid this preventable tragedy. So the action I seek is for the minister to develop a comprehensive overdose prevention plan as part of the state's alcohol and other drugs strategy.

Ringwood East train station

Nick McGOWAN (North-Eastern Metropolitan) (18:04): (1109) I cannot let a week pass without mentioning the toilet. I know I can see you wince. I apologise to the public who might be watching, and I apologise to you, Mr President, but I cannot let a week pass without mentioning the toilet – of course the toilet in the good suburb of Ringwood East. To most people this is perhaps somewhat amusing, and they could be forgiven for that. Minister for Skills and TAFE, I might even write a letter to you as well. I know this might fall somehow under the TAFE portfolio or rural development, one of the two – it might. In this particular regard I wrote to the good minister herself in the other chamber Natalie Hutchins. It has been some 16 days since I wrote this letter, so I am a bit disappointed that I have not had a response by now.

Bev McArthur interjected.

Nick McGOWAN: It may well have gone down the toilet. I hope for the sake of the good people of Ringwood that it has not, because they would be upset that the minister has a better toilet than we have. We do not have one. We are just after one. It is not too much to ask, I would not have thought, with a billion-dollar spend, two level crossing removals and a brand new train station – and not a single toilet, not one. There is not even a stand-up toilet, not even a toilet like they have in Amsterdam, where you can go in public almost and do it in front of everyone. There is not even one of those – nothing, nada, nyet – nothing in any language. Anyway, I digress.

I wrote to the minister and I said:

> On behalf of all women and girls in Ringwood, I am writing to ask for your urgent support for the inclusion of a public toilet at the new Ringwood East train station.
>
> As it stands, the Ringwood East train station is being rebuilt.

That is true.

> To date, Minister Pearson has refused to include a public toilet as part of the new station.

It is insane but true – 2024.

> The nearest public toilet is 190 meters away, up a … dark alleyway …

and I have filmed it, if anyone is interested, particularly you at home. If you are interested, go and look on Facebook – through you, President. If you are interested, have a look at it. This is the serious point, and I know the President is captivated by this, so I will read it aloud:

> No girl or woman should have to choose between their safety and the need to go to the bathroom. I need not tell you –

and I am not obviously referring to the minister here –

> that pregnant women, young girls and women, our senior citizen women, and those with ability limitations, are most vulnerable.

In fact anyone is. Let us be honest.

> The government has presented safety of women and girls as its top priority.

That is the spin. That is what we are being told day after day:

> I am sure you will agree that strong words alone don't make women and girls safe. We must deliver the physical infrastructure that delivers a safe environment for them to live in.

Now, who does not agree with that, member McArthur?

Bev McArthur interjected.

Nick McGOWAN: I thought you would even agree with that. So I have asked Minister Hutchins to raise this matter at cabinet. I have also written to the Premier. And in a desperate plea to the Premier, I have said to the Premier – and I will go into that perhaps next or the week after – 'Premier, if all the merit arguments fail and you cannot bring yourself on merit, for the sake of women and girls and everything else alone, for the sake of God don't let me moan about this for the next two years. Get your cabinet colleagues together. Please give us a tour of Ringwood East.' We just want one. That is all I am after and that is all the people of Ringwood East are after. Minister Tierney, if it assists us in this chamber, I will also write to you and ask you to bring up the same issue in cabinet next week.

The PRESIDENT: So the action is to advocate to the Minister for Transport Infrastructure?

Nick McGOWAN: Thank you, President.

Albury Wodonga Health

Wendy LOVELL (Northern Victoria) (18:07): (1110) My adjournment matter is for the Minister for Health. The action that I seek is for the minister to conduct genuine consultation with the Wodonga community before the Allan Labor government proceeds with its plan to close the emergency department at the Wodonga hospital site. The latest iteration of the plan to meet the future health needs of the 300,000 people under the care of Albury Wodonga Health was unveiled last week. It has been labelled the 'concept design report'. It confirmed what we already knew. The Albury hospital makeover is underfunded and the cloth is being cut to fit the budget. It highlights the dysfunctional planning process of contradictions and confusion, promises and platitudes and failures and foolishness. It is a plan by public service lackeys to please the minister rather than meet the health needs of the community.

What was going to be a world-class single-site hospital is now going to remain divided between the Albury campus and the Wodonga hospital. A clinical services building that was 10-storeys in the planning documents six months ago has been cut to seven. What was going to be an extra 125 beds is now 80. The car park has gone from seven storeys to 'To be confirmed'. The paediatric ward and at least one operating theatre will be empty shells to be fitted out only when they get more money. The only notable point is the repeated reference to Wodonga being a non-emergency care hub. That is code for plans to shut the emergency department at Wodonga, an ED that sees almost 28,000 people a year.

I understand the *Wodonga Hospital Entity Service Plan*, which will set the future of the Wodonga hospital, underscores this closure. There is no timeline for these changes. The service plan says this will only happen when the Albury ED is capable of coping with the full demand of the catchment, but how will that happen? The Albury emergency department was recently upgraded to 34 points of care – cubicle beds and the like. It sees around 40,000 patients a year. It is a Victorian hospital, and despite the recent upgrade it is already under siege. Today signs were erected there to encourage paramedics to do stretching exercises while they were stuck there due to ramping – or 'bed block', as the signs say. Population projections suggest that by 2037 the Albury ED will need an extra 16 points of care. Now add to that the demand that will be redirected from Wodonga: 28,000 people, 15 points of care.

Despite this massive increase in projected demand, there is no funding for the required extra 31 cubicles at Albury. It is now 176 days since we called for documents on this redevelopment, and it is no surprise that we are still waiting, because this government does not want to share the real plans that they have with the Albury–Wodonga community.

Housing

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:10): (1111) My adjournment is for the Minister for Housing. The action I seek is for this government to take on the recommendation to establish a social housing ombudsman, as recommended in the *Social Housing Complaint Handling: Progress Report* of 20 March 2024. This report was tabled earlier this year, but over two years ago the Victorian Ombudsman provided a lengthy report on Victoria's social housing complaint system advocating for a social housing ombudsman. I note in the foreword that the Ombudsman Ms Glass has also made comments talking about the strong support for the recommendation for a social housing ombudsman, noting that it:

> … could be established quickly and cheaply within the Victorian Ombudsman's office.

Sadly, under this government we are not seeing these things take place. Meanwhile social housing complaints to the Ombudsman have risen by 83 per cent in the past two years. Ms Glass said:

> The systematic issues are not going away. Change is now even more critical, as Victorians grapple with dual housing and cost-of-living crises, increasing homelessness and an evolving social housing landscape, including the looming redevelopment of public housing towers.

We hear a lot about this in this chamber. At the time that the Ombudsman described this report, the *Age* also made comment. It said:

> It's not the first time the state ombudsman has issued a scathing assessment of Victoria's social housing complaints system.

You do not have to go too far in your own regions and electorates to actually meet people who are having these challenges. Here we are two years later, and we are still waiting for an efficient and fair complaints handling system in the social housing sector. It has been described as not being hard to do, so why are we still waiting? As we face the worst housing crisis in Victoria, with Labor having spent nearly $4 billion on some half-baked investments only to increase homes available to Victoria's homeless by 1322, the Ombudsman found:

> … a tiny percentage of that investment, in good complaint handling, would reap huge rewards far sooner, for renters, social housing providers and the Government alike.

The Ombudsman also acknowledged at that time that a small investment would bring in these huge rewards, but one of the most important recommendations was to establish a social housing ombudsman. I just keep reading the article over and over again that the Ombudsman has provided here. Even in the foreword we see how incredibly important this is and – *(Time expired)*

Fishing industry

Renee HEATH (Eastern Victoria) (18:13): (1112) My adjournment is for the Minister for Environment and Minister for Outdoor Recreation, and the action I seek is the urgent review and reversal of the recent decision to dissolve individual transferable quotas, or ITQs, for black sea urchins. ITQs are attached to fishing licences, which are transferable and therefore a tradable asset like a property right. One owner recently paid more than $250,000 for his licence, which has now been significantly devalued. On 1 July 2024 the *Government Gazette* outlined quota orders for the next 12 months. It did not include black sea urchins, effectively deregulating black sea urchin fishing by requiring no daily catch limit. Sea urchin fishing season is already limited to around 48 days of the year, and the Victorian Fisheries Authority's decision has dealt a severe financial blow to the livelihood of all sea urchin divers and, more broadly, to the already shrinking fishing industry, especially in the Gippsland Lakes district, which is made up of small, often generational, fishing

families that are highly income dependent on commercial fishing. This decision has caused a lack of certainty and confidence in the rule of law and property rights as this government has shown it can extinguish them overnight. It also means that the industry is more exposed to illegal fishing and organised crime, as abalone is a commodity that is highly sought after in Asia and our precious waters have less legitimate commercial fishers to compete with and less government oversight. With the near death of the energy sector, forestry and the fishing industry in regional towns this government is reducing my constituents to serving coffees to tourists. In the absence of genuine consultation with the affected fishing industry stakeholders, I ask that the decision be reversed immediately.

Maternity services

Bev McARTHUR (Western Victoria) (18:16): (1113) My adjournment matter is for the Minister for Health. I have raised in this chamber before the issue of the closing down of maternity services at the Camperdown Hospital, and I was very pleased to see, after a degree of community engagement, that South West Healthcare has said that they will be reopened soon. I now have texts from mothers who have not been given any assurance that this service is going to resume any time soon. They are desperate to know when they are going to get their obstetric services back on track. They value them highly – the whole community in Camperdown does. As it happened, the medical practitioners, the midwives, the hospital and the nurses – nobody was informed that this service was going to be closed down. They did it at the stroke of a pen, and they said it was under review and so on. They never consulted the medical practitioners as to their point of view on the whole matter. But anyway they did say it was going to resume soon.

Georgie Crozier: The minister says 'rubbish', and I'm not sure that she's correct on that, Mrs McArthur.

Bev McARTHUR: The minister says 'rubbish'? Well, that is unfortunate, because I have got texts from mothers who are desperate to know what is going to happen to their obstetric services. Do they go to Warrnambool? Do they go to Colac? Do they not have them any longer? Some of them cannot travel to that extent – it is at least an hour everywhere. If these services are not resuming, these mothers need to know. It is a medical issue. If South West Healthcare gave them an assurance that they were going to have their services resumed, they need to give them an exact date. 'Soon' is clearly not cutting it. It is over a week from when they said the services were going to resume, and they have not resumed. These mothers are desperate. These families are desperate. The Minister for Health needs to intervene immediately so that we can find out and assure these pregnant women exactly when they are going to get their services in Camperdown.

Responses

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:18): There were 13 adjournment matters this evening, and they will all be referred to the relevant ministers.

The PRESIDENT: The house stands adjourned.

House adjourned 6:19 pm.