Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 20 June 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 20 June 2024

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

Petitions

Wonthaggi planning

Renee HEATH (Eastern Victoria) presented a petition bearing 2264 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that hundreds of property owners in North Wonthaggi have unfairly and unreasonably been placed under severe stress, with their health and wellbeing severely and adversely impacted by the State Government's decision to blight their properties with the recent introduction of a new and retrospective Environmental Audit Overlay. The Wonthaggi North East Precinct Structure Plan (PSP) was approved by the Minister for Planning and gazetted on 18 January 2024 under Amendment C152. It will affect nearly 1,100 acres, an estimated 1,000 plus residents in over 500 properties and up to 5,000 blocks of land, including the estates of Parklands, Powlett Ridge, Summerfields and Northern Views. Landowners and residents will now be required to undertake an environmental assessment before they can build a new home or add structures to their blocks. At a minimum this will involve a preliminary risk screen assessment which can cost more than $15,000 and, if an environmental audit is required, it is reported that this can cost as much as $80,000. The petitioners therefore request that the Legislative Council call on the Government to, as a matter of urgency, immediately rescind the decision to retrospectively blight the properties of hundreds of owners in the Wonthaggi North East Precinct Structure Plan locality with the newly introduced Environmental Audit Overlay.

Wonthaggi planning

Renee HEATH (Eastern Victoria) presented a petition bearing 2050 signatures:

> The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that hundreds of property owners in North Wonthaggi have unfairly and unreasonably been placed under severe stress, with their health and wellbeing severely and adversely impacted by the State Government's decision to blight their properties with the recent introduction of a new and retrospective Environmental Audit Overlay. The Wonthaggi North East Precinct Structure Plan (PSP) was approved by the Minister for Planning and gazetted on 18 January 2024 under Amendment C152. It will affect nearly 1,100 acres, an estimated 1,000 plus residents in over 500 properties and up to 5,000 blocks of land, including the estates of Parklands, Powlett Ridge, Summerfields and Northern Views. Landowners and residents will now be required to undertake an environmental assessment before they can build a new home or add structures to their blocks. At a minimum this will involve a preliminary risk screen assessment which can cost more than $15,000 and, if an environmental audit is required, it is reported that this can cost as much as $80,000.
>
> The Petitioners therefore request that the Legislative Council call on the Government to, as a matter of urgency, immediately rescind the decision to retrospectively blight the properties of hundreds of owners in the Wonthaggi North East Precinct Structure Plan locality with the newly introduced Environmental Audit Overlay.

Renee HEATH: As this is a petition qualifying for debate under standing order 11.03, I give notice that I intend to move 'That this petition be taken into consideration' on Wednesday of next sitting week.

Papers

Department of Families, Fairness and Housing

The Victorian Government Response to the Community Visitors Annual Report 2022–23

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (09:35): I move, by leave:

> That *The Victorian Government Response to the Community Visitors Report 2022–23* be tabled.

Motion agreed to.

Department of Premier and Cabinet

Victorian Government Aboriginal Affairs Report 2023

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:36): I move, by leave:

> That the *Victorian Government Aboriginal Affairs Report 2023* and domain 1 to 6 data tables and 2023 Closing the Gap tables be tabled.

Motion agreed to.

Development Victoria

Nyaal Banyul: Geelong Convention and Event Centre Project

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:36): I move, by leave:

> That the *Nyaal Banyul: Geelong Convention and Event Centre Project* project summary be tabled.

Motion agreed to.

Independent Broad-based Anti-corruption Commission

IBAC Operation Daintree Special Report: Government Progress Report

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:37): I move, by leave:

> That the government's progress report on the implementation of the Independent Broad-Based Anti-corruption Commission's Operation Daintree recommendations June 2024 be tabled.

Motion agreed to.

Ombudsman

Response to the Victorian Ombudsman's Report: Alleged Politicisation of the Public Sector – Investigation of a Matter Referred from the Legislative Council on 9 February 2022, Part 2

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:37): I move, by leave:

> That the government and Victorian public sector commissioner's responses to the Victorian Ombudsman report *Alleged Politicisation of the Public Sector: Investigation of a Matter Referred from the Legislative Council on 9 February 2022 – Part 2*, be tabled.

Motion agreed to.

Committees

Economy and Infrastructure Committee

Inquiry into Pig Welfare in Victoria

Georgie PURCELL (Northern Victoria) (09:37): Pursuant to standing order 23.22, I table a report on the inquiry into pig welfare in Victoria, including an appendix, extracts of proceedings and a minority report from the Economy and Infrastructure Committee, and I present the transcripts of evidence. I move:

> That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Georgie PURCELL: I move:

> That the Council take note of the report.

It is with great joy that I table this report as chair of the Economy and Infrastructure Committee today. Pigs are one of the most remarkable animals on the planet. They are smarter than the dogs we share our hearts and homes with and have a similar cognitive ability to three-year-old children. They can comprehend, remember and empathise. They clean, they nurture lifelong friendships and they are strongly motivated to care for and protect their young. They are also one of the world's most intensively farmed species of animal. Their strong intellect is undoubtedly linked to their capacity to experience fear, distress and pain. In recent years harrowing footage of pigs in Victorian factory farms and slaughterhouses has been released, resulting in increasing alarm from consumers towards the conditions animals are raised to be killed in. Most recently, world-first footage was released of the most common stunning method before slaughter – CO_2 gassing systems. It showed pigs being lowered by gondola into carbon dioxide across three Victorian slaughterhouses. Despite being described as best practice by the industry, the vision showed pigs thrashing and gasping while slowly losing consciousness.

The passion for improved protection for pigs was evidenced by the engagement with this parliamentary inquiry, which received a combined 10,000 submissions and survey responses. Of those respondents, regardless of whether they consumed pork products or not, there was a consensus that industry and governments can and should do more to improve the lives of pigs in Victoria. The codes of practice, regulations and legislation that govern pig welfare in Victoria are complex, with many different farms adhering to different levels and standards of care. A clear theme throughout the inquiry process was concern surrounding self-regulation. Despite the pork industry acknowledging pig cruelty and committing to a voluntary phase-out of sow stalls by 2017, there are still farms that have not complied in this state. Without oversight, consumers are being misled into purchasing products that they might falsely believe are sow stall free. Another concern to many witnesses who gave evidence were so-called routine practices regularly performed without pain relief, such as teeth clipping, ear notching and tail docking, mostly done on young piglets.

In this report the committee makes 18 recommendations to improve the welfare and protection of pigs, including a complete and permanent ban on sow stalls and farrowing crates. It calls for mandatory CCTV in farming facilities to be made available for independent auditing and the establishment of an independent office of animal protection to appropriately and effectively monitor animal welfare in our state. It acknowledges the inherent cruelty in CO_2 systems and recommends research into sustainable, kinder alternatives. As part of the solution to improving the welfare of pigs, this report also recognises the innovation and development of the cultivated meat industry and its potential to provide safe, ethical and environmentally considered food to Victorians. Many of these recommendations can be incorporated into the government's new and modernised animal protection laws in the Animal Care and Protection Bill, and I encourage the Victorian government to take up this legislative opportunity to ensure the plight of pigs is reduced.

I would like to thank all stakeholders who made high-quality and thoughtful submissions and those people who gave up their time and expertise appearing before the committee in public hearings to give evidence. I would also like to thank my committee colleagues for the professional and courteous way they approached the inquiry. This was a difficult inquiry for many, with strongly held views and different perspectives across committee members, and for the most part there was a collegiate approach and collaboration. Finally, I would like to thank the secretariat of the committee, committee manager Michael Baker, inquiry officer Ben Huf, research assistant Adeel Siddiqi, senior administration officer Julie Barnes and administrative assistant Jo Clifford for the professional and exemplary support they have provided to the committee throughout the inquiry.

Renee HEATH (Eastern Victoria) (09:43): I would like to just briefly talk about this inquiry around pig welfare and also the domestic pork industry, as the Victorian domestic pork industry plays a crucial role in Victoria's food supply chain. In Victoria it ranks as the second-most consumed protein, following chicken. Approximately 253 commercial pig businesses operate within Victoria, sustaining an estimated 3360 jobs. We heard from a lot of different people during this inquiry and a whole lot of

activists. There is one thing I would like to bring up in particular: pig farmers do the very best, as a majority. There are of course a few outliers that do the wrong thing. They should be called out, and they have been called out. But pig farmers in general care about their animals and do the very best they can to provide something incredible to Victorians that during a cost-of-living crisis and during a time when we are talking about food security is extremely important.

I would like to bring something up that happened during the pig inquiry, where there was some evidence that was actually before the courts that was presented to the inquiry – evidence that I had personally watched. I had viewed it all in my private time and I had read it all in my private time, and the committee knew this. However, there was a false narrative going out that I had refused to watch it and therefore my evidence and my view on the whole matter would be skewed. I got called all sorts of things, including somebody who supports rape of animals because of pig artificial insemination. It was absolutely unhinged and horrendous. One of the things that it really brought up with me was some of the abuse that these pig farmers have to put up with because of animal activists.

Katherine COPSEY (Southern Metropolitan) (09:45): I thank my colleagues on this committee for another huge inquiry. I also want to, at the start, acknowledge the committee secretariat, who have done a power of work in bringing this report to the chamber today. This report does contain some landmark recommendations to protect pigs and to improve outcomes within the pig production system. Some notable recommendations include a ban on sow stalls, farrowing crates and boar crates, those common confinement practices that see – we saw evidence throughout the inquiry – these remarkably intelligent and clearly very social animals confined in really quite confronting conditions still as part of pig production in this state. The report also talks about tackling practices that we heard have been commonplace but are not universally used across the pig production industry – practices that, were they happening to any domestic animal, would be violations of cruelty protections, such as tail docking, ear notching and teeth cutting without anaesthetic, so there are recommendations to tackle those practices too.

I will echo the observations that this was indeed a challenging inquiry, and I found myself brought to tears on a number of occasions by the material that was presented. It was challenging for many participants, and I want to acknowledge that no matter which side of the issue you came from this was very difficult subject matter to cover – often shocking footage. And I really want to also thank all who presented. Again, there were very deeply held views on all sides, but I feel that those who presented to the committee did so very genuinely.

We have an opportunity as a result of this report to improve the welfare of pigs, and I urge the government to act swiftly on the recommendations.

Bev McARTHUR (Western Victoria) (09:47): I too rise to speak on this report, and at the outset I want to say this was an inquiry designed to destroy the pig industry – nothing else – and for the Labor Party to back the destruction of the pig industry is a disgrace. The activists that put this up ought to be held to account. Pork meat is the second-most highly consumed protein in this country. It provides affordable meat and protein for many people who cannot afford to have other forms of expensive protein. The pig industry is highly regulated. We heard from many experts about the lengths they go to to ensure proper biosecurity and safety for animals. The fact that individuals, in the name of whistleblowing, can illegally trespass over people's farms and space and put animals, the owners and the workers at risk is an absolute disgrace, and I think they ought to be held to account. It is illegal trespass, and that should not occur. The extraordinary footage that was subject to court proceedings, which we on the coalition side were subject to abuse for wanting it not shown in the inquiry, was also totally unacceptable.

I think we have got to be very careful about allowing inquiries to proceed when there is an absolute agenda in place and an outcome proposed. When I questioned one of the witnesses 'What regulations would be acceptable for you in the industry?', the answer was 'None' – there are no regulations that would be acceptable. They want the industry closed down. *(Time expired)*

Melina BATH (Eastern Victoria) (09:49): *(By leave)* We saw it in the animal activist inquiry and we saw it in this inquiry: this is a lynch mob for any livestock farming in Victoria. We saw the Animal Justice Party member's predecessor Mr Meddick do the same job on that, and we see it aided and abetted by the Labor Party in this house. Let me read from the minority report, and I thank my colleague Gaelle Broad and the Liberal Party members for this report:

> This parliamentary inquiry into pig welfare was a political stunt led by the Animal Justice Party to close the pig industry, supported by Labor and the Greens
>
> The Chair abused parliamentary processes and failed to act with impartiality during the inquiry.

You are trying to trash the reputation of all Victorian farmers.

Katherine Copsey: On a point of order, President, I think that that is reflecting on a member. I do not think it is warranted, and I would ask you to request that the speaker withdraw those comments and return to speaking on the report.

Melina BATH: Further to the point of order, President, I am reading from the executive summary of the minority report that was passed and printed with this report.

The PRESIDENT: If the member is reading from the report, it is very difficult to uphold the point of order.

Melina BATH: What we know is that the pig industry in Victoria is highly regulated, accepts world's best practice and will continue to evolve to have leading practice. What we – the Nationals in country Victoria and the Liberals in country Victoria and all Victorians – are concerned about is what this Labor government will do when it brings in the Animal Care and Protection Bill. Will it roll over to minority groups who end up getting 1.5 per cent of the vote? Will they roll over or will they stand up for people in the country? Will they stand up for primary producers? Will they support the pig industry?

Georgie CROZIER (Southern Metropolitan) (09:52): *(By leave)* I was not a part of this committee process, but I did step in during the deliberation stage to assist with that process. I note that not one government member has been in the chamber – although one government member has now arrived – to listen to what has been presented here today. I concur with Ms Bath in terms of the government supporting Animal Justice and not recognising the importance of this industry. It was quite telling through that deliberation stage. I think it is also telling that Mr McIntosh and Mr Berger are not in the house and Ms Terpstra has only just arrived; I do not know if she is going to contribute to the debate. But she was part of those deliberations, and at every step of the way it was the government who was siding with the Animal Justice Party and the Greens to support the issues that Animal Justice was prosecuting.

I want to commend party members Mrs McArthur, Dr Heath, Ms Bath and Mrs Broad, who put together a minority report. I would urge the government to read this minority report, Mr Batchelor. Through you, President, I would urge every government member and the minister responsible for this important industry to read the coalition's minority report, because it spells out just how important the industry is to the Victorian economy and exactly the issues that have been raised by my colleagues. Again, I say what a disgraceful display it was by the government members – who are not even in the house – who sat on that committee and have not contributed to the tabling of this report.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Auditor-General –

Annual Plan, 2024–25.

Assuring the Integrity of the Victorian Government's Procurement Activities, June 2024 *(Ordered to be published)*.

Effectiveness of Arterial Road Congestion Initiatives, June 2024 *(Ordered to be published)*.

Metro Tunnel Project: Phase 3 – Systems Integration, Testing and Commissioning, June 2024 *(Ordered to be published)*.

Education and Care Services National Law Act 2010 – National Education and Care Services Freedom of Information Commission and Privacy Commissioners and Ombudsman – Report, 2022–23.

Land Tax Act 2005 – Treasurer's Report for 1 July 2022 to 30 June 2023 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.

Multicultural Victoria Act 2011 – Victorian Government report on Multicultural Affairs, 2022–23.

Phillip Island Nature Parks – Report, 2022–23.

Road Safety Act 1986 – Documents in relation to the Order in Council declaring certain motor vehicles not to be motor vehicles – electric scooters.

State Owned Enterprises Act 1992 – Pursuant to section 75 of the Act –

Constitution of SEC Energy Pty Ltd.

Constitution of SEC Infrastructure Pty Ltd.

Constitution of SEC Victoria Pty Ltd.

Production of documents

Melbourne Airport rail link

The Clerk: I have received four responses to orders for the production of documents. Firstly, I table a letter from the Attorney-General dated 18 June 2024 in response to a resolution of the Council on 29 November 2023 on the motion of Mr Davis relating to the Commonwealth infrastructure review. The government has identified 36 documents within the scope of the order. The letter states that the government makes a claim of executive privilege over 22 documents in full and three documents in part. I further table 11 documents provided in full and three documents in part, together with the schedules of the identified documents.

Kangaroo control

The Clerk: Secondly, I table a letter from the Attorney-General dated 18 June 2024 in response to a resolution of the Council on 29 November 2023 on the motion of Ms Purcell relating to the kangaroo harvest management plan. The letter states that the government proposes to deliver responses to the documents in two tranches, with the second tranche to be produced within approximately six weeks. The letter further states that the government has so far identified 128 documents within the scope of the order and makes a claim of executive privilege over four documents in full and two documents in part. I further table 122 documents provided in full and two documents provided in part, together with schedules of the identified documents.

Melbourne medically supervised injecting facility

The Clerk: Thirdly, I table a letter from the Attorney-General dated 19 June 2024 in response to a resolution of the Council on 21 February 2024 on the motion of Mr Ettershank and further to the government's initial response on 30 April 2024 relating to a medically supervised injecting room in Melbourne's CBD. The letter states that the government is now in a position to produce three documents in full and three documents in part. It further states that in providing these documents the

government has provided the substantive documents that are responsive to paragraph (b) of the order and not the large number of emails that fall within the scope of the order. The letter also states that the government makes a claim of executive privilege in relation to 11 documents in full. I further table the three documents provided in full and the three documents provided in part, together with schedules of the identified documents.

Housing

The Clerk: Finally, I table a letter from the Attorney-General dated 19 June 2024 in response to a resolution of the Council on 15 November 2023 on the motion of Dr Ratnam relating to the redevelopment of high-rise public housing sites. The letter states that the government has identified 158 documents within the scope of the order and makes a claim of executive privilege over 146 documents in full. I further table the 12 documents provided in full, together with a schedule of the documents produced.

Business of the house

Notices

Notices of motion given.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (10:05): I move:

That the Council, at its rising, adjourn until Tuesday 30 July 2024.

Motion agreed to.

Motions

Middle East conflict

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:06): I move, by leave:

That this house:

(1) notes that since the Legislative Council's resolution on 17 October 2023 concerning Israel and Gaza, which stated this house 'stands with Israel' –

(a) teachers and school staff have been organising in their workplaces and rallying on the streets to call on the Labor government to end their support of Israeli violence against the Palestinian people in Gaza;

(b) students and young people have rallied and encamped in universities and schools;

(c) people of all ages and from all backgrounds have continued to rally in the streets of Melbourne, calling for an end to the genocide in Gaza;

(2) calls on the Victorian government to end its relationship with the Israeli defence ministry and the weapons manufacturer Elbit Systems.

Leave refused.

Members statements

Vietnamese Museum Australia

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (10:06): Last Friday I had the pleasure of attending the Vietnamese Museum Australia gala along with member for South-Eastern Metro Mr Tarlamis, member for Laverton Sarah Connolly and Minister for Small Business, Minister for Veterans and Minister for Youth in the other place the Honourable Natalie Suleyman, and Mr Trung Luu was there as well. It was a fantastic night to celebrate the VMA's achievements, Vietnamese heritage and the unique Vietnamese refugee experience. Of course today is World Refugee Day, and it is a day where we celebrate and

acknowledge the contributions of so many Victorians who arrived in our state as refugees to make a better life. I cannot think of a better example of that than the experience of our vibrant and strong Vietnamese community here in Victoria. Each of those refugee stories are unique, and they are going to be honoured through the museum, which I am delighted to say will be in Melbourne's west. The Allan Labor government has been proud to support this project, with more than $6.6 million in funding to build Australia's first Vietnamese cultural centre and museum in the heart of the western suburbs in Melbourne, and I congratulate everybody who is involved in this project – the chair Bruce Mildenhall, the CEO Tammy Nguyen and the VMA board – on a wonderful evening last Friday.

Northern Metropolitan Region multicultural communities

Evan MULHOLLAND (Northern Metropolitan) (10:08): It was wonderful to have visited Business Bloom International with Liberal candidate for Calwell Usman Ghani to see firsthand the outstanding education centre in Craigieburn, which is providing essential classes, NDIS and aged care support with a major focus on assisting our vibrant multicultural communities. It was great to have met with Dalal Samaan, the founder and director of Bloom Community Care, and Business Bloom International CEO John Haddad, who is also the president of the Beth-Nahrain Assyria Association. They do a wonderful job serving the needs of the Assyrian, Chaldean, Syriac and other Christian communities from the Middle East who are living in the northern suburbs.

It was also great to be able bring my colleagues out to the Sri Guru Singh Sabha gurdwara temple in Craigieburn to visit our amazing Sikh community in the north. I was joined by Leader of the Opposition John Pesutto, the Honourable Matthew Guy, Richard Welch, Liberal candidate for Calwell Usman Ghani and Hume councillor Jim Overend. It was amazing to see the work they do in our community cooking meals for so many families, and I think there is acknowledgement on all sides of the chamber that the Sikh community do an amazing job giving back to our community and making our multicultural state so much better.

Bassima Hawli

Evan MULHOLLAND (Northern Metropolitan) (10:09): It was also wonderful for Liberal candidate for Calwell Usman Ghani and me to meet with Bassima Hawli, CEO of Platinum Medical Imaging, to see the outstanding work they are doing for our local community and to discuss their future plans. It was also really good to hear from her about her charitable organisation Bassima Foundation and the work that they do helping locals through the challenging journey of dialysis, and I wish them all the very best.

Gendered violence

Rachel PAYNE (South-Eastern Metropolitan) (10:10): We wake this morning to news that another woman has lost her life at the hands of a violent man – a woman in Mackay in Queensland was shot dead. That is 44 women this year – 44 women who deserved better. Details of the perpetrator are still not public, but what is the guess that this man was known to the police and has a history of violence? This tragic story is far too common, so we must question whether the laws are currently working to protect women. How many violent men have broken AVOs time and time again, and what are the consequences of that? Are police managing this epidemic without burnout? We as legislators have a duty to ensure that our community is safe, but we also must question whether changing the laws will have the desired effect. The simple answer is no.

We know this is complex and we know that this is a multifaceted issue, which brings me to my second point: it is football season. The next State of Origin match is next week, and the data shows that family violence incidents rise by 40 per cent during these events. This data is from 2018, which is telling. What responsibilities are these very influential and very powerful sporting corporations taking on to be part of the solution to Australia's epidemic of violence against women? I would argue not a lot. I encourage all members of Parliament that are members of football clubs to start having those conversations with their clubs.

Dying with Dignity Victoria

Ryan BATCHELOR (Southern Metropolitan) (10:11): This year marks the 50th anniversary of Dying with Dignity Victoria. Dying with Dignity provides services for people with untreatable, painful or terminal illnesses and provides their families with support and education in end-of-life choices. No family wants to have to make this choice, but organisations like Dying with Dignity play an important part in relieving distress, helplessness and suffering for all Victorians. Everyone deserves the right to choose to end their life on their terms and not by their illness, and through the support networks of organisations like Dying with Dignity families can prepare to come to terms with their loved one's decisions.

This week also marks five years since the commencement of Victoria's voluntary assisted dying legislation. Victoria's first-in-the-nation voluntary assisted dying laws gave those with incurable illnesses a compassionate choice at the end of their life. I was proud to support a celebration of Dying with Dignity in Parliament House last night to mark both of these milestones, and tributes flowed for those across the Parliament who helped bring about this landmark reform.

On a very personal level, I am proud to continue the support of this cause on behalf of the late Dorothy Reading, of whom I spoke in my first speech, my father's partner of 35 years. She was a board member at Dying with Dignity and a strategist who helped make this a reality, and who passed – who died, I should say; she did not pass, she died – just a week before these laws commenced. We will continue to offer them our support.

The Mirror

Melina BATH (Eastern Victoria) (10:13): My members statement today is on the country paper the *Mirror*. March 1990 marked the centenary of the South Gippsland newspaper the *Mirror*. The first issue was in 1890 when Henry Barnes and his staff threw the handset lead type of the day into columns and lines to inform locals about events. The *Mirror*, together with the district, advanced through updates of various processes to the digital age, but sadly its final print issue will be this coming week, 26 June 2024. The Cunningham family purchased the business in 1930, and they played a remarkable role in the affairs, sharing the words with honesty, care and love for community. The final owner, Mr Robert 'Rab' Best, as he is known and loved in Foster, said they are here to print the stories that people want to know about. For 50 years Rab has shared hatches, matches, dispatches, winning sporting scores, triumphs and tragedies. It is the most beautiful little paper, and we have all learned about the various issues that are important to local people. The written word and the smell of printer's ink is relegated now to the past. Even as a high school student I had a column there. What I want to say is congratulations to Rab and Jenny Best. Well done for a fabulous job. Vale, the Foster *Mirror*.

Nuclear energy

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:15): Nuclear power plants are a bad idea. We do not want a nuclear power plant in Gippsland or anywhere else in Australia, even if the proposal for one is a complete pipedream. After years of what I would call complete climate denial from the Liberal Party, when faced with the reality that we do in fact need to transition away from coal and gas and reach net zero, instead of getting with the program and supporting mass investment into renewable energy like solar and wind, which we know works, Peter Dutton has decided to charge ahead with a plan that according to experts is at least five to 10 times more expensive than renewables. It takes far too long to even get online. It takes decades – decades – when we already have renewables that are cheaper, take less time to build and are far better for the environment. Then there is the waste –

Members interjecting.

The PRESIDENT: Order! Do the clerks mind resetting the clock. People should respect the person on their feet when we have statements. I spoke about this at the business planning on Monday. Mr Puglielli, from the top.

Aiv PUGLIELLI: Thank you, President. Let me be clear: nuclear power plants are a bad idea. We do not want a nuclear power plant in Gippsland or anywhere in Australia, even if the proposal for one is a complete pipedream. After years of what I personally would call complete climate denial from the modern-day Liberal Party, when faced with the reality that we do in fact need to transition away from coal and gas and reach net zero, instead of getting with the program like everyone else, supporting mass investment into renewable energy like solar and wind, which we know works, Peter Dutton decides to charge ahead with a plan that according to experts is at least five to 10 times more expensive than renewables. It takes far too long to get online. It takes decades – I am talking decades – when we already have renewables that are cheaper, take less time to build and are far better for the environment. Then there is the waste, the water use, the community and the environmental and health concerns. It is not safe, and we see that when it goes wrong it goes wrong. I cannot stress enough how bad of an idea this is. When asked any single question about this policy, Peter Dutton's response is 'I don't know' – he does not know. We need to accelerate our renewable energy transition – that includes getting off gas – and this is just a distraction from a leader grasping at straws.

Middle East conflict

Trung LUU (Western Metropolitan) (10:17): Earlier this month I had the opportunity to be part of the study visit delegation to Israel coordinated by AIJAC, the Australia Israel & Jewish Affairs Council, in company with my colleagues David Southwick, David Davis, James Newbury, Chris Crewther and Dr Renee Heath. Visiting the beautiful city of Jerusalem, rich in culture and religious significance for Judaism, Christianity and Islam, we walked the whole city, touched the Western Wall, visited the Church of the Holy Sepulchre and visited the Islamic holy site on Temple Mount. We visited the Anzacs and paid our respect to the fallen Anzacs, visited the MPs of Israel's Parliament and had a conference with Palestinian officers in East Jerusalem. But nothing prepared us for the visit to the Ministry of Foreign Affairs, where we viewed a 45-minute clip of the October massacre and walked around the Supernova music site where masked terrorists slaughtered over 260 partygoers and captured 40 hostages. We visited the kibbutz community in southern Israel, just south of Gaza, where Hamas terrorists shot the elderly, kids and even dogs, wiping out entire families – in some situations two generations of the same family. In the midst of darkness, there is a glimpse of hope. During our time there was the rescue of four hostages by the Israeli defence force after eight months of capture. I thank AIJAC for organising the tour.

Turning Point

Sonja TERPSTRA (North-Eastern Metropolitan) (10:19): President, you and I recently toured the Eastern Health facilities at Box Hill Hospital, which included the stroke unit, which was recently awarded gold status by the World Stroke Organization, and the general medicine and oncology units. We also visited Turning Point, and I particularly want to highlight the work of Turning Point, which leads Australia in public clinical research training and addiction treatment. Turning Point addresses the multifaceted nature of addiction. Their approach includes support from allied health professionals, lived experience peer workers and psychologists, who are available onsite and also over the phone. Turning Point also provides support and information to loved ones and health professionals to recognise and address addiction. This holistic approach focuses on those directly impacted by addiction and their families and support networks, and this is crucial in helping people on their journey to overcome addiction. The process is often challenging and time consuming and lengthy; however, small achievements along that journey deserve to be celebrated, such as reducing the frequency of substance use or taking the first step in seeking help. As part of Eastern Health, Turning Point staff can connect patients to the broader public hospital system when other health issues are identified.

The Allan Labor government understands the importance of publicly funded addiction services, and it is essential to recognise the work of all Turning Point staff. When I met with them recently to share a small morning tea, they emphasised the barriers to seeking help, which include stigma. I want to conclude by saying that if you are struggling with addiction, services like Turning Point are available to help you on your journey of recovery from addiction.

Country Fire Authority Skye brigade

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:21): I am pleased to announce that Skye CFA and community members have now received notification that the upgrade to provide activated traffic lights requested at the intersection of Potts and Ballarto roads in Skye, which will allow the CFA trucks to easily exit and access the intersection, will soon be built. We are looking forward to seeing more than just a notification. This project is important to the resources, capacity and response times of Skye CFA and local CFA teams servicing our region.

In 2019 my colleague Chris Crewther, now the member for Mornington, secured $30 million of budgeted funding from the then Liberal–National government, the federal government, and I was very pleased to join Chris Crewther and Senator Hume when we visited the Skye CFA to listen to their concerns and to meet with the local team. We have been advocating for these lights to go ahead. The CFA needs to have the ability to get out and service the local community with their fires, and when we do not actually have roads that are built in such a way that can allow these trucks to move it is incredibly difficult and dangerous for the community. The CFA needs self-sustaining volunteers and volunteer instructors to sustain and build up capability, and they need a sustained investment strategy for vehicle replacement as well. I noticed that at this CFA they still had a truck where you had to sit outside, which is simply not acceptable.

Kali Mata Mandir

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:22): On Saturday I had the pleasure of joining the Hindu community in my electorate to celebrate the first appearance of the goddess Kali. I represented the member for Kalkallo Minister Ros Spence from the other place. The beautiful Kali Mata temple in Craigieburn holds immense spiritual and cultural significance for the Hindu community who live in Melbourne's northern suburbs. The temple is an important gathering place for the community and also provides free food, or prasad, for anyone who walks through their doors. Their kitchen completely relies on donations from devotees, and all the food is prepared and served by local volunteers. This is a perfect example of how multicultural communities add vitality, warmth and richness to our Victorian society. The Hindu community enriches our shared Victorian life with their rich cultural heritage and numerous vibrant festivals. I want to thank the temple president and head priestess Bhawna Gupta and the organising committee for their tireless efforts in bringing the community together on this auspicious occasion. Ma Kali is an important and inspiring figure in Hinduism. Her fierce love for her disciples is matched only by a determination to fight against evil forces. I am deeply grateful to the temple for their warm hospitality and the blessings I received. This was a truly enriching experience, and I look forward to visiting the temple many more times.

Maroondah Hospital

Nick McGOWAN (North-Eastern Metropolitan) (10:24): The people of my electorate of Ringwood but also the suburbs of Heathmont, Forest Hill, Nunawading, Blackburn and Mitcham will wake up this morning to very frosty news. It is cold enough in here, but I can tell you it is nothing in comparison to the frosty news they have received out there. That is because time and again this government has betrayed them and acted in a callous way, and in particular what I am referring to of course is Maroondah Hospital. Maroondah Hospital, as it ought to be called and will continue to be called in this place for as long as I am here – and other members, I am sure – was promised, and the people were promised, an emergency department for children in 2018. We all remember that. With great fanfare the then Premier went out there and made a great big deal of an emergency department and talked about how needy the children were – and they are and remain. Well, that was never delivered, and that was 2018. Fast-forward to the next election. They still had not delivered that one. At the next election they promised a brand new hospital on the site at Maroondah, and we promised likewise. But that is what the Labor Party promised, and yet in today's paper, what do we read? They are already walking away from that. Now, we have already discovered –

A member interjected.

Nick McGOWAN: It is a shame. It is a disgrace. We have already discovered through the Public Accounts and Estimates Committee process that they have not allocated a single dollar of the more than $1 billion they committed to build this hospital in the forward estimates. Not in the entire forward estimates is there a single cent to build the hospital –

Georgie Crozier interjected.

Nick McGOWAN: All spin, no substance. What is worse is now there is the very real prospect that they will close Maroondah Hospital and build a hospital elsewhere. It is a disgrace. This health minister should actually resign based on this decision alone.

Anzac: The Greek Chapter

Lee TARLAMIS (South-Eastern Metropolitan) (10:25): It was a pleasure to welcome the Lemnos Gallipoli Commemorative Committee's documentary project team to the Victorian Parliament. Unfortunately, one member of the team, filmmaker John Irwin, was unable to make it. The team provided me with an update on their great progress, and I was able to thank them personally for their efforts. The 90-minute documentary, entitled *Anzac: The Greek Chapter*, tells the story of the Anzacs who served in the Greek campaign in April–May 1941. It tells this story vividly in the words and images of those who served themselves, drawing on over 130 hours of unique interviews, with added footage and still photographs from archives from across the world. With access to these resources, the documentary reveals the story of the Anzacs in Greece in 1941 as it has never been seen before.

It was also a pleasure to welcome well-known news and political affairs journalist Barrie Cassidy to the Parliament. Barrie kindly offered to lend his distinctive voice as the narrator of this documentary. This is more than appropriate given Barrie's strong family connection to the documentary story with his father having served during the Greek campaign in the Battle of Crete. The project is the latest major project to be successfully undertaken by the committee, following on from the erection of the Lemnos Gallipoli commemorative memorial in Albert Park, the Australian Pier Memorial on Lemnos, the publication of the *Lemnos & Gallipoli Revealed* book and the various photographic exhibitions that have been held.

The film is now completed and is scheduled for its premiere screening as part of the Greek Film Festival this coming October. Screenings will be held in Melbourne, Sydney and possibly Brisbane. Along with the rest of the committee, I am proud to have been associated with this important new legacy project which commemorates the service of those Anzacs who served in the Greek campaign and is also a vivid reminder of the Hellenic link to Australia's and Victoria's Anzac tradition.

Operation Daintree

Georgie CROZIER (Southern Metropolitan) (10:27): Operation Daintree was an investigation by the Independent Broad-based Anti-corruption Commission highlighting how improper influence compromised the procurement process for a $1.2 million contract awarded to a union-established training group and compromised the management of the contract. It found a competitive procurement process had not been followed. The government's response today just highlights the lengths that they will go to to protect their own failings and a lack of transparency to Victorians. There is no commitment to require staff to better cooperate with IBAC investigations, and the government has rejected a recommendation to compel ministerial staff to appear before the commission. This is Labor running a protection racket for their ministerial staff. Look at what happened through the hotel quarantine debacle and the way the former Premier provided protection for those ministerial staff and others through that extraordinary period of this state's history.

It is incredible what this government will do. The Allan Labor government is just following on from the previous government. The government has rejected consulting with IBAC on legislative changes, the government has not guaranteed witnesses will be provided with stronger protections and there is

no clear commitment to transparency on headcount costs associated with ministerial staff. I say again: this government is in no way wanting transparency or wanting Victorians to understand the true depths of the cover-ups that they will go to. Operation Daintree exposed the extent of the former Premier's involvement and that of the Department of Health.

State Emergency Service volunteers

Tom McINTOSH (Eastern Victoria) (10:28): We recently had Wear Orange Wednesday, the day when we recognise and celebrate the hard work of our local SES units. Often the work our SES volunteers do is in the middle of the night or in the worst of our weather conditions. Whether it be during storms, heavy rain, hail, surging winds resulting in trees coming down or floods, in all conditions the SES are there. We know that as average temperatures increase – last year was 1.5 degrees globally above 1850 levels – and we see more moisture being trapped in our atmosphere, when our storms and those surges come they are going to be more intense and more unpredictable than what we have seen in the past. When a tree falls through someone's roof, the SES are there. When there is a car accident, the SES are there supporting. When most of us are seeking shelter from the harshest of weather, it is our brave SES volunteers who are out keeping us all safe.

I also want to acknowledge our volunteers' families and employers who stand alongside our volunteers, because without that support our volunteers would not be able to support all of us. Eastern Victoria is home to many of Victoria's 150 SES units. Just to name a few, we have units in Orbost, Bairnsdale, Sale, Rosedale, Leongatha and Sorrento-Rye, and we have so many volunteers across Eastern Victoria. On behalf of all locals, thank you to our SES volunteers.

Natalie Illingworth

Joe McCRACKEN (Western Victoria) (10:30): It is no secret that domestic violence has been a particularly topical issue recently, more so in Ballarat than in other parts of the state. That is why I would like to recognise Natalie Illingworth, who has taken a very practical approach to the issue. She has started a foundation called the Raven Collective, and it supports particularly women who have been victims of domestic violence to find a pathway out of that situation. Natalie has an amazing program where she gets business donors from around the city to support women who need to grow their confidence and grow their skills to get back into the workplace so they can be self-sustaining. I was so proud last Friday night to be the only MP from the Parliament to attend her gala fundraiser, which was held at Oscar's hotel in Ballarat. She raised nearly $23,000 to support women who are suffering from domestic violence. It was just an amazing night. There was a gala auction. There was a great speech from my good friend Wes McKnight, who hosted the event and was MC.

I really want to pay tribute to Nat and the work she has done to support women from very different backgrounds fleeing domestic violence. She is doing something very practical about it, something tangible that supports outcomes, that means that women can flee domestic violence situations, stand on their own two feet and sustain themselves to be important contributing members of society. Nat, I pay tribute to you: well done and congratulations.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:32): I move:

That the consideration of notices of motion, government business, 278 to 474, be postponed until later this day.

Motion agreed to.

Bills

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (10:33): I rise to speak on the Victorian Responsible Gambling Foundation repeal. It is pretty shocking that we have come to this, and the Liberals and Nationals will not be supporting this bill. Labor announced the decision to axe the VRGF in July last year and is now belatedly legislating it, returning to the former siloed arrangements that failed to offer support.

The Victorian Responsible Gambling Foundation was established in 2011 under the then Liberal and National government by my colleague the member for Malvern. Its role was to undertake a number of things: it was to look at prevention of gambling harms and the promotion of the risk of gambling harms and to undertake research, particularly into gambling harm and how it can best be avoided – all pretty uncontroversial. The government has given no justification for the axing of the VRGF; indeed it has not even tried to. Despite the government talking up a new integrated model, it will in fact just send the prevention of gambling harm to three separate agencies: the Department of Health, the Department of Justice and Community Safety (DJCS) and the Victorian Gambling and Casino Control Commission (VGCCC). Sending the issue of preventing gambling harm in three separate directions risks haphazard, uncoordinated delivery of services, awareness and research.

Given the failure of the previous regulator, as exposed by the Royal Commission into the Casino Operator and Licence, the Liberals and Nationals believe the VGCCC should be focused on regulating and not on running gambling harm awareness and prevention functions. They have got enough on their plate. Placing the Gambler's Help program into the megadepartment that is health risks it being neglected, while giving the research function to DJCS brings into question the independence of research into gambling harm. The Liberals and Nationals do not believe the government has made the case that the prevention of gambling harm will be better under its new model; indeed we think that it will be worse. There is an argument that the VGCCC is a regulator and should be focused on regulation, not public awareness and the prevention of harm, especially in light of its predecessor's failures on Crown Casino.

I want to thank my colleague Danny O'Brien for the work that he has done on this. I know he has consulted with a number of stakeholders, including the Alliance for Gambling Reform, Uniting gambling harm lived experience experts, the Monash Addiction Research Centre, the Monash University School of Public Health and Preventative Medicine, the Victorian Alcohol and Drug Association, the La Trobe University Centre for Alcohol Policy Research, the Australian Hotels Association, RSL Victoria, Community Clubs Victoria, Crown Casino, the Club Managers' Association of Australia and the Law Institute of Victoria's liquor, gaming and hospitality committee.

There were no recommendations made in the Crown royal commission for the abolition of the VRGF. There have been no recommendations made in various Victorian Auditor-General reports that the VRGF has failed too substantially or should be abolished or reformed. There were not even, in the review of the VAGO reports by the Public Accounts and Estimates Committee, any recommendations that the VRGF should be abolished. You would think with PAEC members in this chamber and the other chamber it should be looked at or they might have had a quizzical thought to make a recommendation or two, but no. While there were certainly recommendations from the Auditor-General and PAEC about how the VRGF could do its job better, there was no recommendation to abolish it and there was no recommendation that the system was broken and the model was broken.

Recently at the PAEC estimates hearings my colleague Danny O'Brien asked on what advice or analysis that decision was made to abolish the VRGF. He got a non-answer. The minister responded:

> As you can appreciate, the VRGF – and I really want to thank them for their work. It is an organisation that has been going for more than 12 years, but as they recognised themselves, it was originally designed to be a responsible gambling foundation, which was about providing those counselling services but also the education services and research. We have moved on in terms of how we are now looking at it and looking at it in a much more multidisciplinary way to deliver those wraparound support services.

He also asked what advice or analysis was undertaken. Was there a review of the VRGF that indicated that it should be wound up? The minister responded:

> There has been much work that has gone into that. It has been subject to extensive consultation with the sector, with industry and with the foundation itself.

Clearly no actual review was done as to whether this should be abolished. It seems like it is a political decision to abolish the Victorian Responsible Gambling Foundation, because we have not seen any expert recommendations. We have not seen any Victorian Auditor-General reports. We have not seen any PAEC reports. This has come out of nowhere and seems to be a political decision by this government.

In terms of what the bill does, it is a short bill because it simply abolishes the Victorian Responsible Gambling Foundation Act 2011 and makes some other amendments to send some roles to the VGCCC. In place of the VRGF the government says it will direct client-facing prevention functions, including Gambler's Help, to the Department of Health. The justification for that is on the basis that there are significant comorbidities with problem gambling that often come with mental health issues, with alcohol and drug issues and with family violence. It will send gambling harm awareness and prevention programs to the VGCCC – the Victoria Gambling and Casino Control Commission – and the policy research and valuation functions. As I was saying, the abolition of the VRGF has not come from any recommendation, not from a Victorian Auditor-General's report, not from any expert associations. But then you whisper around, and I know a lot of my colleagues do, 'Who's actually supporting the abolition of the VRGF?' That would be the big wagerers. That would be some in the industry. Who is the government actually speaking to, what kind of agenda is it playing in abolishing a critical harm prevention body and why would it do that?

Coming into Parliament and being new, before I was elevated to the front bench, you do get an opportunity – I know they do not – on this side to speak out about issues that are really important to you. One issue I remain passionate about is gambling harm, pokies addiction and making sure that we can cycle people out of the horrible addiction to particularly pokies but all sorts of gambling. We know the cost-of-living crisis is making things worse, and we know that often people in the cycle of gambling addiction fall into all sorts of other issues with mental health, with family breakdown. It is destroying families in the northern suburbs. It is a massive issue in the northern suburbs and particularly a massive issue that I have spoken to many of our multicultural communities about as well. The functions we need are the functions that the responsible gambling foundation are doing a good job at. The other side of the chamber wants to align with the big wagerers.

Michael Galea: You know that's not true.

Evan MULHOLLAND: Well, who is supporting this bill? It has come from nowhere. They want to split it off in three different directions. Seriously, you are expecting a government department to go out and do the advocacy services. Is a government department going to be able to speak out and speak to these people? You are splitting it off in three ways so that you can then reduce the funding to gambling harm and prevention services. That is quite clearly what you want to do. If you look at all the stakeholders that are supporting it, it is quite clear that the government's intention on this is shady. It is quite clear. We need to support this body that was set up by the Liberals and Nationals and not split its functions off in three different directions. They want to send them off in three different directions, and we know that it is so they can have the levers on the funding. We know this government

cannot manage money and cannot manage major projects, which are blowing out day by day. Every day there is a new major project blowout. If a body like this is split off in three ways in the department, they will be able to reduce the funding to pay for their cost blowouts, because they cannot stand up to the CFMEU bosses. It will create an uncoordinated delivery of services, awareness and research. It is just not a good idea.

The government might want to criticise the VRGF. All of our agencies can often be doing better, but where has the case been made for its abolition? Where? By whom? We know the kind of industry stakeholders that want to see the abolition of the VRGF, absolutely. But we need to ensure we are investing in the VRGF, we need to retain the VRGF, we need to support the critical work that it does and we need to get quite serious about gambling harm prevention. And getting serious about gambling harm prevention does not involve abolishing a critical body, splitting it off in three different directions so that the government can eventually, at the whim of the minister, reduce the funding – because that is what they will do because they cannot manage money, they cannot manage major projects and they will eventually need to find money from somewhere, as we have seen with so many cases.

So you have got functions going into the Department of Health, and the Department of Health in every direction across the state is telling hospitals to find savings. Are you telling me, given they are cutting services at community hospitals across the state, they are not also going to have a look at allocations from this and want to see that funding reduced? You can bet they will. Absolutely they will, and it will be Victorians that are paying the price. It will be Victorians that need that extra support that will pay the price. We have many people in my electorate but also across the state that need that support. Even just going into pubs across my electorate, as I do – Roxburgh Park Hotel, for example, and other hotels – you see people that are at their lowest. You see people in the pokies rooms that need that critical support, and I do not think abolishing a crucial agency like the responsible gambling foundation is wise. I do not think the case has been made. I think that we need to support the work of the regulator. We need to support the work of the responsible gambling foundation. They should not be put together. Putting a regulator together with a harm prevention function does not really make sense. They are both entirely separate functions.

So it is clear that some sort of shady deal has been done in the backrooms between the Labor Party and the big wagerers – it is quite clear – and Victorians will pay the price. Those that need help, those that need that support to escape the cycle of gambling addiction, will pay the price for this, because we know the government will eventually cut the budget. As I said, the Department of Health is cutting funding everywhere, it is finding savings everywhere. And yet we are meant to believe that they will not look at this new function coming from the Victorian Responsible Gambling Foundation and think, 'We can save some money here'? Absolutely they will – absolutely. The case has not been made – has not been mentioned in PAEC, has not been mentioned in an Auditor-General report, has not been mentioned anywhere. The case has not been made. The case has absolutely not been made for the abolition of the responsible gambling foundation.

I do speak to many in the sector in regard to these kinds of issues; I do take an interest in these issues and I am passionate about these issues. I know even gambling harm advocate – probably one of the most prominent – Stephen Mayne actually congratulated the Liberals and Nationals for taking a stand and opposing this bill, and I know many others in the gambling harm space are supporting the Liberals and Nationals in our stance opposing this bill. It is clear that there has been some sort of backroom deal done. We will stand with harm prevention advocates against this government's attempt to abolish this, split it up in three separate directions and cut the funding, which is what they will do, because we know that the Department of Health is cutting funding everywhere. They will certainly get their mittens on the funding there and try to cut it. It is really important we all stand with harm advocates.

I want to quote from my colleague Danny O'Brien. In his lower house contribution, he said:

> You do wonder whether perhaps this is simply a political angle, whether this is just a little bit of a political attempt by the government to trash the legacy of the former Liberals and Nationals government and remove

> something that we established in this space. There are hints about that. The minister's second-reading speech says with respect to the justification for the historical structure that we have:
>
> > For example, the importance of engaging with people with lived and living experience was not considered when the Responsible Gambling Ministerial Advisory Council and Liquor Control Advisory Council were established.
>
> Who said? Who said lived experience was not considered? That just seems to me to be a justification, and a fairly flimsy one, for abolishing … two advisory councils but also a broader question for the VRGF.

As I said, we are concerned that the government has not made the case to abolish the VRGF. It has not argued how sending the issue in three different directions will help a problem gambler, so one can only assume that this is a political decision and perhaps driven by something internal. Perhaps it has been speaking to stakeholders about its announced pokies reforms – before Daniel Andrews went off into the sunset – and cut a deal. Perhaps it has. We will not be supporting this bill. We will be opposing it. We do not think it delivers a response to the gambling harm we need here in this state. We will stand with gambling harm prevention experts every day while the government stands with big wagerers.

Michael GALEA (South-Eastern Metropolitan) (10:52): I rise to speak on the Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024, and in doing so I wish to make a few comments about why this is a sensible bill and why this is a bill that actually supports people who are experiencing gambling harm, and I will take the opportunity to respond to a few of Mr Mulholland's unfounded claims as well.

What this bill will do is repeal the Victorian Responsible Gambling Foundation Act 2011 and also amend the Gambling Regulation Act 2003, the Victorian Gambling and Casino Control Commission Act 2011 and the Liquor Control Reform Act 1998. This bill really, fundamentally, is about providing a public health response to the issue of gambling harm. It will do so by creating better connections between gambling health services, harm research and prevention and other coexisting conditions experienced by people with lived or living experiences of gambling harm. All too often we know that people who are actually experiencing gambling harm are not experiencing it in isolation. There are often other intersectional issues which come into play. That is why having a coordinated approach, having it integrated into, for example, the Department of Health, is actually providing us with the opportunity to provide better supports for people rather than having them remain in a silo, which is what the current system provides for.

I know that those opposite are very touchy about the reforms that were brought in by Mr O'Brien, the member for Malvern in the other place. I cannot say I am as concerned about his legacy as much as I am concerned about reforms that will actually achieve meaningful outcomes for Victorians, particularly those who are experiencing gambling harm. We know the impact that gambling harm has on our community. In my electorate alone, in the South-Eastern Metropolitan Region, in any typical year more than $500 million is lost on poker machines alone, and that does not to take into account other gambling forms such as online or sports betting. In Greater Dandenong $102 million is lost on pokies every year. In Knox it is $56 million, and in the City of Casey $114 million is lost on pokies each and every year. This is an issue which affects many Victorians, and that is why I am so pleased to see that this government is taking meaningful steps to address it.

I am also surprised that Mr Mulholland, who was so excited about lauding the reforms brought in by Mr O'Brien in 2011 which established the Victorian Responsible Gambling Foundation (VRGF) as well as the VCGLR, the previous Victorian Commission for Gambling and Liquor Regulation, was then so quick to slam the VCGLR and to say that it was a failed regulator – to say that Mr O'Brien's preferred choice of model for the regulator failed. I am quite surprised that he would say that in this place, as I say, completely contradicting even himself.

The other thing I have to note is that there was quite a bit of discussion about the Public Accounts and Estimates Committee. I am a member of PAEC, and I had the opportunity to dive deeply into this

issue last year. I have to say, of all the many interesting committee inquiries that we have undergone and that I have done already in this place, this was perhaps the single most illuminating and shocking inquiry to be a part of for me. We had round tables, we heard from industry as well as advocates, and some really powerful evidence was heard, and I would again like to thank those people that did speak before the committee.

The inquiry that we did was, as is customary for PAEC, actually a follow-up inquiry into three Victorian Auditor-General's Office (VAGO) reports into the regulation of gambling as well as liquor, because we did have that model previously – which has been found to be flawed – with liquor and gambling under the same regulator. The Auditor-General in one of those reports found that:

> … the VRGF did not know whether its prevention and treatment programs were effectively reducing the severity of gambling harm.

While the foundation may help some people through its programs, it:

> did not understand the broader impact … because it lacked an outcome-based framework to develop and measure the results of its programs.

In addition:

> … while the VRGF funds research and program evaluation, it did not utilise this evidence to improve its program design and service delivery.

In that report the Auditor-General made eight recommendations to the VRGF. Only one of them was actually acted upon in full by the foundation. That was something that we found in our report last year.

There was a lot of commentary as well about PAEC not recommending that the VRGF be abolished, and I think it is important to look at the actual timeframe in which our report took place. By the time that we were conducting this inquiry, taking in submissions and hearing witnesses, this announcement had actually already been made. It was already announced that the VRGF would be dissolved and its functions transferred into the other agencies. So it is – I do not want to say misleading – not giving the full picture to say that PAEC did not recommend that. PAEC took the proposed reforms as the baseline, and indeed if we had made a recommendation around changing that – if we had thought that was the best way to go – I am sure I can say that we would have done so. The recommendations out of this report reflect the accurate nature of where we were at the time, which was a scenario in seeing that the VRGF would be dissolved. Interestingly enough, as members will know, in committee reports you can go back and look through votes that we have on committee deliberations and on recommendations, and if you go into that report you will not see Liberal Party members putting in those recommendations. So I am curious as to why the Liberal Party is now making a song and dance about it when back at the time when they had an opportunity to put that feedback into that report they did not even want to put it up for a vote – because there is no vote, as you can see, in there. Again, perhaps the members on the committee from the Liberal Party – perhaps Mr McGowan and Mrs McArthur – saw the need for what this government is doing.

Certainly people that did see the need for it included the Alliance for Gambling Reform. I know Mr Mulholland wants to say that there is no support for this, conveniently ignoring the state's and the nation's leading gambling advocacy network on behalf of problem gamblers, the Alliance of Gambling Reform, who were quite emphatic about their desire for this reform to actually take place. Our inquiry heard directly from the Alliance for Gambling Reform. It was very interesting evidence that they gave us. Reverend Tim Costello, who was representing that group, was quite emphatically in favour of this reform. The alliance also emphatically welcomed the $165 million over four years that this government is putting in to support these reforms and to support these gambling harm reduction measures, which is an important testament.

I have to say, when we were about to hear from Reverend Tim Costello – he is a fierce and passionate advocate on this issue, and I commend him for his advocacy – I was definitely not quite expecting him to be quite so complimentary about the government's reforms, because he has been a very harsh critic

of numerous successive state governments here and across Australia. I was genuinely quite surprised that, though not unqualified, he was speaking in favourable terms specifically for this reform and also for the work that the new regulator – the one that this government brought in, the Victorian Gambling and Casino Control Commission (VGCCC) – had been undertaking in replacement of, as Mr Mulholland might put it, the absolute failed regulator of the VCGLR that Mr O'Brien chose to put in back in 2011. That endorsement is perhaps the most emphatic you could get. To have the Alliance for Gambling Reform in favour of this change says to me that this is something worth supporting, if nothing else at all. Despite all the bluster from those opposite about it, we know that their opposition to this is really much more concerned with protecting the ego of Mr O'Brien than it is with protecting vulnerable people, such as those constituents of mine in the south-east who are dealing with pokies-related harm.

What will this bill do? Currently the VRGF has a number of functions. Broadly speaking, they are in three categories: firstly, prevention and programs – the funding and provision of preventative activities that address the determinants of gambling harm and the facilitation of programs of treatment and counselling services to those people experiencing harm; secondly, gambling harm awareness – the facilitation of education and information programs to raise community awareness of gambling harm; and thirdly, the research, evaluation and knowledge mobilisation – this funding of publication of research and evaluation activities related to its objectives. As part of the government's method of applying a public health response to these reforms, it is looking at evidence-based best practice reforms.

I will make one other comment on the existing structures that were set up by the Liberal Party back in 2011, and that is the phrase 'responsible gambling'. I see Mr Limbrick in the room, and he might strongly disagree with me on this point. The concept of and the term 'responsible gambling' – and this was put to us by Reverend Costello in the inquiry – is very effective branding that the gambling industry uses. He made the comparison that it is much as over in the United States, where gun manufacturers like to say that 'Guns don't kill people; people kill people' – fortunately, we do not have this culture war in Australia – basically saying, 'Don't blame us for making and providing guns and making them accessible to people, blame the individuals.' That is exactly what 'responsible gambling' as a message conveys.

That might not be the original intention, and this does not take away from the other good work that the foundation has certainly done, but the very name of the foundation is not helping; it is actually saying, 'If you have a gambling problem, that's your fault. That's because you failed to do it responsibly,' not because the poker machines are designed to be addictive or all the other things that we know as factual evidence about how gambling providers and marketers make their products as addictive as possible. 'Not our problem,' they say. 'If you can't do it properly, you're not responsible.' That is what the term 'responsible gambling' means, and that is exactly the approach that we are moving away from because this reform is about a health-led approach – providing health supports, because we know gambling harm is not a personal responsibility issue, it is a health issue. We do have a better understanding today perhaps than we did even 10 years ago, though I am sure a lot of people were making this point back then as well.

The functions of the foundation and some of the good work that is done will be improved by having this done in different ways, again referring to the lack of outcomes-based work that VAGO highlighted and that was the subject of that PAEC report. The services, in terms of gambling support, such as Gambler's Help and various other support services, will continue to be provided across metro and regional Victoria through the Department of Health. The benefit again of that with that intersectionality of issues means that you have got the intersectionality of support. If there is a mental health issue or if there is a family violence issue, whatever the situation may be, the Department of Health will be better placed by not being in a gambling silo to provide support, referral and other accesses through those services. The delivery of community-based gambling harm prevention will also be done through that department, whereas the gambling harm community awareness functions will be transferred to the

VGCCC, and again that is endorsed by the Alliance for Gambling Reform as a way to enhance their focus on regulation and harm minimisation. Surely, if harm minimisation is not the focus of regulation, what is the purpose of regulation? These will indeed build on what we found in the inquiry to be an already impressive track record of the VGCCC under its current leadership. This has been widely remarked upon to be the strongest gambling regulator in the country, with penalties including $250 million in fines levied against the casino as well as multiple disciplinary actions already meted out to other sections of industry.

Thirdly, the policy, research and evaluation functions will be transferred to the Department of Justice and Community Safety, including the lived experience consultative committee. It is important to ensure that these, again, very important functions will actually be able to directly inform that department's broader policy work, which comes into contact with gambling in many different ways, shapes and forms. There will of course be consultation between the DJCS and the Department of Health throughout the implementation of this model.

We know that gambling harm can cause much distress for many in our community, and I do want to conclude my remarks in commending this bill to the house by saying that this is a bill that is designed to support those people, to support vulnerable Victorians and to support our communities who are already facing extreme levels of gambling harm. This is a bill that will improve our responsiveness to that, with it backed in by that $165 million of funding. I do commend the bill to the house.

Katherine COPSEY (Southern Metropolitan) (11:08): After careful consideration and productive negotiations with the government, the Greens will be supporting this bill today. The Greens want to see the impacts of the harmful gambling industry on people and communities across Victoria reduced. We acknowledge some of the questions and issues raised by stakeholders regarding the need to ensure the important functions of the Victorian Responsible Gambling Foundation (VRGF), such as independent research, harm reduction programs, educational resources and accessible data and reporting about gambling losses and harm, continue to be provided. I will be asking questions on the continuation of these important functions in the committee stage. I will also be moving an amendment requiring a review, which I will now ask to be circulated.

Amendment circulated pursuant to standing orders.

Katherine COPSEY: And I do apologise to my colleagues for not circulating this earlier. It is a review clause that I will again speak to further in the committee stage. But in essence it nominates some important areas to investigate to ensure that the functions performed by the VRGF continue, though they have been delegated to different agencies. The review will also consider whether the Auditor-General's recommendations to prevent and protect the community from gambling harm have been satisfied. As I said, I will speak to it further during the committee stage. The expertise of people with lived experience of gambling harm is also vital to tackling stigma and the harm of this predatory industry, and I will also be asking questions relating to the bill's outcomes in relation to advisory committees during the committee stage.

As a result of this bill, the VRGF's functions will be distributed to the Victorian Gambling and Casino Control Commission, the Department of Justice and Community Safety and the Department of Health. There have been mixed reactions to the government's decision to abolish the VRGF. The Alliance for Gambling Reform has welcomed the move, with then CEO Carol Bennett remarking:

> We welcome the fact the budget – $165m over four years is unchanged, and the functions of the disbanded Victorian Responsible Gambling Foundation (VRGF) will now reflect more of a 'whole of government' approach incorporating them into departments of health and justice as well as expanding the role of the regulator …
>
> There is also a greater focus on prevention and education through the regulator, the research that has been done by VRGF will be retained and we welcome changes to improve the advisory role to the minister and abolish the defunct Responsible Gambling Ministerial Advisory Council.

As has been remarked by the government contributor on this debate so far, Mr Galea, the involvement of the Department of Health in tackling gambling harm is welcome given the importance of recognising that this is a public health issue regarding regulation of a harmful industry. Other voices have urged caution to ensure that the good work done by the VRGF does not lose focus, visibility or independence through this transition, and I certainly agree this is a vital consideration. On this point I would like to thank those stakeholders who have engaged with my office on this matter. I also want to acknowledge the outreach and the advocacy of Michael O'Brien and Danny O'Brien in the other place, who have communicated the value and the importance of the VRGF's work, and Mr Mulholland did so in his contribution today as well. I also thank the minister and her office for the considerable time and genuine engagement with the Greens and my team on this issue.

In speaking to this bill today I also want to put on the record my appreciation of the VRGF and acknowledge the good work that it has done over many years to practically reduce harm from gambling and inform and guide the public conversation around the best ways to advance our efforts to protect our community. We know far more now about the harms of the gambling industry and particularly of predatory poker machines than when they were introduced in Victoria more than 30 years ago in an experiment that has gone on to have catastrophic consequences for people across our state. The understanding of gambling harm has advanced significantly, and the VRGF should be very proud of the contribution they have made to that increased understanding and to elevating the public conversation, as Mr Galea mentioned, and increasing understanding of stigma and the ways that we talk about this harmful industry and the impacts that it has on our community. That is all vital work that the VRGF has contributed to. Most importantly, the VRGF has made a huge impact on the lives of many people affected by the predatory gambling industry, providing that support, reducing stigma and, I do not doubt in some situations, saving lives.

At a personal level, before I came to this place I had the privilege of working in advocacy to reduce harm from gambling – I should disclose, for the Alliance for Gambling Reform – and in that role I was lucky enough to engage with the VRGF. I referred regularly to the high-quality materials and research that they produced, and I had the great pleasure of dealing with VRGF staff, who without exception were dedicated and passionate about sharing their work to understand and appropriately respond to gambling harm. I thank them for their invaluable contribution. As the Alliance for Gambling Reform remarked in their response to the bill, the context in which the VRGF or its successors operate is also important, and we need to see more progress on the reform agenda that was announced by the government almost 12 months ago now. I will add that the announced reforms, including uniform overnight closure of venues, mandatory precommitment and carded play across the state, are very welcome but could be strengthened even further.

I will turn now to the discussions the Greens have had with the government in relation to this bill. The Greens have been working constructively with the government to secure some strengthened outcomes. The first one is support for this amendment requiring a review of the act. What is most important as we move forward is that the functions of the VRGF continue effectively, so the review amendment I have circulated is designed to ensure we monitor this and confirm it is the case. It will make sure that the changes from this bill do not get in the way of addressing gambling harm. It will check that the Victorian Gambling and Casino Control Commission, the Department of Health and the Department of Justice and Community Safety are working together efficiently and effectively on reducing gambling harm. It will check on the quality of gambling harm treatment programs and education. In other words, it will make sure that even without the VRGF these tasks are done and still done properly.

As I said earlier, plans are currently underway to introduce mandatory carded play to poker machine venues across the state and precommitment, meaning that before you start playing you need to put in a card and a maximum amount that you are willing to lose. But how much is too much? This week the second agreement that the Greens have secured from the government is to set a $50 default limit for poker machines across the state. This welcome commitment will mean that by default people will lose no more than $50 a day when mandatory carded play is implemented across all venues. There will still

be scope for an individual to change this amount manually, but when presented with a default what we know is that many people go with it. This is a real, practical reform that will have a real impact in curbing the horrible impacts of predatory poker machines on Victorians. The Greens would also like to see a hard limit on the maximum that you can lose – a binding precommitment – and we will continue to push the government for strengthened reforms as part of the precommitment and carded play implementation across the state. In the meantime, this $50 default limit will make a real and concrete difference to the amount left in household bank balances for people across Victoria who use poker machines.

The third change we have negotiated is very welcome progress on addressing the much maligned and frequently rorted community benefits scheme. The minister has written to me agreeing that the system is in need of an overhaul and inviting my participation in a process to identify improvements to the scheme. At the moment in Victoria clubs, but not hotels, can claim a lucrative tax deduction if they give enough of their poker machine profits back to the community, but frequently the community is not benefiting. Clubs are spending funds on themselves, on everything from beer and gas to venue decoration and paying for television subscriptions. The Alliance for Gambling Reform has calculated that more than 77 per cent of this community benefit money was spent on clubs' own operations in the last financial year, and that is more than $240 million which could have and should have gone to the community, who pay the price of profit-hungry poker machines. It is time for this to change, and we look very much forward to working closely with the government to overhaul this broken scheme.

Finally, the minister has undertaken to continue advocating to their federal colleagues for more effective regulation of gambling advertising. Gambling advertising is detested, with poll after poll showing that the community wants more restrictions on gambling ads, and that is just what a federal parliamentary committee has recommended, calling for a total ban on ads for online gambling after a three-year transition. That inquiry report was released nearly a year ago. It is about time federal Labor responded, and we certainly welcome the minister's ongoing advocacy to her colleagues on that matter. These are important changes which will make a difference to people's lives, but there is much, much more to be done to stop poker machines and online gambling from sucking money out of the communities who can least afford it. Predatory poker machines are designed to exploit people, and we must do everything in our power to tackle that.

In closing, I do just want to briefly acknowledge the long history of work to wind back the harm that gambling does to our community by my predecessors in this place. Back in 2009, in the very first term of Parliament that there were Greens MPs sitting on these very benches, my Greens colleagues negotiated a ban on ATMs at poker machine venues. This would mean that people had to leave the venue when they ran out of money, meaning a brief engagement with the world outside, away from the flashing lights and the soporific atmosphere of the poker machine venue. For lots of people this meant re-evaluating how much they were willing to lose. I dearly hope that the precommitment that has been indicated by the government and in fact the default limits that we secured a commitment to this week will have a similar impact. The Greens will continue to stand with communities to make sure that community wellbeing is put first, not gambling profits.

David LIMBRICK (South-Eastern Metropolitan) (11:18): I also rise to speak on the Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024. Mr Mulholland asked earlier who is supporting this repeal, and I will put my hand up – the Libertarians are. I am always open-minded about repealing government agencies, and I am glad to see the Greens have got some libertarian tendencies as well. We are going to save only a little bit of money here, unfortunately, on property expenses and I think some staff are going, but it is a good thing that we are getting rid of this agency and integrating it into other departments. I think that this is a very good thing.

Mr Galea spoke earlier about addiction and that sort of thing. I would like to make the very obvious point that the government itself is addicted to gambling taxes. They do not seem to want to get rid of that addiction at all, so we will continue on with it, it would appear.

One of the arguments made by the opposition for not repealing this agency was that it was based on VicHealth. That is not a very good argument to make with me. I would make the point that due to the advice and advocacy of groups such as VicHealth we still exist in a situation where we have a vaping prohibition in this state, and I think we are up to about 80 arson attacks so far. Because of people like this who have been pushing for this prohibition – and it is not a harm reduction measure that VicHealth has been promoting, it is prohibition – we have had the government lose control of tobacco regulation in this state and now organised crime runs tobacco regulation in this state. I will give you a very good argument why the government should be considering abolishing VicHealth as well. If you look at tobacco harm reduction, organised crime at the moment is doing more for tobacco harm reduction than VicHealth is, and I will tell you why: because they are supplying vapes and helping people get off tobacco, unlike VicHealth. At the very least I think we should be sacking the CEO and getting different advice, but preferably we should consider abolishing VicHealth completely and integrate some of their functions into other departments or something.

This is a good thing. We need to start looking at downsizing government. I have got many, many ideas on other repeal bills the government could be putting forward. Top of mind, and very topical at the moment, is the Nuclear Activities (Prohibitions) Act 1983 – that could go. I think we could also talk about the Gender Equality Act 2020, the Change or Suppression (Conversion) Practices Prohibition Act 2021, maybe the Heritage Act 2017 – I would even consider planning as well. Let us get serious here. We can save some real money and open up this state.

But for the moment we are doing something that is quite small. It is not going to save a lot of money, but it will save some money on real estate assets, so that is a good thing I suppose. The Libertarian Party will be supporting this bill, and I urge the government to look at bringing forward more repeal bills. I always get excited when a bill is titled 'repeal' – it gets my attention – and I encourage the government to do more of this. I will leave my contribution there.

Georgie CROZIER (Southern Metropolitan) (11:22): I rise to speak to the Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024, and I want to commend my colleague Mr Mulholland on his contribution in highlighting the issues that surround this important bill that we are debating this morning in terms of our position on why the government has failed in this area.

The Victorian Responsible Gambling Foundation (VRGF) was established by the Baillieu government. I want to commend the minister responsible, the then Minister for Gaming Michael O'Brien, who set it up to ensure that we tackle the serious social problems caused by problem gambling. A media release at the time said:

> Mr O'Brien said key components of the establishment of the Foundation would be its own legislative charter and its responsibility to the Parliament and the community rather than to the government of the day.

He said the coalition:

> … recognises the community interest in separating the regulation of gambling (including its taxation and licensing) from the provision of problem gambling support …

The model would mean that:

> … programs and services will be made independent of government, and the Foundation will decide what programs and services are provided and how they are delivered.

The government, as we know, are scrapping that. They are going to do their own thing and report back. They intend to reallocate the work of the VRGF between the Department of Health, the Department of Justice and Community Safety and the Victorian Gambling and Casino Control Commission. But the government has not provided any justification as to why the VRGF should be scrapped.

The Department of Health, let me tell you, has got a lot on its hands at the moment – an enormous amount. With this very important issue being put back into it, I am not sure how they are going to

cope, because they are not coping now very well with the huge crisis that we have in health around our hospitals, the mental health crisis, our paramedics and all sorts of things going on. The government has failed spectacularly in these areas and is putting more pressure on the Department of Health.

I want to make the point that this bill's reform process has been put together in a very haphazard manner, which is demonstrated by the fact that the statement of compatibility uses the wrong title for the bill. It erroneously called it the Gambling Legislation Amendment (Victorian Responsible Gambling Foundation Repeal and Other Matters) Bill 2024.

Melina Bath interjected.

Georgie CROZIER: It is so sloppy, Ms Bath. I mean, this is a government that says it is on top of things. It clearly is not. It cannot even get the title of a bill right on an important issue like this. That is how useless and hopeless this government is on these important reforms. They have lost control of all manner of governing in this state, and we have seen that through the issues around John Setka calling the shots. The Premier herself is so weak on calling that out. But this demonstrates just where every element of government is failing. They cannot even get the title of this bill correct. It is beyond sloppy; it is absolutely hopeless. As a result, it is the Victorian taxpayer who is paying the price for this gross incompetence and the ongoing mismanagement, whether it is in this portfolio area –

Melina Bath interjected.

Georgie CROZIER: or other very important areas, as Ms Bath said.

There is much to say on this. This is an important issue around gambling problems, particularly around young people. Too many are hooked on social media and driving that issue. We need to be educating more on that. There is some excellent work being done. I think it just shows that the government, again, has been asleep at the wheel for years on this very important issue. As I said, they cannot even get the bill title right, so what hope is this bill going to have with any proper ability to address these very important issues on responsible gambling?

David ETTERSHANK (Western Metropolitan) (11:27): I rise to make a contribution to the Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024. As the title suggests, the bill seeks to repeal the Victorian Responsible Gambling Foundation (VRGF) and the advisory council. By a long chalk, gambling is Victoria's most costly addiction. Per capita Victorians spend some $1300 on betting every year, and we lose over $3 billion annually to poker machines. My region, Western Metropolitan, has borne more than its fair share of these losses. I have stood in this chamber on a number of occasions and noted that Brimbank holds the grim title of the local government area with the highest poker machine losses in the state, with losses of more than $1.29 billion over the last 10 years.

The harms associated with gambling are not restricted to financial losses. These harms can have a ripple effect: from the detrimental impact on an individual's health and wellbeing, causing stress, depression and insomnia, through to the destruction of relationships and family. Domestic and family violence is a known harm associated with gambling, with higher rates of perpetration and victimisation found among individuals with gambling problems. The harms of problem gambling are disproportionately felt by those living with financial and other forms of stress and people with mental health issues and addiction problems.

This was recognised by the Victorian Auditor-General's Office in its 2021 report asking, 'Is the Victorian Responsible Gambling Foundation effectively reducing the severity of gambling?' The report found that problematic gambling does not happen in a vacuum and that there needs to be an approach that enables gamblers to address the underlying causes of their gambling addiction. In its report VAGO identified a siloed approach in the VRGF, with no integration between gambling harm and broader health, mental health and alcohol and other drug issues. While acknowledging the good work undertaken by the VRGF, it found that the foundation was not effective in discharging its

functions and did not know whether its programs were effectively reducing the severity of gambling harm, stating that while the programs may have helped some people, 'the foundation lacks an outcome-based framework to develop programs' or to measure if it has reduced harm in the community. The report also acknowledges that the foundation had produced some good research, but that it did not always use the evidence to improve program design and service delivery. While seven recommendations in the VAGO report were accepted by VRGF, only one has been actioned in the three years since the report's publication.

This bill disbands the VRGF and redistributes its functions across several government departments. Under the new proposed model of service delivery, services related to Gambler's Help will be contracted through the Department of Health, research services will be contracted through the Department of Justice and Community Safety and the education and advertising functions will be contracted through the regulator. We are advised that the Responsible Gambling Ministerial Advisory Council and the Liquor Control Advisory Council will be replaced with new committees that have stronger representation from community advocates and people with lived experience.

At the end of the day the VRGF essentially contracts service providers to deliver services, and these services will now be contracted by other agencies. The VRGF staff will be transferred across to the new agencies. We are pleased to see that the current level of funding will be maintained, with additional funding to deliver suicide prevention training to gambling helpline staff and financial counsellors. There will also be a review of the delivery of these programs by the Department of Health. Stakeholders, including the Alliance for Gambling Reform, broadly support these reforms and believe that they will lead to better service delivery through the health sector. Stakeholders were, however, concerned at the government's delay in rolling out its 2023 reforms. Whilst we have received an assurance that the legislation to enable this will be introduced in this session of Parliament, there does not appear to be any great urgency on the government's part to get on with it. Please, get on with it.

The biggest concern is the state's continued reliance on gambling revenue. The projected revenue in this year's budget from poker machines alone is expected to be $1.4 billion. We know this revenue comes at the expense of those who can least afford it, and we also know that the social costs, the emotional and psychological costs, the impacts on relationships and the loss of productivity are estimated at $7 billion a year. I have spoken about this conflict of interest before. It is hard to determine how serious the government is about protecting vulnerable Victorians from gambling harm when it continues to be so dependent on the revenue generated from gambling. The government has said that the recommendations of the VAGO report will be actioned by the government agencies taking on the VRGF's functions. We would like to see a timeline for these recommendations to be actioned.

I do hope we will see more ambition from this government and more care for those Victorians who are at the severe end of gambling harm, including implementing mandatory precommitment limits on poker machines in pubs and clubs around the state. These are the types of reforms that will have an actual impact on gambling harms and also might start to see the government deal with its own gambling addiction. Legalise Cannabis will be supporting the bill, including the amendments proposed by the Greens.

Georgie PURCELL (Northern Victoria) (11:34): I commend the government for changing the dialogue from the joke that is 'responsible gambling' over to gambling harm. Let us be clear: all gambling is harmful, whether it be harm to the person's own finances and mental health or from the alcoholism that often comes with it; harm to their family, who have to bear the burden of it; or the harm and death caused to animals that are routinely bet on in this state. In fact there is a strong, proven correlation between gambling and family violence. On that note, for those who are not aware, Ms Payne and I recently posed quite explicitly for a calendar which is available for purchase to raise funds, and that calendar highlights the days on which gambling harm increases and family violence increases as well. It is good to see that the government is acting in line with its promise to address violence against women by calling gambling what it is: harmful. What I take concern with is that this bill claims to be having an integrated response to gambling harm, and yet it has divvied up the

responsibilities and roles across three departments, hoping they will act in harmony for every individual. What I envision is a whole lot of handballing between departments, excessive delays and an inability to help heal those suffering from gambling.

We know from the Public Accounts and Estimates Committee's 2023 inquiry on gambling and liquor regulation that the Victorian Responsible Gambling Foundation was fraught with ambiguity, having no measure for its own impact, and concerningly was not using its research to inform its treatment services. These are not insignificant misgivings. This has contributed to the level of gambling remaining consistent for the decade the foundation has run, and the Liberals are right in questioning the significant conflicts of interest with the government – who raised $3.5 billion from gambling tax in 2022–23, accounting for 7.6 per cent of its revenue that year – now overseeing the minimisation of gambling harm. The two cannot coexist. There can be no genuine effort made in the reduction of gambling when the government profits from its very existence.

This transferral of power into government departments seems to be a running theme for the government, with their Sustainable Forests (Timber) Repeal Bill 2024 also before us transferring the rights and responsibilities directly and solely into its own hands. What this bill should have created is an independent body, one filled not with members of Parliament from any party but with experts in the field who are trained and specialise in responding to the financial, mental health and relationship impacts of gambling for individuals.

We cannot keep churning out TV ads for Sportsbet, horseracing and greyhound racing encouraging people to place bets followed by a short 'Gamble responsibly'. This oxymoron is disgusting, and it is irresponsible. It reveals the intention to maintain the gambling industry and increase profits. Not one of us can genuinely believe anyone has been deterred by this 1-second caveat. If we want to minimise gambling harm, we must start at the source of gambling. We must address the extortionate industry and the sheer volume of its presence towering over us in this state. It is not enough to treat the symptoms of gambling harm after that harm has occurred; we must stop it at its source.

I myself am not concerned with the legacies of the Labor or Liberal parties. I care about the Victorians and the animals who are also on the other side of these bets. Horseracing and greyhound racing would simply not exist but for their surviving off the exploitation of gambling harm, profiting off the destruction of people's livelihoods and, while they are at it, the horrific abuse of animals. Twenty-one greyhounds have already been killed on Victorian racetracks this year, not to mention the thousands of puppies killed off the track who do not meet the racing expectations of breeders. A further 1327 greyhounds have been injured on the track, and this is only the information the industry is willing to disclose itself. It does not account for the hundreds dying from malnutrition, abuse and injuries off the track. One in every 38 horses raced last year in jumps racing also died – all dead, all for the profits of the gambling industry. It is an unacceptable price to pay.

What must come with this bill is a strong reform package, as the government has alluded to. This state needs practical measures with real impacts on minimising gambling harm by eliminating access to gambling the way that it currently is. As quoted by the 2023 inquiry on gambling and liquor regulation, the role of racing authorities in the regulation of Victorian bookmakers is no longer fit for purpose due to regulatory overlap across licensing, monitoring and enforcement activity and the conflicts of interest in its regulatory function when it is their own bookmakers that they chose to license who offer the wagering services to other betting rings. This inquiry recommended that all Victorian licensing, monitoring and enforcement of bookmaking be transferred to the Victorian Gambling and Casino Control Commission. Currently the granting, enforcement and monitoring of licences is in the hands of Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria. All those directly profiting from gambling are the ones deciding if anyone has breached our gambling laws. It is entirely inappropriate and nonsensical. The inquiry also recommended that the Victorian Gambling and Casino Control Commission review the bookmaker licences awarded by these bodies against the harm minimisation assessment tool. By implementing these reforms we would have real independence and true transparency in licensing and have control over the outrageous gambling rates of the state. If the

government truly wants to minimise gambling harm, I hope to see these further changes in its reform package.

Nothing good comes from animal abuse, nothing good comes from gambling, and it is even worse when the two are tied together. While I will be supporting this bill today, we still have so much more work to do.

Council divided on motion:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Noes (13): Melina Bath, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (11:49)

Evan MULHOLLAND: Minister, was there any review, audit or analysis undertaken of the Victorian Responsible Gambling Foundation's (VRGF) performance before the decision was made to abolish it?

Lizzie BLANDTHORN: The VRGF has been subject to independent scrutiny in the form of a Victorian Auditor-General's Office audit, and this decision to proceed with this bill is supported by advocates and service providers, including the Alliance for Gambling Reform. That VAGO audit was obviously critical in (1) going down this path and (2) achieving that support.

Evan MULHOLLAND: I note that VAGO reports are very often critical of government departments, including many that we have seen recently, but we do not exactly go around abolishing government departments. Again, what was the reason for abolishing the Victorian Responsible Gambling Foundation?

Lizzie BLANDTHORN: All VAGO reports are given the due consideration that is appropriate that they be given, and that was the case in this instance as well. Absolutely there was consideration of the best way to deliver the functions contracted by the VRGF, and that includes things like Gambler's Help, research and campaigns. Extensive consultation was undertaken, and the new model of service delivery is based on that extensive consultation.

Evan MULHOLLAND: The Victorian Responsible Gambling Foundation's funding will now go to three different agencies: the Department of Health, the Department of Justice and Community Safety (DJCS) and the Victorian Gambling and Casino Control Commission (VGCCC). But the budget allocation only goes to the Department of Justice and Community Safety. How will the funding reach other agencies?

Lizzie BLANDTHORN: It is certainly envisaged that the way in which the functions will be spread across the three departments will improve service delivery, absolutely. The new model will have research sitting with DJCS but subject to oversight of an independent departmental committee, which includes the Department of Health and the Department of Families, Fairness and Housing as well as the regulator. This will in turn improve the ability of departments with a stake in gambling

harm to have input into the agenda. There will be oversight. The Minister for Casino, Gaming and Liquor Regulation will be responsible for the whole of the portfolio. There will also be an interdepartmental committee chaired by DJCS, which will include DH, DFFH and VGCCC reporting to the minister. Whilst it will be across three departments and funding might be in specific places, there will be that collective holistic oversight.

Evan MULHOLLAND: So the functions will be in some departments, but the funding will be kept with the Department of Justice and Community Safety.

Lizzie BLANDTHORN: My advice, Mr Mulholland, is that the minister responsible can allocate funds to the other departments as well.

Evan MULHOLLAND: With respect to the funding of research, will the minister have any decision-making power as to which research is funded?

Lizzie BLANDTHORN: As I said previously, Mr Mulholland, in my earlier more fulsome answer to your specific question, the new model will have the research sit with DJCS, subject to the oversight of an interdepartmental committee, which includes those other departments as well as the regulator. It improves the ability of the departments with a stake in gambling harm to have input into that research agenda. The Minister for Casino, Gaming and Liquor Regulation will be responsible for the whole of the portfolio, and there is that interdepartmental committee.

Evan MULHOLLAND: Will the Department of Justice and Community Safety be required to publicly release all taxpayer-funded gambling research?

Lizzie BLANDTHORN: My advice, Mr Mulholland, is that all research will be published.

Katherine COPSEY: I want to ask the minister: lived experience input is obviously vital in terms of addressing the harm caused by gambling; how will the input of those with lived experience of gambling harm continue to be guaranteed to inform policy given the bill's impacts on the advisory committees?

Lizzie BLANDTHORN: Yes, of course lived experience is critical in this, as it is in so many areas of reform. In terms of the consultation that has happened and ongoing consultation, groups like the Alliance for Gambling Reform, Anglicare Victoria, Arabic Welfare Incorporated, the Australian Vietnamese Women's Association, Banyule Community Health, Star Health, Child and Family Services Ballarat – and my list here goes on. For the benefit of the house I will not read out the whole list, but there has been extensive consultation to date, which has included a number of organisations which obviously include lived experience within the views that they put forward. That remains an ongoing important part of any social reform, including this.

Katherine COPSEY: If I could just go a little further on that – specifically given the ministerial advisory committee is ceasing, what mechanisms will there be in the future for those voices to have direct impact and input to policymaking?

Lizzie BLANDTHORN: It should also be noted that the Responsible Gambling Ministerial Advisory Council as well as the Liquor Control Advisory Council are in the process of being replaced with new committees that have stronger representation from community advocates, including the likes of those I mentioned previously and including people with lived experience. As I indicated, substantial work is already underway in this space. On gambling policy specifically, the Department of Justice and Community Safety has stood up a community advisory group that meets bimonthly. This group includes academics and people with lived experience that were not previously involved in the RGMAC. So there will be those further avenues in which people with lived experience can contribute.

Katherine COPSEY: On the issue of funding, does the implementation of this bill represent a funding cut to gambling harm reduction efforts?

Lizzie BLANDTHORN: I would say at the outset that the government is investing more in Gambler's Help services, research and campaigns over the next four years than any previous Victorian government. It is not intended to reduce the commitment that we do have as a government to ensuring that we provide support, including investment for Gambler's Help services. That is certainly not the intention here.

Katherine COPSEY: One specific concern that has been raised through the course of debate is that the VRGF obviously secured, I believe, four-year rolling funding agreements, and so some of the concerns that have been raised during debate are that now there will be an annual process instead to determine departmental budgets and so on. What certainty can you offer the chamber that the government will continue to invest at the level that was previously provided to the VRGF – or indeed higher?

Lizzie BLANDTHORN: There is a four-year funding arrangement in this budget. It is $165 million, and as I said, it is more than any government has previously budgeted.

Katherine COPSEY: Minister, on the topic of research that will be commissioned under the new arrangements, how will the independence of research and the selection of research topics being undertaken independently be ensured under the new model?

Lizzie BLANDTHORN: Obviously the research is a critical aspect of the work that is being undertaken here. As I indicated, the Minister for Casino, Gaming and Liquor Regulation will be responsible for the whole of the portfolio that includes that new model and for the research sitting with DJCS but subject to the oversight of the independent committee. This also improves the ability of departments with a stake in gambling harm to have an input into the research agenda. And there will be that interdepartmental committee as well, including DJCS, including DH and including DFFH and the VGCCC, which will also report to the minister.

Business interrupted pursuant to standing orders.

Members

Minister for Skills and TAFE

Absence

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:01): Again for the purposes of question time today I will take any questions for Minister Tierney or her representative portfolios.

Questions without notice and ministers statements

Youth justice system

Evan MULHOLLAND (Northern Metropolitan) (12:01): (573) My question is for the Minister for Youth Justice. Minister, youth crime continues to rise at unprecedented levels in Victoria, up 20 per cent in the last year according to figures released today. Many of these crimes committed by young offenders involve violence, including the death of innocent victims defending their own homes. In 2017 the Labor government commissioned a review into Victoria's youth justice system – a detailed report that made many recommendations to keep Victoria safe and to assist rehabilitation of young offenders. Why has the Labor government taken seven years to act when crimes by young offenders have continued to get more violent across the state?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:02): I thank Mr Mulholland for his question and his interest in our youth justice system. I think it is a timely reminder of the work that our government has done over that period, because we have not wasted a single day. There has been continual improvement to our youth justice system since 2017 and in particular since the system we inherited in 2014, whether it be investments in infrastructure, whether it be investments in the staff, whether it be investments out in

the community. A lot of that is in community programs before young people come into contact with the youth justice system. I have been very clear: we do not want to see any young person make contact with the criminal justice system. That is why many of our government's investments have been in education, in health, in early childhood and in free TAFE to give vocational training to young people so they can get a job and live productive lives.

As Minister for Youth Justice I was very proud to announce our Youth Justice Bill this week. It is a significant piece of reform. It is about modernising the system. It is the most significant reform to the youth justice system in three decades, and I look forward to debating that bill once it is before the house after it, hopefully, passes in the other place and we get an opportunity to discuss it in this chamber. I look forward to a productive discussion with everyone in this chamber. But what I will say is that the heart of those reforms is community safety. That is the heart of those reforms. It is about ensuring that we strike the right balance between short-term and long-term community safety.

You made a point about the statistics today; I think if you pay attention to statistics you will still see that what we are seeing is a return to prepandemic levels and youth offending is still below that of New South Wales. So the most comparable state is New South Wales, and our youth offending statistics are lower than New South Wales.

But our bill is about doing better. We are not going to waste another moment, and we are going to get on with the job. I will look forward to debating and passing those reforms so we can make even further improvements to our youth justice system.

Evan MULHOLLAND (Northern Metropolitan) (12:04): Minister, isn't it a fact that we have a youth justice crisis, a youth crime crisis, decade-high violent crimes committed by young people and a revolving door of young criminals on the streets and in our homes because you and your colleagues have failed to address this very serious issue and as a result you are putting the safety of the Victorian community at risk?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:04): I thank Mr Mulholland for his supplementary question. I think we have been very up-front. As I said in my substantive, we want to see young people avoid contact with the criminal justice system. That is why many of the investments we make are for before young people come into our system, because that is where they should be. They should be out in the community with their families, in school. That is where we want to see young children, and that is what our bill is about doing. Community safety is at the heart of these reforms – short-term and long-term safety. Short-term – for some young people that we do give opportunities to they get an opportunity to participate in our programs. We want to see a difference. We want to address the underlying behaviours they show. Many of the young people in our system have traumatic upbringings themselves. They come from disadvantaged backgrounds. As a system –

Members interjecting.

Enver ERDOGAN: I think let us not try and demonise young people. I think a lot of young people have different passages into the criminal justice system. When they make it into our system, our goal is to turn their lives around, understanding that many of the young people that make contact with the criminal justice system will be back out in the community. That is why we need to make sure we get it right – *(Time expired)*

Duck hunting

Jeff BOURMAN (Eastern Victoria) (12:06): (574) My question is for the Minister for Environment. Minister, you and your colleague the Minister for Agriculture recently signed off on a recommendation to remove the hardhead duck from the threatened species list. This decision is important for the integrity of these lists, and I congratulate you both on being pure to the evidence. The reality is that hardheads should never have been on that list in the first place and that it was a

non-profit organisation – SSAA Victoria – not a government agency that did the detailed data analysis to right that wrong. Will the government now consider ordering a review into the threatened species list to see what else is on there that should not be?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): I was just googling the hardhead duck, for my interest. I will refer your question to the minister for response.

Jeff BOURMAN (Eastern Victoria) (12:07): I thank the minister. Minister, the data that was available to tell the true story about the hardhead was there because it is collated for game hunting. If people value something, it gets attention. Under the first sustainable hunting action plan back in 2016, the government developed a game management research strategy. This document was developed with independent experts and involved the broad spectrum of stakeholders in game hunting. It has never been released. Now the government has committed to a future for native bird hunting, will you review and finally release and fund the game management research strategy?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:07): I thank Mr Bourman for his continued interest and consistency in relation to questions in relation to duck hunting. I am sure Minister Dimopoulos will be more than happy to provide an answer and indeed any further information. I am sure that he would welcome briefing you as well.

Ministers statements: Pride Month

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:07): Every year around the world June is Pride Month. It is a month-long opportunity for reflection, action and celebration of the resilience and determination of our LGBTIQA+ communities, how far we have come and the work that lies ahead. Alongside advancements and celebration, pushback against hard-earned progress is all too common. We see this play out in a range of ways throughout our communities – whether it is transphobic narratives or direct threats to safety, violence, discrimination, isolation, harassment and lesser life outcomes. This occurred, for example, at the Minus18 Queer Formal and a range of events that were forced to be cancelled or otherwise rescheduled because of apprehended threats to safety.

We know that the ongoing effect of stigma, discrimination and exclusion over the course of a lifetime causes real harm, real pain, real trauma. We see this evidenced through lesser health, wellbeing and life outcomes for our LGBTIQA+ community members. Three in four trans and gender-diverse people have been treated unfairly due to their gender identity. But despite these challenges, rainbow communities continue to thrive.

This month I was really, really delighted to be able to announce the successful recipients of the 2024 LGBTIQA+ organisational development grants. Feifei Liao is the president of Our Point 3, a not-for-profit organisation supporting LGBTIQA+ international students. She and her work, including through podcasting and radio connections, are creating a real difference for people who often feel all too marginalised.

I am so proud of the work that we are doing to support LGBTIQA+ people through *Pride in Our Future*, and I am looking forward to ongoing cross-portfolio collaboration and to announcing a new commissioner for LGBTIQA+ communities in the coming weeks and months. We can make a real difference. It takes our communities and our parliaments to work together to make sure that this happens. Every single action makes a difference, and we need allies to make sure that you are part of our work to achieve true equality now more than ever.

Western Plains Correctional Centre

Evan MULHOLLAND (Northern Metropolitan) (12:10): (575) My question is to the Minister for Corrections. Minister, at the recent Public Accounts and Estimates Committee hearing it was confirmed that the Western Plains prison remains empty and is costing Victorians tens of millions of

dollars to keep empty prison cells at the right temperature. Minister, crime figures released today highlight Victoria's escalating violent crime crisis. How can the Allan Labor government justify spending over $35 million to keep empty prison cells cool while cutting crime prevention programs?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:10): I thank Mr Mulholland for his question and his interest in our corrections systems and for the opportunity to share the news about our infrastructure investments across our system. I think it was a topic of discussion yesterday. I will say that as a government we make no apologies for investing in, improving and modernising our criminal justice system, including our corrections system. We do have less people in our corrections system than we had pre pandemic; the number of people in custody overall is down 25 per cent. That is overall a good outcome. It shows that our crime prevention and our rehabilitation programs are working. You should be very familiar with this by now, Mr Mulholland, because you are paying attention to the statistics today. Our recidivism rate in Victoria is lower than the national average, and I am proud of that. That is because of the investments we have made in custodial facilities in giving people the chance to turn their lives around. Many people are taking that opportunity. Our centres of excellence are doing a good job of training people to get skills in some of those construction jobs – which I understand those opposite are quite envious of – so they can get employment upon release. I think that is important, because we have a situation where we have very low unemployment figures in Victoria, especially in regional Victoria, and a lot of people are able to secure a job upon leaving our custodial facilities. That is key, because employment is an important protective factor.

In relation to our facilities such as Western Plains, I think it is important to futureproof the systems. Like how when we closed Malmsbury we opened up our modern Cherry Creek facility, there will be an opportunity to close ageing facilities and open up our new Western Plains facility. I look forward to that announcement later this year.

Evan MULHOLLAND (Northern Metropolitan) (12:12): Minister, with violent crime in Victoria increasing at alarming rates, with more victims in this state than at any time in history and people feeling unsafe in their homes due to the explosion in aggravated burglaries, when will the Allan Labor government open the Western Plains prison and take violent offenders off the streets?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:12): I thank Mr Mulholland for his supplementary. I think it is important to understand that as the corrections minister I do not make the decision of who enters our system, and in most instances we do not make a decision on who exits the system. They are decisions of our independent judiciary, who do have a very difficult and challenging job. It is my expectation that when people leave our facilities they leave reformed and better and rehabilitated and have the skills and protective factors in place to support their recovery, making sure that we are all safer. I do not have an announcement to make today, but I am committed to continuing to make investments and improvements to our corrections system. When I have an announcement, you will be one of the first to know, I am sure.

Age of criminal responsibility

Katherine COPSEY (Southern Metropolitan) (12:13): (576) My question is also to the Minister for Youth Justice. Minister, recently the Premier joined the Prime Minister in calling for national laws raising the age of when children can have social media accounts from 13 to 16. Before you refer me to your federal colleagues, my question today is about the age of criminal responsibility. We have had a number of questions and discussions in the past year, and the government has just introduced its bill raising the age of criminal responsibility to 12. On what evidence is the government basing these positions, that a 13-year-old child is too young for Facebook but old enough to go to jail?

The PRESIDENT: The minister can answer as he sees fit.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:14): I thank Ms Copsey for her question and her interest in this matter. We have had many discussions with Ms Copsey on our youth justice system over the last 18 months when we have both been in a chamber together, and I thank her for her continued advocacy on these issues. Although we do not always agree, I am always happy to have the discussion; I think it is an important topic. The announcements we made on Tuesday were about raising the age of criminal responsibility from 10 to 12. We have learned a lot more about adolescent development over the years, and we understand that a lot of 10- and 11-year-olds do not understand the consequences of their actions. Nonetheless as a government we are committed to keeping the community safe, and that is why we have decided to go from 10 to 12 as a sensible first stage of these reforms. It is about striking the right balance between short-term and long-term safety.

I am proud that we have the lowest rates of young people in custody and we have one of the highest rates of supervision orders being completed by young people. As a government we will continue to make those investments and listen to the experts. I look forward to the introduction of the legislation and the debate in this place so that we can make sure that the system is safer for everyone in the long term.

The PRESIDENT: Before I call the supplementary, Ms Copsey did not interject for one second during the answer to her question. I think we should respect the person who asks the question and wants to hear the answer.

Katherine COPSEY (Southern Metropolitan) (12:16): Thank you, President. It has been a long sitting period, and it has felt like a long week as well. I thank the minister for his answer. I note that the government's Youth Justice Bill will allow police to use 'limited force' on 10- and 11-year-old children, such as taking a child by the arm and supporting them into a vehicle, and it will allow police to transport children under 12 to someone else who can take care of them. Minister, where will these children be taken, and how long can a child under 12 be effectively held by police in these places?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:16): I thank Ms Copsey for her supplementary question. As I stated in my substantive, I think we will be able to have a broader discussion on these topics, as the bill has just been introduced in the other place. If it passes and we get an opportunity here, I look forward to that debate. In relation to specific sections of the bill, I think it is very easy to nitpick at just one section, but if you look at the bill holistically – like I said, community safety is at its heart but also appropriate welfare of the child. In terms of police and those powers, I am sure we will get a chance to discuss that in the committee-of-the-whole stage.

Ministers statements: Koorie Youth Council

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:17): I rise today to update the house about the Koorie Youth Council, a fantastic youth-led and Indigenous-run organisation dedicated to representing young Indigenous Victorians. The Koorie Youth Council is an important partner of the government as we work to address the over-representation of Aboriginal young people in youth justice. Their voice plays a key role in the design and delivery of support services for Aboriginal children and young people. I was particularly interested in hearing about how we can better support Aboriginal young people so that they are living happy and healthy lives in community, connected to family and culture, because Aboriginal people are experts in their own lives, and their insights are critical to providing better support. I had the privilege of meeting with Bonnie Dukakis and her team at the Koorie Youth Council in Fitzroy to hear the lived experience of young Aboriginal people and their interactions with the youth justice system. The team also provides insights from lived experience of the youth justice system, as well as the adult system, and on how we can give young people the best chance to get their lives back on track. The government is committed to continuing to support Aboriginal children and young people through *Wirkara Kulpa*, Victoria's first Aboriginal youth justice strategy. As part of delivering this

strategy we are partnering with the Koorie Youth Council to help amplify the voices of our Aboriginal young people. By working with and listening to the voices of the Koorie Youth Council, we will achieve better outcomes at the individual level and help shape a system that is more responsive and effective. Thank you again to Bonnie and her lovely team for the warm welcome and fantastic discussion and insight.

Medically supervised injecting facilities

Georgie CROZIER (Southern Metropolitan) (12:19): (577) My question is to the Minister for Mental Health. Minister, you have previously told the house:

> … there has been no decision made about the location of a CBD supervised injecting service.

However, a letter from former Minister Foley to the Treasurer states that:

> I am writing to seek your endorsement to acquire 244 Flinders Street, Melbourne, to deliver the Melbourne supervised injecting room …

Minister, why have you misled the house and misled Victorians?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:19): I completely reject the assertion that Ms Crozier made in her question. What the documents show – the documents that have been produced in accordance with the orders to produce documents – is that we have as a government spent extensive time looking for an appropriate site, and as I have stated in the chamber on a number of occasions, we clearly needed to find a location that balanced the needs of both those people who use drugs in the CBD and also the broader CBD community. Despite having purchased 244 Flinders Street with the intention of delivering a second injecting service, the government have ultimately come to the view that we will not be pursuing a second injecting service in the CBD. We have been very clear about the reasons for that. We have announced the statewide strategy for taking action to reduce drug harm right across the state, including in the CBD, and of course we have announced that we will be investing in a community health hub at that site. That will provide important wraparound supports for drug users in the community. It will be the location of the hydromorphone trial, which is an important option for people who have been resistant to other opioid treatments. We are getting on and delivering the policies and the initiatives that are going to help people get the treatment they need and help people turn their lives around and break their addiction.

David Davis interjected.

Georgie Crozier: Yes, correct. I think they all lie.

Harriet Shing: On a point of order, President, Ms Crozier has just made an assertion, and I would seek that she withdraw that on the basis that it is unparliamentary.

The PRESIDENT: I actually did not hear it. Ms Crozier, would you like to withdraw?

Georgie Crozier: I am happy to withdraw, President.

The PRESIDENT: Thank you.

Georgie Crozier: But I do stand by it.

Harriet Shing: On a point of order, President –

Georgie Crozier: I've withdrawn.

Harriet Shing: Then as you were sitting down you said, 'But I stand by it.' That is not a withdrawal, Ms Crozier.

Members interjecting.

The PRESIDENT: Order! I was going to give you a leave pass, Ms Crozier. But you have indicated that you might have said what the minister has referred to, so can I ask you to withdraw without any extras.

Georgie Crozier: I withdraw, President.

The PRESIDENT: Thank you.

Georgie CROZIER (Southern Metropolitan) (12:23): My supplementary to the minister: after abandoning a second injecting room in the central CBD, the Premier said that:

> We have been unable to find a location …

Minister, the letter from Mr Foley states that Mr Lay assessed over 40 potential sites, including 244 Flinders Street, which was bought specifically to become a second injecting room, so will you release the list of all potential sites?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:23): I thank Ms Crozier for her supplementary question. I want to take issue with the way that it has been framed, though, because it very deliberately cherrypicks a particular quote from the Premier without the full context of what she was talking about. This is the kind of stock-in-trade that we get from those opposite, including the continued stigmatisation of people who are in one of the most vulnerable positions in our community.

Georgie Crozier: On a point of order, President, my question was very specific around the over 40 potential sites that are cited in the letter from Mr Foley about Mr Lay. I would ask you to bring the minister back to the question.

The PRESIDENT: I believe the minister has been relevant, but I will bring her back to the particular question.

Ingrid STITT: The point that I am making about the selective quotes that Ms Crozier gave in her supplementary question is that the government has been very clear about the reasons why a second injecting service was not pursued in the CBD. That went to the question of finding an appropriate site that balances the needs of both those that use drugs and the broader CBD community. That is the story. Those are the facts, and selective quotes being used in question time do nothing to change those facts.

Gender identity

Moira DEEMING (Western Metropolitan) (12:25): (578) My question is for the minister representing the Minister for Education. Given that the minister has already confirmed to me in writing that there is no legal requirement and no Department of Education policy requiring schools to keep records of exactly which adults declare children to be mature minors for the purpose of social gender transition at school, which includes changing their name, uniform, toilet, change room and sporting team access and access to third-party health providers which can give medical transition advice and treatment without their parents' knowledge or consent, will the minister mandate that these records now be kept?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I thank Mrs Deeming for the question for the Minister for Education, and in accordance with the standing orders I will refer it for answer.

Moira DEEMING (Western Metropolitan) (12:26): Can the minister please investigate and confirm that this lack of record keeping when it comes to consenting to psychosocial and medical interventions on minors who are deemed to be mature without their parental knowledge or consent, does not amount to a breach of the public record keeping act, and if it does, what will he do to remedy the lack of records thus far?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I again thank Mrs Deeming and will refer her supplementary question for answer.

Ministers statements: kindergarten funding

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I rise to update the house on the Allan Labor government's investments into updating and refurbishing Victoria's kinders through the Building Blocks improvement and inclusion grants. Last week I visited Baxter kindergarten to announce $28 million of funding in the Building Blocks grants alongside the member for Hastings from the other place. This funding will support more than 1248 kinders across Victoria to upgrade their facilities and buy equipment. Over 1000 kinders, just like Baxter, will receive a share of $2 million for IT equipment; 123 of these kindergartens will share in over $24.6 million to upgrade buildings and outdoor areas, including grants of up to $750,000 for larger projects and $150,000 for smaller ones. A further $1.3 million will be distributed through the inclusion stream to eight projects to create kinder buildings and playgrounds that are more inclusive environments for children of all needs and abilities.

Early learning is fundamental, and that is why we are proud to be a Labor government which continues to invest in not just kinders but the future of education in this state. It is only this side of this house that invests in such early childhood education. These grants are just one part of the Allan Labor government's larger commitment to securing Victoria's spot as the nation leader in education. Since coming to government we have invested over $8 billion in early childhood education and care, including $3.6 billion for early childhood infrastructure. This funding is delivering free kinder, pre-prep and three-year-old kinder at 50 early learning and childcare centres across the state. These are all reforms that the Labor government is delivering. It is this side of the house that launched Building Blocks in 2020, and since its launch we have provided over $200 million to improve kinders across our state, reaffirming the Allan Labor government's commitment to education as we strive to make early learning bigger, better and more affordable than ever. I cannot wait to see how these facilities are able to utilise these grants to support the youngest members of our communities.

Victorian Multicultural Commission

David DAVIS (Southern Metropolitan) (12:28): (579) My question is to the Minister for Multicultural Affairs. Minister, I refer to your role in fostering social harmony as Minister for Multicultural Affairs, and I ask: have you given the Victorian Multicultural Commission instructions or even a request to combat the rising antisemitism in our universities, outside electorate offices and in the broader community?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:29): Thank you for the question. It is an important issue, and of course I want to acknowledge that the ongoing conflict in Israel and Gaza is resulting in a lot of distress across the community for many. That is something that of course the government is concerned about, and wherever we can we are trying to support our communities to keep social cohesion at the forefront and also to ensure that we show leadership when it comes to not tolerating any forms of violence or hate speech, including Islamophobia and antisemitism. I do meet regularly with the chair and the deputy chair of the VMC, and we do talk about these issues regularly. Viv Nguyen, the chair of the VMC, has taken a strong leadership role in terms of meeting with our diverse communities. She has been holding discussions between multifaith leaders across the state about these very sensitive and distressing issues, and she will continue to, I am sure, advocate strongly for social cohesion, which is the tenet of the role of the VMC. I will continue to support her work and the work of the VMC as much as I possibly can. I know that they also have very strong engagement right across regional Victoria as part of their regional networks, and there has never been a more important time for the VMC to continue to do that grassroots, community-based work. Let me assure you, Mr Davis, that tackling Islamophobia and antisemitism is at the forefront of their considerations as they talk deeply with community members right across the state.

David DAVIS (Southern Metropolitan) (12:31): I thank the minister for her response. I just make one point, that Ms Nguyen did take down a Facebook post, deleted it on 8 October, so I draw that to your attention. Minister, will you remove Mr Mohamed Mohideen from his position on the Victorian Multicultural Commission following his social media posts featuring highly offensive and inflammatory anti-Israel sentiments?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:31): I thank Mr Davis for that question. I am obviously aware of the issues that he referred to. Those matters have been the subject of an investigation conducted by my department with the VMC, and those matters have been dealt with and the matter is closed.

David Davis: On a point of order, President, would the minister release that report?

The PRESIDENT: That is like a supplementary supplementary. That is not in our standing orders.

Renewable energy

Rikkie-Lee TYRRELL (Northern Victoria) (12:32): (580) My question today is for the minister for energy in the other place. Victorians are struggling under the crippling cost of power in this state. On 23 May the *Weekly Times* published the costs being forced upon Victorians to fund the Allan Labor government's renewables target. The newspaper reported that Victorians are paying an extra $788 million per year to fund the renewables push. Can the minister confirm that Victorians are paying an additional $788 million annually to help the Allan Labor government achieve its renewables target?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:33): Thank you, Mrs Tyrrell, for that question. I am happy to refer it to the minister for a written response in accordance with the standing orders.

Rikkie-Lee TYRRELL (Northern Victoria) (12:33): Will the minister provide full transparency and release details of the full cost to the Victorian people of the government's renewable energy agenda?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:33): Thank you. I will also refer the supplementary question to the minister.

Ministers statements: community safety

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:33): Further to the issues around social cohesion, I want to acknowledge that the conflict in Israel and Gaza continues to create a lot of distress for so many Victorians in our community. Many Victorians have friends and family impacted by this conflict, and I understand that the hurt that is being felt is significant. But there is no excuse for the rise in politically motivated violence that we are seeing here in Victoria. There are elements within our community that are seeking to exploit the division and distress in our community for their own extreme political agenda, and just yesterday the office of Josh Burns MP, the member for Macnamara, was subject to a violent and dangerous attack. This attack endangered the safety of people living above his office and contributes –

David Davis: And Trades Hall today.

Ingrid STITT: yes – to the rise of antisemitism that our Jewish community is experiencing. And this is not an isolated incident. Two weeks ago, for example, a suburban mother experienced horrific Islamophobic comments scrawled on her driveway, including Nazi symbols. These attacks are not a distraction; they are a premeditated attempt to divide, to sow division and to spread misinformation and hate in our community. Let us be very clear: the Victorian government stands with every member of Victoria's Jewish, Muslim and Palestinian communities. We continue to call for a lasting and durable ceasefire. Like so many in our community, we wish for long-term peace and security for both Israel and Palestine. We do not tolerate hate of any kind, and we do not tolerate violence. No Victorian

should be subject to violence, discrimination or racial abuse. Our multicultural and multifaith communities deserve to live in peace and safety without fear of expressing who they are, and our government will always stand with all of them.

Written responses

The PRESIDENT (12:35): Minister Symes will get, in line with the standing orders, answers from the Minister for Environment for Mr Bourman's two questions. Similarly, Minister Blandthorn will get answers from the Minister for Education for Mrs Deeming's two questions and Minister Stitt will get answers from the Minister for Energy and Resources for Mrs Tyrrell's two questions.

Richard Welch: On a point of order, President, I have currently got 10 questions that have gone past the required time for reply. I can provide the numbers in due course.

The PRESIDENT: If you could supply the numbers, I am sure a minister from the front bench here will follow them up for you.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:36): (945) My question is for the Minister for Disability. People with a disability face additional challenges accessing the services they need. These challenges are also felt by families and carers. It is so important that as a community we include people of all abilities, including in education, the built environment and the economy. Simple things like knowing there are appropriate facilities to go to the toilet or get changed make a huge difference when you are planning your day. Recently I visited the South Gippsland Specialist School, with the Minister for Education Ben Carroll, which is undergoing a major upgrade to improve facilities. The principal Heather Braden and local students told me how much this means for them and local families. This upgrade goes alongside our other investments happening at specialist schools across the region, like out-of-hours care and NDIS navigators. These investments ensure our state is as inclusive and accessible as possible, and I am proud that the constituents of Eastern Victoria can benefit from these investments. Minister, how is the government supporting people with disability and their families in Eastern Victoria?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:37): (946) The Metro Tunnel goes through my electorate and will provide additional transport within my electorate. My constituency question is for the Minister for Transport Infrastructure. What we learned today is that yet again there is another massive blowout from Labor – billions of dollars. The last time this project blew out it was an additional $3 billion over its budget. $1.5 billion was swallowed by the state government – that is, the taxpayer – and another $1.5 billion of the blowout was swallowed by the tenderers. On this occasion it seems the taxpayer is on the hook – the contingency has run out and there are no additional funds there. I ask the minister if they will release a report on the details of these cost blowouts. Will they release a full report on who will pay?

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (12:38): (947) My constituency question is for the Minister for Roads and Road Safety. The Coburg community is very supportive of Merri-bek City Council's trial closure of Barrow Street at the intersection with Harding Street to make it a safer active transport corridor for children and other community members. Barrow Street is an important active transport link for several local schools, with many local students riding their bikes up and down this corridor every day. Merri-bek Primary and Coburg High are very supportive of the trial, and I have heard from parents at nearby St Bernard's primary school that they are also strongly supportive of this trial despite the school itself having taken a contrary position. These parents are disappointed that their local member Anthony Cianflone is inexplicably against the trial, even though publicly he advocates

for public transport apparently. Minister, why isn't your government supporting this trial closure that would protect children and other vulnerable road users?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:39): (948) My question is to the Minister for Community Sport. How is the government supporting community sporting clubs in Southern Metro to improve their facilities and encourage more people to get involved? Recently the member for Bentleigh and I were invited to Dane Road Reserve in Moorabbin to announce funding for improved lighting. The Victorian government is partnering with the City of Kingston to share the $300,000 cost of these new light towers as part of Sport and Recreation Victoria's local sports infrastructure fund. Southern Metro is home to an array of sports facilities and sporting grounds, but to ensure they are fully utilised we need to fully activate them with high-quality facilities. The new lighting at the Dane Road Reserve in Moorabbin will mean more day use and more night use for local rugby and local cricket clubs. I want to thank the mayor of Kingston Jenna Davey-Burns and Cr Hadi Saab for joining me at the announcement. Despite being led by a great coach Chris from the Racing Rugby Club of Melbourne, our rugby skills are sorely disappointing. Nick and I will stick to what we are good at: advocating for the local community.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:40): (949) My question is to the Minister for Water, who also happens to be the Minister for Housing. You would think that in the middle of a housing crisis you would want to do everything you possibly could to get every house online that you possibly could. I have contacted the Minister for Water on several occasions, because I have some constituents who are trying to develop land out at Bonshaw, near Ballarat, in order to get things moving. Central Highlands Water are being particularly difficult. They want the establishment of temporary water structures, which include pump stations that could cost up to $5 million, only to have them torn down again when Central Highlands Water have got their permanent infrastructure in place. What developer is going to want to develop land given that this extremely unrealistic cost impost is being imposed on those that are seeking to develop land? I ask the minister to intervene. I have raised it with the minister; I have got no response.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:41): (950) My question is for the Minister for Energy and Resources. Earlier this year New South Wales passed legislation banning offshore gas exploration in state waters, and a mere three months later this Victorian Labor government went ahead and approved further gas extraction in state waters just down the road from the iconic Twelve Apostles. Communities along the coast of Western Victoria, including along the Great Ocean Road, in the south-west and in Port Fairy, are outraged. This government have lured their voters with false proclamations of being committed to a safe climate future, yet they continue to support fossil fuels. Opening new gas projects in a climate crisis is criminal. The burning of methane gas is one of the greatest contributors to climate change, and we must transition away from it immediately. Minister, will you reverse your decision to approve Beach Energy's Enterprise project?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:42): (951) My question is to the Minister for Police. Under this government crime continues to increase in Victoria, with the recent state budget confirming an almost $20 million cut to crime prevention, community-based offender supervision and youth diversion programs. Meanwhile crime has skyrocketed beyond the state average in 2023, but Frankston happens to be not only above the state average but also above the national average, with approximately 15,000 offences recorded, an increase of 17 per cent on the 2022 figure. Yet five police stations and nine in the South-Eastern Metropolitan Region are no longer open for 24 hours. Minister, can you please provide a transparent breakdown, beyond the general data in the

budget, of how police funding is being allocated in order to have a more accurate understanding of the problems in my area and how police funding may be contributing to the crime rate in the south-east? Frankston was by far the worst affected by crime last year, with Seaford, Carrum Downs, Langwarrin and other neighbouring areas coming up very high in the statistics.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:44): (952) My constituency question today is for the Minister for Health. The Mansfield hospital has been servicing the Mansfield community since 1871. It is also the main triage point for the thriving tourist attraction of Mount Buller. Approximately 20,000 people a day pass through Mansfield in the wintertime. My constituents have reached out to me to express their concerns about reports that the minister is planning to merge their hospital with Goulburn Valley Health. Mansfield hospital is the cornerstone of the community. Locals are scared that their services will be cut and they will be forced to travel over an hour and a half to Shepparton to receive treatment. The secrecy that shrouds this plan to merge is a growing trend for the Allan Labor government. My constituents in Mansfield want clarity around the government's plans regarding their hospital. Will the minister release the details of the planned merger of the Mansfield hospital and GV Health and how it will affect the hospital's daily operations?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:44): (953) My question is for the Minister for Transport Infrastructure. Minister, will you add Watson Street in Wallan East to the list of level crossing removals and prioritise this as an essential part of the Wallan diamond project? The Wallan diamond project at the intersection of Watson Street and the Hume Freeway is desperately needed for an important growth area but has been endlessly delayed by Labor. One related issue is that Watson Street also has a level crossing where it intersects with the rail line. The level crossing already causes traffic congestion as cars back up to the roundabout that regulates access into and out of Wallan East, and the government has just announced a plan to increase housing in the area by 300 per cent. Mitchell Shire Council recently passed a motion to advocate to state government for the crossing to be removed, and I fully support this call. When the state government finally starts construction of the Wallan diamond ramps it must include the removal of the level crossing as an essential part of the intersection upgrade.

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:46): (954) My constituency question is for the Attorney-General. My constituent is a resident of Narre Warren South. Like many Victorians my constituent recently had her information stolen in a data breach. As a result her licence number was used to fraudulently nominate her for several traffic and road breaches. My constituent has been through every available channel to challenge the fines but has been hit with a bureaucratic wall after being advised that the reviewing officer at Fines Victoria had made their decision and that her only option is to pay. Increasingly services are using secondary identification methods to ensure people's sensitive information is not compromised. My constituent asks: will the minister ensure Fines Victoria implements secondary identification requirements and provides further support to victims of identity theft?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:47): (955) My question today is directed to the Minister for Environment in the other place, and it concerns the great Greenvale Reservoir Park. The minister may recall that earlier this year I asked him what action he would take to ensure the park is open and accessible to the community and when the park's main entrance will open. I appreciate the minister's response that it is still closed but Parks Victoria is now working to identify options to reopen the southern section of the park. I would like to think that perhaps he was prompted by my advocacy on this issue. My question to the minister is: what options have now been identified to reopen the park, and when can locals expect the park to reopen?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:47): (956) My constituency question is for the Minister for Agriculture. One of my constituents has contacted me pleading for assistance with the overwhelming number of animals in need of rescue in the Wangaratta and Wodonga area. Since the RSPCA was forced to close its doors in Wangaratta last year, after the Rural City of Wangaratta refused to renew its contract, unwanted, abused and injured animals have had no place to seek refuge, and the responsibility has been borne by locals with no choice but to use their own money, resources and time to help these dogs, cats and small animals. But they cannot keep up with the sheer volume of animals in need of rescue in the region without a local shelter to offer this care. Will the minister support local residents of Wangaratta in their efforts to rescue animals by providing a new centre for their care and rehoming?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:48): (957) My question is for the Minister for Education. Prior to the last election San Remo Primary School was promised $5.3 million by this government to upgrade their facilities. The promise came complete with a visit from the local member Jordan Crugnale and Minister Shing for a photo opportunity. However, since then there has been no sign of the funds, and the local community is getting extremely frustrated. Their petition to Parliament has already got over 400 signatures. The petition highlights the school's urgent need for funding to address ageing infrastructure, accommodate the growing student population and provide adequate, fit-for-purpose facilities. Minister, given the government has already engaged in a slow-motion backflip on the Wonthaggi planning fiasco to protect the member for Bass, I ask when we can expect a similar U-turn on this issue and some action to deliver the overdue commitment to students, parents and teachers at the San Remo Primary School.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:49): (958) My constituency question for the Minister for Health concerns the impending mergers of regional health authorities in my electorate, forced upon the state by Labor's inability to manage money and affecting regional Victorians most severely. Last week's report of a health department meeting with regional hospitals was alarming: 25 have been told their budgets will be slashed by up to 30 per cent. I have previously raised my concern about non-disclosure agreements forced on regional health board members and also about local health service charity and campaign community fundraising being swallowed up. My question today is more fundamental. Merging into one superstructure might provide cheaper services like operations by individual unit cost if they are all performed centrally, but Minister, how can you guarantee that bean-counting bureaucrats will properly assign a dollar value to the incalculable benefit for patients and their families of having services provided in local hospitals?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:51): (959) My question is to the Minister for the Suburban Rail Loop. The Suburban Rail Loop Authority and Monash council have turned parking into a nightmare in Glen Waverley. The state government has removed crucial parking bays for the Suburban Rail Loop. Community groups like the Waverley RSL have been stripped of all their parking bays. If this is not bad enough, then Monash City Council is now spending $110 million on a new library, and in order to fund this library they are selling off car parking spaces in the heart of Glen Waverley. Parking in Glen Waverley is already a challenge and has become nearly impossible. Parents are struggling to drop off their children at school. It is now impossible to quickly buy small groceries. Quickly to my question: with the SRL overdevelopment in the area also preventing under-building parking, this is unsustainable for the future of the community. Minister, the people and the businesses require your intervention to address the parking crisis in Glen Waverley.

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:52): (960) *(By leave)* My question is to the Minister for Education, and it is regarding Brighton Secondary College, which has around a thousand students who come from local suburbs, including within the community of Bentleigh. I have been made aware that the school community has major concerns about the urgent need for upgraded facilities to ensure the best educational opportunities. My constituent Rebecca wrote to me as a very concerned parent who fears the lack of investment by the government continues to hamper the school's ability to attract and retain students and teachers. In her email she said to me teaching staff are departing in droves and enrolments have fallen in recent years, and she is very concerned about the ongoing viability. She is considering moving her child to another school, and as she said, if it continues on this trajectory there will be no school to worry about. The school has a master plan with a vision for a bright future that also benefits the wider community. My question is: will the minister commit to funding Brighton Secondary's master plan for the much-needed upgrades that the families, students and staff deserve?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:53): (961) *(By leave)* My question is to the Minister for Environment. My constituent, who is the owner of Saltwater restaurant in Newhaven, Ben Dennis, is very concerned about the longevity of his 30-strong staff. Because of the closure of the Newhaven Jetty he has been offered a meeting via Zoom, two months after the closure of that jetty. My question is to the minister. Clearly there are too many suits in Melbourne and not enough field officers in boots in regional Victoria such that a man whose business is liable to come under great pressure will have to sack people because of the closure of infrastructure. Will the minister cancel suits and redeploy boots out into Bass in particular so that they can actually have a meeting on time rather than two months delayed?

Sitting suspended 12:54 pm until 2:03 pm.

Bills

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024

Committee

Resumed.

Clause 1 further considered (14:03)

Evan MULHOLLAND: I will just ask this generally – it is on clause 10, but I will ask it here with the goodwill of the chamber. These provisions provide that information and advice, as well as regulation of gambling, can be funded from the Gambling Harm Response Fund. Can I ask what this means? Does it mean that the cost of department oversight of gambling is now to be funded from the Community Support Fund?

Lizzie BLANDTHORN: No, it does not, and the provisions are consistent with what was previously in the VRGF act.

Evan MULHOLLAND: Clauses 14 and 19 to 21 abolish the gambling and liquor advisory councils. The second-reading speech makes it clear that they will not be replaced in law. How and who will the government consult for advice on these sectors?

Lizzie BLANDTHORN: Department of Justice and Community Safety (DJCS) is in the process of updating its stakeholder governance framework and will establish new non-legislative advisory bodies to inform government's liquor and gaming policy development. Best practice and engagement have evolved since these councils were established. The new framework will ensure community stakeholders, people with lived or living experience – to go to Ms Copsey's questions earlier – and industry stakeholders have an ongoing mechanism for engaging with government regarding gambling

and liquor policy and other regulatory matters. Ministerial advisory councils are not required to obtain their expertise and insights from relevant stakeholders, and in the view of the government they are best achieved in these ways.

Georgie PURCELL: How will the government invite and receive community engagement with the abolishment of the Responsible Gambling Ministerial Advisory Council (RGMAC) and the abolishment of the Liquor Control Advisory Council (LCAC)?

Lizzie BLANDTHORN: The Responsible Gambling Ministerial Advisory Council and Liquor Control Advisory Council are in the process of being replaced, as we were just mentioning. They will have stronger representation from community advocates and people with lived experience, as we just talked about. Substantial work has already occurred in this space, like gambling policy. The Department of Justice and Community Safety has stood up a community advisory group that meets bimonthly, and this group includes academics and people with lived experience that were not previously involved in the RGMAC.

In relation to liquor policy, the DJCS has also stood up a lived and living experience group, which is facilitated by the Self Help Addiction Resource Centre, elevating voices that were not previously involved in the LCAC. The department also regularly engages with community stakeholders through forums chaired by the liquor regulator. The RGMAC and LCAC are not required to obtain that expertise, as we were just talking about in relation to Mr Mulholland's questions. DJCS considers having consultation and governance mechanisms outside of legislation will enable greater flexibility and more targeted engagement, and DJCS will continue to consult directly with industry on matters that are relevant to them.

Clause agreed to; clauses 2 to 17 agreed to.

New clause (14:08)

Katherine COPSEY: I move:

1. Insert the following New Clause to follow Clause 17 –

'**17A New section 44A inserted**

Before section 45 of the **Victorian Gambling and Casino Control Commission Act 2011 insert** –

"**44A Review of repeal of Victorian Responsible Gambling Foundation Act 2011**

(1) The Minister must cause a review of the repeal of the **Victorian Responsible Gambling Foundation Act 2011** to be commenced within one year after the second anniversary of the repeal of that Act.

(2) The review must consider and report on –

(a) the efficiency, effectiveness, appropriateness and co-ordination of functions related to gambling harm across the Commission, the Department of Justice and Community Safety and the Department of Health; and

(b) the methods used to identify gambling-related matters to research, the independence of that research and the value of any gambling-related research that is conducted or commissioned by the Commission, the Department of Justice and Community Safety or the Department of Health; and

(c) whether the Auditor-General's recommendations to prevent and protect the community from gambling harm have been fully implemented; and

(d) the availability, delivery and quality of gambling harm treatment services and gambling harm public education programs.

(3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament not later than 2 years after the second anniversary of the repeal of the **Victorian Responsible Gambling Foundation Act 2011**."'.

I will take a short moment to talk through this review. There are a number of specific aspects that this new clause directs the review to consider. I will just enumerate those now, and I again apologise for the lateness in circulating this to my chamber colleagues.

The review that this new clause requires touches on a number of the points that have been raised throughout the debate and throughout the committee stage. Specifically the review will need to consider the efficiency, effectiveness, appropriateness and coordination of functions related to gambling harm across the commission, the department of justice and the Department of Health, which has been a topic of some debate today. We have included that point in order to address some of those concerns and make sure that that specific aspect is considered when the review is undertaken.

In relation to research, the review will require consideration of the methods used to identify gambling-related matters for research and the independence of that research, which again is a point that has been covered. As I have acknowledged, that is a very important aspect of the work of the Victorian Responsible Gambling Foundation (VRGF) that we would like to see continue into the future. That is at new subsection (2)(b) in the amendment, which seeks to cover it off.

New subsection (2)(c) is around the Auditor-General's recommendations on reducing harm from gambling. We understand that there have been raised in debate concerns that the Auditor-General made several recommendations around improvement for outcomes that the VRGF was seeking to achieve. The purpose of point 2(c) is, regardless of whether those functions are carried out by the VRGF or a successor agency, to ensure that those Auditor-General recommendations are fully acquitted and implemented satisfactorily. Point 2(d) goes to the issue of gambling harm treatment services and public education programs, which I think every member that has spoken to this debate has agreed is a really important function that needs to continue. Point 2(d) of this review clause would require analysis of the availability, delivery and quality of gambling harm treatment services and gambling harm public education programs. I note that this was an area of improvement that was pointed out in relation to the VRGF and in relation to those Auditor-General recommendations, and it will remain a very important part of our gambling harm reduction policy suite into the future in this state.

Those are the matters covered by the review clause. It is quite specific, but I have tried to tailor this review clause to cover some of the concerns that I anticipated and that have been raised in debate both in the Assembly and in this chamber. Regardless of where people stand on the bill overall, I think it is sensible to undertake this review once the implementation is complete, and I hope that all members will support this amendment.

Evan MULHOLLAND: The Liberals and Nationals will be supporting this amendment. We think it is important to review, although we do oppose the bill in general. If the bill does pass, we ought to see the actual outcomes of it, and I tend to think our concerns will probably be justified in some kind of review. It is also often the case that we are putting forward to the chamber similar reviews for other bills, so it would be a bit hypocritical for us to oppose this. I thank the member for putting it forward.

Lizzie BLANDTHORN: I thank Ms Copsey for her amendment, and the government will also be supporting the amendment. The intent of this reform is to improve the delivery of services to people experiencing gambling harm. These changes have been informed by extensive consultation with the entities responsible for delivering theses services, and they are supported by the Alliance for Gambling Reform. With the repeal of the Victorian Responsible Gambling Foundation, it is important that Parliament be updated on the effectiveness of this change, and that is why this government will be supporting the amendment.

New clause agreed to; clauses 18 to 21 agreed to.

Reported to house with amendment.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (14:13): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (14:14): I move:

That the bill be now read a third time.

The DEPUTY PRESIDENT: The question is:

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

Council divided on question:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Noes (13): Melina Bath, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Question agreed to.

Read third time.

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

Sustainable Forests (Timber) Repeal Bill 2024

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Melina BATH (Eastern Victoria) (14:21): This is a sad day, a dark day in Victoria's history. This is a disaster of a bill, and the Nationals and the Liberals will seek to amend and oppose this abomination. This government – the former Premier and the current Premier – have abandoned regional Victoria. They have wilfully neglected to listen to the science. They have listened to the chirpy ideologues and inner-city elites who want to see a sustainable and world-class industry closed.

On the day the then Premier Daniel Andrews was choosing the beautiful, high-quality hardwood manufactured in Heyfield from world-class ash timber for our $42 million expansion of this Parliament – he was choosing that because it is the best in the world – he signed the death knell for this industry. It is an abomination, and they should all be ashamed of themselves. Killing off Victoria's sustainable native timber industry is economically, environmentally, socially and morally wrong.

Before I get into the detail of the bill, I would like to move my reasoned amendment. I move:

That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until fair compensation for loss of income is received by all those impacted by the Labor government's early closure of the sustainable native timber industry.'

I ask the clerks to circulate the amendments in my name on behalf of the Liberals and the Nationals, and I thank Emma Kealy for her hard work on this.

Amendments circulated pursuant to standing orders.

Melina BATH: Before I get into the nuts and bolts of how bad this is for Victoria, I would like to pay homage to and thank the industry, the industry workers, the towns and the various people and entities associated. Over my time in this place I have met some wonderful people in regional Victoria, not only in regional Victoria but in metropolitan Melbourne, who are part of the supply chain for our native timber industry. I would like to thank the haulage and harvest operators, the contractors and the sole traders, who are doing it so tough at the moment because the government is not honouring a commitment to fully pay them out as required and is putting blocks in the road. I would like to thank so much the machinery workers and those employed by the VicForests contractors. I also want to thank and pay homage to the civil contractors who are not associated with VicForests. So many of those do an amazing job, and some have moved between department contracts and VicForests contracts over the past 20 years as well. I want to pay homage to them. When the fires are burning and for various reasons have not been able to be put out, they drive towards those fires, putting their own lives in peril to protect our regional communities and towns. I want to particularly thank the mill owners – and there have been many in the time – their workers and their administrations. I thank them for their ingenuity, for their integrity and for their grit and hard work on the floor – for value-adding this beautiful hardwood timber product which adorns our homes, our offices, our cultural centres, our GovHubs, our schools, our libraries and indeed the $42 million offices that we inhabit when we are here. To all of those, I thank them so much for their ingenuity and craftsmanship.

I want to thank, in particular, the engineers as well. I thank the registered training organisations. I have spoken with so many training officers who upskill and educate haulage and harvest operators, who provide that safety. And I thank the TAFE teachers. I know many of them have been so frustrated with third-party litigation. I also thank the seed collectors – and boy, haven't they done it tough at the end of this, because the government has not been recognising them for their services. And I want to thank the VicForests staff – the biodiversity experts, the forest scientists, the surveyors, the assessors, the forest managers and the regenerators. I also thank Monique Dawson for giving a damn.

When the courts have said to VicForests 'How high?', they have attempted in many and various ways to perform those tasks: lidar data, forest surveys, middle-of-the-night and heat sensor surveys, and it goes on. On occasion VicForests has been in an uncomfortable position. They are not universally loved by the contractors, but they have been pulled and pushed and abandoned by this government. Twenty years ago Steve Bracks in actual fact introduced VicForests, and like timber workers in our community, I think that VicForests has been collateral damage for the elites and the egos that inhabit this place.

As I said earlier, it has been a passion of mine for all of my time in here to espouse and share the importance of this industry and the science behind it. In one of my first days in this place, when Federation Room was operational, there was a buzz in that place, and the minister then was Jaala Pulford. There was a buzz of forestry people. The room was full and the future looked bright. Well, weren't we conned indeed. We know that there have been improvements over the time for harvest practices. We know that in the past it was always evolving to better serve biodiversity and better serve outcomes, conservation and protection of zones. We have got special protection zones and we have got buffer zones. There have been five ministers, in my time, of the ag department of this government. It seems like a hot potato that nobody wants. All of the National Party would relish it, and I am sure many of the Liberals would relish being the minister for ag.

There are various things. Let us look at this: 94 per cent of the public land estate is not available for timber harvesting – 94 per cent of roughly 8 million hectares is excluded from harvest. In the last few years around 3000 trees per hectare were harvested every year and regrown. These are the facts: four in 10,000 trees are harvested and regrown. The national state of the forests 2018 report stated that there

was a 95 per cent success rate for VicForests for Victorian forest regeneration. There was a 95 per cent success rate for that regeneration. We also know that there is no such thing as deforestation. What I do also know is that the wilderness groups – these Wilderness Society groups – peddle this misinformation about it. Indeed when we asked, in the decline of ecosystems inquiry, how many programs the Wilderness Society has to regenerate, create habitat and plant trees, guess what, there were no programs. So whilst they are all about shutting down industry and shutting down community and not being environmentally understanding, they do not plant trees themselves. The Department of Energy, Environment and Climate Action (DEECA) is not a good neighbour, and we know that many of those fires have established in parkland and the like and moved through – and the people in Sarsfield definitely know that.

I also want to pay homage to the late Kevin Tolhurst, who was passionate about bushfire mitigation and public access but also about active management of our forests. Dr Michelle Freeman from Forestry Australia is an eminent scientist, and we need to listen to her words and not the chirpy few scientists gone into ideology. Rob de Fegely, Professor Rod Keenan, Vic Jurskis, David Packham, Carlie Proteous, Deb Kerr, Tim Lester – the list goes on. I want to quote something from Rod Carter. Dja Dja Wurrung man Rod Carter talks about forest gardening:

> I believe in forest gardening. We need to actively manage the bush, and this government is hell-bent on sterilising it and turning it into a bushfire habitat.

Thank you very much to all of those people – and more that I have not mentioned.

This government has enabled court litigation. Time and time again in this place the Nationals and the Liberals have spoken about closing the loopholes in the timber code of practice. There was a precautionary principle in the timber code, and indeed the former Premier stood in the Public Accounts and Estimates Committee and said, 'We've had advice. We've had legal advice to say that we can't shut down this loophole' – this timber code of practice loophole. Well, he refused to then document and share where that advice had come from. He refused to show that because, I believe, it does not actually exist and he was making that up.

We also see that the government is pandering to those environment groups, such as MyEnvironment. MyEnvironment lost a case against VicForests. They lost that case, and MyEnvironment had costs awarded against them – $1.2 million. They should have paid it. The government did not force them to pay it. It is now out to $2 million with interest costs, and the government has turned a blind eye. This is not being responsible, and this is not being fair. On one hand you have VicForests suffering these lawsuits to shut it down, and then you go around saying that indeed it is not profitable. Well, it is not profitable because you are hamstringing it all the way.

Let me speak about bushfires. I waded my way through, as did members in the Liberal Party, the decline in ecosystems inquiry, and the greatest threats to those vulnerable species are bushfires, pests and weeds. Let me say it again: bushfires, pests and weeds. Again, we need to have a sustainable principle around forest management. If you are going to cut out the people who understand that bush and who over time very gently take coupes and replant them, then you are going to have an impact. But not only that, you are taking away the capacity of this industry. Yes, some of them are going into DEECA, but clearly not all of them, and clearly those workers who live and work in the towns in our regions are not going to be there. Many of them – and I can give you quotes and examples – are going interstate and far away.

I just want to provide some information. There is this fallacy out there around how harvesting creates more bushfires. Well, let me give you some facts. I will ask if I could have this circulated and also put into *Hansard*. I seek leave to incorporate a graph created using evidence from the Forests Commission through the Department of Energy, Environment and Climate Action annual reports, showing that the Victorian bushfire area has increased as harvest volume has decreased.

Jaclyn Symes: On a point of order, Acting President, whilst Ms Bath is the lead speaker and has broad range to be reasonably general in her comments, she has spent much of her contribution detailing her issues with the decision to cease native timber harvesting. These are well-known views of Ms Bath and are already on the public record, but where she is straying to now is outside of the bill. I would ask that she be brought back to the contents of the bill, because we cannot possibly respond to every point she is raising in the confines that we will be stuck to by virtue of our contributions to the bill.

Melina BATH: On the point of order, Acting President, this government is closing down – repealing – the VicForests native timber bill on the grounds that it is not environmentally sound et cetera. This is evidence to back up my point.

The ACTING PRESIDENT (Bev McArthur):The lead speaker does have leeway to range widely, but I will ask Ms Bath to go to the bill. Ms Bath, did you want that document circulated?

Melina BATH: Yes. Thank you very much.

Leave refused.

Jaclyn Symes: On a point of order, Acting President, I will just seek advice from the box, because if Ms Bath has indeed spoken to the minister and advised her of her intentions to seek leave and I have not been advised as such, then I would reconsider. But Ms Bath, as I have indicated, I doubt has spoken to the minister about tabling this, because it is not relevant to the bill. But if I am indeed incorrect, if you have sought advice from the minister in relation to these matters, then I would be willing to reconsider the granting of leave. But given that it is not connected to the bill at this time it would be inappropriate to grant leave, and I do not want to create such a precedent for future debates.

Melina BATH: On the point of order, Acting President, there is nothing in our standing orders that actually says that about anybody who is about to table a working document. I have approached the tables office and I have met the criteria, so there is nothing that actually says that I have to go and speak to the minister. I put that I deserve to have this put into *Hansard*.

Jaclyn Symes: On the point of order, Acting President, I was simply affording the opportunity for Ms Bath to demonstrate further how her line of debate in relation to the matters she has raised relate to the bill. It is inappropriate for anyone in this chamber to grant leave for people to start tabling things that are not related to the content of a bill. I have been quite generous in sitting here listening to Ms Bath's views. We respect her views, she is entitled to her views, but she has a responsibility to confine them to the contents of the bill.

Melina BATH: On the point of order, Acting President, this particular graph relates to the commercial log production from VicForests over the last number of years.

The ACTING PRESIDENT (Bev McArthur): I can only ask if leave is granted. Leave appears to be not granted, Ms Bath.

Melina BATH: Thank you, Acting President. Not only are we shutting down our native timber industry, we are also shutting down debate on this issue, which will affect so many people.

Jaclyn Symes: On a point of order, Acting President, Ms Bath is misleading the house. Ms Bath has more than 12 minutes left to make a contribution. There is no attempt to shut down her contribution on the bill at all.

The ACTING PRESIDENT (Bev McArthur): There is no point of order, Minister.

Melina BATH: Thank you. The government has said that as part of this transition plan there will be plantations. I remember standing in the seat of Morwell – it was near Australian Paper – indeed it was in 2017, when the government then announced $110 million allocated in the budget. As it turns out, it actually happened to be the former agriculture minister, who is now at the table. They stood there and spoke about how the transition will work – by 2030, mind you – because they had this

transition to plantations. What we know – and it is on record; it is on record in both the Public Accounts and Estimates Committee records and others – is that this is just not the case. There are not the trees in the ground to transition. There is not the wood volume. Australia is in peril about this – Victoria – because what are we doing now? Rather than growing our own and supporting local industry and jobs, we are going to import it from overseas with less environmental protections than we have here. There are not the plantations, despite that money. We also know that the transition to earlier closure than 2030 is having a mass effect on people. We also see that the government came up with some other ideas about this transition plan. One of those other ideas was in relation to the Nowa Nowa seedling enterprise. There was a media statement back some years ago about how it was going to revolutionise and create jobs in Nowa Nowa and be part of that solution and that plantation industry. Guess what, it did not eventuate. It was botched and non-existent, and there is no seedling enterprise in Nowa Nowa – again, turning the back.

What we also know is that this closure is false environmentalism. We know that both native timber and plantation trees are a carbon sink. Indeed the other day I went to Collingwood T3, the tallest building in Australia made from timber. It is made from cross-laminated timber and Masslam timber, it is made in Victoria and it is the last of its kind. We see these types of things happening, and it is absolutely untenable. This government made a commitment to the workers. It is very clear they made a commitment to the workers. I know from speaking with Peter Walsh that the former Premier came to Peter Walsh and said, 'You do your thing, we'll do our thing, but we'll make sure that timber harvesters are covered and they get what they deserve.' We know that that is not the case, and that is why I have moved this reasoned amendment to stop this bill until such time as timberworkers are paid.

There is one such example, and I can give you many. Jeff Coster was promised and committed to and paid 20 cents into his bank account by accepting ForestWorks commitment around $198,000 for his payment. Lo and behold, what has happened is crickets, nothing, no more. I do not actually blame the current agriculture minister – I believe that she in good faith would like to see these things come to fruition – nor the current environment minister. But the fact of the matter is there are many people out there who have lost their jobs because of the closure of this industry and contracts to VicForests and now are waiting desperately.

We talk about mental health. Mental health is being shredded out there, and this government must commit to paying those people, all of them. Indeed one of the members in the lower house spoke about that and said that everyone will get a new job and all will be well. This is not the case. We also know in relation to firewood that this government faces a problem. We hear all this banter going around about energy, and it is highly important. Our energy supply system is vital, but this is a close and immediate issue for many people: people who are elderly, people who are on the pension, people who cannot get their chainsaw in the back of their ute and go out when the firewood collection season is open and chop their own wood. They cannot do it, and there are hundreds and hundreds of them.

A member interjected.

Melina BATH: Thousands of them. They are facing a shortage of this. It will not be this year, because there is still enough left over from last year, and that is my intel from listening to people. But I spoke yesterday with a firewood supplier. He is getting his firewood in from New South Wales. What does that cost him? That cost has to be put on. These sorts of things are the impacts of this government's decision.

The bill is repealing the Sustainable Forests (Timber) Act 2004, it is abolishing VicForests and it is amending section 52 of the Forests Act 1958. I have a number of amendments that I will speak to now, and then further I will ask some questions in the committee stage of the minister. In relation to the main themes and purposes of these Liberals and Nationals house amendments, I refer to amendments 1 and 2. Amendments 1 and 2 would allow traditional owners to take away timber resources in state forests and use them in the manufacturing and sale of timber products. These licences already exist, but we have seen a situation in the Wombat forest where they have the licence and have been thwarted

by third-party litigation and environmental groups putting up their hands and saying no. This government needs to ensure that traditional owners do have the option, do have the right, when they have licences and permits, to take that timber away and manufacture it and sell it in products.

The next part is to allow for any licence or permit-holder to take away and use in the manufacturing and sale of timber products from timber resources in state forests, such as those bespoke manufacturers of guitars et cetera. The next part is to allow for firewood, as I have been saying, to be collected and removed from state forests in commercial quantities and for that produce to be offered for sale as firewood with an allocation of no less than the quantity required to sustain demand for firewood in Victoria.

This is an important one. In this bill there is no definition of 'imminent damage'. At the moment I and the Nationals and the Liberals and my colleague Emma Kealy, the Shadow Minister for Agriculture, see this imminent damage as a concern. It needs to be defined very clearly. We are going to move an amendment to ensure that it has a meaning, and that meaning is the 'loss of viable populations throughout a species range but does not include loss of viable populations arising from an activity performed for the purposes of preventing or suppressing disease, dieback or fire, including thinning, cutting and removing timber, planned burning and creating or maintaining firebreaks'.

Amendment 4 seeks to reinstate the timber harvest safety zones. We had a bill two years ago that was designed to protect those people who are harvesting, to protect them and to protect the recalcitrant vandals and the protesters who come onsite – a worksite. These sites are still worksites. VicForests is going to close down. We are not going to see timber harvest safety zones, but there will still be forest safety zones. They are still a place of work, and people need to be protected. We have heard terrible stories of black wallaby tactics. We have had cases where we have had an activist bring their child onto a worksite. These places are not places for children and they are not places to have steel spikes hammered into trees. These sites need to be protected, so we will reinstate that protection through this amendment.

Lastly, the amendments seek to prevent certain civil proceedings being raised by third-party litigants in relation to an actual and apprehended or threatened contravention of the Forests Act 1958, the regulations and instruments made under that act or a licence or permit granted under the act or any other act on behalf of the Crown or an entity that represents the Crown. New South Wales has implemented this. The right authorities need to have carriage, and that is the Office of the Conservation Regulator. That is the department. Where they do, they need to take stock and implement proceedings, but not these third-party litigants. They are crushing sanity, and it just needs to stop.

In relation to this bill, let me just refresh: this government has had the ear of – and vice versa – people who are not true scientists, because if they listened to true scientists, they would understand the importance of maintaining a native timber industry. We know that the IPCC in 2019 came out with a statement. The Intergovernmental Panel on Climate Change came out and said a well-managed and sustained forest system with an annual yield is a mitigation tool to climate change. This government has not listened to the science, and in doing so – in closing this industry and repealing this act – the impact is wide, and the mental health deterioration of people that I care about, who care about our forests and our communities, is really rather challenging. I am not going to apologise for being passionate about this. I really feel that –

Jaclyn Symes interjected.

Melina BATH: Well, we have been shut down. I have been shut down while explaining some very important issues. This government has got it wrong. This government will go down in history as having an economically flawed argument, an environmentally flawed argument and a morally flawed argument. The Nationals and the Liberals oppose this bill, and I ask the house to consider our amendments.

Sonja TERPSTRA (North-Eastern Metropolitan) (14:51): I also rise to make a contribution on the Sustainable Forests (Timber) Repeal Bill 2024. What I am going to do in my contribution is focus on what this bill is actually about. First of all, for the information of the house, the Sustainable Forests (Timber) Repeal Bill 2024 will repeal the Sustainable Forests (Timber) Act 2004 to remove the framework that authorises commercial native timber harvesting in Victorian state forests under that act. Secondly, the bill will abolish VicForests and provide for the transfer of VicForests' property rights and liabilities to the Crown. The bill will retain key provisions that remain relevant for the ongoing regulation and management of state forests by transferring them to other legislation. I guess what this bill does is provide for the administrative arrangements that need to be put in place as a consequence of the government's announcement that we would be bringing an end to native timber harvesting in Victoria.

Of course we brought that forward, because it was on 23 May 2023 that the Victorian government announced that commercial native timber harvesting would end on 1 January 2024. This was earlier than planned – it was planned to be at the end of 2030 – and this was due to the uncertainty facing the native timber harvesting industry which was caused by increasingly severe bushfires, prolonged legal action and court decisions. The industry was facing uncertainty, and what the industry was telling us was that there needed to be more certainty – hence the decision was brought forward. This means that VicForests' primary role, to harvest, sell and regenerate timber resources from state forests on behalf of the government, is no longer required. I will go into the sorts of things that we have done to support workers in a moment. VicForests will close by 30 June 2024, and its key forest management functions will be transferred to the Department of Energy, Environment and Climate Action to support future forest management. The bill abolishes VicForests and implements the end of operations of VicForests. The bill also ensures that important elements of the Sustainable Forests (Timber) Act 2004 that have continued relevance for regulating and managing activities in state forests will be preserved in other legislation. This includes provisions for compliance and enforcement and public reporting on the state of forests, which is important.

The announcement included an additional $200 million in support for workers and their families to transition away from native timber logging. On 23 August 2023 the Victorian forestry worker support program was expanded to increase worker top-up payments from up to $120,000 to $150,000 and $200,000 for workers over 45 years of age. The wider community forest sector, including firewood sellers, guitar makers, seed collectors and other forest produce licensees, are eligible for the expanded worker support payments and redundant equipment compensation, plus payments for undersupplied timber and one-off hardship payments. That has all come about as a consequence of this government working with local communities, who we know so well were reliant on the timber industry for many years and many decades and derived their incomes and livelihoods for their families as a consequence of that. But it needed to end. We had to step in and end this, obviously, for environmental reasons, but if you look at that in sharp contrast to what the Liberals did when they shut down the SEC, there were none of these sorts of support payments for those workers – the axe fell heavily. It fell heavily, and there was nothing. The valley was decimated by these sorts of actions. So I am going to go into great detail in a moment about what this –

Melina Bath: On a point of order, Acting President, this has absolutely nothing to do with something that occurred a long time ago – in a different galaxy far away, to be honest.

Sonja TERPSTRA: On the point of order, Acting President, I am going to respond to the things that Ms Bath said because I found that a lot of the things that Ms Bath said were not contained in the bill. I am going to draw comparisons about the difference between how this government is dealing with people in the timber industry through the bill, and that is relevant to the bill.

The ACTING PRESIDENT (Bev McArthur): Ms Terpstra, Ms Bath had wide-ranging leeway because she was the lead speaker. You had better come back to the bill.

Sonja TERPSTRA: I will continue my contribution in the same vein of saying that what this government is doing in this package of support for workers shows the heart that this government has in helping and assisting workers transition away from an industry that has outlived its usefulness, unlike in the Kennett era, which smashed the communities. I am going to start by talking about –

Melina Bath: On a point of order, Acting President, on relevance, bring the member back.

The ACTING PRESIDENT (Bev McArthur): I have asked the member to refer to the bill.

Sonja TERPSTRA: On a point of order, Acting President, I am referring to the bill. I want to make the point that lots of interjections are unruly and –

Melina Bath interjected.

Sonja TERPSTRA: Let me finish my point of order. I am allowed to debate a bill without continued interruption. The people on the government benches today allowed Ms Bath a lot of latitude and did not interject and did not make unnecessary points of order. I expect the same from Ms Bath, and I should be allowed to continue.

The ACTING PRESIDENT (Bev McArthur): Continue, Ms Terpstra.

Sonja TERPSTRA: Great. Thanks, Acting President. I will return to my contribution. I was moving on to what the government is doing. Those opposite do not like to have pointed out to them the sorts of things that they have done to workers. In contrast, what we are doing is supporting workers. As I said before I was rudely interrupted, forestry contract workers have approximately 80 new roles to integrate these activities into the broader forest and bushfire risk management operations. The government's free TAFE program has been able to retrain workers, helping them get jobs in growing regional industries – like construction and like agriculture, transport and manufacturing – through TAFE Gippsland and other key TAFE campuses in timber communities.

These initiatives were supported by up to $8000 in retraining vouchers for courses inside and outside the TAFE network. Timber communities worked with us. They talked to government and their union – so we could respond – to identify the jobs and growth sectors that will drive a sustainable future in their local communities. Altogether the government has invested over $1.5 billion in forestry industry management and transmission. This includes in plantation investment, targeted business and worker support and active forest management.

I will just talk for a moment about the forestry transition worker support program in a little bit more detail, because I noted Ms Bath's contribution went into great detail about workers who were being affected by this. I want to talk about one success story. There are many cases of the worker support program helping workers to find work locally so their families can continue to live in their communities. For example, there is the story of a 57-year-old former sawmill employee. He had worked in the industry for 35 years and loved his job. Through the worker support program he was able to access redundancy top-up payments and additional payments as he was over 45 years old, allowing him to pay off some outstanding bills and seek financial advice on what to do with the rest of his package. He engaged with the skills and jobs centre to update his résumé and undertake first aid training and a responsible service of alcohol certification. He has also booked to undertake construction induction training to obtain his white card in traffic management. These are all initiatives that he wanted to do and that he sought by him telling us that is what he wanted to do. He was also able to secure bar and security work with a local pub utilising previous experience and the training provided through the worker support program. So these initiatives are worker-led. It is not us telling them; it is them telling us what they would like to do.

We have also worked with businesses to successfully transition their operations and pursue new business opportunities. The Victorian Timber Innovation Fund grants helped forestry businesses, such as sawmills, community forestry operations and harvest and haulage businesses to innovate by supporting their transition to alternative fibre sources, investigating manufacturing opportunities or

transitioning to another industry. Nearly half of the round 2 applications under the fund relate to opportunities within the agriculture, forestry and fishing sectors, with transport and warehousing also being popular transition opportunities. The Forestry Transition Fund supports the immediate creation of jobs in towns and communities affected by the end of the native timber harvesting sector, particularly jobs for displaced timber workers.

The forestry transition program has seen a range of success stories about the creation of new business opportunities. Ex-native timber workers are finding new work opportunities through the Nationwide Trees program by a large-scale wholesale tree nursery located in Piedmont, West Gippsland, between Noojee and Powelltown. Through the first round of the Forestry Transition Fund grants Nationwide Trees has been awarded a $775,000 grant to partly fund the construction of a multipurpose production and dispatch shed to enable the company to expand its capacity and workforce to meet increasing demand across Australia. Nationwide Trees will also contribute $775,000 of its own funding towards the expansion. To support business growth, impacted forestry workers and their families are being recruited via the Victorian forestry workers support program and trained to work in the new facility, which is fantastic news. It is tripling the business's workforce. One former sawmill employee has already been employed in an administrative role. Nationwide Trees has employed ex-timber workers to do the excavation work on the site in preparation for construction of the dispatch shed. The business currently employs six people, and through this project aims to employ an additional 10 workers as well.

Then there is Dahlsens Steel Truss and Frame, a business in Newmerella in East Gippsland. Dahlsens Steel Truss and Frame is a newly established company with the backing of one of Gippsland's largest family-run businesses, Dahlsens, in conjunction with local business owners Lachlan Heather and Luke Priestley. The joint venture is committed to helping the region survive and thrive and will help meet the growing demand from builders and home owners for steel framing products through Australia. For the first round of the Forestry Transition Fund Dahlsens has been awarded $500,000 to expand its operation and directly employ up to 16 local native timber workers. In addition, Dahlsens is contributing $500,000 of its own funding to support this expansion. Several ex-timber workers from local sawmill businesses within the area are employed by the company, with onsite training being conducted on the new equipment as well.

You can see there is so much that we are doing to support workers who have been impacted by the changes. We will not let them languish, unlike those opposite when they smashed the SEC and sold it all off. That is the difference. We care for workers over here on the government benches, and we are supporting those workers. They are working with us; they are talking to government. They are not talking to those opposite, because they have no trust in those opposite, based on the history and the decimation that was caused in the valley thanks to the Liberals closing the SEC.

The forest, importantly, will provide higher protection to forest-dependant species and significantly improve the long-term prospects of more than 100 plant and animal species, many of which are only found in Victorian forests. This transition will result in the equivalent of 775,000 MCGs, or twice the size of metropolitan Melbourne – that is, 1,815,000 hectares – being made available for other uses. Also, in our 2024–25 state budget we have invested over $115 million into our future forests program. The funding will go towards managing forest regeneration and undertaking weed and pest control in previously logged areas of state forests. This will also include collecting and storing seeds to help restore forests after bushfires, maintaining the forest road network, developing a new framework to support the best use of by-products and developing a new strategy for the management of domestic firewood collection from state forests as well as targeting the illegal take of firewood. $11 million of this funding will go towards designing the future of the state's public land estate, which now includes more than 1.8 million hectares of forest previously used for timber harvesting.

There is a lot more I could say on this. I have got about a minute or so left on the clock. I just want to address one of the points that Ms Bath said, because it is actually not correct, so I just want to make sure that I correct the record in regard to this. There was some commentary around firewood, and it is

pretty clear that this bill does not impact domestic firewood collection. Essentially domestic firewood collection will continue, and it is not affected by the end of native timber harvesting in Victoria's state forests.

Melina Bath: On a point of order, Acting President, in actual fact I do not need to be verballed. I was very clear in my statement. I ask the member to cease what she is saying.

Sonja TERPSTRA: On the point of order, Acting President, Ms Bath is debating, and there is no point of order.

The ACTING PRESIDENT (John Berger): I ask Ms Terpstra to continue.

Sonja TERPSTRA: Thank you very much. I will continue on about domestic firewood, because again if those opposite were across their brief, they would not have said the stuff that they said earlier, because it is incorrect. The bill does not impact domestic firewood collection, so all of that was incorrect. Domestic firewood collection will continue and is not affected by the end of native timber harvesting in Victoria's state forests. Domestic firewood collection is free. Firewood is made available in the state's forests to members of the public through designated firewood collection areas during autumn and spring. The autumn 2024 season is open as normal, from 1 March 2024 to 30 June 2024, and Victorians will continue to be able to collect free firewood for personal use from state forest firewood collection areas in accordance with the domestic firewood collection scheme. We support this bill, and we should reject all of the Nationals' amendments.

Sarah MANSFIELD (Western Victoria) (15:06): I rise to speak on behalf of the Greens on the Sustainable Forests (Timber) Repeal Bill 2024. At the outset I want to thank the Minister for Environment, his staff and department staff for the time they took in providing me and colleagues briefings in the lead-up to this bill. The bill before us today repeals the Sustainable Forests (Timber) Act 2004 and marks a formal end to native forest logging in Victoria by abolishing VicForests.

This is a significant moment for me and my Greens colleagues. The Greens have roots in the forests movement. The protection of our precious native forests and their inhabitants has been the bedrock of the Greens movement from as far back as the 1970s. This is a significant moment for the many dedicated community groups, environmental organisations and dedicated individuals who have been fighting to save our forests for many years. Their persistence in this fight, bringing court case after court case and staging protest after protest, is the true reason that we are seeing government take this action today. Most significantly, this is a significant moment for the many ancient trees and threatened species that call our forests home. Forests are unique and precious in their own right. They are home to greater gliders, Baw Baw frogs and giant mountain ash, and they are also essential to the health of our planet.

Mass devegetation and the clearing of forests is one of the great shames of this country's colonial history. For years all across the country settlers were granted free claimed land if only they had the means to clear it. The resulting habitat destruction has deepened the climate crisis and threatens biodiversity on this continent. Only small pockets of untouched forests survive. These havens are precious and must be protected. The continued logging of native forests in 2024 is a travesty. I truly believe that if people in this chamber understood what happens to most of the biomass taken out of a forest, they would be appalled. Many romanticise the felling of trees by assuming that they end up as grand timber beams or quaint wooden homes, but in fact the vast majority of biomass removed from logging turns up as woodchips, cheap pallets and paper.

When Labor announced last year that it would bring forward the end of native forest logging and the abolition of VicForests, this came as welcome news. VicForests has consistently shown itself to be a company with a cowboy culture, burning and destroying our precious forests while losing money and failing to uphold its environmental obligations. This is not to say that individuals within this company do not deserve a fair and just transition to new work and sustainable incomes. The Greens are glad to see the commitment of the Labor government to provide for this. What do concern us, however, are

the stories coming out of Tasmania that the nearly $1 billion provided by this government to the logging industry is being used by some to pack up and move the same destructive activities to the grand untouched native forests of Tasmania. This is frightening, and we really hope that the government will see the responsibility that it holds to do all that it can to ensure that native forest logging is ended beyond Victoria's doorstep. The government has a responsibility to ensure that our taxpayer dollars are not being used to destroy old-growth forests in Tasmania and to ensure that these trees are not coming to sawmills in our state.

While this bill formally repeals the sustainable timber act, many functions of VicForests have already been moved to Forest Fire Management Victoria, and we are hearing of a continuation of significant problems. Recently there have been many questions raised by communities and environmental organisations all across the state about activities being undertaken in the name of fire management or storm clean-up. Works conducted under the guise of fire mitigation are not subject to the minimum guidelines set out elsewhere, and in Victoria we do not have any independent oversight of the ecological implications of forest clean-up, management and salvage logging. We have been deeply disturbed by reports that we are continuing to essentially see destructive logging continued by stealth in Victoria under the Department of Energy, Environment and Climate Action (DEECA) and FFMV, including in our national parks. So the Greens view this bill as an important opportunity to end these loopholes while also growing traditional owner consultation and joint management opportunities.

We have a number of commonsense amendments that I will speak to further in the committee stage, but in summary they include strengthening the government's plan for the minister to determine sustainability criteria and reporting requirements under the Conservation, Forests and Lands Act 1987; mandating that key international agreements such as the Convention on Biological Diversity must be taken into account when determining these criteria; and crucially mandating that such criteria be developed alongside traditional owners. We will also introduce amendments that help to ensure that FFMV is not killing critically endangered species when they do their fire prevention work, as has happened recently with the death of a critically endangered greater glider due to FFMV actions. This amendment will strengthen fire prevention and recovery agreements by bringing mandatory ecological reporting requirements in line with action statements for threatened and endangered species. We also want to empower the conservation regulator and EPA to investigate the ecological impact of these works so there is some actual oversight of the work. Lastly and quite importantly, we wish to see an outright ban on the sale of timber collected under these works. We know that our forests have been destroyed due to a commercial imperative, and if we do not remove this financial incentive, we might see FFMV or DEECA do more logging than is strictly necessary for safety. The only tree removal works that should be done in our national parks and our forests are those which are strictly necessary to protect lives from fire or other dangers – and no more than what is necessary.

The Greens have put much time and consideration into the bill before us today. We view our proposed amendments as an opportunity to do more than just abolish the system of native forest logging of our past – we can ensure better management going forward. We want immediate steps to protect and conserve many of our forests for generations to come. We want to see a future where our forests flourish, where their health is valued and seen as intrinsic to the health of our climate and to human life. We must put an end to the commodification of these precious ecosystems. Forests are for conservation, not for profit. So the Greens will be supporting the bill before us today, and I ask that our amendments be circulated for the chamber to view.

Amendments circulated pursuant to standing orders.

Renee HEATH (Eastern Victoria) (15:13): I also rise to speak to this bill. I just want to start by saying I was disappointed to see the way that the government belittled the opinions of those that Ms Bath has consulted with and spoken about and is here to represent in this house. This bill – even though some of you believe in it strongly – is having a detrimental effect on the communities and the people that have survived because of this industry. As I go through this speech today, which I have consulted with many people on – I have spoken to the people who have been affected by this and I

have brought their opinions to this house – I hope that it will not be treated like some of the other ones before, by just being belittled and met with eye rolls, because this is actually a huge deal.

Today is a very sad day for the regions. It is a sad day for the families whose livelihoods have been ripped away, and some of these families have been in this industry for three or four generations. They are not celebrating like you are. It is a sad day for small businesses, like the one in Orbost that said, 'How's my little cafe going to survive when 70 families move out of town because they cannot survive here anymore?' There are exoduses happening from these timber towns, and that is not something that I think should be met with eye rolls; this is actually something that is personally devastating to the people in these regions. It is sad day for the kindergartens – for their teachers – that are now under threat of closing and for the schools that are going to have to downsize because of the amount of families that have moved away. I hope that these things are actually met with an element of seriousness – I certainly do not expect sympathy – because this is a sad day for Victoria. It is a sad day for the 15,000 workers who were employed in the Victorian timber industry. I leaned over to Ms Bath when Ms Terpstra said, 'Oh, but there's 80 new jobs that have been created'.

Sonja Terpstra: There were a lot more too, but you didn't listen.

Renee HEATH: Well, you said 80, and I said, 'Hang on, did she say 80? Well, the 15,000 workers that have just lost their jobs are going to have to learn to share, aren't they?' I do not know, let us just divide 15,000 by 80 and – well done, they might get a couple of hours work. The Labor Party with their words say that they are the party of the worker, but then on the other hand they have just axed thousands of jobs. I know that you are belittling this again, but these are the feelings of people in the Eastern Victoria Region whose lives have been obliterated by this decision, and I hope that you will begin to think about them.

What disturbs me most is that we seem to be governed by a group that is interested in activists above the wellbeing of communities, the prosperity of communities and the livelihoods of families, and these are things that my region has felt intensely. Timber communities were left blindsided by Labor's choice to close and fast-track this decision by six years. They feel like they have been hung out to dry. Businesses that invested millions of dollars to upgrade their tools because they thought they had another six years left had the rug pulled from underneath them. One man who I spoke to in particular said he called a member of the government and told them about this decision and how it had affected him, and do you know what the advice was? 'Well, you'll have to sell those tools.' I do not know who you sell tools to when a government has just shut down an industry. It is completely out of touch. I just thought, 'Wow, that really shows the disconnection to the personal hurt that this has brought on.'

I have been contacted by timber workers who, despite Labor's talking points, have not been properly compensated by this government. Although in the country, people have to accept that Labor do not care about them and the industries that they are shutting down. I am proud to be part of a Liberal and National coalition who, although we are so against this closure, have fought hard to make sure these people are compensated. We have had to pivot our energy to really fight for that to make sure that victims have been properly compensated. We are now fighting for fairness in this transition process. We are highlighting the fact that, regardless of whether or not you like these facts, some people have not received any transition payments – none. Some have received small payments and have said that this does not even come close to compensating for their loss of income and the investments that they have made. I know that these are unfortunate facts, but they are facts. Entire towns have been destroyed because a political party wants the preferences from some activists and inner-city elites, and I think it is disgusting. People can roll their eyes all they want, but I have consulted with the community, and these are their feelings and their stories, and that is who I am here to represent.

While Gippsland will never forget the sustained campaign of attacks from the former Premier Daniel Andrews, it is disappointing to see the now Premier Jacinta Allan taking up his mantle, putting it on and fighting the same fight against the regions like he did. I would have thought that somebody from the regions would have had a bit more insight and a bit more compassion and would have done things

a whole lot differently. But sadly, that is not true. Jacinta Allan has ignored facts, like how the native timber industry was entirely renewable – and I actually mean 'entirely renewable', because trees grow back and when they grow back they store carbon, which makes our environment cleaner, and surely that is something that any ecowarrior should care about. That is something I care about, and it is something that has been totally overlooked.

For decades there has been a sustained campaign, but for the last decade the Victorian native timber industry have not received the respect and recognition that they deserve. They have built our state, they have been the first to clear our roads when there have been natural disasters – with those tools they were told to sell, by the way – they have built firebreaks and they have put their lives on the line for the rest of the state as soon as there is a natural disaster. And what thanks do they get? They get nothing. They get demonised and shamed, and they get called environmental villains, and it is not on, because that is not who they are. These people care about the environment, and they are the first ones to make sure that it is cared for properly. The facts about the timber industry's sustainability and environmental importance have been drowned out by activists. They are more interested in emotions and headlines than they are in the facts and the substance. You have to hand it to them though I guess – they have been persistent, they have been creative and they have never let the truth get in the way of a good story.

The Victorian native timber industry had some of the world's most rigorous and strict regulations. I found it interesting that a member of the Greens brought up how these industries are leaving Victoria and going to Tasmania. That is not the only thing that is happening. We are importing timber from nations that are funding terrorism from these activities and that are involved in modern slavery. That would never have happened in this state. Ninety-four per cent of our public native forest estates were locked up in parks, rec reserves and water catchments. Of the remaining 6 per cent available for timber production, 0.3 per cent of that area was harvested each year. Like Ms Bath said before, that is roughly four in every 10,000 trees, and they were replanted. As they were replanted, they would store carbon, cleaning our environment. This is a vital role in carbon storage which this government has shut down.

Before harvesting, forests were subject to pre-harvesting surveys to identify the presence of threatened species, both flora and fauna. If they were found, these areas were sectioned off and they were not touched. There has not been one species of animal that has become extinct as a result of the native timber industry. It might not be a popular narrative, but it is just the fact.

The consequences of this ban are devastating, and entire communities are hurting. I know that is not going to make you change your mind, but we need to put on record the realities. About 20 per cent of jobs in Orbost were direct full-time employees of the native timber industry. Forty per cent of the town's jobs are dependent on the timber industry. That is what the town's economy was built on. Do you know what happens when you stop it? You ruin the economy. And the economy matters, because we talk about food security, we talk about people not having enough money to put their heating on, having to choose between groceries and heating – well, this makes things worse. I wish Labor's political elites were willing to look through the emotional narratives into the substance, because this matters. I do not think that they have considered the impact beyond the tram tracks, and that is incredibly sad. They have forgotten that if you destroy an industry, you destroy the communities that rely on it. Behind every community, what makes up a community is people. It is families, it is individuals, it is people, and that matters.

They have ignored the environmental evidence supporting the industry. A ban on Victoria's native timber industry will see the departure of crucial manpower and machinery during the bushfire response each fire season. Then there will be some other person that they will blame for the bushfires. They will not blame the fuel load that is just going to be building up there. They will ignore the CFA volunteers, like one I spoke to recently who said the amount of fuel now that is in those forests, because we are not allowed to manage them properly, is going to give way to another 2019–20 fire season. That is devastating. It will lead Victorians to having no choice but to import timber from places that do not grow it and harvest it sustainably and do not look after the people that work in those areas. I think that

is so sad. I think it is morally wrong, and it is just a fact that we have got to face up to. This sustainable timber industry built our state, and the government shutting it down will see the Gippsland region and other regions – but I am here representing Gippsland and the Eastern Victoria Region – suffer once again.

In closing, I want to thank my Liberal and National colleagues who have fought so hard for these communities. I want to thank Ms Kealy in the other place, who has done a whole amount of work. She is not the only one, but I want to give her a special shout-out. I want to thank Ms Bath, even though she was completely misquoted, for standing up for the people who cannot go and get their own firewood on those few specific days. That is what she was talking about, and I think that it was something that was completely misunderstood, because this government has not been down there and does not understand the issue.

I am so pleased that I am part of a team that is fighting for proper compensation so people that are not able to get out there and collect it themselves can have firewood, for the people that are vulnerable, and to help protect them from going cold this winter. So along with my Liberal and National colleagues, I condemn this bill.

Georgie PURCELL (Northern Victoria) (15:26): I am personally happy to say goodbye to VicForests with this bill, an incompetent body who have seen the mass deaths of our threatened and native species and the mismanagement of fire risks and the proliferation of logging operations. I also welcome the end of commercial native forest timber harvesting, yet this bill does not go as far as to issue a system overhaul. This bill had the opportunity to oversee and regulate the Department of Energy, Environment and Climate Action (DEECA) forest and fire management activities that have continuously allowed harmful logging. Instead we are merely provided with administrative changes, substituting the name of VicForests for the government, who have already demonstrated their ineptitude throughout the operation of native forest logging. This bill could have provided real protections and considerations in decision-making to the wildlife populations who inhabit these forests and who lie in the wake of the felling conducted, yet the government has decided to ignore this, prioritising the transferral of power directly and solely into its own hands, with the remaining property rights and liabilities of VicForests transferred to the Crown.

VicForests has logged and burnt some of the world's most carbon-dense native forest habitat right here in Victoria. I could spend my entire time talking about their shocking environmental performance, the many court cases and the illegal activity VicForests has undertaken, but in true fashion I will use my voice to speak up for the animals and the wildlife – the wildlife on the other side of these failures.

It is difficult to envisage how native forest management can be improved substantially without corresponding reforms to DEECA's fire management activities. It is even more difficult to understand how change will be made with the dissolution of VicForests when 80 of its employees are being transferred into DEECA and loggers are being given five-year contracts under Forest Fire Management Victoria to now undertake the regeneration of forests, a skill and knowledge base they are not trained for, especially considering that those training have failed to deliver regeneration of our forests, their intended purpose. The cultural, legal and financial problems of VicForests have been transferred into the government, otherwise called VicForests 2.0. It is a common theme of this government to want to be both the sword and the regulator on its swings.

We cannot ignore the operation of the commercial loophole which would remain under this bill of the supposedly incidental by-product of forest and fire management activities that results in the debris collected as well as the debris created to be sold commercially. This wood is then used to feed timber mills owned by this government and the logging industry. Any work undertaken in our state forests should be supported by scientific data on safety and ecological needs. This grey area will remain unscrutinised and in the hands of its beneficiaries, DEECA. 'No commercial harvesting of native timber', the government says – except for the wood it wants for itself to gift into the very hands of the logging industries it claims to protect the forest from.

Just in May a federally listed southern greater glider was found dead in a felled tree in the Yarra Ranges National Park that had been logged to create fuel breaks. State and Commonwealth ministers were made aware by local scientists and conservation groups that this very tree contained gliders. Despite this information and the knowledge that this would breach the federal Environment Protection and Biodiversity Conservation Act 1999, Forest Fire Management Victoria, empowered by the lack of oversight, proceeded – knowing the death of a critically endangered species was imminent. Also in May old hollow-bearing trees that are crucial habitats of endangered Leadbeater's possums, gang-gang cockatoos, swift parrots and greater gliders were destroyed along 250 kilometres of fuel breaks in the Yarra Ranges National Park.

Logging on private land next to national parks has even weaker regulation, with no 200-metre distance requirement around sites where the endangered Leadbeater's possums are present. The government refuses to comply with its requirements for the assessment of impacts on endangered species under federal environment law designed to protect these very species. How these actions are consistent with the state and federal government's *National Recovery Plan for Leadbeater's Possum*, announced in March, is beyond me. How does the government seek to action the recovery plan, when it did not account for any measures in the state budget?

Of course no-one wants to see these workers, who were following the government's heinous instructions, out of jobs. They should be supported by the government to transition into sustainable forest management and not into the indiscriminate fuel-break logging scheme that sees the destruction of old tall trees in wet mountain ash forests that pose the least danger in fire conditions. Some of these trees are between 200 and 350 years old. Nationally, endangered southern greater gliders rely on these tree hollows that only occur in the older trees. It has been proven that the removal of these trees has been the predominant reason for the drastic decline in their population. There was absolutely no need for the felling of the identified tree in the Yarra Ranges National Park that resulted in the death of a glider in May. If such trees need to be felled to allow for emergency vehicle access, then relocation strategies must be put in place to relocate the wildlife within and surrounding them. It is the bare minimum this government could do in order to protect our wildlife.

It was ironic to hear members of the other place make an outcry for what they perceived to be the extinction of white paper that this bill would bring. How they could come to these conclusions and form these priorities when they hear 'sustainable forests', I cannot understand. While members are crying for their white paper that sits readily in their offices for use, our communities cry for the death and burning of our wildlife within those forests. I will not stand here and listen to people equate paper with the lives of our wildlife.

I also want to touch on the scare campaign launched by members of this place who attended the protest against national parks at Drouin last month, shouting misinformation on what a national park categorisation means for the community. It is rich that shooters were not satisfied by the bloodbath of the duck-shooting season being continued and that they are now kicking and screaming about not being able to shoot of their own free will at anything that moves in our state forests. Instead, a national park label will protect our native fauna and flora and allow families to enjoy nature by camping, walking, riding and many other activities without the dangers of hunters and loggers.

I echo the amendments put forth by my colleagues in the Greens to strengthen new section 40A of the Conservation, Forests and Lands Act 1987; to mandate the sustainability charter; to ensure that international agreements, such as the Convention on Biological Diversity, are taken into account in decision-making; to mandate ecological reporting in line with action statements for threatened and endangered species; and to empower the conservation regulator and the EPA to investigate ecological impacts from these works. This bill needs transparency and regulation by independent bodies, not by the government itself ticking off felling after it has occurred.

I emphasise that this work must be done in accordance with and in consultation with the traditional owners of the land. Traditional owners have a wealth of knowledge on effective fire management,

paying homage to the animals who reside in the forests and ensuring that native forests flourish. The government would do well to listen to this knowledge being so generously offered forward. Native forests are not there for us to exercise our free will upon. They are the habitat for thousands of wildlife who call these forests their home. Using these forests for commercial purposes to sell wood is a national disgrace and a stain on our treatment of our native wildlife. It must also be declared that how traditional owners choose to use their land and how they manage it is their prerogative and their right. It is not up to colonisers to decide what traditional owners can and cannot do after we have destroyed their land. I will be supporting this bill in the view that it is a step in the right direction but note that much more can and should be done to protect wildlife in our state forests.

Bev McARTHUR (Western Victoria) (15:36): I rise also to speak on the Sustainable Forests (Timber) Repeal Bill 2024, and what a disgrace it is. The Victorian Labor Party's whole approach has been continually disgraceful on this matter since the start; it has been deeply dishonest. Premier Daniel Andrews signed off on the phasing out of native forest timber harvesting in Victoria in April 2018 and did not make it public for a year and did not announce it during the November 2018 state election – dishonesty on steroids.

Freedom of information obtained by the Wellington Shire Council after more than two years of fighting shows the Premier decided on the 2030 ban in a briefing paper signed on 9 April 2018 titled 'Native forestry industry transition approach'. It has been based on a fundamental lie that it is possible to painlessly transition away from these traditional jobs. From this industry, which has grown organically and shaped whole towns and regional economies, the idea of transition is an insult to the industry and its workers. Even more disgraceful is that despite the 2019 forestry plan giving a 2030 end date, in the 2023–24 budget, again just one year after a state election, it was accelerated forward to 2024, just one year ahead. With breathtaking spin, Andrews said this was done to give workers certainty. The government said:

> … we're stepping up to give these workers – and their communities, businesses, and partners along the supply chain – the certainty they deserve.

Well, the certainty they deserve was keeping their jobs in the timber industry. You should all hang your heads in shame.

The problem is this transition just is not possible. The government has portrayed the transition from native forests to plantations as feasible and beneficial for everyone, but this is a dishonest fantasy. It is undeniable that in fact Labor's decision to halt native forest harvesting will severely impact rural communities and reduce the ecological sustainability of development for all Victorians and Australians. It will result in higher timber and housing prices, increased reliance on less sustainable building materials and more imports of forest products from countries with poor social, environmental and human rights records. This also includes likely increases in imports of wood products made with Russian timber and energy, which we should consider deeply problematic.

In Victoria about 1 million cubic metres of timber has been harvested annually from roughly 3000 hectares within a 160,000-hectare area managed by VicForests for timber production. The harvest area represents only 0.04 per cent of Victoria's 7.5 million hectares of public native forests, of which 97 per cent is reserved for conservation and is never harvested. The Andrews government's 2019 forestry plan, which was supposed to phase out native forest supply, has mostly resulted in announcements without substantial action. The loss of plantation area, rather than its expansion, highlights the inadequacy of the forestry plan. The claim that converting 14,000 hectares of farmland in Gippsland to plantations could replace 1 million cubic metres of native forest timber is misleading. This new plantation will produce only about 250,000 cubic metres annually and not for another 25 to 30 years. It could never cover the loss of 50,000 hectares of plantation area in recent years, let alone the 1 million cubic metres of annual native timber supply.

Replacing 1 million cubic metres of timber annually sourced from native forest requires about 50,000 hectares of new plantations, which will not be a perfect substitute and will not be available for

25 to 30 years. The decision to exit native forest harvesting comes at a time when the plantation estate has shrunk by 50,000 hectares and this has led to log supply constraints for existing plantation-based sawmills. The government's promised 14,000 hectares of new planting, if achieved, will replace only 14 per cent of the 100,000 hectares required to compensate for the cessation of native timber harvesting and the recent reduction in plantation area. The $120 million investment announced in collaboration with Hancock Victorian Plantations is insufficient. It translates to $6900 per gross hectare, which is hopelessly inadequate to cover land purchase, establishment and maintenance costs over 25 to 30 years.

Labor's 2022 announcement that establishing 14,000 hectares would underpin 2000 new and existing jobs is misleading. The impact on new jobs will be minimal until harvesting and processing begin in 2045 to 2050, long after much of the current workforce has retired. Most jobs in the forest industry are in harvesting, haulage and processing, not in plantation establishment and maintenance. Numerous challenges hinder plantation development: the high cost of suitable farmland, the unusable nature of cheap land due to steepness or distance from mills or the existence of remnant native vegetation. As any neighbour of the government knows, risk of plantation fire losses has increased due to inadequate management of Crown land. You cannot manage the land you have at the moment, let alone this amount of extra land.

I just want to add some figures here. The cessation of native forest supply under the Victorian government will cause an additional $5.6 billion lost in gross regional product and a further 3660 job losses over the next 20 years. The government's $200 million transition package is insufficient, equating to only $55,000 per worker. This amount will not even cover the hundreds of millions invested in specialised harvesting and sawmilling equipment, which will become substantially devalued or worthless.

What about the environment? The decision to halt native forest harvesting is a step backwards for sustainability. Well-managed native forests provide superior biodiversity, fire and climate outcomes. Excluding harvesting does not guarantee biological diversity, especially given threats from wildfires, invasive species and climate change. As I have mentioned, the imported timber we will have to get to replace Victorian supply is a serious ecological black mark on this country and this state. For the sake of greenie activists and the unthinking consciences of the metropolitan elite, we are just offshoring the issue, exporting the industry, so we can pretend we live in a magical world where no trees need cutting down. It is a juvenile fantasy.

So far I have touched on the negative impacts the ban has had on large-scale commercial operators, their workers and their communities. One of the most absurd aspects of Labor's policy has been that they are not only banning mass harvesting – which I understand they might, albeit very wrongly, think is environmentally damaging – they are, in the same sweeping ban, also destroying community forestry: small-scale, sustainable local operations sometimes felling one or two trees a year to create high-quality furniture or musical instruments. I have a great timber musical instrument producer in my electorate – one tree a year. For those of you who live in the urban elite, you may not know that for a blackwood forest to regenerate it has to be disturbed, otherwise it does not regenerate.

There are the local firewood producers too. Contrary to Ms Terpstra's notion that everybody can go and get free firewood, there are many people totally incapable of going out with their wheelbarrow, chainsaw and axe to collect their own firewood. These are people that are in their homes, incapable of physically or materially being able to collect their own firewood. They need small-range commercial producers to get their firewood, to keep warm and to feed themselves. But you do not care about these people – you never have. It is all very well to say you are not banning firewood collection, but as I have said, how do the elderly and the ill who relied previously on local firewood supply businesses meet their heating needs? These people might not have gas – and heaven forbid, we are now banning gas as well. We will not have gas in any new homes, if these people need to move into a new home, because you are banning that as well. Firewood plays an incredibly important part in heating needs, especially in rural and regional communities, and for no ecological benefit this is now denied to them.

I go to Ms Purcell's point about wildlife. Let me tell you, Ms Purcell: you are concerned about wildlife; think about what happens in a raging bushfire with intense heat. Millions of wildlife will be destroyed – destroyed forever. They do not survive a raging, intense bushfire. Where there was logging there was maintenance of areas. The problem we have also got is that this government and its bureaucracies and its departments have never been capable of properly managing forests. I think it was Ms Bath who said that the weeds and the vermin and the absolutely feral pests are the greatest danger to other wildlife and the environment – not logging. Bushfires and poor maintenance are the problem, and that is what you are incapable of managing.

I want to particularly thank Ms Bath for leading the debate on this and for her constant advocacy on the part of the thousands and thousands of timber workers in her electorate. She has been relentless, and she is to be applauded. I want to thank Dr Heath for her contribution, and I particularly also want to thank Ms Kealy, our Shadow Minister for Agriculture, who has done a power of work to try and ensure that we properly compensate workers in this industry, who you are destroying. It is mind-blowing to think that this government, who purport to be the government of the workers, continually –

Joe McCracken interjected.

Bev McARTHUR: Yes – prosecute them. Thank you, Mr McCracken. This will absolutely destroy their livelihoods. I know that many people are totally concerned about how this is going to eventuate. As the forest and wood communities of Australia have said, 'Trees grow back, but my timber town won't.' Remember that after you have destroyed the livelihoods, the communities, the towns and the people who have done so much to save so many lives when there have been bushfires in forest areas. Now you want to lock up the forests and throw away the keys. Surprise, surprise, the unions are fighting the government on doing this. It is a shame they were not around to make sure they did not shut down the timber industry.

This is an appalling day. It is a very sad day. I am sorry that we even have to be here speaking on this appalling piece of legislation and disgraceful action of the government to kill off a very viable industry.

Moira DEEMING (Western Metropolitan) (15:51): I also rise to speak on the Sustainable Forests (Timber) Repeal Bill 2024. Like my esteemed colleagues, I am rising to speak against the bill, because it is just a ridiculous bill. It comes on the back of other ridiculous bills and ideological moves by this government not to govern but to crush the people of Victoria. Timber is a renewable resource; how absurd to just shut down that industry. People were talking about profit like it was some evil thing – profit is how workers get paid and how government collects the taxes to provide the services that they keep pork-barrelling with to get re-elected. Any problems to do with fire management or looking after animals can clearly be managed. If you cannot do those two very, very ordinary things, you should not be in government anyway.

I am getting the impression that this government does not want anybody to be able to work for anybody at all unless it is for the government. It is like they want us to be dependent on them for everything. Anything to do that is private is offensive and outrageous and selfish, but if they collect every single industry and take it into their own control, apparently that is fine. Apparently that is altruistic. Big Brother is looking after us.

I kept hearing people talking about animals and plants as though they were the moral equivalent of human beings – what a slippery slope that one is. No animal is worth a human. That does not mean we do not look after them, but there is something strange going on in the way people are talking about trees and animals as if they are just as valuable as a whole human being and a whole town, a whole industry, lives, generations of human beings. We are supposed to be governing for the flourishing of human beings and human society. We are supposed to be governing so that all of these things can be balanced and work well together. Instead we are just crushing people and we are justifying it by saving

some animals and some trees that can grow back. It is a very, very, very strange, slippery slope that we are on. It is anti human, and I do not agree with it. I condemn this bill.

David LIMBRICK (South-Eastern Metropolitan) (15:53): I also rise to speak on the Sustainable Forests (Timber) Repeal Bill 2024. We cannot even produce white paper in Victoria anymore. Through the ever-expanding aims of the environmental movement, lawfare and government policy, the sustainable timber harvesting industry has been decimated. No doubt this will be celebrated by radical environmentalists, but as with their irrational fear of nuclear energy, it is misguided. The idea that we cannot operate a sustainable and professional logging industry in this state is absurd. Timber harvesting is an ancient practice that has helped build homes, furniture, paper and more for thousands of years. The government announced a couple of years ago their intention to phase out the native timber industry, but the rampant lawfare by activists has led them to bring forward that timeline. It seems the activists have won, so here we are today debating a bill which essentially winds up the industry.

It may have a resurrection, however, being rebranded as 'forest gardening' or 'cultural thinning' through collaborations with traditional owner groups. A couple of years ago the Dja Dja Wurrung Clans Aboriginal Corporation, trading as Djaara, launched their forest gardening strategy. Whilst it has many nice-sounding statements about traditional practices and economic empowerment, it also asserts their right to harvest certain flora and forest produce for commercial purposes. Words can hide actions, and I think it is possible that the famous conservation academic David Lindenmayer could be right that this pilot could simply become an Indigenous rebranding of timber harvesting. In his book *The Forest Wars* there is a section covering this. The Dja Dja Wurrung Clans Aboriginal Corporation attempted to have the publisher withdraw the book as it covers an agreement between them and VicForests to harvest timber from the Wombat State Forest after storms felled many trees. Lindenmayer also covered the involvement of union representatives and VicForests employees with the forest gardening project. I do not know if Lindenmayer is correct in his assumptions, but I suspect he probably is.

The government have been delegating more responsibility and authority to traditional owners corporations for natural resource management. It would make sense. Opposition from activists would be a bit more challenging if it became conservation activists versus Aboriginal groups. Would they take them to court the way they have with VicForests? Possibly, but it would certainly be fascinating to watch. We will see if this prediction plays out soon enough, but I suspect that traditional owner groups might view poorly the new bosses contracting out to the old timber industry contractors. Time will tell.

As far as the bill goes, well, unless the government changes policy there is not really a reason for VicForests to continue operation. There are a couple of things in the bill that I do not like, such as increasing penalties, but I will not be opposing the bill, as it does not end the logging industry because that has already happened. This bill just winds up the things that need to be wound up to finalise it. I will, however, be giving consideration to the amendments proposed by the opposition.

Wendy LOVELL (Northern Victoria) (15:56): I rise to speak on the Sustainable Forests (Timber) Repeal Bill 2024. This bill before the house repeals the Sustainable Forests (Timber) Act 2004 and puts the final nail in the coffin of the commercial native forest timber harvesting industry in Victoria. It abolishes the VicForests state enterprise, and it transfers any remaining property rights and liabilities of VicForests to the Crown. I will be opposing this bill because I opposed the shutting down of the Victorian native timber industry. Census data from 2021 showed that over 17,000 Victorians were employed directly or indirectly in forestry, logging, timber selling or processing. The consequences of Labor's decision to ban native timber harvesting have decimated the businesses and industries that employed those 17,000 Victorians. The native timber shutdown will affect logging contractors, haulers and vehicle mechanics, mill workers, machine operators and repairers, fuel providers, seed collectors, timber sellers and processors, as well as paper and wood manufacturers. Many workers in these industries will suffer, as well as their families. Entire communities that depend economically on

the timber industry will be hurt by this callous decision, driven not by data or evidence but by the ideological obsessions of the Labor Party. My sympathy goes to those workers and their families. My appreciation goes out to them too. I want to thank them for their years of service in an industry that has been central to the economy of Victoria for over 150 years.

Victorian native timber literally built our cities, towns and homes, but that has all ended now, because Labor has decided to end the native timber industry in this state, and in the most cruel way. You would think that the Labor Party, the party that claims to stand for workers, would have done more for them, but instead this Labor government has betrayed them. Forestry workers do not just log trees. They are involved in forestry management. They clear fire tracks and build firebreaks with their equipment, which will now lie idle. Unfortunately, this equipment will not be available next time we have a serious bushfire in our state. In the past they have also joined in fighting fires when necessary and have a lifetime's worth of knowledge about the forest, which will now be lost when they leave the industry. This loss of knowledge, manpower and equipment will seriously reduce our state's capacity to prevent or manage future bushfire threats. It was only very recently, in 2019, that the government told everyone, 'We're winding down native timber logging in 2030.' They gave everyone notice of the closure in 11 years time, and on the basis of that announcement people made business decisions; some of them bought new equipment to see them through the final decade of operation. Then without warning this government made the snap decision to end it all six years early, totally betraying all of those people.

Labor promised help for people impacted by that decision. They made big announcements and they promised transition payments, but when the time came to pay up they walked away from workers. Harvesting ended at the start of this year, but for many the promised transition payments have not come through. Workers have been waiting and waiting without getting anything or they have been told they are not eligible for payment. Contractors who have lost their income are now struggling to pay off specialised vehicles and equipment that they can no longer use and cannot sell and also can not get any compensation for. Small business owners, contractors and sole traders have been totally left in the lurch, and some of their stories are heartbreaking. Families have been left devastated, and the financial impact of this shutdown is having knock-on effects in regional towns which Labor have sold out in return for doing deals with the inner-city Greens.

Let us not pretend this was the outcome of pure market forces or normal business operations. The end of this industry was a conscious decision by the Labor government. It is known that VicForests's supply of timber has been dropping over recent years, because the government has totally failed to support the industry. Between 2002 and 2006 annual total sales were consistently above 2 million cubic metres. In 2017–18 total sales were down to 1.2 million cubic metres, and in 2021–22 sales amounted to only 954,000 cubic metres. Because VicForests were logging less and supply had gone down they were forced to start making compensation payments to customers who were not getting the supply they were promised. This put VicForests in a very difficult financial position, and in 2021–22 VicForests recorded a loss of $52.4 million. This is a direct result of the ideological obsessions of the Labor Party and its lack of support for a crucial Victorian industry.

The Labor government has knowingly failed to protect timber workers from being targeted by activists who are protesting and sabotaging logging. Workers were subjected to abuse and threats at work, and the government did nothing to protect them. Green activists and lawyers engaged in persistent vexatious litigation to try and close down this industry. They used lawfare to interrupt and interfere with state-owned enterprise logging in state forest. What did the state do? Nothing. The Labor government did nothing to stop the activists and lawyers who were harassing workers and attacking the industry. They could have followed the lead of New South Wales, which changed legislation in order to stop activists using litigation to attack timber harvesting, but instead Labor turned its back on contractors, small businesses, workers and entire communities. It turned its back on them, offered them no legislative protection and allowed the activists to drain and run down the industry. It even turned its back on its own staff – some were shifted to another department, but 60 will be made

redundant when this bill abolishes the VicForests entity. Then when workers were at their lowest, Labor offered them false hope of another 11 years before suddenly killing the industry without warning. I am appalled by the way this whole matter has been handled – an absolute betrayal of workers and regional towns and economies by this Labor government.

The most frustrating and disappointing part of this situation is that it was completely unnecessary. There are environmental benefits to harvesting native timber. First, sustainable logging and replanting of forests removes carbon from the atmosphere. The Intergovernmental Panel on Climate Change, in its *Special Report on Climate Change and Land*, said that sustainable forestry is environmentally beneficial because of carbon capture. Logged and replanted forests are carbon sinks. When you cut down an older tree and use the timber for flooring or furniture you store the carbon away. Planting a new tree in its place will draw even more carbon from the atmosphere, because young trees absorb more carbon than older trees. Further, we still need hardwood timbers that grow in native forests. Plantation timber is mostly radiata pine, which is a great wood, useful for many different purposes, but there are some things that we need hardwood for, like furniture and home flooring. In future instead of using Victorian timber in Victorian homes we will have to get it from Tasmania or, worse, from overseas markets, where we have no control over the sustainability of practice and no ability to manage the environmental impact of logging.

Finally, as we know from Victoria's history of devastating bushfires, it is absolutely crucial that we reduce fuel load from our forests. Harvesting timber from a native forest is one important way that we have done that in the past, and there are serious questions about how that will happen once harvesting stops. Whilst we are talking about fires, it is also worth remembering that forestry workers make a big contribution to assisting in fighting fires alongside the CFA. They create and maintain the firebreaks and keep fire tracks clear with knowledge and equipment that will no longer be available when they leave the industry. There is no compelling environmental reason to end the native timber industry. We can log trees and preserve animal habitats at the same time. We can replace old growth with new growth and so increase carbon capture. We can and must clear dead trees and reduce the fuel load to lower the severity of bushfires. There are no good reasons to close down the native timber industry and many good reasons to keep it going, but this Labor government will not listen, because it has sold out the regions in order to do deals with the Greens. I oppose this bill, and I urge members of this house to vote against it.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:07): I think just a few remarks from me. I will just cover off a few issues that I think will come up again in committee, but I just want to put them on the record in summing up. At the outset, this is a repeal bill. There is no new legislation here. In effect it is administrative legislation, formalising the ending of native timber harvesting in Victoria, which is catching up with, as we know, practice. I have listened to the debate, and I respect the various views here – I really do. You have got polar opposites of opinions on this matter, and I am not here to debate and argue with members. I think that that would be a futile exercise.

I do want to acknowledge the genuine concern that many members have for the impact that this decision has had on a generational workforce. I grew up in a town, knew timber workers and knew mill workers. In my role when I was in the agriculture portfolio I went out and visited timber workers on the ground. These are salt of the earth people, and for many people that I have spoken to that is all they have known. I do not underestimate the impact that this decision has had on individuals. I also want to acknowledge that there are genuine merits to the views of the Greens party. They talk about the environment; they talk about animal welfare. You heard Ms Purcell and her passionate views. This is a very emotive issue. As I said, I do not want to go and diminish people's views in relation to this matter. Today we are here to pass a piece of legislation which is formalising something that has been subject to a lot of debate.

I do want to pick up on some of the legal issues, though. Despite the fact that I respect people's views, I do not respect misinformation. Misinformation such as telling the house that we could legislate to

avoid legal action is just false. I can tell you I looked at it, because it would have made my life a lot easier when I was in the portfolio. If I reckon we could have brought legislation in that would have prevented environmental non-governmental organisations causing disruption to the industry, I would have been up for presenting that to the house. But it is not something that we were able to do with any confidence at all, and therefore we were subject to a lot of litigation in the courts and a lot of injunctions. I can go through the reasons that the New South Wales approach is not transferable here to Victoria when we are addressing the Libs' amendments.

The issues that were raised in committee were broad-ranging and very much connected to the merits – and views otherwise – of the sustainability and the decision to shut down the industry. That is not what the bill is mostly focused on. The bill, as I said, is administrative. It abolishes VicForests, it shifts relevant clauses into remaining acts and it formalises that there are no provisions to permit commercial native timber harvesting in Victoria. As we know, that has been the practice for some time. I have spoken to a lot of workers that were on standdown rates last year, for example. There are a lot of people in this industry that have indeed moved on a long time ago. As I said at the outset, the acknowledgement of the impact on workers in this transition has been at the forefront of our government's thinking. That is why we have spent $1.5 billion on forestry transition. This was not a decision that we made and then ran. This was a decision that we knew was going to be difficult and was going to be impactful on particular parts of the state, and we have been up for that challenge.

The forestry transition has consisted of $640 million to deliver the future forests program and conduct forest and fire management works, providing jobs for former forestry industry workers. It does again concern me when we have members in the chamber asserting that fire risk is going to be dire because of this change. These are all matters that have been thoroughly considered, thoroughly accommodated for and massively invested in to ensure that equipment, expertise and people can be retained for those types of important roles.

The package also included $593 million to support businesses, workers and timber community contractors and to provide targeted timber industry worker transition support services. I acknowledge that for some individuals worker transition is easier than it is for others. If it is all you have known, trying to think about what your skills translate to is a challenge. That is why we have caseworkers. That is why there is support for people to consider all of their options, to have their hand held, if they wish to do so, and to have as many options to think about as they can.

$120 million has established the Gippsland plantation investment program, which has seen an extra 16 million trees planted in a new estate. The opportunities for future plantation timber – cross-laminated products and the like – are the future of the timber industry in Victoria, and I am pretty excited about the opportunities that that presents. There has also been $156.8 million – so $157 million – to finalise the wind-up of operations.

So there is a lot of investment that has gone into formalising a decision that is in our view good for Victoria, good for the environment and necessary for a range of reasons in an industry that was diminishing and already very, very problematic before our announcements and bringing certainty to an industry that for so long could see things happening. They could see their work becoming less and less, whether it was bushfires, whether it was diminished supply or whether it was changing product demand. We know that COVID exposed the fact that people do not use printer paper as much as they did. There are so many factors in here. It was not an easy decision, and today's legislation catches up with the formalities of that decision. It has been an opportunity for people to again air their views, and I think it has been relatively respectful, given I do acknowledge that it is a passionate topic for many. There are a lot of topics that I think people want to cover off in committee, so I am probably best placed not pre-empting too much of that. I will leave my comments there and thank people for their contributions on this legislation.

Council divided on amendment:

Ayes (14): Melina Bath, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (16:22)

Melina BATH: Minister, you have mentioned that there is legal advice as to why you could not amend the Code of Practice for Timber Production 2014 or the legislation in relation to stopping third-party litigation. You have mentioned that it exists. Will you table it before the house? Clearly now that VicForests is going to be shut down there is no reason not to provide that transparency about what your claim to legal inability is.

Jaclyn SYMES: Prior to the end of native timber harvesting we explored all options available to introduce a range of reforms to clarify harvesting laws to reduce the risk of third-party litigation. Some of this work started under me when I was minister. I can advise there is no regulatory reform that could wholly prevent third-party litigation. Some of the topics that have been raised by those opposite today talk about the reform in New South Wales, but the New South Wales provisions are not transferable to the Victorian situation because they have different regulation of timber harvesting. The action that third-party litigants have taken in relation to both VicForests's and the Department of Energy, Environment and Climate Action's (DEECA) activities has relied on the Supreme Court's inherent jurisdiction, so common law, and has not relied on statutory provision such as in New South Wales. It is not open to us to copy such provisions because the legal action is not being pursued via the same avenue. That is pretty clear in itself as an explanation as to why that would make sense.

Also, in relation to other opportunities for litigation, it can be brought under Commonwealth law; for example, the Environment Protection and Biodiversity Conservation Act 1999, which is applicable to DEECA's activities in forests and allows third-party applicants to bring proceedings in certain circumstances. It is therefore, you would appreciate, Ms Bath, not open to Victoria to legislate to exclude us from Commonwealth laws. So I am not in a position to give you advice on the government's claims of legal privilege in this matter, but there is a pretty straightforward explanation as to why we are not able to litigate. I cannot commit to providing you with legal advice – that is not custom and practice in these types of matters – but hopefully I have given you enough of a flavour of the very obvious reasons as to why legislation has not been an option to reduce litigation in the state of Victoria.

Melina BATH: I still cannot see why it would not be able to be tabled, considering the fact that –

Jaclyn SYMES: Legal privilege.

Melina BATH: Well, it is now the end of VicForests, and I feel that there needs to be some transparency. But I will move on.

Various people in this house have often claimed about illegalities of VicForests and things they have or have not done. This has a huge impact on the very good people working for VicForests, and I think it is highly unfair that that is happening. Can you provide to this house: has VicForests ever been prosecuted for any illegality in the past, say, 10 years?

Jaclyn SYMES: Ms Bath, I do not have that information at hand because it is not part of the bill. I cannot get you that information because it is outside of the bill.

Melina BATH: Minister, as I just said then, there are a lot of people who have been unjustly targeted and vilified through this process – decent people, employed by in effect the government. Will you agree to investigate and provide that at a later date, in good faith, to show that they are vindicated in their work rather than being held up for ridicule? Irrespective of whether it is in the bill or not, would you consider doing that at a later date, to keep their names clear rather than having them further muddied by certain parties?

Jaclyn SYMES: Ms Bath, I am not the relevant minister, you would appreciate, so I can only operate within the confines of the bill today. I am very happy to pass on your remarks to both the Minister for Environment and the Minister for Agriculture. The points you raise are valid in that if there are false statements and you are concerned about the impact on the welfare of staff, then I might seek some advice in relation to the ongoing support through the transition package that picks up some of those issues. You would appreciate that there is mental health support and caseworker support for individuals, but extending it to that type of further information around debunking some false allegations and the like – I will pass that on to the ministers for their consideration.

Melina BATH: In relation to traditional owners, have the interactions between the changes to the act and the cultural rights of traditional owners to take, cut and sell the timber been considered when formatting this bill?

Jaclyn SYMES: Ms Bath, I can just confirm again that this is a repeal bill. If we were proposing new legislation, there would be obviously further consultation. However, you have asked about the bill's interaction effectively with traditional owner rights and the Traditional Owner Settlement Act 2010 – I take that from the way you characterised the question. The bill does not affect existing rights of traditional owner groups with agreements under the Traditional Owner Settlement Act. It maintains the current exemptions to offences that apply to traditional owners acting under an agreement under the Traditional Owner Settlement Act, under the Forests Act 1958 and under the Conservation, Forest and Lands Act 1987. It will make consequential amendments to the Traditional Owner Settlement Act to remove reference to 'VicForests' and 'sustainable forests' and to remove provisions that no longer are relevant given the abolition of VicForests and the repeal of the Sustainable Forests (Timber) Act 2004. The bill also does not affect how cultural heritage is protected or make amendments to the Aboriginal Heritage Act 2006. DEECA will continue to work with traditional owners to protect Aboriginal cultural heritage and to support self-determination objectives for country. We always work to protect Aboriginal cultural heritage and enable traditional owner corporations to manage cultural landscapes according to their own objectives.

Bev McARTHUR: Minister, I was very concerned when you said in your summing-up that there is no legal avenue to limit litigious action such as we saw with the forestry anarchists. Can you comment as the Attorney-General that such third-party industrial-scale litigation is impossible to limit as it could apply to shutting down other industries that some decide are unfavourable?

Jaclyn SYMES: Mrs McArthur, I am not in a position to give broad legal advice in relation to other industries, nor is it part of this bill in particular. I have given a broad outline of the specific reasons about why limiting litigation in the context of the Victorian forest industry has proved difficult. Any measures would be a bit hard to hold up is kind of the issue that we have, or it would be in the sense of the proposed amendment actually not being a cure because it is not addressing the avenues

through which litigation is being pursued. We would have to wait for an example for me to be able to give you further advice, and again that would be outside the scope of this particular bill.

Bev McARTHUR: Minister, you would have to agree that it is a terribly worrying situation that industries can be closed down because of legal action, wouldn't you?

Jaclyn SYMES: It can be frustrating in this sense because I lived through some of that, but limiting people's legal rights is also something that has to be approached with caution. As I have indicated, I am not in a position to give you a view on other industries that may be subjected to litigation. What we have seen in the timber industry is that there has been action against VicForests's activities as well as DEECA's activities, and we have attempted to act as model litigants in response to those.

Melina BATH: I am just going back to the previous theme on traditional owners. Minister, traditional owners, I believe, are entitled to royalties from VicForests. Is this bill removing the right to those royalties?

Jaclyn SYMES: Ms Bath, I was a little confused in trying to find you an answer, because I do not think that there is substance or truth to the assertion that VicForests pay royalties now, or have.

Melina BATH: Let me give you an example in terms of the Wombat State Forest. There has been windrow timber there, and it is my understanding that Dja Dja Wurrung have a contract with VicForests for VicForests to actually process and remove that timber. I am just interested to understand how this bill will interact with the likes of those arrangements. Is there a protection in this bill that will enable traditional owners to still access and be the enablers of the outcomes of that timber?

Jaclyn SYMES: I think you are referring perhaps to the section 52 licences, which through this bill will enable further regulation powers. We would want to consult heavily with traditional owners in relation to how they would like to see this progressed through principles of self-determination, but the section 52 licence regime would certainly be an avenue for picking up a lot of those considerations.

Melina BATH: On that point about speaking with traditional owners, what are you doing? What is the process now? What are you doing to assure traditional owners that their rights will not be compromised by these changes in this bill?

Jaclyn SYMES: There are no changes through this bill in relation to rights. This is a repeal bill that does not actually repeal anything – as you have outlined. Our commitment through the regulations and wanting to talk to a range of parties, but particularly traditional owners, will be worked through through regulations as we establish the parameters around the section 52 licence requirements. A lot of those conversations have been underway for some time, and there are a lot of ideas out there. Those conversations will continue.

Melina BATH: Moving on to the topic of firewood, you can appreciate that there are many people concerned about how they will be able to access firewood. At VicForests there were forest contractors that had licences that enabled commercial firewood. Where are the commercial firewood operations? Where are they going to access that firewood now?

Jaclyn SYMES: A couple of things. I might just start a little bit with domestic firewood collection in the first instance and just clarify –

Melina BATH: But that is separate to what I am speaking of.

Jaclyn SYMES: Yes.

Melina BATH: I just want clarity for some of these people.

Jaclyn SYMES: Yes. I take your point. We need to be very clear that there are no changes in this bill in connection to the ability of people to access domestic firewood collection. It will continue unaffected, and it opened as normal on 1 March and runs until 30 June in relation to those individuals that are in a position to collect firewood for personal use. When it comes to commercial firewood

operations, commercial firewood operations in state forests have ceased. Demand for firewood has certainly been outpacing supply for some time, which has driven up the domestic firewood prices. What we want to ensure is that we can pick up some of these issues through the section 52 licences that I was referring to earlier. It is an issue that I know that both you and I are quite familiar with, Ms Bath, in relation to ensuring that – for clean-up from storms and the like – timber that is felled and destroyed as a result of natural disasters is kept locally and made available for local use. That predominantly ends up being firewood, probably followed by mulch – those are the two most common uses for that, and I am a big supporter of continuing that practice.

There will be the development of by-product utilisation – assessing how we can best utilise and manage timber by-products – as part of the $116 million future forests program, and that was in this budget. That is going to look at the development of a firewood strategy and by-product framework. The strategy will improve the management of firewood resources on public land, ensuring equitable access for those that are able to access it. We want that to be responsible and sustainable as well.

There are some good commercial firewood operators out there, and I would argue that I have heard some pretty bad stories as well, but I am certainly aware of the fact that we have a need for domestic firewood. A lot of people still rely on it for their heating, and indeed some do for their cooking. I have asked local councils before about ensuring their ability to identify vulnerable cohorts so they can have priority access to any of the available wood, and that is something that we are happy to work with them on as well. It is something that we are aware of, Ms Bath, and there is continuing work and conversation in relation to that.

Melina BATH: Minister, one of the government's policies in the health and aged care section is to live in the home. This is separate to the bill, and I will grant you that. You rightly said, and I totally knew when I was making my debate, that domestic firewood collection is separate to what was functioning and happening under VicForests. I want to understand. It is important that those elderly, frail – whatever we want to call them – pensioners who cannot go and get domestic firewood have access. You have talked about a firewood strategy. I would be happy –

Jaclyn SYMES: A by-product strategy.

Melina BATH: Yes, I did see that – a by-product strategy and equitable access. How do you propose that these people actually get equitable access at a cost that is reasonable, because I know for a fact that there is one particular firewood supplier who had worked for VicForests and had firewood through VicForests who is now getting timber from New South Wales at an exorbitant cost that they have got to pass on? I guess I want to seek some understanding around the firewood strategy – by-product strategy – if you want to speak to that, and I have got one more on that particular question.

Jaclyn SYMES: Sure. The framework to manage potential timber by-products that is being developed will consider the end use for incidental by-product of forest and fire management activities. The framework will consider the highest and best use of the by-product and could include free domestic firewood. Again, coming back to that point that I made earlier, knowing who in the community is in need of firewood for essential heating and cooking activities in their home is something that I know a lot of local members are across as an issue. It is certainly something that has come into my office in the past 10 years. But that strategy will also look at commercial firewood, ensuring that there is the ability to assist people who are either not in that category or are not able to collect firewood for themselves.

I would also probably put on the record again – I guess I am taking up your invitation to stray outside the bill – that there is a range of support programs and financial support through other Victorian government programs, such as the energy assistance program, providing tailored energy support to people experiencing hardship; the Energy Bill Relief Fund; a range of rebates; and non-mains utility relief grants, which provide $650 to Victorians on low income who rely on firewood as their only source of heating to enable them to use that money to source it themselves or for other activities. I am

certainly aware of the issues you raise. I can certainly give you confidence that I share your views in relation to making sure that we have an eye to ensuring that people that rely on these products, particularly those that are unable to get it themselves or have financial barriers to doing so, are indeed factored into any of our future strategies.

Melina BATH: The next question is in relation to volume. Do you have any quantum of the volume of what you would be looking at in terms of this by-product? That is one question there. To tack another theme onto that by-product, with forest management and firebreak occurrence, some of the harvesters have transferred over to DEECA, and they will be doing then that firebreak management, so therefore there will be a by-product from that. Do you have any idea about when that is going to start and the volume of that? Has there been any sort of investigation or assessment on that?

Jaclyn SYMES: With the by-product it is obviously a little difficult to be too precise, because as I indicated, it will include the likes of storm and other natural event debris in terms of that. But I think for some context, in 2023–24, 12,644 tonnes of timber debris from DEECA land management works were provided to commercial timber customers; 91 per cent of that has been suitable for commercial firewood purposes.

Melina BATH: I guess to that point, on the question about the fuel firebreak – so the transference of harvesters over into DEECA and looking at that firebreak – does the minister have any idea about when that will be cut? I am just thinking about forward planning for next year's winter firewood season.

Jaclyn SYMES: I do not have that level of detail on me, Ms Bath, but there might be other ways to ask for that particular information.

Melina BATH: I turn now in relation to one of the functions that VicForests did – and contractors with VicForests – which was indeed seed collection. We know across the board the importance of seed collection for the growing and saving of future forests. I am interested: is seed collection being done in accordance with the timber code of practice? Is it going to be moved to a different regime of regulation? How is seed collection going to be conducted moving forward?

Jaclyn SYMES: Sorry, Ms Bath, I knew I had read it previously when I was preparing. As you would be aware there are the 80 roles from within DEECA that have been created for VicForests employees to support the department taking on the functions that will contribute to the government's expanded forest management activities, and that includes the seed collection activities.

Melina BATH: So those are 80 roles where staff from VicForests have moved over to DEECA, but I can name one particular person, Brendon Clark, who was not in the department; he was an individual seed collector. What happens to them? What happens to that role if he does not get a job in this 80, and he was not in the VicForests department? What is going to happen to those seed collectors?

Jaclyn SYMES: You touched on this in your contribution, Ms Bath, in relation to the downstream line businesses that have been impacted by these events. The worker support program provides support to those involved in sawmills, harvest, haulage, community forestry, seed collection, tip truck driving, pulp and paper production and associated professional services and supply chains, which even extends to electricians, mechanics, accountancy services and general maintenance. So there has been a lot of thought and consideration and acknowledgement of the downstream impacts in relation to this transition. Further support is being provided through the forestry business support package to eligible forestry businesses, including some of those ones that I referred to. The timber supply chain resilience package is also providing support to a number of manufacturers to access grants, professional advice and planning services to support business transitions. Businesses may also be eligible for the package if they possess native hardwoods sourced from Victorian state forests to manufacture products, including floors, stairs, furniture, doors, windows, architectural features and pallets and the like.

I have certainly spent some time visiting Cross Laminated Timber in Wodonga in relation to some of the work that they can do. In relation to Mr Clark, I do not have any particular information on him as an individual nor would it be appropriate to go through his circumstances in the context of this bill; however, if you did want to pass on any details for me to be able to ensure that he has been spoken to then I am more than happy to do that.

Melina BATH: I know that he has been well canvassed in the lower house at question time and he is quite happy to have his case raised, because I think there is a significant degree of frustration. You have started to discuss compensation packages. These compensation packages are open until 2026; that is my understanding. Do your compensation packages have any financial cap? Are they open or have they got a cap, because there are clearly some people who still have not been paid? There is Jeff Coster, and he is more than happy for me to put his name into this house. He is highly frustrated with the process. All of the things that you have commented on just there, I accept them on face value, but there are people who are still slipping through the cracks, and it is really unacceptable – absolutely unacceptable. Is there a cap on these compensation packages, and what about these people who are falling through the cracks?

Jaclyn SYMES: It is outside the remit of the legislation we are debating today, but if I could offer some advice, there is no cap but different funding streams under each of the packages. I myself have come across an individual who felt as though they were, in your words, falling through the cracks, and I was able to connect them with the support services. So my advice to you would be to continue to engage with the minister's office if you come across individuals who are not feeling as supported as they should, because there are people available to help them.

Melina BATH: I will not spend hours getting into this, but this gentleman was offered a payout and it is now not coming. Not only is he falling through the cracks, he has been offered something, and now it is not materialising. Clearly there is some flaw. I take it that it is outside the bill, but there is a significant flaw in the process of these compensation packages. At the end of the day these are real human beings who fought all the fires for the last 30 years, worked in this industry, and now are absolutely bereft. I just put on record that I thank you for your commentary and sincerity about it, but this needs to be resolved. Part of my reasoned amendment was about when they will be paid. When do you think, when do you feel and when do you understand that they will all be paid out?

Jaclyn SYMES: Ms Bath, the payments are available until 30 June 2026, so eligible workers will continue to receive support payments progressively throughout this period depending on their application and personal circumstances. It is difficult for me to respond to an individual case. I would encourage you to bring that to the direct attention of the minister's office. There are some cases that will take longer while you are determining the previous contractual arrangements and the like – you want to ensure that the payments are going to the right people – but the package is large, the package is there, it is designed to support people that need to transition from their previous roles into future roles, and we certainly want to ensure that that help is directed to where it is needed. Again, thank you for ensuring that you are a person that people can come to if they are having difficulties. I would encourage you to work with the minister's office to see if you can close any of those gaps and deal with any of those eligibility issues that may be apparent.

Melina BATH: I will move on to a different area of the bill now. In relation to a legislative impact analysis, has one been undertaken and a statement been prepared of the consequences, including costs, of the proposed repeal of the principal act, the proposed costs and consolidation into the Forests Act and also the other act – I think it is the lands act?

Jaclyn SYMES: I am sorry, Ms Bath, I do not quite understand your question – cost in preparing the legislation?

Melina BATH: No. The repeal of this forestry bill, VicForests – has there been a legislative impact analysis? What will it cost to close this down and then move any of the functions of that into the Forests Act?

Jaclyn SYMES: Ms Bath, there is no direct cost as a result of this legislative amendment.

Melina BATH: Can the minister tell the house if the government has completed an analysis of the impact of repealing this act on the environment and also the social and economic outputs of the forest and make it available this evening?

Jaclyn SYMES: Ms Bath, as you would appreciate, this legislation is formalising decisions and actions that are very well underway. There is not a cost attributed to this bill this evening.

Melina BATH: Does the government intend to ban or curtail other multiple uses of our native forests, including mining or recreational tourism or beekeeping?

Jaclyn SYMES: Come on, you are really going outside the scope of this bill now. There is certainly no plan – you need bees in forests, come on. Do not start these scare campaigns about what you think. No, this bill has no impact on the issues that you have just raised.

Melina BATH: Part of the argument in closing down VicForests was in relation to protection of the forest. Can the minister tell the house if the government believes the forest will be more or less fire prone with the cessation of the native timber harvesting?

Jaclyn SYMES: Ms Bath, first of all, you are asking for an opinion, but there are a range of other measures that respond to fire risk mitigation. I am more than happy to get you a briefing from DEECA facilitated through Minister Dimopoulos in relation to the activities, particularly back-burning activities and machinery activities that are planned before the next fire season. They are very extensive. But again, we are straying outside this bill, and I reckon I have been pretty generous. So if we can start getting back to some clauses, that would be great.

Melina BATH: I am happy to speak to sustainable forest management as defined in the bill. How is sustainable forest management defined, and does sustainability include how much management costs and how it is paid for? So how is it defined and then how much does that cost?

Jaclyn SYMES: Ms Bath, I can offer some general comments in relation to the future management of state forests, which is kind of where your question was taking us, I think. Is that correct?

Melina BATH: Well, there is a section on sustainable forest management in new part 5A in the bill.

Jaclyn SYMES: Is that in connection to your amendment as well?

Melina BATH: We can go through them if you want to.

Jaclyn SYMES: We might wait, if that is okay.

Melina BATH: Sure.

Sarah MANSFIELD: We understand that the purpose of this bill is to abolish VicForests, end its native forest logging functions and return some of the remaining forest management responsibilities to the environment department – namely, Forest Fire Management Victoria. We welcome this change, but we also note that FFMV has had some issues of its own and may in fact escape some of the oversight that VicForests was required to operate under, recognising that this was weak in and of itself.

A few weeks ago a critically endangered greater glider was found dead by a citizen scientist in a section of the Yarra Ranges National Park, which had been cleared by FFMV for fuel breaks. This was despite conservation groups explicitly warning FFMV and state and federal environment ministers that greater gliders existed in the area. We understand that investigations are ongoing and wherever you stand on

the matter of fuel breaks this is not easy or simple work. But what many people in the community are frustrated about is that not only was FFMV meant to survey this area for ecologically sensitive areas ahead of time, it was specifically warned by groups like Wildlife of the Central Highlands and the Victorian National Parks Association about these fuel breaks being developed in rare ancient hollow-bearing trees home to greater gliders and Leadbeater's possums. Additionally, I should note that the federal Environment Protection and Biodiversity Conservation Act 1999, or EPBC act, requires referral, assessment and approval of all works likely to impact threatened species. I have got a few questions related to those issues. What kind of on-the-ground surveying does FFMV currently do ahead of bushfire prevention works in terms of both data-generated and on-ground surveying?

Jaclyn SYMES: I might spend some time going through some of the information that I think will be directly relevant to your line of questioning, and then we will see what is left over if that suits you. The bill does not affect or change DEECA's forest and fire management activities. A little bit like the conversation I had with Ms Bath, I am going to be generous, because it is outside the scope of the bill. But I have got some information, so why not relay it to you.

The bill is concerned with priority legislative reforms, as you have indicated, to abolish VicForests and support the end of commercial native timber harvesting. Before any bushfire management work is undertaken, DEECA's planning and approvals process requires ecological and cultural heritage values assessments to be conducted, and these include detailed desktop assessments of existing biodiversity datasets. There are also field-based surveys conducted on a case-by-case basis to verify said desktop assessments. When conducted, field-based surveys can help to confirm the presence of threatened species, assess the potential impacts of the proposed works and implement appropriate mitigations to minimise any identified impacts.

Further to this, depending on specific characteristics and risks to specific values, DEECA will engage independent ecological consultants to undertake further consideration of values, particularly if there are concerns that have been raised. When engaged, consultants conduct on-ground flora surveys as well as fauna habitat and sign surveys in the field of the proposed work areas. These surveys may result, again, in further targeted surveys being undertaken, such as spotlighting and call-playback surveys for nocturnal species, as well as wildlife remote-camera surveys that may run over several weeks to detect the presence of any threatened fauna. These assessments by DEECA ensure that the values listed under the Commonwealth Environment Protection and Biodiversity Conservation Act and the state's Flora and Fauna Guarantee Act 1988 are appropriately identified and managed for any of the delivered works.

Any specific area for work is defined and exclusion zones and buffers needed for protection of values are established within the work plan. Buffers are areas where works might be excluded, or there could be the opportunity to modify the activity to protect a particular value – for example, a waterway, a threatened park or, importantly, a habitat of a threatened animal. For example, habitat trees and living large trees, even if they are hazardous trees, are certainly identified as to whether they should be retained wherever possible by managing the risk they pose in another way, such as by blocking access to the area around that tree to reduce the risk that way.

I have got further information that there are a range of environmental obligations that apply to bushfire management works, and the government has confidence that its operations comply with those obligations. And indeed if they do not, then that is unacceptable and we would take action in relation to that. Under the Forests Act 1958 the Secretary of DEECA also has an obligation to carry out proper and sufficient work for the planned prevention and suppression of fires. DEECA undertakes by prevention work, including planned burns, debris clean-up and strategic fuel breaks construction, to reduce the size, intensity and impact of future bushfires. DEECA plans and delivers the work with consideration of multiple different values, as I have outlined earlier.

I give you this information just to give you context for the balance that is obviously considered in relation to all of these matters. I will leave it there and maybe drill down into anything specific, bearing

in mind that, while I have got a lot of information here, I am proposing to keep it related to the bill as much as possible.

Sarah MANSFIELD: Given all of what you have described there – all the different steps that are taken – how is it that we still had, then, a greater glider death in recent weeks? What is the explanation for the failure there, and how can we have confidence in all of those checks and balances that you have just outlined?

Jaclyn SYMES: Dr Mansfield, the information that I have is that an investigation was undertaken in relation to the – I assume we are talking about the same one; hopefully it is the same one – southern greater glider found in the vicinity of those works. The pathologist's report for the southern greater glider recovered from the Yarra Ranges National Park has been provided to FFMVic, with the manner of death reported as indeterminate with evidence of blunt force trauma. The investigation can only tell us the cause of the death, not the manner, and it is not possible to definitively substantiate whether the glider died from these works or some other intervention. However, hopefully there is some confidence that I can relay to you that DEECA is reviewing the situation and processes applied in light of that death. This is being taken seriously. The felling of hazardous trees can sometimes have inadvertent impacts on fauna that are not visible or are hiding deep in a tree; however, DEECA does everything it can to limit these impacts. I have met a lot of these people. They are very upset if they are causing any harm. It is certainly not deliberate. As I said, there have been a lot of people having a look at this and making sure that any of their actions in the future can avoid a similar outcome. I just reiterate that before any land management works are approved, ecological assessments are undertaken to identify and assess biodiversity and cultural values. Operations are designed to ensure the impacts are avoided where possible and mitigated, and obviously they have learned a lot from many, many years of trying to balance the needs of their work along with the environmental considerations.

Sarah MANSFIELD: Moving on to some of these fire management issues, given they ID big trees, why did FFMV remove an ancient giant tree recently in the Yarra Ranges? We know that this sort of tree slows down bushfires. Now that that has been removed it is going to be replaced with smaller, infinitely more flammable vegetation. How did that occur? Why is FFMV removing those sorts of trees?

Jaclyn SYMES: Dr Mansfield, I am not in a position to give you information on that particular matter. There would be another way to seek that information. If I had the material, I would give it to you, but I cannot answer that level of detail on that topic when it is not directly related to the bill. But you have put it on notice, and perhaps the minister's office can pre-empt an advance from you via another means.

Sarah MANSFIELD: I thank the Attorney for that response, and I will follow up with the minister. Again just on fire management and perhaps a more general issue that is related to this bill, there are recent papers from the ANU that outline the evidence for this argument that logging ancient, less flammable trees and certain parts of salvage logging can actually make bushfires worse. How is the department balancing this new science with more established science in determining where and how firebreaks are created?

Jaclyn SYMES: Dr Mansfield, in relation to FFMVic's work and the considerations that they take on board, I can assure you that a lot of these conversations are undertaken. I think I just outlined with the attention taken to the way they have responded to adverse incidents that they are very open to advice, they are very open to opinions and they balance a lot of that out, but I am not in a position to detail that type of process at that department level. But again, I think if you approach the Minister for Environment he might be in a position to provide you with greater detail in relation to how the department responds to such information as you have presented.

Sarah MANSFIELD: I guess just further to that, one of the concerns is the independence of the monitoring of this issue. Has the government investigated perhaps getting universities to do this monitoring so that that independence can be trusted by the public?

Jaclyn SYMES: Dr Mansfield, as I am not the relevant minister, I am not in a position to provide that information outside the scope of the bill.

Sarah MANSFIELD: Again we will follow up with the relevant minister. Turning to I guess oversight powers and responsibilities of the Office of the Conservation Regulator (OCR), what do they currently have in regard to forest management now that VicForests will be abolished?

Jaclyn SYMES: I might take you through a lot of the information for oversight and assurance over FFMVic's works. I think that that might not just cover off the OCR element but just bring it together a little bit more comprehensively. Their forest and bushfire management planning is undertaken in accordance with overarching legislation, and regulations are established to protect a range of important values – a lot of the ones that you have mentioned. For DEECA, as I said, we have talked about all of the assessments that they are required to do. They go over and beyond what they are required to do by legislation. There are internal DEECA audits. There are assurance audits that have to be reported to the Office of Bushfire Risk Management. The Victorian Auditor-General plays a role. The inspector-general for emergency management plays a role. There are also regular reports to the security and emergency management committee of cabinet, where a lot of these issues can be tested. The planned burn operations obviously have been subjected to court action, which is another mechanism of testing as well.

In relation to the legislation and the change of role, the conservation regulator establishes annual regulatory priorities to focus its regulatory efforts on the greatest risks and what is most important to the Victorian environment and community. Unauthorised commercial take of timber is something that they will be looking at, and it is currently one of their regulatory priorities. Following the end of large-scale commercial timber harvesting the conservation regulator will continue to focus on the regulation of wildlife, forests and public land in Victoria. The conservation regulator aims to use regulation to ensure that everyone has equitable and safe access to public land and the use of natural resources, that the natural and heritage elements of the land are protected for future generations and that Victoria is a place of socially, economically and environmentally sustainable communities. So there are a few players in this space, Dr Mansfield.

Sarah MANSFIELD: We have heard that the OCR is still doing some surveys. Do you have any more information about what surveys they are doing?

Jaclyn SYMES: I do not, but I can take that on notice and see if the department and minister's office can provide you with information on their current work.

Sarah MANSFIELD: We are putting forward some oversight amendments. I think you have touched on oversight already and explained the various, I guess, mechanisms that you believe are in place to provide some oversight over the responsibilities that VicForests used to have that have been moved into other departments. The OCR will have some role in that, but we understand that there is difficulty with the OCR investigating bodies within its own department, so why not consider moving it to the Department of Justice and Community Safety or another department where it can independently investigate any activities by DEECA or FFMV that have an impact on listed species?

Jaclyn SYMES: I cannot speak to the policy development and consideration of that matter. I have got enough to do in justice at the moment. I would argue that from my experience there is a fair bit of tension that exists between the OCR and its department, so to suggest that it is happy days and everyone is friends – I would suggest that perhaps their independence is something that I have not been given cause to dispute, but I cannot go into the policy landing of that. But they are legislatively tied to DEECA, and I do not think that a case has been mounted to have that expertise placed in a foreign department.

Sarah MANSFIELD: I guess, to explore another option, should the EPA be able to investigate ecological impacts under fire management works such as the death of the greater glider in May?

Jaclyn SYMES: Dr Mansfield, I have probably strayed out of my lane in my answer to the previous question. I think this is outside of the bill, and I am not going to offer an opinion on that.

Sarah MANSFIELD: I thank the Attorney for that response, but it is an issue we would like considered, I think, going forward, particularly given concerns about the independence of any necessary investigations or oversight. One of the concerns we have has been around some of the issues in VicForests that relate to the culture in that organisation around not adequately preventing illegal logging. This issue has been detailed in reports from the Victorian Auditor-General's Office (VAGO) and the Office of the Conservation Regulator. We understand that 19 of the former 21 VicForests contractors have since moved to FFMV. What assurances can you give us that DEECA and FFMV will ensure that the same culture issues that were present in VicForests are not following the law or will not continue now that they have moved to DEECA?

Jaclyn SYMES: Dr Mansfield, I do not want to get too provocative, but I have met a lot of people that work for VicForests, and I would not want this debate to delve into assertions against individuals' characters and their motivations for the important work that they do or have done. But I can talk to some of the transition in relation to, I guess, touching on your concerns about perceptions of past practices and ensuring that it is a different approach and it is a different role. It will be a different culture because the work is different. In that sense I want to talk about the fact that the staff at FFMVic undertake fire prevention work, including planned burning, debris clean-up and developing strategic fuel breaks to reduce the size, intensity and effects of future bushfires. They plan and deliver the work with considerations of multiple different values, including threatened species and cultural heritage. They undertake forest and fire management activities in line with legal obligations to minimise bushfires and to protect life, property and the environment. The secretary of DEECA is required to consider potential biodiversity impacts in planning and delivering fire prevention works, so that is the instruction from the top in relation to the type of work and purpose that people have. In addition to this, DEECA's fire prevention works – going to some of the points you raised earlier about oversight – are regulated by federal legislation that goes to protections of threatened and endangered species.

VicForests staff have incredible skills, and we are very lucky that we are picking up a lot of them – that is the contractors as well. They have the ability to operate specialised equipment for use in both bushfire prevention and response and recovery, and they will continue to support DEECA, as I said, in the forest and fire management roles. We want to respect the skills and expertise of that workforce, and that is why we have been so eager to ensure that we can retain that and bring those people over into the department. We are very lucky that we have got 80 new roles that have accommodated that.

Sarah MANSFIELD: Just for the record, there was no intention to cast aspersions on any individuals, but it was in recognition of the fact that there have been investigations into issues within VicForests, as I said, by both VAGO and the Office of the Conservation Regulator. Those issues have been publicly acknowledged and identified and probably contributed in large part to where we are at today with this legislation.

I would like to move on to commercialisation and some concerns we have with respect to that. Now that VicForests is wrapping up, are Victorian sawmills receiving logs from our native forests or national parks – for example, from these FFMV works?

Jaclyn SYMES: Dr Mansfield, I wanted to instantly respond with 'Not much, if any.' But the advice I have got is that FFMVic undertake fire prevention work, including planned burns, debris clean-up and developing strategic fuel breaks, as we have discussed, to reduce the size, intensity and effect of future bushfires, so important work. They plan and deliver that work with the consideration of multiple different values, as we have gone through before as well. Forest by-products that are incidental to that work – that is, the by-product is not the motivation for the work, it is a result of the

need to do that work – can be removed or left in situ to provide habitat. The vast majority of it is unsuitable for mills because they require sawlog-grade timber, and it is just not something that becomes readily available from those types of activities.

I guess just to reflect on some personal experience, one of the first things that is said after storm damage – and it happened recently at Mirboo North as well – is 'Great. We've got some mills that can take the logs and they can be put to use.' The amount of wood that is suitable for that purpose is next to none. What it does provide is an opportunity to create firewood for vulnerable people and mulch and the like, and there is a lot of green waste to process. But as for it being available for timber, it is just not my experience that we have been able to identify the quality of log that could be transported for that type of purpose.

Sarah MANSFIELD: I appreciate that you said very little of that timber is suitable for mills, but do you have any more concrete information on what is being sold to which mills and for how much?

Jaclyn SYMES: Through those activities? Well, as I identified, it is just not something that has been made available through those activities. As I said, in the case where if there were saw-grade logs available, I would have liked them to go to timber mills. It just does not eventuate in relation to storm debris or firebreak-type activities. So I do not have that information to hand, but it is not an underhanded side business to create saw-grade logs out of the work of fire mitigation or emergency response.

Sarah MANSFIELD: I thank the Attorney for that assurance. We have had some reports from the community that this is occurring, so why isn't the government tracing logs from salvaged logging operations to ensure that practice is not occurring?

Jaclyn SYMES: I cannot categorically say that there is not the odd bit of millable timber available. If you have got concerns about inappropriate practices, then I am sure that if you fed that information through we could have a look at that. There will be instances where there is the occasional log. I am just indicating that in my experience, most recently, when we went looking for it we could not find it. I think past practice data would show that there is less than 10 per cent of wood made available for mills as a result of any of FFMV's work.

Sarah MANSFIELD: Related to this, as part of winding up VicForests, your government provided nearly $1 billion to transition native forest logging workers and industry to plantations. We have got very little information about how this money is being spent. I was wondering if you would be able to provide some details about that.

Jaclyn SYMES: Again, Dr Mansfield, that is outside the scope of the bill, but I can repeat some of the forestry transition costs of the $1.5 billion. Let me just have a look; I might have something a bit more relevant. Yes, actually I will not repeat the transition money, because I think you were a bit more interested in plantation development expenditure and I have got some information that can respond to that.

We certainly have an expansive world-class plantation industry in Victoria. We have the largest plantation estate in the country here in Victoria. We are also implementing a range of programs to grow and diversify the estate to meet future timber-need supplies, products and markets. Ms Bath and I both had a bit of conversation earlier about cross-laminated timber and some of the future opportunities for that and the need to plant more trees to take up those opportunities. The flagship of the plantation investment strategy is the $120 million Gippsland plantations investment program, which will see Hancock Victorian Plantations plant an extra 16 million trees. It is the single largest investment in plantation establishment in our history and also the biggest for Hancock Victorian Plantations. It will be one of the largest private plantation companies in Australia, and it will match the government's grants fund almost dollar for dollar to buy, lease and manage more than 14,000 hectares of softwood plantations. The program also has the potential to bring new global-scale processes to the Gippsland region and boost the state's production of much-needed timber house

frames for the construction sector, one of the benefits we identified. Also, the more grunt behind the plantation industry, the more opportunities for jobs in that region, which would complement the transition.

Sarah MANSFIELD: We have heard reports that some sawmills and other timber companies have received that funding but rather than transition to plantation or recycled timber they have focused their purchasing on Tasmania's native forest industry. Was there anything in the funding agreements to prevent this from happening?

Jaclyn SYMES: It is outside the scope of the specifics of this bill because the parameters of that program are not part of the legislation, but I think you would be able to get that type of information directly from the minister's office.

Melina BATH: I was not going to ask any further questions on clause 1, but I just felt so appalled by what I heard. I have researched a document, the report of the declining ecosystems inquiry. It is also in *Hansard*. Minister Pulford made a response to Mr Gordon Rich-Phillips at the time. Ms Pulford said:

> I have some advice on some numbers on the conservation regulator's compliance actions in the last two years. So in 2019–20 investigations completed by the conservation regulator included –

and I am quoting directly –

> one letter of advice, four section 70 directions, two findings of non-compliance, two official warnings and no prosecutions. For 2020–21 there were three letters of advice, one section 70 direction, two findings of non-compliance, three official warnings and no prosecutions.

I put it to you, Minister: do you think that Minister Pulford would have been lying at that point, or do you think that she would have been accurate?

Jaclyn SYMES: I do not want to get into a role of mediator here today. I think that you are more than welcome to put those comments on the record, Ms Bath. I can confirm that there have been no prosecutions from the conservation regulator since it was established in 2019.

Sarah MANSFIELD: Just a final one on clause 1. As part of winding up native forest logging the government bought a stake in one of the key timber mills at Heyfield. Does the Victorian government still own a Heyfield mill? And is it true you are planning to sell your shares?

Jaclyn SYMES: Dr Mansfield, as you would appreciate, the government helped secure the future of that mill. We wanted to ensure that we could save jobs and support the local Heyfield economy. We wanted to ensure they were well placed for the future. We are now considering options around its shareholding at that mill. Australian Sustainable Hardwood's day-to-day businesses, I think as identified by Ms Bath, are not run by the government; they are commercial concerns for ASH management and not subject to any government input. I think I have answered your question.

Clause agreed to; clauses 2 to 15 agreed to.

New clause (17:39)

Sarah MANSFIELD: I move:

1. Insert the following clause before clause 16 –

'**15A Definitions**

In section 3(1) of the **Conservation, Forests and Lands Act 1987 insert** the following definition –

"***relevant international instruments*** means the following –

(a) the Convention on Biological Diversity;

(b) the United Nations Framework Convention on Climate Change;

(c) the United Nations Declaration on the Rights of Indigenous Peoples;

(d) any other international convention relating to the sustainability, use and management of the environment to which Australia is a party;".'

This is to insert a new clause, 15A, and there are some associated clauses should this pass. Firstly, I would like to thank the Victorian National Parks Association and Environmental Justice Australia as well as the Wilderness Society for their support in developing these amendments. The bill's proposed section 40A of the Conservation, Forests and Lands Act 1987 would create a new power for the minister to determine sustainability criteria and indicators and reporting requirements. The Greens would like to strengthen this power in two ways, first by creating a list of relevant international instruments in the act so that this new power will take into account the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the United Nations Declaration on the Rights of Indigenous Peoples. This, we believe, should not be a controversial change. Basically we just want the Conservation, Forests and Lands Act to acknowledge the relevant international agreements relating to biodiversity, climate change and Indigenous rights.

Jaclyn SYMES: The government will not be supporting this amendment from Dr Mansfield. The current criterion indicator provisions we use already align with the international agreements in the form of the Montreal process. We are committed to partnership with traditional owners, of course, and we understand from ongoing engagement that their aspirations for an active role in forest management are far more comprehensive than sustainability indicators. If a requirement to engage with traditional owners were to be embedded in the forests act, it would be a bigger reform than currently proposed and in line with self-determination. That would require engagement with traditional owners to determine exactly what that legislation should look like.

Melina BATH: The Nationals and Liberals will not be supporting this amendment.

The DEPUTY PRESIDENT: The question is that the new clause stand part of the bill.

Bells rung.

David Davis: On a point of order, Deputy President, there is someone in the gallery who has a device that is designed to draw attention to political issues, and that is not the way the gallery should operate.

The DEPUTY PRESIDENT: I also noticed that earlier and sought some advice from the President. He has removed it now, and I would ask him to remove his badge as well.

Council divided on new clause:

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

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

New clause negatived.

Clause 16 (17:48)

Melina BATH: Minister, in relation to the definition of 'sustainable forest management', that might be something that we have a collective interest in. Could I have that as a definition? I also ask: what are the criteria and indicators expected to be?

Jaclyn SYMES: Ms Bath, the answer is somewhat in the clause. If you go to clause 16, new part 5A, 40A, the bill will retain and insert into the Conservation, Forests and Lands Act provisions

for criteria and indicators for sustainable forest management. These include provisions that require the minister to determine criteria and indicators for sustainable forest management. As you can see here:

> (2) In determining criteria and indicators … the Minister may take into account any nationally or internationally agreed criteria and indicators for sustainable forest management.
>
> (3) As part of a determination … the Minister must also determine:
>
> (a) the reporting requirements relating to each indicator … and
>
> (b) the frequency at which such reports are to be made …

This is a requirement for the minister to look at a broad range of matters that would amount to sustainable forest management, and there are commitments to make that public.

Melina BATH: Will the indicators include biodiversity and threatened species data, Minister?

Jaclyn SYMES: Ms Bath, I am not in a position to confirm exactly how that would be articulated. The indicators will be made publicly available once determined by the minister, and I cannot step into her shoes at this point in time. I cannot pre-empt that. Probably more of the information will be available at a later time.

Melina BATH: In relation to the five-yearly reports, can I understand what format they will be in, and will they be assessed independently?

Jaclyn SYMES: As I have indicated, the framework for Victoria's public-facing forest monitoring reporting will include five-yearly reporting in the Victorian *State of the Forests* report. That will also, as I said, include the criteria and indicators, so it will be as part of the *State of the Forests* report.

Melina BATH: The *State of the Forests* report was due at the end of 2023. Do you have any idea of when it will be tabled, presented and released to the public?

Jaclyn SYMES: My advice, Ms Bath, is that it is currently under consideration and will be released shortly, but I do not have a definitive time.

Sarah MANSFIELD: I might ask some follow-on questions from Ms Bath's. With respect to the sustainability criteria and indicators and reporting requirements, what consultation will be done to develop these?

Jaclyn SYMES: The current ones will be preserved. They are just moving over, so they do not need consultation in relation to those.

Sarah MANSFIELD: With respect to the sustainability charter, how would this be developed and operate, especially if it is not mandatory for the minister to develop it?

Jaclyn SYMES: As you have identified, Dr Mansfield, the bill will retain the minister's power to develop a sustainability charter. A new sustainability charter is not currently under development, but the bill provides for retention of a provision that means the government will be able to draft a new sustainability charter in the future. Under section 11 of the sustainable forests act, the minister may develop a sustainability charter that sets out the objectives et cetera, but as I indicated in my previous answer, at this point in time there is no consideration of a sustainability charter under development.

Sarah MANSFIELD: I suspect that may have partly addressed my next question, but are you able to provide any information about whether this charter would hold any power or do anything, or would it just be general objectives?

Jaclyn SYMES: A future one?

Sarah MANSFIELD: Yes.

Jaclyn SYMES: You will have to wait for the announcements of the minister at such time as a new one would be under development.

Sarah MANSFIELD: What work is the government doing to ensure that traditional owners benefit from the state's massive reforestation task in forms such as seed collection, reseeding, landcare et cetera?

Jaclyn SYMES: I will just answer. We always work with traditional owners through all of our projects. I know you would be aware of current Yoorrook processes. Looking at land management has been part of their work as well, so there is a lot of work in this space. I am a little perplexed about clause 16 and the relevance of that question there, but I am more than happy to confirm our commitment to work with traditional owners in a range of matters as protected under the transition but also reaffirm our general commitment.

Sarah MANSFIELD: I thank the Attorney for her response. Perhaps the question was more relevant in light of the amendment that we are seeking to move to this clause. I move:

3. Clause 16, page 10, lines 21 to 30, omit all words and expressions on these lines and insert –

"**40E Sustainability Charter**

(1) The Minister must develop a Sustainability Charter.

(2) A Sustainability Charter must set out objectives for the sustainability of forests.

(3) In determining the objectives of a Sustainability Charter, at least one objective must be included to encourage participation by any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land in the management of the State forests on Country.

(4) In developing a Sustainability Charter, the Minister must consult with –

(a) the Minister administering the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**; and

(b) the Minister administering the **Climate Change Act 2017**; and

(c) any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land.".

We want these criteria and indicators to be developed in consultation with traditional owners while taking into account those revised international agreements that I referred to earlier. First Nations people are the oldest living culture on earth and they have been caring for this land for more than 60,000 years, so it makes sense that they are at least consulted on what sustainability really requires. How those consultations take place remains within the discretion of the minister, so again, we do not believe that this amendment is controversial. We do not think it is anything game changing – just stronger, fairer change.

We wish to make the sustainability charter under the new section 40E mandatory and not leave it as an option for the minister, which they may or may not deploy. We think that whatever form this charter takes should be developed in consultation not just with the agriculture minister but with the Minister for Climate Action and traditional owners. Finally, we want to include an objective to foster good economic, sustainable joint management opportunities with traditional owner groups to ensure crucial reforestation works – like seed collection, seed distribution, landcare and more – will actually benefit traditional owners. Again, we think this is a moderate change. A consultation requirement already exists, and this change would merely expand the voices it must consider.

Jaclyn SYMES: Dr Mansfield, I do not think we have different views on this. I just think that the way you have gone about it is not something that we support, because we support self-determination. We do not want to legislate these types of things on behalf of traditional owners. We think that our commitment to consult with traditional owners is firm, and it is up to them whether they want to be involved. I do not think legislation in the prescriptive ways that you are proposing is in true alignment with self-determination.

I reaffirm our commitment to a partnership with traditional owners. I know from ongoing engagement that their aspiration to be involved in forest management is far more comprehensive than the sustainability charter. If a requirement to engage with traditional owners was to be embedded, it would be a bigger reform than is currently proposed and in line with self-determination it would require engagement with traditional owners to determine exactly what the legislation would look like. It is not for me to describe what that would look like, because that is at odds with our commitment to self-determination. We are certainly happy to work towards the development of a sustainability charter in the future. It would involve deep consultation with everyone in the sector, and we certainly do not believe that this needs to be prescribed in legislation.

Melina BATH: I find myself agreeing with the minister at the table. I find it somewhat disingenuous that you can have traditional owners, the Dja Dja Wurrung, out at Wombat State Forest who want to harvest and use the timber that was in their patch, on their land, and yet we have activists saying, 'No, you can't.' I am concerned that anything this prescriptive in nature could work against traditional owners and their self-determination and the active forest gardening they speak about. The Nationals and the Liberals will be opposing this amendment.

Council divided on amendment:

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

Noes (27): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 17 to 19 agreed to.

Clause 20 (18:09)

Melina BATH: I move:

1. Clause 20, line 12, before "After" insert "(1)".
2. Clause 20, after line 16 insert –

'(2) After section 52(1A)(i) of the **Forests Act 1958 insert** –

"(ia) in the case of a licence or permit granted to a member of a traditional owner group, or a traditional owner group, within the meaning of the **Traditional Owner Settlement Act 2010**, to take away forest produce and to offer that produce for sale;

(ib) to take away forest produce, to use that produce in the manufacture of any thing and to offer that thing for sale;

(ic) to cut and take away a commercial quantity of forest produce for the purposes of offering that produce for sale for use as firewood, being a commercial quantity that either individually or together with one or more other licences or permits granted under this section for the purposes of this paragraph, is not less than the quantity required to sustain demand for firewood in Victoria;".

(3) After section 52(1B)(b) of the **Forests Act 1958 insert** –

"(ba) in the case of a licence or permit granted to a member of a traditional owner group, or a traditional owner group, within the meaning of the **Traditional Owner Settlement Act 2010**, to take away forest produce and to offer that produce for sale;

(bb) to take away forest produce, to use that produce in the manufacture of any thing and to offer that thing for sale;

(bc) to cut and take away a commercial quantity of forest produce for the purposes of offering that produce for sale for use as firewood, being a commercial quantity that either individually or together with one or more other licences or permits granted under this section for the purposes of this paragraph, is not less than the quantity required to sustain demand for firewood in Victoria;".'.

I actually went through this reasonably at length during my discussion of the bill earlier, so I feel that if you were listening and paid attention, you would know what you are doing, and if you did not, you probably do not mind. We think this is a very important step. We believe that traditional owners should be able to take away, manufacture and sell the products as part of their management of the forest and through their licences. We also believe that there should be the ability to adopt and use particular boutique and bespoke state forest products, such as guitars and things, and we also believe it is highly important that we actually have firewood that will serve the community from commercial quantities that are not less than they were before, so I move these amendments.

Jaclyn SYMES: I actually do not disagree with the intent at all, but this is not a necessary amendment. The power to issue section 52 licences under the Forests Act provides for a range of activities and is unchanged by the bill. There is nothing currently preventing traditional owners from applying for licences under section 52, but the appropriate place for clarifying what these licences can be used for in the future is through the new regulation-making powers set out in clause 28 of the bill. That will enable proper consultation with traditional owners on matters that affect their rights and interests.

You keep talking about these guitar makers. I want to meet one of these bespoke guitar makers sometime in the future. But as I said, your intent is good; it is just not necessary through an amendment.

Council divided on amendments:

Ayes (13): Melina Bath, Georgie Crozier, Moira Deeming, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Sheena Watt

Amendments negatived.

Clause agreed to.

Clause 21 (18:15)

Melina BATH: I actually have one question, and it is on the terminology and the term 'imminent damage to the environment'. Minister, how will you ensure that this provision does not simply lead to a new avenue for third-party litigation? How can you ensure that activists will not just use this to stop activity under the forest produce licences? We know that activists and at least one judge will potentially claim that cutting down a single tree in the course of forest management or fire prevention is damage to the environment. So how can you ensure that this is not just another avenue for third-party litigation?

Jaclyn SYMES: Ms Bath, I am going to just pre-empt your amendment a little bit because the answers are kind of related. In terms of imminent damage, your amendment proposes to narrowly define it, and we think that that would limit the ability for authorised officers to use the tools. Directions and suspension notices are regulatory tools that support a graduated enforcement approach, so in relation to imminent damage, that is the ability to facilitate a graduated response to actions. We would be concerned and perhaps might give consideration to the question. If you were to define it too narrowly, you might have to go straight to prosecution without some of those warnings, directions and suspensions, for example, which would invite more litigation because you would be going to

prosecution prior to being able to manage and have conversations and apply different remedies to the actions. Hopefully that addresses your question in some way. But I guess the short answer is that we do not envisage this opening up another avenue in the way it has been crafted.

Melina BATH: I do not share your optimism. I think there is grave danger that this could actually just open up another Pandora's box for third-party litigation. However, I will move the amendment and see how we go. I move:

3. Clause 21, page 13, after line 20 insert –

"**57NAA Interpretation**

In sections 57NB and 57NC, ***imminent damage*** means loss of viable populations throughout a species range but does not include loss of viable populations arising from an activity performed for the purposes of preventing or suppressing disease, dieback or fire, including thinning, cutting and removing timber, planned burning and creating or maintaining firebreaks, fire access tracks or public roads.".

Council divided on amendment:

Ayes (13): Melina Bath, Georgie Crozier, Moira Deeming, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Sheena Watt

Amendment negatived.

Clause agreed to.

New clause (18:22)

Melina BATH: I move:

4. Insert the following clause to follow clause 21 –

'**21A New sections 73A to 73L inserted**

After section 73 of the **Forests Act 1958 insert** –

"**State forest safety zones**

73A Definitions

In sections 73B to 73L –

authorised person means the following –

(a) the Secretary, when performing a function, or exercising a power, of the Secretary;

(b) an authorised officer, when performing a function, or exercising a power, of an authorised officer;

(c) a utility performing functions in a State forest and any employee, agent or contractor of that utility when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;

(d) a transport authority performing functions in a State forest and any employee, agent or contractor of that transport authority when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;

(e) a person undertaking timber harvesting operations in accordance with an authorisation specified in section 45(2) and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;

(f) a person who is the holder of a licence or permit under section 52 of the **Forests Act 1958** granted for the purposes set out in subsection (1A)(c), (d), (e), (f) or (g) of that section and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the licence or permit;

(g) a person who is the holder of a licence under section 141 or 147, or of a right under section 149, of the **Land Act 1958**, when undertaking an activity authorised by that licence or right, or an employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the licence or right;

(h) a person who is an employee, agent or contractor of the Department when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract employment, agency or contract;

(i) a person who is an employee, agent or contractor of Fire Rescue Victoria, WorkSafe Victoria, the Department of Transport, the Environment Protection Authority or the State Emergency Service, when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;

(j) a person who is a police officer, when performing a function, or exercising a power, of a police officer;

(k) a person who is an environmental auditor within the meaning of the Environment Protection Act 2017, when performing the function of an environmental auditor;

(l) a person appointed by the Secretary to observe the conduct of an environmental audit within the meaning of the **Environment Protection Act 2017**, when performing that function and in the company of a person referred to in paragraph (k);

(m) a person who is the holder of a lease, licence, permit or other authority under the **Mineral Resources (Sustainable Development) Act 1990** (other than a miner's right or a tourist fossicking authority) and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the lease, licence, permit or other authority;

(n) a person who is the holder of a lease, licence, permit or other authority under the **Geothermal Energy Resources Act 2005**, **Greenhouse Gas Geological Sequestration Act 2008** or **Petroleum Act 1998** and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the lease, licence, permit or other authority;

(o) a person who is a member of a traditional owner group when that person is acting under and in accordance with an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**;

timber harvesting operations means any of the following kinds of activities carried out by a person or body –

(a) for the primary purpose of the sale, or the processing and sale –

(i) felling or cutting trees or parts of trees;

(ii) taking or removing timber;

(iii) delivering timber to a buyer or transporting to a place for collection by a buyer or sale to a buyer;

(iv) any works, including road works, ancillary to any of the activities referred to in subparagraphs (i) to (iii);

(b) the provision or use of machinery or equipment for timber harvesting in a state forest safety zone;

(c) engaging in timber harvesting operations in a state forest safety zone as an authorised person;

(d) regeneration burning –

but does not include the collection of firewood for domestic use;

state forest safety zone has the meaning given by section 73C.

73B Power to declare certain areas for the purposes of sections 73B to 73L

For the purposes of section 73C(a), the Minister, by order published in the Government Gazette, may declare an area specified in a licence granted under section 52 for a purpose referred to in subsection (1A)(c), (d), (e), (f) or (g) of that section to be a coupe for the purposes of sections 73B to 73L.

73C What is a state forest safety zone?

A state forest safety zone is –

(a) a coupe; and

(b) any road that is within that coupe that has been closed for the purposes of timber harvesting operations; and

(c) any area of State forest that is within 150 metres from the boundary of that coupe.

73D Notice of state forest safety zone to be given

(1) Before the initial commencement of timber harvesting operations in a particular state forest safety zone, the person conducting the operations must ensure that a notice that complies with subsection (2) is conspicuously displayed on or near the zone including on any road that is an entry point to the zone.

(2) A notice under subsection (1) must –

(a) specify the location of the state forest safety zone; and

(b) specify the commencement date of timber harvesting operations in that zone; and

(c) state that offences and penalties apply in that zone.

73E Direction to leave a state forest safety zone

(1) An authorised officer may direct a person to leave a state forest safety zone (and not re-enter the zone) in a manner specified in the direction.

(2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73F Direction to stop or move a vehicle in a state forest safety zone

(1) An authorised officer may direct a person operating a vehicle in a state forest safety zone to stop or manoeuvre the vehicle in a manner specified in the direction.

(2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73G Direction to remove a dog from a state forest safety zone

(1) An authorised officer may direct a person in apparent control of a dog in a state forest safety zone notice of which has been given in accordance with section 73D to remove the dog from the zone.

(2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73H Offence to enter or remain in a state forest safety zone

A person (other than an authorised person) must not enter, or remain in, a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73I Offence to be in possession of a prohibited thing in a state forest safety zone

A person (other than an authorised person) must not be in possession of a prohibited thing in a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73J Offence to allow a dog to enter a state forest safety zone

A person must not allow a dog to enter a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73K Offence to remove or destroy a barrier or fence

A person must not unlawfully break down, damage or destroy a barrier or fence which has been erected to prohibit or restrict access to a state forest safety zone.

Penalty: 60 penalty units.

73L Offence to remove or destroy notice

A person must not unlawfully alter, obliterate, deface, remove or destroy a notice displayed in accordance with section 73D.

Penalty: 60 penalty units.".'.

I have made comments in the debate on behalf of the Liberals and Nationals today. We debated it at great length a couple of years ago, and people went on the record saying it is very important for the protection of people in the workplace. All this is doing is reinserting this back into the Forests Act 1958, and it is stated as 'state forest safety zones'. They are still workplaces, and our workers still need to be covered and protected.

David LIMBRICK: I also remember that debate very clearly. Those of you who were here in the last term of Parliament will remember that this was one of the very few occasions where I disagreed with my former colleague Mr Quilty. Libertarians sometimes disagree and both come to valid arguments. Mr Quilty constructed an argument based around property rights, and I constructed an argument around not wanting to further limit the rights of people to exercise their right to peaceful assembly. After all that I had witnessed and indeed personally experienced during the pandemic I was in no mind to give any further powers to the government, or the police for that matter, on limitations. I will be consistent in this, and I will be opposing this amendment.

Jaclyn SYMES: The government will not be supporting this amendment. We have put on the record that the secretary to DEECA can still establish public safety zones in state forests under the Safety on Public Land Act 2004 for a range of purposes as set out in the act, including for fire operations, forest conservation and continuing public safety.

Council divided on new clause:

Ayes (12): Melina Bath, Georgie Crozier, Moira Deeming, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Sheena Watt

New clause negatived.

New clause (18:26)

Sarah MANSFIELD: I move:

4. Insert the following clause to follow clause 21 –

'**21A Secretary may enter into agreements and arrangements relating to the prevention and suppression of fires and recovery from fires**

(1) After section 62C(2) of the **Forests Act 1958 insert** –

"(2A) Before entering into an agreement or arrangement under subsection (1) or (2) that relates (in whole or in part) to activity for the prevention of or recovery from fire that is likely to affect a threatened or endangered species, the Secretary must –

(a) undertake an assessment of the likely ecological impact of the activity; and

(b) consider any action statement under section 19 of the **Flora and Fauna Guarantee Act 1988** relating to the threatened or endangered species; and

(c) ensure that the agreement or arrangement provides that any logging to be undertaken under the agreement or arrangement must not contravene the action statement.".

(2) After section 62C(3A) of the **Forests Act 1958 insert** –

"(3B) The Conservation Regulator of the Department of Energy, Environment and Climate Action, or the Environment Protection Authority, may investigate the ecological implications of activities undertaken under an agreement or arrangement under subsection (1) or (2) and make appropriate recommendations to the Secretary about the activities.

(3C) A person must not sell, or offer for sale, any timber or forest produce that is cut in or removed from a State forest in undertaking an activity under an agreement or arrangement under subsection (1) or (2).

Penalty: 20 penalty units.".

(3) **Insert** the following definition in section 62C(4) of the **Forests Act 1958** –

"***Environment Protection Authority*** has the same meaning as Authority has in the **Environment Protection Act 2017**;".'.

Our amendment would make several changes. To prevent Forest Fire Management Victoria and the department repeating the mistakes of VicForests, we propose three moderate and what we think are commonsense amendments to fire prevention and recovery agreements. They would mean that mandatory ecological reporting ahead of fire prevention and recovery works takes place, including specific reference to action statements for threatened and endangered species under the Flora and Fauna Guarantee Act. This change would not impact fire suppression works. We understand it is not practical to do these sorts of surveys when a bushfire is raging.

The amendment would also empower both the Office of the Conservation Regulator and the EPA to investigate ecological impacts from FFMV's fire management works. As I mentioned in the debate on the second-reading speech, FFMV seemingly has escaped some of the weak oversight that VicForests was subject to. So this change would effectively fill that vacuum. We want to acknowledge that our suggestion of giving this power to the OCR might seem contradictory. It would in practice result in DEECA investigating another DEECA agency. This is why we have called on Labor to move the OCR through regulation into the Department of Justice and Community Safety or another department to foster both some independence and teeth. We understand that this might be complicated and time-consuming, and ultimately this would be left to the discretion of whichever government is in power, which is why we have also suggested that the EPA take on the power as an independent agency.

Finally, with our amendment we want to see a ban on the commercial sale of timber collected under these works so as not to create a financial incentive for what would be solely a health and safety issue. We propose a penalty of up to 20 penalty units for a person selling or making available for sale any products collected as part of the aforementioned agreements. People can still collect and use leftover products for firewood. This just nips that commercialisation threat in the bud.

We believe these are moderate changes. We are not saying we have to end fire management, but we think this strengthens ecological surveying and provides some genuine oversight, and a ban on

commercialising any by-products we believe can only be a good thing for ensuring a responsible, sustainable approach to forest management.

Business interrupted pursuant to standing orders.

Jaclyn SYMES: I move:

That the meal break scheduled for 6:30 be suspended.

Motion agreed to.

Jaclyn SYMES: I have a few points in opposition to the series of amendments contained in Dr Mansfield's amendment 4. We believe they would have significant ramifications for the government's fire and emergency prevention and response activities, and they are, frankly, to that end unacceptable.

A range of environmental obligations already apply to bushfire management works, and we have absolute confidence that operations comply with those obligations. DEECA undertakes forest and fire management activities to fulfil legal obligations under the Forests Act 1958 to minimise the risk of bushfires to protect life, property and the environment. DEECA's forest and fire management operations are already overseen and audited by a range of internal and independent agencies. DEECA is committed to continually improving assurance of its fire and forest management works. However, creating additional regulation is not the best way to achieve this.

I would put on record we do not support the EPA being responsible for these activities. Their core work is in relation to waste and pollution, not in relation to matters connected with the purposes of this bill. We do not support the proposed amendment for a ban on the ability to sell incidental by-products, and as I have outlined in some detail, we are currently developing a framework to provide clarity on how to manage the by-product of DEECA's forest and fire management activities. There was funding in the recent state budget to facilitate that, and there is a lot of interest in that. I would welcome the Greens' participation as that is being developed.

Melina BATH: In relation to this new clause, we believe that it has the potential to endanger human life and property and towns. We have seen an example where through the current state, the current regulations, the current requirements, the township of Bemm River in 2020 almost went up in flames because there was so much regulation around putting in preparatory burns – they were called really emergency preparatory burns, almost back-burns. If you are going to start to go into a whole range of ecological impact, not only will it tie up and tie up and tie up forest management practices that support the sustaining of forests not getting burnt, it will also endanger human life and human towns.

Council divided on new clause:

Ayes (5): Katherine Copsey, Sarah Mansfield, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (27): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Georgie Crozier, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

New clause negatived.

Clauses 22 to 27 agreed to.

New clause (18:35)

Melina BATH: I move:

5. Insert the following New Clause to follow clause 27 –

'27A New section 97A inserted

After section 97 of the **Forests Act 1958 insert** –

"**97A Civil proceedings**

A civil proceeding may not be commenced in relation to an actual, apprehended or threatened contravention of –

(a) this Act; or

(b) the regulations; or

(c) an instrument made under this Act; or

(d) a licence or permit granted under this Act –

other than by or on behalf of the Crown or an entity that represents the Crown.".'.

It is to insert a new clause of civil proceedings. Indeed the New South Wales legislation, the Forestry and National Park Estate Act 1988, has very similar wording to this, which actually says you can do this. Despite our conversations earlier, this is not dissimilar to the New South Wales legislation. It is about ensuring that civil proceedings do not occur other than on behalf of the Crown or any other entity, in which case that would be DEECA or the OCR. We believe that there are significant provisions for prosecution and for ensuring that legislation and regulations are upheld. There should not be third-party litigators again going on a gambit, so I move this amendment.

Jaclyn SYMES: We will not be supporting this amendment. We have gone over it a little bit. At the outset you should always be cautious in limiting people's legal rights, but even if you were seeking to achieve that, we would say that this proposal of the Nationals and Liberals is unworkable. It would create bad law to say that you can pick up a provision in New South Wales and apply it in Victoria. It is not the same framework. I am not concerned about the wording being different, but you cannot apply the same wording to the different way that things are set up here. There is also the inability to exclude Victoria from Commonwealth laws, and indeed the common law creates the fact that this would be unworkable. So we are not in a position to support an amendment that would create an unworkable and bad law.

David LIMBRICK: Whilst I appreciate the intent of Ms Bath's amendment, my team has done significant research into this and has come to a similar conclusion to the government – that we do not believe that this will achieve what it is intending to achieve. Therefore the Libertarian Party will not be supporting it.

Council divided on new clause:

Ayes (12): Melina Bath, Georgie Crozier, Moira Deeming, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Sheena Watt

New clause negatived.

Clauses 28 to 69 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:41): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:41): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

Council divided on question:

Ayes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Ingrid Stitt, Jaclyn Symes, Sonja Terpstra, Sheena Watt

Noes (12): Melina Bath, Georgie Crozier, Moira Deeming, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Question agreed to.

Read third time.

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

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024

Council's amendments

The PRESIDENT (18:44): I have received the following message from the Assembly in respect to the Victorian Responsible Gambling Foundation Repeal and Advisory Councils Bill 2024:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to repeal the **Victorian Responsible Gambling Foundation Act 2011**, to abolish the Victorian Responsible Gambling Foundation, to amend the **Gambling Regulation Act 2003**, the **Victorian Gambling and Casino Control Commission Act 2011** and the **Liquor Control Reform Act 1998** and for other purposes', the amendment made by the Council has been agreed to.

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

Introduction and first reading

The PRESIDENT (18:45): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council '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.'

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:46): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:46): 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 Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024 (the Bill).

In my opinion, the Bill, 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 Bill seeks to protect and promote the rights of Victorians by implementing the following reforms:

- permitting the Chief Statistician greater access to court data for statistical and research purposes
- clarifying that documents signed electronically are admissible as evidence in criminal proceedings
- enabling the ongoing use of digitally recorded statements as evidence-in-chief in criminal proceedings for a family violence offence and proceedings for a family violence intervention order
- enacting reforms to the model defamation provisions to clarify the liability of digital intermediaries when third parties use their online services to publish defamatory matter and extend the defence of absolute privilege to matter published to police, and
- making technical, procedural and consequential amendments to various integrity and justice Acts to improve the operation and effectiveness of Victoria's integrity agencies.

Human Rights Issues

The following rights are engaged by the Bill:

- recognition and equality before the law (section 8)
- privacy and reputation (section 13)
- freedom of expression (section 15)
- right to liberty and security of the person (section 21)
- right to a fair hearing (section 24), and
- rights in criminal proceedings (section 25).

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

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

Part 2 – Amendments relating to provision of court data to Chief Statistician

Part 2 of the Bill amends the *Crime Statistics Act 2014* to allow the Chief Statistician to require the provision of court data for analysis and reporting purposes.

Right to privacy and reputation

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

The Bill amends the Crime Statistics Act to allow the Chief Statistician to require the provision of court data from the Chief Executive Officers of the Victorian Magistrates' Court, County Court, Supreme Court and Children's Court. It will introduce a clear framework to enable confidential and protected sharing of court data with the Chief Statistician, including identified data, by the courts.

Shared data can include data on criminal proceedings, proceedings relating to bail and data on quasi-criminal matters, including matters relating to family violence. The provision of court data will enable the Chief Statistician to fulfil their function of reporting on criminal justice issues and trends in Victoria. It will also enable government to meet its statutory commitment to review the operation of bail amendments made by the *Bail Amendment Act 2023*.

The amendments align with existing powers for the Chief Statistician to require the provision of law enforcement data from Victoria Police. The addition of court data will enable the Chief Statistician to understand an individual's journey through the justice system, from their first interaction with Victoria Police to the final outcome in the courts and on to supervision by Youth Justice or Corrections Victoria.

The Bill will protect court data sharing firstly by restricting the data the Chief Statistician can access. New section 3A provides the parameters of the data that can and cannot be obtained by the Chief Statistician. Data must relate to criminal proceedings, bail, or proceedings under a number of other specified Acts. Only data held in an electronic format by the courts can be requested.

Personal information about parties to proceedings can be requested by the Chief Statistician. This will enable the Chief Statistician to obtain identified data that can be matched with data about that person from Victoria Police, Youth Justice and Corrections Victoria. Personal information about a person otherwise involved in the proceedings can also be requested, ensuring data can be collected as to interpreters and intermediaries, for example.

Health information about parties may also be obtained, enabling courts to provide data about a person's referral to health services such as drug and alcohol treatment. Health information about persons otherwise involved in proceedings cannot be obtained.

The Bill will prevent the Chief Statistician from accessing court data that is not needed for statistical linkage such as hearing transcripts or evidence, information that discloses the deliberations of a court and information on the general administration of a court, including financial information.

Only the Chief Statistician and other staff employed under section 6 of the Crime Statistics Act have access to identified data. Existing sections 8 and 9 of the Crime Statistics Act protect data by making the unauthorised access, use and disclosure of information by a person employed under the Crime Statistics Act an offence. The Crime Statistics Act also requires data to be handled appropriately and securely in accordance with the *Privacy and Data Protection Act 2014* and government security frameworks.

The limits placed on the Chief Statistician's powers and functions ensure that the Chief Statistician may only publish information provided as de-identified aggregate statistics.

The Bill ensures appropriate protections for a Chief Executive Officer in provision of the data. Data can be provided despite a prohibition in any other Act or rule of law, and it is made clear that a Chief Executive Officer commits no offence and cannot be subject to any civil penalty through sharing the data.

Given the protections applying to the receipt, storage and use of data, it should not be necessary for the courts to withhold any information that falls within the definition of applicable court data in new section 3A. However, should it ever be required, new section 7A enables a Chief Executive Officer to refuse to provide information that could prejudice the fair trial of a person or the impartial adjudication of a particular case.

Amendments to the *Spent Convictions Act 2021* streamline processes by allowing the Chief Statistician to disclose information to consultants and persons employed to assist the Chief Statistician under section 6 of the *Crime Statistics Act 2014* without the need for written consent from the court.

The Bill will improve monitoring of the criminal justice system and provide a better understanding of how individuals interact with the criminal justice system. These efficiency improvements will be balanced by secure handling of court data by the Chief Statistician and protective mechanisms to uphold individual privacy rights.

I consider these reforms to be consistent with section 13 of the Charter. Any limitations to section 13 made by Part 2 of the Bill are reasonable and justifiable.

Part 3 – Amendments to the Criminal Procedure Act 2009

Part 3 of the Bill amends the *Criminal Procedure Act 2009* to make it very clear that if a signature is required by or under that Act, that signature can be done by electronic means. New section 410A will resolve any ambiguity about whether electronically signed documents are admissible as evidence in criminal proceedings.

Part 3 of the Bill also amends the Criminal Procedure Act to repeal the sunset provision in section 387P, to make permanent the existing provisions enabling digitally recorded evidence-in-chief in criminal proceedings for a family violence offence or proceedings for a family violence intervention order.

Right to recognition and equality

Section 8 of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination.

The electronic signature reforms will promote section 8 by ensuring that Victorians living in regional or remote communities or limited by mobility challenges have equal access to legal services and participation in legal proceedings. In circumstances where electronic signing is not available, the traditional means of physically signing a printed document remains available.

Right to privacy and reputation

The introduction of digitally recorded evidence-in-chief provisions in the Criminal Procedure Act engaged several Charter rights, which were canvassed in the Statement of Compatibility for the *Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018*.

The extension of the enabling provisions by two years in 2021 engaged the right to privacy and reputation under section 13 of the Charter, which was canvassed in the Statement of Compatibility for the *Firearms and Other Acts Amendment Act 2021*.

In my view, the removal of the sunset provision in the Criminal Procedure Act similarly engages, but does not limit, the right to privacy. This is because participation in digitally recorded evidence-in-chief is voluntary and there are adequate safeguards in place to ensure this and to guard against inappropriate use. Any interference with the right to privacy will therefore be neither unlawful nor arbitrary.

Right to a fair hearing

Section 24 of the Charter provides that a person charged with a criminal offence or 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. As noted in *Knight v Wise* [2014] VSC 76, this includes the common law right of unimpeded access to the courts.

Enabling documents to be signed electronically in criminal proceedings promotes a person's right to a fair hearing by ensuring that all relevant evidence is admitted and considered by a court or tribunal, despite mobility or health restrictions that may affect a person when signing a printed document.

Allowing witnesses to sign documents electronically in the field may provide witnesses with the best chance of remembering events accurately, which promotes the right to a fair hearing by improving the quality of the evidence.

Rights in criminal proceedings

Section 25 of the Charter requires law enforcement to inform a person charged with a criminal offence of the charges against them as quickly as possible. The electronic signing of documents promotes rights in criminal proceedings by allowing prosecutorial agencies to utilise existing technology to reduce delays in gathering evidence.

Part 4 – Amendments to the Defamation Act 2005

Part 4 of the Bill amends the model defamation provisions in the *Defamation Act 2005* to provide greater clarity about the liability of digital intermediaries (those who provide online services for digital content to be published) when third parties use their services to publish defamatory matter online. The term 'digital intermediary' describes a person (other than an author, originator or poster of the matter) who provides or administers the online service connected to the publication.

The Bill will also extend the defence of absolute privilege to matter published to an official of an Australian police force or service who is acting in their official capacity.

Right to privacy and reputation

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

Providing conditional statutory exemptions for a narrow class of digital intermediaries

New section 10C gives a small group of digital intermediaries that provide caching services, conduit services or storage services a conditional exemption from defamation liability if they played a passive role in the publication of defamatory matter. New section 10D provides a similar conditional exemption for search engine providers and will only apply if their role was limited to providing an automated process to generate search results.

The Bill engages the right to privacy and reputation as the new statutory exemptions will continue to enable digital defamatory matter to be stored or accessed on a digital intermediary's service (such as a cloud storage

service or search engine), even if the digital intermediary knows, or ought to have reasonably known, that the matter was defamatory.

However, the Bill also promotes the right as the statutory exemptions are limited to a narrow class of digital intermediaries that generally do not actively participate in the publication of defamatory matter and require that necessary conditions be met to qualify for the exemptions. This will minimise the need for a digital intermediary to actively monitor and interfere with how people choose to use their services.

Overall, new sections 10C and 10D promote the right and any limitations are reasonable due to the passive role this narrow class of digital intermediaries play in the publication of digital matter.

Updating the mandatory requirements for an offer to make amends for an online publication

The Bill will amend section 15(1A)(b) and insert new section 15(1B) of the Defamation Act to provide an alternate method of rectifying any harm caused by the publication of potentially defamatory digital matter. As part of the content of a reasonable offer to make amends, it will provide that if the matter in question is digital, a publisher may instead offer to take 'access prevention steps' to remove, block, disable or otherwise prevent access to the matter.

This promotes the right to privacy and reputation by minimising access to defamatory digital matter that may harm another person's reputation. It also provides greater flexibility to digital intermediaries when responding to complaints and provides an additional avenue for offering to make amends, where it is not possible or meaningful to publish a correction or provide clarification.

Requiring courts to consider balancing factors when making preliminary discovery orders

The Bill will insert new section 23A to require a court, when making an order for preliminary discovery about posters of digital matter, to take into account the objects of the Defamation Act and any privacy, safety or other public interest considerations that may arise if the order is made.

The Bill promotes the right to privacy and reputation by minimising the risk of an abuse of process where an order is sought to obtain a person's identity and/or address for nefarious reasons. For example, where a person seeks an order to find out another person's location rather than to obtain the information to enable them to commence defamation proceedings.

This will promote consistent decision making across jurisdictions and protect the privacy and safety of victim-survivors of family violence and other vulnerable persons who are fearful of the other party seeking a preliminary discovery order for ulterior reasons.

Introducing a new defence for digital intermediaries

New section 31A will introduce a new defence specific to digital intermediaries. To qualify for the defence, the digital intermediary must have an accessible complaints mechanism and, where possible, have taken reasonable access prevention steps (to remove, block, disable or prevent access to the content) before the complaint was made or within 7 days of receiving a complaint about the publication.

This Bill promotes the right to privacy and reputation as it incentivises digital intermediaries to take active steps to prevent and remove defamatory digital matter. It will also provide people with an easier and quicker process to act against defamatory digital matter that undermines their right not to have their reputation unlawfully attacked.

Enabling courts to make non-party orders against digital intermediaries

New section 39A will give the courts a specific power to order a digital intermediary who is not a party to a defamation proceeding to take access prevention steps or other steps, such as removing or disabling access to the defamatory digital matter. This clarifies the current uncertainty about whether a court can make orders regarding non-party digital intermediaries who host or otherwise facilitate access to defamatory digital matter.

This promotes the right to privacy and reputation as non-party digital intermediaries may be best placed to assist with restricting access to defamatory digital matter. For example, search engines that are not a party to a proceeding can significantly minimise access by taking down or otherwise preventing access to defamatory digital matter.

Expanding the electronic means by which notices can be given or served

Amended section 44 will extend the forms of electronic communication that a document or notice can be provided. Currently, documents can only be provided in person, by post, by facsimile or to an email address specified by the person.

By expanding the methods of service, this will make it easier for a plaintiff to provide a concerns notice requesting a publisher take certain actions about alleged defamatory digital matter. This promotes the

plaintiff's right to privacy and reputation as it could facilitate earlier service of documents, which may lead to the publisher taking earlier steps to remove defamatory digital matter.

Extending the defamation defence of absolute privilege to matter published to police

New section 27(2)(ba) of the Defamation Act will extend the defence of absolute privilege to matter published to officials of Australian police forces or services while acting in an official capacity. This may interfere with a defendant's right to privacy and reputation as it will provide a complete immunity and defence to a defamation claim, even in the case of a deliberate and malicious false report to police that is defamatory.

However, any limitations are reasonable and justified. The extension of the defence of absolute privilege will promote the right to liberty and security (section 21 of the Charter) by removing a barrier to reporting crime, including for victim-survivors of sexual offences and family violence.

The reform will also provide greater certainty to people making police reports and reduce the risk of costly and often re-traumatising defamation proceedings. Further, there are existing safeguards to people making false reports, including section 53 of the *Summary Offences Act 1966* that makes it an offence to make a false report to police.

Right to freedom of expression

Section 15 of the Charter provides that a person has the right to hold an opinion, and the right to seek, receive and impart information and ideas of all kinds. This right may be reasonably limited to respect the rights and reputation of others, or for the protection of national security, public order, public health or public morality.

Introducing a new defence for digital intermediaries

To benefit from the new defence in new section 31A of the Defamation Act, digital intermediaries must have an accessible complaints mechanism and, where possible, have taken reasonable steps to remove, block, disable or prevent access to the matter before the complaint was made or within 7 days of receiving a complaint about the publication.

This may limit the right to freedom of expression by incentivising digital intermediaries to remove published digital matter that is the subject of a complaint, even where that digital matter may not be defamatory. However, any limitations are reasonable to strike an appropriate balance between protecting reputations from unlawful attack and freedom of expression in the online environment.

Safeguards exist for the new defence to minimise the impact on freedom of expression, including the 7-day timeframe, which provides adequate time for a digital intermediary to properly consider the complaint.

Enabling courts to make orders against non-party digital intermediaries

New section 39A gives the court the power to order a non-party digital intermediary to remove or disable access to defamatory digital matter. This may interfere with the right to freedom of expression as it restricts the ability for others to access or view the content, particularly in circumstances where the plaintiff has not yet obtained a final judgment for defamation against the defendant. However, any limitations are reasonable as the orders will only relate to preventing access to defamatory matter or matters that are pending the outcome of the defamation proceeding.

Overall, the defamation reforms will clarify the role and responsibilities of digital intermediaries regarding defamatory digital matter. This promotes the right to freedom of expression as it will minimise the instances of digital intermediaries unnecessarily monitoring and removing content from their services out of fear of potential defamation liability.

Right to a fair hearing

Section 24 of the Charter provides that a person in a criminal or civil proceeding has the right to have their matter decided by a competent, independent and impartial court after a fair and public hearing. This includes the common law right of unimpeded access to the courts (*Knight v Wise* [2014] VSC 76).

Requiring courts to consider balancing factors when making preliminary discovery orders

People who post defamatory digital matter might do so anonymously. The courts' existing power to make a preliminary discovery order can make it easier for the plaintiff to commence a defamation action.

New section 23A will apply new factors that the court must consider before making a preliminary discovery order about a poster of a digital matter. This may interfere with the plaintiff's right to fair hearing as it could make it more difficult to obtain a preliminary discovery order, therefore impeding their ability to commence a defamation proceeding.

However, any limitations would be minimal as the courts already consider factors such as proportionality and privacy in exercising their discretion to make these orders. Further, any limitations are reasonable and justified

as the reform will minimise the risks of abuse of process and risks to privacy and safety, including to protect family violence victim-survivors and other vulnerable community members.

Extending the defamation defence of absolute privilege to matter published to police

The potential threat of a defamation proceeding may deter some people, including victim-survivors of family violence, from reporting matters to the police. There are also concerns that alleged perpetrators may weaponise the threat of a defamation suit to deter a person from making a report to police.

Extending the defence of absolute privilege in new section 27(2)(ba) will reduce the barrier to making reports to police. This promotes the right to a fair hearing more generally, as it will support the ability of the police to investigate the alleged crime and undertake prosecutions.

Parts 5 to 12 – Amendments to integrity Acts

The right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) states that a person has the right not to have their reputation unlawfully attacked. A number of amendments in Parts 5 to 12 of the Bill may engage this right.

An interference with the right to privacy and reputation is justified if it is both lawful and not arbitrary. An interference will be lawful if it is permitted by law that 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.

Enabling the Ombudsman and the Victorian Inspectorate to share information with royal commissions or like bodies

The Bill gives the Ombudsman and the Victorian Inspectorate a discretion to disclose information to a Victorian royal commission, board of inquiry, or other commission of inquiry. IBAC will also be provided discretion to disclose information to a commission of inquiry appointed under Division 5 of Part 7 of the *Local Government Act 2020*. To the extent that personal information is shared by these agencies, the right to privacy may be engaged, but I consider that any interference is neither unlawful nor arbitrary.

The Bill provides that the Ombudsman and the Victorian Inspectorate may share information when it is appropriate in all the circumstances, but they would not be compelled to do so. The amendments seek to achieve the legitimate purpose of assisting royal commissions and other similar bodies to gather information relevant to their functions. The provisions also include safeguards, for example, that the information must be relevant and appropriate to be shared given the nature of the information and must not lead to the identification of a person who has made a public interest disclosure.

Clarifying the definition of 'law enforcement agency'

The Bill clarifies that in section 3 of the Privacy and Data Protection Act, the Victorian Legal Services Board and Commissioner are law enforcement agencies for the purposes of that Act. This means that the Victorian Legal Services Board and Commissioner need not comply with certain privacy obligations in the Privacy and Data Protection Act for their law enforcement purposes. I consider that any interference with the right to privacy is neither unlawful nor arbitrary.

Clarifying the Victorian Legal Services Board and Commissioner's status as a law enforcement body supports the legitimate purpose of improved consumer protection outcomes by enabling it to more effectively and efficiently share personal information to perform its important functions in regulating the legal profession. These include activities directed towards the prevention, investigation and prosecution of criminal offences or breaches of laws imposing sanctions or penalties. The Victorian Legal Services Board and Commissioner will still be subject to the Privacy and Data Protection Act in respect of other functions which are not related to law enforcement.

Harmonising and clarifying the threshold for third party consultation for exemptions under the Freedom of Information Act

At present, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of a person, an agency or Minister must consult with the person about the disclosure unless it is not practicable to do so (section 33 of the *Freedom of Information Act 1982*). The Bill eases this requirement so that consultation is required if it is reasonably practicable (rather than practicable) making it easier for agencies to process freedom of information applications. Third parties will still need to be consulted, but agencies will be able to better balance this requirement with their obligations to process freedom of information requests in a timely way.

While these changes may engage the right to privacy, in my opinion, any interferences are neither unlawful nor arbitrary. They will assist agencies and the Information Commissioner to more effectively respond to freedom of information applications. The Bill will better balance the right to privacy with the right to freedom of expression by promoting efficiencies in freedom of information and transparency in government.

Enabling the Ombudsman to investigate public interest complaints involving third parties

The Bill clarifies the Ombudsman's jurisdiction to investigate public interest complaints about an authority that is referred by IBAC and also involve the improper conduct of a third party in relation to the authority. This may increase the number of people who are subject to the Ombudsman's coercive powers. However, the Bill does not create or increase the Ombudsman's coercive powers, it merely expands the scope of people to whom the powers may apply.

The Bill also clarifies that a person can make a complaint to the Ombudsman about administrative action taken on behalf of, under a power conferred by, or under instructions by an authority. However, as the Ombudsman already has the power to investigate this conduct under section 13(3) of the *Ombudsman Act 1973*, this does not necessarily expand the Ombudsman's powers, but rather just the scope of conduct that a person may complain about.

These amendments may engage the right to privacy as it may allow the Ombudsman to apply their information gathering powers to a broader range of persons. However, any potential limitation on the right to privacy is considered reasonable and proportionate as it is in the pursuit of the legitimate aim of addressing improper conduct and the application of the relevant powers are subject to existing safeguards in the Ombudsman Act.

Improving the operation of the freedom of information and privacy frameworks

The Bill provides that the Information Commissioner must provide a copy of an application for review under the Freedom of Information Act to the relevant agency or Minister. This may include information about the applicant and therefore engages the right to privacy. Any interference with this right is neither unlawful nor arbitrary as the changes are necessary to minimise delay and ensure that the affected agency or Minister has the relevant information that is the subject of the review. The amendment also harmonises the procedure for freedom of information reviews with freedom of information complaints.

The Bill also contains amendments that will enhance the right to privacy, including that it will update the definition of 'sensitive information' in Schedule 1 of the Privacy and Data Protection Act to include information about a person's sexual orientation, which may lead to action to better protect that information.

In my opinion, these amendments are compatible with the right to privacy and reputation.

The 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 the right 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.

Excluding documents that are free-of-charge from the Freedom of Information Act

The Freedom of Information Act excludes access to information that is readily available through alternative access schemes, such as through a public register, where that access is subject to a fee or other charge.

The Bill amends section 14 of the Freedom of Information Act to also clarify that public documents that are available free-of-charge are not subject to the Freedom of Information Act. While this may engage the aspect of the right to freedom of expression as it pertains to seeking information, it does not limit the right as it does not restrict the availability of documents. Members of the public may be provided with access to publicly available documents or directed where to find them, without having to submit a freedom of information application.

Allowing the Chief Municipal Inspector, Information Commissioner and the Racing Commissioner to issue a confidentiality notice in additional circumstances

The Bill amends section 193 of the *Local Government Act 2020*, section 61TJ of the Freedom of Information Act and section 37T(1) of the *Racing Act 1958*, to enable the Chief Municipal Inspector, Information Commissioner and Racing Commissioner to issue a confidentiality notice in relation to a public interest disclosure investigation, when the disclosure of information about a restricted matter may prejudice the relevant entities' own investigation.

While this may limit the freedom of expression of the recipient of the notice, in my opinion, any limit is reasonable and justified and is balanced against the need to protect the privacy of information about the discloser.

The amendments are justified as they provide the entities with greater control over their own investigations and the ability to safeguard the integrity of those investigations. The existing provisions on confidentiality notices contain safeguards to ensure the proportionality of limitations including that the notices must be properly served on a person and the matter that is the subject of the notice must be specified. The recipient of the notice may also disclose a restricted matter in certain circumstances, such as to obtain legal advice or to an interpreter.

Removing reference to reading rooms

Section 7 of the Freedom of Information Act requires that if an agency maintains a facility or a reading room that is available for public use, then it must publish a statement of that fact, including the address and hours of opening, in the statement the agency is required to produce under Part 2 of the Freedom of Information Act. The Information Commissioner is also required to report annually on the details of any available reading room and the information regularly on display.

The Bill removes these provisions as information is now more commonly provided electronically or available on an agency's website. This change may be considered to engage the aspect of the right to freedom of expression that relates to seeking information, however, it does not limit that right.

The Freedom of Information Act does not require agencies to make reading rooms or other such physical facilities available to the public, only to let people know the details if such facilities are available. Members of the public have other options, such as finding information online or contacting an agency directly by means such as email or telephone if they wish to find out about the information an agency holds.

Exempting 'security risk profile assessments' from freedom of information

The Bill exempts 'security risk profile assessments' from the freedom of information scheme. While this may engage the aspect of this right that relates to seeking information, any interference is justified on the basis that protecting this information is necessary to protect the security of public bodies. Further, given the nature of these documents, the exemption from the freedom of information scheme is both reasonable and justified.

Creating an offence to disclose certain information received from the Victorian Inspectorate

The Bill creates an offence to disclose certain information received from the Victorian Inspectorate, including advice provided under sections 45(1) or sections 88(1) or (2) of the *Victorian Inspectorate Act 2011*.

This is likely to engage the right to freedom of expression as it prohibits disclosure of certain information. However, this offence contains several important exceptions, including disclosing information if the person does not speak sufficient English, is under 18 years, or has a mental, physical or another impairment that prevents the person from understanding a witness summons or confidentiality notice. A person may also disclose information to their spouse, employer, trade union, health practitioner and other important services.

When providing advice about the result of an investigation or inquiry, the Victorian Inspectorate must also include a written statement advising a recipient that is an offence under the new section to disclose the information. The information that is protected under this provision will include sensitive information that is the subject of a Victorian Inspectorate investigation or inquiry.

As a result, I consider that any interference with the freedom of expression is lawful and necessary to protect the rights and reputation of others. Further, the amendment is reasonable and justified on the basis that it appropriately balances the need to protect the integrity of investigations and inquiries with a person's freedom of expression.

The Bill also promotes the right to the freedom of expression by permitting the disclosure of restricted matters in a confidentiality notice to a prescribed service, or service belonging to a prescribed class.

<u>The right to a fair hearing</u>

Section 24 of the Charter provides that a person charged with a criminal offence, or 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. This right has been interpreted broadly by the courts such that it may be engaged by a quasi-criminal process, such as the examination of witnesses by integrity agencies.

Directing a person not to seek legal advice and representation from a specified practitioner

Currently, the Ombudsman may direct a person not to seek legal advice or representation from a specified legal practitioner in relation to a witness summons, compulsory or voluntary appearance or report. The Ombudsman can only make this direction if they consider on reasonable grounds that the inquiry or investigation may be prejudiced as the legal practitioner is appearing at a compulsory appearance, representing another person in a compulsory appearance or is otherwise involved in the matter.

The Bill also extends this to legal practitioners appearing or representing a person in a voluntary appearance. Although this may engage the right to a fair hearing, the Bill also ensures that a person is given at least 3 days

to obtain alternative representation. For these reasons, the approach does not limit the right to a fair hearing and is reasonable and justified as it protects the integrity of an investigation and provides a person with the opportunity to seek alternative representation.

Enabling the Information Commissioner to decline to entertain a complaint

The Bill provides that the Information Commissioner may decline to entertain a complaint under the Privacy and Data Protection Act if the complainant has failed to co-operate with the Information Commissioner without reasonable excuse.

It is arguable that the Information Commissioner is an independent tribunal within the broad interpretation of section 24 of the Charter. This may engage the right to a fair hearing as it enables the Information Commissioner to discontinue consideration of a complaint. However, I do not consider that this right is limited on the basis that co-operation is required for the Information Commissioner to properly consider a complaint and the power to decline to entertain a complaint is only available if the person does not have a reasonable excuse.

Enabling the Victorian Inspectorate to refuse to investigate a public interest complaint in limited circumstances

The Bill provides that the Victorian Inspectorate may refuse to investigate a public interest complaint in certain circumstances, including where the subject matter of that complaint is trivial or the complaint is frivolous, vexatious, lacks substance or credibility or its investigation would prejudice any criminal proceedings or criminal investigations, creating greater consistency with the discretions afforded to IBAC and the Victorian Ombudsman.

While this may engage the right to a fair hearing within a broad interpretation of section 24 of the Charter, I do not consider that it limits the right. It is protective of criminal proceedings and investigations, ensuring that they are not prejudiced as a result of an investigation of a public interest complaint by the Victorian Inspectorate.

Hon Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

Second reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:46): I move:

That the bill be now read a second time.

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

The Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024 will amend various Acts to support the effective operation of the justice and integrity systems.

The Bill will:

- permit the Chief Statistician greater access to court data for statistical and research purposes
- clarify the admissibility of electronic signatures in criminal proceedings
- enable the ongoing use of digitally recorded evidence-in-chief in family violence proceedings
- enact nationally developed reforms to the model defamation provisions to clarify liability of digital intermediaries and provide a complete immunity defence for reporting matters to police, and
- improve the operation and effectiveness of Victoria's integrity agencies.

Permitting the Chief Statistician greater access to court data

The Victorian Government is committed in its delivery of an effective justice system that works for all Victorians. Monitoring the justice system across all stages and understanding how Victorians interact with the system, is vital in monitoring efficiency, progress and reform.

Currently under the *Crime Statistics Act 2014*, the Chief Statistician has the power to require the provision of law enforcement data from Victoria Police and analyse and report on criminal trends across Victoria.

To promote greater monitoring of the justice system, the Bill will amend the Crime Statistics Act to allow the Chief Statistician to require the provision of court data to fulfil their statutory functions.

These reforms will allow the Chief Statistician to require the provision of court data from the Chief Executive Officers of the Magistrates' Court of Victoria, the County Court of Victoria, the Supreme Court of Victoria and the Children's Court of Victoria.

Victorian courts hold data that is essential to building holistic insights into the justice system. Statistical linkage of court data with other justice data can predict future impacts on the justice system more broadly and help build proactive policy actions to safeguard the delivery of justice services.

In providing the Chief Statistician with access to court data, they will be able to understand how individuals interact with the justice system from their first encounter with Victoria Police to the final outcome in the courts.

Stronger linkage of court data will also allow government to acquit the statutory review of bail amendments as introduced by the *Bail Amendment Act 2023*. The linkage of bail data held by the courts with other bail data will deliver a comprehensive review on the operation of bail changes. This will allow government to ensure the bail system is working appropriately to balance the right to bail for an accused and the public safety of the community.

While the courts have provided data to the Chief Statistician previously, the Bill will enact a clear framework under the Crime Statistics Act to ensure any regular sharing of data with the Chief Statistician is protected and confidential. This includes mechanisms such as outlining authorised personnel who can access any provided court data.

The Bill also ensures unauthorised access, use and disclosure of data is an offence punishable by up to five years imprisonment under the Crime Statistics Act. Any handling of data by the Chief Statistician will be in accordance with the *Privacy and Data Protection Act 2014* and governmental security frameworks. Information reported by the Chief Statistician will be reported as de-identified aggregate statistics and made confidential to minimise any risk of identification.

The Bill will also provide safeguards to ensure the Chief Statistician can only access data as needed for statistical analysis. Data classes that have no statistical information, such as evidence adduced, will be excluded from the Chief Statistician. The Chief Executive Officers of the courts can also refuse to provide data that may affect the fair trial of a case, ensuring proper administration of the courts.

This reform gives a clear framework to exchange data safely and securely between the courts and the Chief Statistician, to promote stronger monitoring of the justice system and help build a proactive system that meets the needs of Victorians.

Clarifying the admissibility of electronic signatures in criminal proceedings

The Bill will make it very clear that electronic signatures may be relied on for documents under the *Criminal Procedure Act 2009*, regardless of whether or not any person consents to using electronic means.

While the common law recognises electronic signatures as 'signatures' (see, for example, *DPP v Currie; DPP v Daniels* (2021) 65 VR 61), the absence of clear legislative authority for electronic signatures under the Criminal Procedure Act, combined with the *Electronic Transactions (Victoria) Act 2000* requirement that recipients consent to the method used for an electronic signature, has been a barrier for agencies seeking to introduce more efficient digital processes.

This reform will resolve any ambiguity, enable justice agencies to confidently use existing technology to capture signatures electronically, increase agency efficiencies and reduce system delays.

Enabling the ongoing use of digitally recorded evidence-in-chief in family violence proceedings

The Bill will remove the sunset provision in the Criminal Procedure Act to enable the ongoing use of digitally recorded statements as evidence-in-chief (DREC) in criminal proceedings for a family violence offence and proceedings related to an application for a family violence intervention order.

This reform relates to victim statements that are recorded by police at a family violence incident using a police-issued body-worn camera. A digital statement can then be used in court as evidence-in-chief to replace all or part of the victim-survivor's formal written statement. It is admissible in court only when it is made as soon as practicable after the event and with the informed consent of the complainant.

The use of digitally recorded evidence-in-chief was trialled as part of the government's response to recommendation 58 of the Royal Commission into Family Violence. The first trial commenced in 2018, followed by an extended phase that was finalised in June 2023.

The feedback from key stakeholders indicated a range of potential benefits of DREC, including improving the statement taking process for victim-survivors of family violence, as it is easier, quicker and provides victim-survivors with an opportunity to make statements in their own words immediately after the family violence incident. These benefits, as well as DRECs having the potential to be more powerful than written

statements, may also lead to the earlier resolution of cases, reduce the burden on frontline police, and better hold perpetrators to account.

The Bill will ensure that victim-survivors of family violence continue to have a choice about how to provide evidence about what has happened to them.

The Victorian Government is committed to ensuring that digitally recorded evidence-in-chief continues to be beneficial to victim-survivors. Practical improvements identified by key stakeholders are being considered and implemented by agencies, where appropriate.

The Department of Justice and Community Safety will establish governance arrangements with key stakeholders to monitor any adverse outcomes to victim-survivors resulting from the ongoing use of digitally recorded evidence-in-chief. This work is important to ensure that the voices of victim-survivors continue to be heard and reflected in reforms.

Enacting nationally developed reforms to the model defamation provisions

The Bill will amend the *Defamation Act 2005* to clarify the liability of digital intermediaries when third parties use their online services to publish defamatory matter and extend the defence of absolute privilege to matter published to Australian police.

Uniformity is a key objective of Australia's defamation laws. Since the development of uniform defamation legislation in 2005, amendments to the model Defamation provisions (model provisions) have been made through collaboration between jurisdictions to provide consistency, given the often cross-jurisdictional nature of defamation complaints.

All jurisdictions are signatories to the Model Defamation Provisions Intergovernmental Agreement and are represented on the Model Defamation Law Working Party, which reports to the Standing Council of Attorneys-General on proposals to amend the model provisions. The reforms in this Bill have been developed by the working party as part of the second stage of the review of the model provisions. The first review led to amendments enacted by the *Justice Legislation Amendment (Supporting Victims and Other Matters) Act 2020*.

This second stage of reforms has been informed by extensive public consultation, facilitated by consultation papers, submissions processes, stakeholder roundtables, advice from expert advisory groups and public exposure drafts of the proposed changes to the model provisions. I want to thank and acknowledge all those who contributed to the consultation processes, including Victoria's Defamation Law Expert Reference Group.

In September 2023, the Standing Council of Attorneys-General approved the second stage of reforms. To support continuing improvements to the law, the Standing Council also committed to a review of the reforms in this Bill, and the defamation reforms passed in 2020, no later than three years after commencement in all implementing states and territories.

Clarifying the liability of digital intermediaries in defamation law

Defamation law operates in an everchanging digital and online landscape, and it is important that the law continues to be fit-for-purpose.

The term 'digital intermediary' describes a person (other than an author, originator or poster of the matter) who provides or administers the online service connected to the publication. It includes a broad range of online functions, including internet service providers, content hosts, search engines and social media platforms.

Recent court decisions have led to widespread agreement that the law needs to provide greater clarity about the potential liability of digital intermediaries and their responsibilities when potentially defamatory matter is published online. As the current common law test for publication under defamation law is broad, generally anyone who contributes to the publication of defamatory matter is a publisher.

A digital intermediary can therefore currently be liable for defamation for the publication of third-party content on their online platform, even where they do not actively participate in the publication.

Part 4 of the Bill will implement 6 key reforms to the Defamation Act to modernise and clarify the liability and role of digital intermediaries. The reforms have been designed to strike a balance between protecting reputations and not unreasonably limiting freedom of expression in circumstances where third parties publish matter via digital intermediaries.

Providing conditional statutory exemptions for a narrow class of digital intermediaries

Similar to traditional intermediaries, such as postal services, some digital intermediaries are 'mere conduits' that do not actively contribute to the publication of defamatory matter.

To reflect this, the Bill will provide two new statutory exemptions from liability for defamatory third-party content. The first exemption is for caching services, conduit services or storage services. The second exemption will apply to search engine providers only.

Caching services are online services whose principal function is to provide automatic, intermediate and temporary storage of content for the purpose of making the onward electronic transmission of the content more efficient for its users. Conduit services that are online services whose principal function is to enable its users to access or use networks or other infrastructure to connect to, or send or receive data by means of, the Internet.

The protection afforded by a statutory exemption is broad and will apply regardless of whether the service or provider knew, or ought to have known, the digital matter was defamatory. Accordingly, the Bill limits the exemptions to this narrow class of digital intermediaries and requires that necessary conditions be met.

The statutory exemption for caching, conduit or storage services reflects that typically these services are passive participants in the publication of digital matter. The exemption will only apply if the digital intermediary's role was limited, and they did not take an active part in publication.

The statutory exemption for search engines reflects that, generally, search engine providers have no interest in the specific content of search results and hyperlinks generated by the user of a search engine. The exemption will only apply if the search engine provider's role was limited to providing an automated process for the user of the search engine to generate search results, such as identifying the title of the webpage or hyperlink to the webpage. It would not apply to sponsored search results.

To support the early resolution of any arguments about the liability of a digital intermediary, the Bill also provides a process for a court to determine whether the statutory exemptions I have outlined are established as soon as practicable before a trial commences, unless satisfied that there are good reasons to postpone the determination until a later stage of the proceeding.

Updating the mandatory requirements for an offer to make amends for an online publication

Currently, the model provisions in the Defamation Act provide a mechanism to encourage the resolution of disputes without litigation, by requiring an aggrieved person to put a publisher on notice of the alleged defamatory matter and allow sufficient time for the publisher to make a reasonable 'offer to make amends'.

The Defamation Act sets out the content that a reasonable offer to make amends must, or may contain, including a requirement that the publisher offer to publish a reasonable correction or clarification about the matter in question. These requirements were not originally drafted with digital intermediaries and online publications in mind. For example, a search engine provider may not be able to publish a reasonable correction for potentially defamatory material that appears in a search result.

The Bill will provide an alternate method of rectifying any harm caused by the publication of potentially defamatory digital matter. It will update the model provisions to provide that if the matter in question is digital, a publisher may instead offer to take 'access prevention steps' to remove, block, disable or otherwise prevent access to the matter.

This reform provides greater flexibility to digital intermediaries when responding to complaints and provides an additional avenue for offering to make amends where it is not possible or meaningful to publish a correction or provide clarification.

Requiring courts to consider balancing factors when making preliminary discovery orders

People who post defamatory matter online might do so anonymously and this poses challenges to bringing defamation proceedings as a plaintiff must first identify and locate the author. Courts can currently be asked to make preliminary discovery orders against digital intermediaries to assist in identifying a poster for the purpose of enabling the service of a concerns notice or defamation proceeding.

To promote consistency of decision-making across jurisdictions, the Bill will provide that when a court makes a preliminary discover order in a defamation proceeding, it must take into account:

- the objects of the Defamation Act, including to provide effective and fair remedies and promote speedy and non-litigious resolution of disputes, and
- the privacy, safety or other public interest considerations that may arise if the order is made.

Introducing a new defence for digital intermediaries

There are several defences to a defamation claim, including the defence of innocent dissemination for the publication of defamatory matter by subordinate distributors. The term 'subordinate distributor' describes a person who was not the primary distributor or author of the content, and a person who did not have any capacity to exercise editorial control over the content prior to publication, such as a bookseller or postal service.

The defence of innocent dissemination allows subordinate distributors to avoid liability if they can prove that they neither knew, or ought to have reasonably known, that the matter was defamatory, and their lack of knowledge was not due to any negligence on their part.

Several issues have been identified in applying the defence to digital intermediaries, such as forum administrators or social media platforms. For example, there is a lack of clarity about when a digital intermediary might be considered to have capacity to exercise editorial control, given the variety of technical capabilities of contemporary digital intermediaries. There is also a lack of certainty around the requirement to prove that they did know that the matter was defamatory. This may operate, in some cases, to discourage digital intermediaries from monitoring online services to avoid having knowledge about defamatory matter until they have been notified of a complaint.

To overcome these issues, the Bill will introduce a new defence specific to digital intermediaries. The defence will apply if a digital intermediary can prove that:

- at the time of publication, they had an accessible complaints mechanism for the plaintiff to use, and
- if the plaintiff gave a written complaint in accordance with the Act, reasonable access prevention steps (to remove the matter, block, disable or prevent access to the content) were taken in relation to the publication, if available, either before the complaint was made or within 7 days after the complaint was given.

This provides greater certainty and clarity as to the potential liability of digital intermediaries and provides complainants with a relatively fast and simple method to seek a remedy.

Enabling courts to make orders against non-party digital intermediaries

Courts can currently grant injunctions or make orders to prevent the publication or republication of defamatory digital matter. However, there is uncertainty about the power to make orders in relation to non-party digital intermediaries who host or otherwise facilitate access to defamatory digital matter.

The Bill will provide courts with the power to order a digital intermediary who is not a party to a proceeding to remove or disable access to online defamatory matter in circumstances where:

- the plaintiff has obtained judgment for defamation against the defendant, or
- a court has granted a temporary or final injunction or other order preventing the defendant from continuing to publish, or republishing, the matter pending determination of the defamation proceeding.

This provides complainants who have obtained orders or judgments against a poster of defamatory digital matter the ability to seek the court's assistance if the poster does not comply and it is appropriate for a digital intermediary to take steps to assist, for example, to block access to the defamatory content.

Expanding the electronic means by which notices can be given or served

The Defamation Act provides that a document or notice, such as a concerns notice, may be given or served on a person or body corporate in person, by post, by facsimile or to an email address specified by the person.

To modernise the Act, the Bill will extend the forms of electronic communication to allow a document or notice to be given to a person or body corporate by email, messaging or other electronic communication to an address or location indicated by the recipient.

Extending the defamation defence of absolute privilege to matter published to police

Currently, a person who makes a report to police is not adequately protected from defamation liability. For example, if a victim-survivor of a sexual offence makes a statement to police, whether formally or informally, they are not absolutely protected from a defamation suit being brought against them by the alleged perpetrator for that statement. This can have a chilling effect on the reporting of crime.

While the model provisions in the Defamation Act contains several defences to the making of defamatory statements, including the defence of qualified privilege, establishing a defence can require a costly and time-consuming court hearing to establish, which can contribute to the re-traumatisation of victim-survivors.

Sexual violence is a criminal and social harm that is prevalent in Australia. An estimated 22 per cent of Australian women aged 18 years and over have experienced sexual violence since the age of 15, and an estimated 8.3 per cent of women who experienced sexual assault by a male reported the most recent incident to police. There are many reasons why women may not report assault to police, including a fear of the perpetrator and a fear of legal processes.

In its 2020 *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report, the Australian Human Rights Commission found that workplace sexual harassment is prevalent and pervasive in

Australia, and most people who experience sexual harassment never report it. The Commission heard that defamation laws can discourage sexual harassment victims from making a complaint.

In late 2020, the Victorian Government proposed that the impact of defamation laws on the reporting of sexual violence be considered by the then Council of Attorneys-General as part of the second stage of review of the model provisions. The development of this reform was led by Victoria.

The Bill will amend the model provisions enacted in the Defamation Act to extend the defence of absolute privilege to matter published to officials of Australian police forces or services who are acting in their official capacity. The defence will protect any means of communicating with state, territory or Commonwealth police, including informal reports, email enquires or using online reporting tools. It will also protect reports made to police employees, office holders, contractors and other persons who act for or on behalf of police, including administrative staff.

Absolute privilege is a complete immunity and defence to a defamation claim and is only available in limited circumstances, including matter that is published in proceedings of a parliamentary body or an Australian court or tribunal. The likely availability of the defence of absolute privilege can discourage the commencement of defamation proceedings or result in a proceeding being dismissed at an early stage without a hearing. Extending the defence to matter published to police recognises the public interest in the proper reporting of crime.

These reforms are a continuation of the Victorian Government's work to remove barriers to reporting crime and improve the way that the justice system responds to serious offences, including sexual violence and family violence. The Bill will provide greater certainty to those reporting matters to police that they will be protected against a defamation suit for that report, remove barriers to reporting to police and reduce the risk of costly and often re-traumatising defamation proceedings.

Improving the operation and effectiveness of Victoria's integrity agencies

Parts 5 to 12 the Bill makes a range of substantially technical amendments to a number of integrity and justice related Acts to help ensure that Victoria's integrity and accountability system is clear, accessible, effective and efficient. The reforms include amendments to the *Ombudsman Act 1973*, *Victorian Inspectorate Act 2011*, *Freedom of Information Act 1982*, *Privacy and Data Protection Act 2014*, *Independent Broad-based Anti-Corruption Commission Act 2011* (IBAC Act), *Public Interest Monitor Act 2011*, *Public Interests Disclosure Act 2022.*

These reforms are substantially related to addressing technical or procedural matters and enabling integrity agencies to better manage their resources. While the amendments contained in the Bill are minor in nature, their value in strengthening Victoria's integrity framework should not be discounted.

Improving the operation of the integrity system – Victorian Inspectorate, Ombudsman and IBAC

The public sector is uniquely placed in that every day public servants make decisions and take actions that affect the lives and interests of the community. That is why it is vital that the State's integrity agencies are empowered to respond quickly, flexibly and appropriately to undertake their oversight functions. Recognising this important role, the Bill will enhance the operation of the integrity system through a series of minor reforms to clarify the law, create consistency across the integrity system and provide operational improvements to allow integrity agencies to respond flexibly and efficiently.

As part of achieving these outcomes, the Bill makes several procedural and clarifying amendments to the Ombudsman Act. Key amendments include:

- clarifying the definition of 'public body' to better align the term with the IBAC Act, while still reflecting the appropriate jurisdictional boundaries of each entity
- removing ambiguity concerning procedural aspects of voluntary appearances of witnesses before the Ombudsman, and
- streamlining the Ombudsman's notification requirements to IBAC and the Victorian Inspectorate regarding conduct that is the subject of a general complaint and a public interest complaint under the Public Interests Disclosure Act.

The Bill will clarify that the Victorian Inspectorate and the Ombudsman may disclose information to royal commissions and other like bodies at their discretion, and that IBAC may disclose to a commission of inquiry appointed under the *Local Government Act 2020*, when it is appropriate and provided that it does not lead to the identification of a person who has made an assessable disclosure under the Public Interests Disclosure Act or the disclosure is not restricted by another Act. This will enhance the ability of Victoria's commissions and inquiries to gather information relevant to the exercise of their functions and in turns help ensure they are empowered to make informed recommendations.

Currently, search warrants issued under the IBAC Act only authorise a named person to exercise their powers under the warrant. This requirement risks both the integrity of the investigation and the health and safety of IBAC officers as it provides 'persons of interest' with the details of the relevant officers. The Bill addresses these concerns and acquits recommendation 42 of the 2018 IBAC Parliamentary Committee Inquiry into the external oversight of police corruption and misconduct in Victoria by permitting search warrants to be issued to allow any authorised IBAC officer or any police officer to execute the warrant.

Another key reform is renaming the Victorian Inspectorate to 'Integrity Oversight Victoria' and the Inspector as the 'Chief Integrity Inspector'. These new titles will better articulate the role and the purpose of the office in overseeing the State's integrity and accountability bodies and their officers. All references to these titles are updated across the Victorian statute book to ensure there are no gaps in continuity of the office's operations.

Accompanying these changes, the Bill provides legislative clarity in relation to some of the Victorian Inspectorate's powers, including in relation to their capacity to conduct audio or visual inquiries concerning the Wage Inspectorate Victoria. The Bill also provides the Victorian Inspectorate with the discretion to refuse to investigate a public interest complaint in limited circumstances, such as where that complaint is vexatious.

The Bill also inserts a new offence in the Victorian Inspectorate Act to prevent a complainant or other person from disclosing certain information received from this entity without authorisation. The offence covers information received about both the outcome of the investigation and the actions taken by the Victorian Inspectorate including whether they have decided to investigate. The offence carries a maximum penalty of 60 penalty units or 6 months' imprisonment and is similar to an existing offence in section 184 of the IBAC Act concerning the disclosure of information received from IBAC.

Improving the operation of the freedom of information and privacy frameworks

The Bill includes a range of amendments to the freedom of information and privacy legislative frameworks to strengthen protections and better support agencies to meet the objectives of the Acts more efficiently.

Central to these proposed reforms is providing the Office of the Victorian Information Commissioner flexibility in addressing privacy complaints. The Bill supports this goal by providing informal dispute resolution procedures under both the Freedom of Information Act and Privacy and Data Protection Act. The Information Commissioner's grounds for declining to entertain a privacy complaint are also expanded to include circumstances where the complainant fails to co-operate with the Commissioner without reasonable excuse. This is an approach that mirrors the existing grounds for declining a complaint in relation to a freedom of information review.

The Bill will also strengthen operational processes by streamlining the Information Commissioner's annual reporting obligations by aligning the legislative requirements under both the Freedom of Information Act and Privacy and Data Protection Act.

In addition to the amendments highlighted earlier, the Bill contains several minor and technical amendments to the Privacy and Data Protection Act to clarify legislative uncertainties and facilitate greater operational efficiencies. Importantly, the definition of 'sensitive information' in Schedule 1 will be updated to clarify that 'sexual preferences or practices' also includes 'sexual orientation'. This amendment will align the Act with Commonwealth legislation, remove ambiguity and strengthen privacy protections for this type of information.

Under the Privacy and Data Protection Act, 'protective data security plans' are exempt from freedom of information requests. The Bill extends this exemption to 'security risk profile assessments' to ensure that assessments remain secure and ensure agencies' capacity to manage potential harms is retained. The assurance requirements for the Victorian Protective Data Security Standards will also be updated to 'confidentiality, integrity and availability' to reflect the current internationally accepted components.

The Bill also amends the definition of 'law enforcement agency' to explicitly include the 'Victorian Legal Services Board and Commissioner'. While the Board and Commissioner are considered to already fall within the definition of 'law enforcement agency', the explicit inclusion will promote proactive identification of relevant information and streamline information sharing procedures between relevant entities.

The Bill provides procedural amendments to the Freedom of Information Act to support more expedient administration of the Act including by:

- removing outdated references to 'reading rooms' in recognition of information now commonly being provided electronically or through an agency's website
- harmonising and clarifying that the threshold for third party consultation for exemptions under the Act is 'reasonably practicable'

- making it clear that documents such as Cabinet materials and law enforcement documents provided to the Information Commissioner electronically as part of a freedom of information review must be retained in a secure electronic format if it is not possible for it to be destroyed, and
- providing that information that is publicly available and free of charge is excluded from freedom of information requests.

Public interest disclosure related amendments

A range of reforms are included in the Bill to address limitations and operational issues with the application of the public interest disclosure scheme in Victoria.

The Bill addresses a jurisdictional gap between the public interest complaints that IBAC can refer to the Ombudsman and those they are empowered to investigate by enabling the Ombudsman to investigate public interest complaints involving third parties, such as private sector contractors and businesses, who improperly influence or seek to improperly influence the honest or effective performance of a public officer. This amendment will align the Ombudsman's and IBAC's jurisdictions and support optimal operation and division of work in addressing public interest complaints.

In relation to the Chief Municipal Inspector's capacity to respond to public interest disclosures, the Bill strengthens their powers by specifying that they may receive disclosures about Councillors and the conduct of a Council, a member, officer or employee of a Council.

The Bill further aligns confidentiality notice procedures for public interest complaints to be consistent across integrity agencies. The proposed amendments will enable the Information Commissioner, the Chief Municipal Inspector and the Racing Integrity Commissioner to issue a confidentiality notice with respect to a public interest complaint if they believe, on reasonable grounds, that the disclosure of a restricted matter may prejudice the agency's investigations. The proposed reforms will create consistency with the existing confidentiality notice powers awarded to the Victorian Ombudsman, provide agencies with greater control over their investigations and safeguard the integrity of those investigations.

The Bill also makes it clear that IBAC may refer a relevant public interest complaint to the Judicial Commission of Victoria for investigations that relate to judicial officers and Victorian Civil and Administrative Tribunal members. A minor amendment is also made to correct a drafting oversight in section 24 of the Privacy and Data Protection Act to require receiving entities to provide advice to disclosers about its assessment of their disclosure against both limbs of the relevant test in section 21(1)(b).

Giving effect to the Public Interest Monitor's role under the Federal international production orders scheme

The Bill will give effect to a new role for the Public Interest Monitor under the Commonwealth International Production Orders scheme.

Schedule 1 of the *Commonwealth Telecommunications (Interception and Access) Act 1979* establishes a scheme to provide for international production orders for intercepted communications data. The scheme will enable Australian agencies to serve international production orders on communications providers in another country (such as Facebook Inc) to access such data. The international production orders scheme will require the Public Interest Monitor to test the evidence in relation to applications for certain interception information made by IBAC and Victoria Police. This will provide an important safeguard in the international production orders scheme.

Additionally, the Bill will clarify the Public Interest Monitor's role and functions conferred by the *Terrorism (Community Protection) Act 2003* to ensure that notification, document, record keeping and security procedures for decisions made under the Act are streamlined to enable the Public Interest Monitor to concentrate on fulfilling its important statutory role to represent the public interest.

Making other minor and technical amendments

The Bill will also make other miscellaneous amendments to support Victoria's integrity agencies and system to operate optimally.

Currently, where a person is subject to a confidentiality notice regarding a restricted matter, the IBAC Act and Victorian Inspectorate Act allow for the disclosure of this information to prescribed services. These services currently include Beyond Blue and Lifeline Australia for the purposes of providing crisis support, suicide prevention and mental health and wellbeing support to the person subject to the confidentiality notice. The Bill will allow for classes of services (rather than each individual service) to be prescribed and most significantly remove the administrative barriers to providing welfare support for witnesses and persons involved in IBAC and Victorian Inspectorate investigations.

The Bill also:

- updates the obsolete definition of 'trade union'

- removes erroneous references to investigations in the *Surveillance Devices Act 1999*
- clarifies that a presiding officer may allow for a support person to be present during a compulsory or voluntary appearance under the Ombudsman Act
- removes redundant references to repealed sections of the *Evidence (Miscellaneous Provisions) Act 1958*, and
- makes various statute law revisions to the integrity agencies' Acts.

The Bill will also replace outdated references to the Federal *Law Enforcement Integrity Commissioner Act 2006* with the *National Anti-Corruption Commission Act 2022* and National Anti-Corruption Commissioner to reflect the commencement of the new Federal Commission on 1 July 2023. These amendments are purely technical in nature but will assist in reducing confusion when navigating integrity system legislation.

Collectively the proposed reforms will support the State's integrity agencies to operate efficiently and be adequately equipped to promote a high performing public sector and community confidence in both government and the integrity and accountability framework.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (18:47): I move:

That the debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Parliamentary Workplace Standards and Integrity Bill 2024

Introduction and first reading

The PRESIDENT (18:47): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to establish a Parliamentary Workplace Standards and Integrity Commission, Parliamentary Integrity Adviser and Parliamentary Ethics Committee, to make consequential and related amendments to Acts and for other purposes.'

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:47): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:48): 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 table this Statement of Compatibility with respect to the **Parliamentary Workplace Standards and Integrity Bill 2024** (Bill).

In my opinion, the Bill, 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 Bill establishes the Parliamentary Workplace Standards and Integrity Commission (Commission) to investigate alleged parliamentary misconduct by Members of Parliament (Members) and Ministers (including Parliamentary Secretaries). The Commission will also be able to receive and refer public interest disclosures to the Independent Broad-based Anti-corruption Commission (IBAC) and investigate public interest complaints referred to it by IBAC.

The Bill acquits some of the government's public commitments in response to Operation Watts, a joint investigation of IBAC and the Victorian Ombudsman, including the establishment of the Commission.

The Bill provides for a number of other key reforms including:

- establishing a new Parliamentary Ethics Committee as a Joint House Committee under Part 2 of the *Parliamentary Committees Act 2003* (Committees Act) that will have various functions in relation to parliamentary standards and integrity;
- establishing the existing Parliamentary Integrity Adviser (PIA) in legislation and expanding its functions to provide confidential advice and training to Members and Ministers on matters relating to ethics and integrity; and
- amending Victoria's integrity legislation to integrate the Commission into Victoria's integrity system including allowing the Victorian Inspectorate to oversee the Commission's use of investigative powers and its adherence to procedural fairness considerations.

Human Rights Issues

The Bill engages the following human rights under the Charter:

- recognition and equality before the law (section 8);
- privacy and reputation (section 13);
- taking part in public life (section 18);
- a fair hearing (section 24);
- property rights (section 20);
- freedom of expression (section 15); and
- right to be presumed innocent until proven guilty according to law (section 25(1)).

For the following reasons, and having considered all relevant factors, I am satisfied that the Bill is compatible with the Charter and, to the extent that any rights are limited, the limitation is reasonable and able to be justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

Recognition and equality before the law (section 8 of the Charter)

Section 8 of the Charter provides that every person:

(1) has the right to recognition as a person before the law;

(2) has the right to enjoy their human rights without discrimination; and

(3) is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Discrimination, for the purpose of section 8 of the Charter means discrimination within the meaning of the *Equal Opportunity Act 2010* (Equal Opportunity Act), on the basis of one or more attributes set out in section 6 of that Act. The relevant attributes include age, disability, employment activity, gender identity, personal association, political belief or activity, race or religious belief.

The Bill promotes the right to recognition and equality before the law by enabling the Commission to investigate instances of inappropriate parliamentary workplace behaviour, which includes discrimination against a person on the basis of an attribute set out in section 6 of the Equal Opportunity Act, except on the basis of political belief or activity (clause 3).

This enhances the right of recognition and equality before the law by ensuring that Members and Ministers may be investigated for alleged discrimination in the parliamentary workplace, helping to prevent discrimination on the basis of attributes set out in section 6 of the Equal Opportunity Act.

Section 27 of the Equal Opportunity Act provides that an employer may discriminate on the basis of political beliefs or activities when offering employment to a person as a ministerial adviser, staff for a political party, electoral staff or similar employment. Consistent with this, the Bill excludes political belief or activity from the definition of discrimination (clause 3), so does not promote this aspect of the right under section 8 of the

Charter. Political belief or activity is not included in the definition of discrimination, in recognition of the nature of the parliamentary workplace, where people are excluded based on their political allegiances. Such exclusions are necessary for the appropriate functioning of any parliament where different political parties operate.

The right to recognition and equality before the law is also enhanced by other key reforms in the Bill:

- the Bill establishes the PIA in legislation (clause 86) allowing it to continue to provide confidential advice and training to Members and Ministers on their ethical and integrity related obligations.
- The Bill establishes a Parliamentary Ethics Committee (clause 136) in the Committees Act. The Parliamentary Ethics Committee has a number of functions including promoting the Members Code of Conduct to the Parliament and the public, and preparing guidance materials, information and training for Members on integrity and ethical issues.

These reforms will enable advice, training, and resources to be provided to Members and Ministers on their ethical and integrity related obligations, thereby assisting to maintain a safe and respectful parliamentary workplace which is free from bullying, discrimination and other forms of parliamentary misconduct.

In summary, I consider that the right to recognition and equality before the law is enhanced by the Bill.

Privacy and reputation (section 13 of the Charter)

Section 13 of the Charter provides that a person has the right –

(a) not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with (right to privacy); and

(b) not to have their reputation unlawfully attacked (right to reputation).

Subsection 13(a) of the Charter recognises that the right to privacy is only affected if the interference is unlawful or arbitrary. Lawful and non-arbitrary interferences with a person's privacy is therefore permitted. Subsection 13(b) recognises that the right to reputation is only affected if the interference is unlawful. Lawful interference with a person's reputation is therefore permitted.

An interference will generally be lawful where it is precise and appropriately prescribed in law. An interference will generally be arbitrary where it is capricious, unpredictable, unjust, or unreasonable, in the sense of being disproportionate to the legitimate aim being sought.

The rights to privacy and reputation as set out in section 13 of the Charter are engaged by a number of clauses in the Bill. These clauses are set out below.

Investigation request

The Commission may request that a person provide any document, information or other thing in the person's possession for the purpose of an investigation (clause 22). The Commission may also request that a person be interviewed in connection with an investigation (clause 24). A failure to comply with these requests without a reasonable excuse may result in the Commission reporting the failure to the House of Parliament (House) of which the person who is the subject of the referral is or was a Member (clause 27).

These powers engage the rights to privacy and reputation as they could be used to require a person to divulge private or personal information to the Commission which could also impact a person's reputation. Reporting a failure to comply with an investigation request to the Parliament may result in personal and private information about an alleged person being divulged to the Parliament and, in some circumstances, potentially publicly.

While the above clauses may engage with a person's right to privacy and/or reputation, this interference is considered lawful on the basis that the Bill precisely prescribes the circumstances in which the Commission can use its powers to request information. Such a request may only be made for the purpose of conducting an investigation in relation to a referral or a public interest complaint.

Further, the powers are not arbitrary, as they will only be used for the reasonable purpose of ensuring that the Commission has the authority to conduct a full and impartial investigation into the conduct of Members or Ministers. The Bill also provides that the Victorian Inspectorate is responsible for monitoring the Commission's exercise of these powers (clauses 22(3), 24(3) and 164(4A)(a)(i)) to ensure that the powers are exercised for an authorised and appropriate purpose.

Investigative reports

At the end of an investigation, the Commission must prepare an investigative report which includes any findings made by the Commission (clauses 28 and 36). The investigative report is provided to the Privileges Committee or the Premier (clauses 31 to 32 and 36(7)(d) to (f)) depending on whether the accused person was acting in the capacity of a Member or Minister when the investigated conduct took place.

Upon receipt of an investigative report, the relevant Privileges Committee or Premier is required to present an investigative report to the House of which the Member or Minister is a Member (clauses 31, 32, 38 and 39).

These clauses engage the rights to privacy and reputation as, subject to the contents and findings of the investigative report, they may enable the Commission, the Privileges Committee and the Premier to divulge personal and private information regarding an investigation. This includes naming a person who the Commission has found to have committed parliamentary misconduct or against whom a public interest complaint has been upheld.

These clauses are not unlawful as the Bill precisely prescribes the circumstances in which the Privileges Committee may prepare and present an investigative report. They are not arbitrary, as they will only be used for the reasonable purpose of ensuring that the Commission can document and present the findings of an investigation.

Safeguards on the use of private information by the Commission

The Bill includes a number of safeguards on the use of private information to further ensure that the Commission's powers do not arbitrarily limit a person's rights to privacy and reputation, including that:

- The Commission may refuse to investigate a referral or public interest complaint in circumstances where the matter is lacking in substance or credibility (clauses 11(6) and 33(5)) and must refuse to investigate a referral in circumstances where the matter is not supported by sufficient evidence (clause 11(2)). This allows the Commission to refuse to investigate allegations (and thereby avoid impacting a person's privacy or reputation) when such allegations are vexatious or politically motivated.
- Clauses 72 and 75 provide that it is an offence for Commissioners or the Commission's staff to disclose or take advantage of any information obtained through that role. This provides appropriate deterrence from using or disclosing a person's private information for an unauthorised purpose.
- Where the Commission includes a statement in an investigative report that presenting a report to Parliament would be contrary to the public interest, it may prepare a summary report that is suitable to be presented to the Parliament (clause 28(9)). The summary report, rather than the investigatory report, will then be transmitted to Parliament by the Premier or relevant Privileges Committee (clauses 31 and 32). The effect of these provisions is to ensure that the Commission will consider whether making an entire investigatory report available is appropriate, or whether certain matters including personal information should be protected.

Protections for individual referrers or affected persons

The Bill maintains the right to privacy and reputation for a person who makes an allegation of parliamentary misconduct or a public interest complaint (individual referrer) or the person who is directly affected by the alleged conduct (affected person) by providing for appropriate protections in the Bill. These protections help ensure that an individual referrer's or affected person's reputation is not impacted as a result of the Commission's investigation.

Clause 150 provides that the Commission is a body to whom public interest disclosures can be made. This ensures that the protections set out in Parts 6 and 7 of the *Public Interest Disclosures Act 2012* apply to disclosures made to the Commission, including section 52 of that Act which makes it an offence to disclose the content of a disclosure.

The Commission must also have regard for the safety, wellbeing and privacy of individual referrers when determining whether to dismiss, defer or redirect a referral and when investigating a public interest complaint (clauses 40(2)(a) and 40(3)(a)).

Further, an investigative report must not include information that is likely to lead to the identification of an individual referrer or affected person (clauses 28(4)(a) and 73(4). The Commission must also consider any request for confidentiality from an individual referrer when determining whether an investigative report should be presented to Parliament (clauses 28(3)(a) and 36(3)(a)).

These safeguards also promote the right to equality and recognition before the law by providing for a parliamentary workplace where referrers have protections under the Bill when reporting alleged bullying, discrimination or other forms of inappropriate workplace behaviour.

Advice provided by the PIA

Upon request, the PIA will be able to provide confidential oral or written advice to Members and Ministers on ethics and integrity related obligations (clause 87(1)(a)). The PIA must keep a record of all written advice provided to Members and Ministers and may keep a record of any such oral advice (clause 101).

These clauses engage the rights to privacy and reputation as the PIA will be required to hold personal and private information which relates to the ethical or integrity related obligations of individual Members or Ministers. Such information may be harmful to a person's reputation.

However, any potential interference with the rights to privacy or reputation on the basis of the above clauses is considered lawful, as the Bill precisely prescribes the circumstances in which the PIA may store a Member or Minister's personal information.

Further, the interference is not arbitrary as the PIA is subject to strict confidentiality requirements, including a prohibition on disclosing any advice provided to a Member or Minister by the PIA or any record of such advice (clause 102(1)(b)). The PIA is also prohibited from complying with an order from either House of Parliament seeking the contents of any advice provided to a Member without the express consent of that Member (clause 102(3)). Such limitations ensure that private and personal information is only used for the reasonable purpose of the PIA maintaining appropriate records.

Conclusion for the right to privacy and reputation

To the extent that a person's right to privacy and reputation may be interfered with through the exercise of the Commission's powers provided for in the Bill, I consider that this interference will be lawful and not arbitrary. Any powers used by the Commission are likely to be proportionate to the impact on the privacy and reputation of the person being investigated, the person who is alleging the conduct and/or any other third party who has made a referral to the Commission.

The limits on the right to privacy and reputation set out above also promote the right to recognition and equality before the law by enabling the Commission to conduct thorough investigations, report on their findings, and help protect people from bullying, discrimination or other forms of inappropriate workplace behaviour.

For the reasons set out above, I consider that the Bill is consistent with the right to privacy and reputation in section 13 of the Charter.

Taking part in public life (section 18 of the Charter)

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs directly or through freely chosen representatives.

Section 18(2) provides that every eligible person has the right, and is to have the opportunity, without discrimination to vote and be elected at elections that guarantee the free expression of the will of the electors; and to have access, on general terms of equality, to the Victorian public service and public office.

There is limited Victorian judicial consideration of the full scope of these rights (which are modelled on the International Covenant on Civil and Political Rights). However, the rights clearly protect a person's ability to choose their elected representatives, requires those representatives to be accountable to the electorate, to participate in public affairs and to be elected to public office.

The Bill establishes the Commission as an oversight body to investigate and sanction parliamentary misconduct and public interest complaints. The Commission will promote a safe parliamentary workplace. This will enable people, in particular Ministers and Members as elected representatives, to perform their parliamentary roles effectively free from bullying, discrimination and other forms of inappropriate workplace behaviour. This will also minimise the possibility that a person who may otherwise seek to be elected to public office is deterred from doing so due to fear of discrimination.

In providing oversight for those participating in public life, the Commission also has the power to recommend serious sanctions against a Member or Minister upon a finding of serious parliamentary misconduct, for a failure to comply with an investigation or where the Commission upholds a public interest complaint.

The sanctions that may be recommended by the Commission include:

- the withdrawal of services or removal of access to certain facilities or any other personal restriction relating to the functions of a Member or Minister (clauses 29(4)(c), 29(6)(c), 37(4)(c) and 37(6)(c)).
- that the Member is discharged from a parliamentary committee (clauses 29(6)(d) and 37(6)(d)).
- that a Member is suspended from the House or their seat is declared vacant (among other sanctions specified in section 31 of *the Members of Parliament (Standards) Act 1978*) (clauses 29(6)(e) and 37(6)(e)).
- the withdrawal of the person's commission or appointment as a Minister (clauses 29(4)(d) and 37(4)(d)).

While the Commission has the power to recommend the above sanctions, it cannot directly impose one of these sanctions which would impact the Minister or Member's participation in public affairs by preventing

their participation in the activities of the Parliament, including by limiting their access to certain facilities or preventing their participation on a Parliamentary Committee. The relevant Privileges Committee or the Premier will make their recommendations for sanctions to the relevant House of Parliament which is then responsible for determining the final sanction to be imposed (clauses 31 and 32).

This approach ensures that Members are subject to appropriate oversight by the Commission while balancing the important Westminster and Constitutional convention of parliamentary sovereignty. It also ensures that the Commission cannot directly vacate a Member or Minister's seat, which would deprive the right of the Victorian public to freely choose their elected representatives at state elections. It is appropriate that only the Parliament should be able to impose such a sanction.

The right to take part in public life is enhanced by establishment of the PIA in legislation (clause 86) and the Parliamentary Ethics Committee as a Joint House Committee in the Committees Act (clause 136). These bodies will provide essential resources for Members and Ministers to help them understand their ethical and integrity related obligations, thereby assisting them to make a positive contribution to public life and a safer environment for all people in the parliamentary workplace.

In my view, the reforms are reasonable, generally enhance, and do not unreasonably limit the right to take part in public life under the Charter, as they seek to ensure that the parliamentary workplace is safe and free from discrimination. Therefore, the Bill is consistent with the right to take part in public life in section 18 of the Charter.

Right to a fair hearing (section 24 of the Charter)

Section 24(1) of the Charter provides that a person charged with a criminal offence or 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 right to a fair hearing rests on the procedures being fair and the person who is subject to proceedings having a reasonable opportunity to put their case in conditions that do not place them at a substantial disadvantage.

The Commission will not conduct civil or criminal proceedings and therefore the right is not directly engaged. However, the Commission will be able to investigate referrals relating to parliamentary misconduct and public interest complaints and impose or recommend a sanction. As such, appropriate procedural fairness requirements are included in the Bill. These include:

- Clauses 21(4)(b)) and 33(7)(b) provide that when conducting an investigation, the Commission is bound by the rules of procedural fairness. This ensures that the Commission adheres to the procedural fairness requirements established at common law, which includes the right to a fair hearing.
- Clause 164 provides that the Victorian Inspectorate is responsible for overseeing the Commission including in assessing its compliance with procedural fairness requirements. This ensures that there is appropriate oversight to ensure that the Commission is adhering to its obligation of providing a fair hearing to an accused person.
- Clauses 28(6)(a) to (c) and 36(6)(a) to (c) provide that if the Commission intends to include an adverse finding about a person in an investigatory report, it must:
    - give the person an opportunity to respond to the proposed finding;
    - consider any response by the person in preparing the report; and
    - set out the response against any relevant finding in the report.

These clauses uphold the fair hearing right by giving a person a reasonable opportunity to consider and respond to any potential findings that may be included in the Commission's report.

In light of the above, I consider that the Bill is compatible with the right to a fair hearing under section 24 of the Charter.

Property Rights (section 20 of the Charter)

Section 20 of the Charter provides that a person must not be deprived of their property rights other than in accordance with the law. This right requires that powers that authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Property rights may be engaged through the Commission's power to request by written notice, any document, information or other thing in a person's possession that the Commission considers necessary for the purpose of conducting an investigation in relation to a referral or public interest complaint (clauses 22 and 35). A failure to comply with an investigation request may result in a person being reported to the House of which

they are a member (clause 27). Clause 23 provides that the Commission must return any document or other thing provided on a request under clause 22 when the document or thing is no longer necessary for conducting the investigation.

These clauses allow the Commission to deprive a person of their property rights where the property would be relevant to the Commission's investigation. A failure to comply could result in the Minister or Member being reported to the Parliament. However, the Commission's right to deprive a person of their personal property is clearly conferred by the Bill and as such, any deprivation of property would be in accordance with the law.

Further, any deprivation of property would only be temporary and for the limited purpose of the Commission conducting a thorough investigation into inappropriate workplace behaviour or other forms of parliamentary misconduct. This allows the Commission to provide a safe parliamentary workplace which protects and promotes the rights to recognition and equality before the law (section 8) and the right to take part in public life (section 18).

In light of the above, I consider any deprivation of property resulting from an investigation request under clause 22 will be in accordance with the law and is therefore compatible with property rights under section 20 of the Charter.

Freedom of expression (section 15 of the Charter)

Section 15 of the Charter provides that:

(1) every person has the right to hold an opinion without interference.

(2) every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and includes information imparted orally or in writing.

Section 15(3)(a) of the Charter provides that the right may be subject to lawful restrictions which are reasonably necessary to respect the rights and reputation of other persons.

The right is engaged through the Commission's powers to investigate, recommend, or directly impose a sanction. In these circumstances, Members or Ministers may be punished for written or oral expression in the parliamentary workplace where such expressions are forms of parliamentary misconduct or meet the threshold for a public interest complaint to be upheld. This may be especially relevant to the Commission's jurisdiction to review instances of inappropriate workplace behaviour, where Ministers and Members can be investigated for bullying, discrimination or harassment in the parliamentary workplace.

The right may also be engaged through the Commission's powers to request information or a person's attendance at an interview in relation to a referral or public interest complaint (clauses 22, 24 and 35). This could interfere with a Member or Minister's right to freely express their opinion without interference.

The clauses set out above only limit a person's freedom of expression to the extent necessary for the Commission to appropriately investigate parliamentary misconduct and public interest complaints. Such powers ensure a safe parliamentary workplace and are reasonably necessary to respect the rights and reputation of people in the parliamentary workplace.

As such, although the right to freedom of expression is engaged, I consider such limitations as reasonable and justified in accordance with section 7(2) of the Charter.

Right to be presumed innocent until proven guilty (section 25(1) of the Charter)

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.

The right in section 25(1) of the Charter is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

The Commission is not responsible for conducting criminal proceedings. As such, the right is not directly engaged. Nonetheless, it is important that appropriate safeguards are in place to protect the rights of people being investigated by the Commission.

The Bill allows the Commission to report a person who fails to comply with an investigation without reasonable excuse to the Parliament (clause 27). The Commission may also recommend the imposition of a serious sanction on the basis of a person's failure to comply with an investigation request without a reasonable excuse (clauses 29 and 37).

In these circumstances, a sanction could be imposed by the Parliament on the basis of a person's failure to comply with an investigation (rather than an actual finding of parliamentary misconduct or a public interest complaint being upheld).

The Commission cannot directly impose any criminal punishment if a person fails to comply with its investigations. As such, the Commission's powers to report people to the Parliament for non-compliance are necessary to promote compliance with the Commission's investigations. If no such powers were present, person could refuse to comply with an investigation, with no consequences. In such circumstances the Commission would not provide appropriate oversight over Members and Ministers.

Further, oversight over the use of these powers is provided by the Victorian Inspectorate. The Victorian Inspectorate can act to ensure that the powers are being used appropriately and for their intended purpose (clauses 22(3), 24(3) and 164(4A)(a)(i)).

In light of the above, I consider that the Bill is compatible with the right to be presumed innocent until proven guilty under section 25(1) of the Charter.

Conclusion

The Bill promotes and protects Charter rights. To the extent that the Bill affects or limits Charter rights, I consider that these limitations as reasonable and demonstrably justifiable.

Hon Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

Second reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (18:48): I move:

That the bill be now read a second time.

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

Introduction and overview

The Government is proud to introduce this landmark legislation which will take yet another important step to strengthen Victoria's parliamentary standards and integrity regime within our system of Westminster government.

This Parliamentary Workplace Standards and Integrity Bill will promote the highest standards of accountability, integrity and behaviour of all Members of Parliament (MPs), including Ministers and Parliamentary Secretaries. It will strengthen public confidence in our elected representatives and promote the Parliament of Victoria as a safe workplace for all people. The wellbeing of staff and their right to a safe and respectful workplace is not negotiable.

The Bill has been informed by extensive consultation with a wide range of stakeholders. This includes government and non-government MPs, Victoria's integrity agencies, the Presiding Officers, Clerks of Parliament, the current Parliamentary Integrity Adviser, and other experts and public offices across law, workplace standards, human rights, equal opportunity and gender equality.

This Bill will continue to build on this Government's work to deliver the most significant overhaul of parliamentary oversight in Australia. Together, these reforms provide a modern framework that holds Parliament and Government to the highest standards that all Victorians expect and deserve.

I will now speak to the key components of the Bill, starting with the Parliamentary Workplace Standards and Integrity Commission (the Commission).

Establishment of the Parliamentary Workplace Standards and Integrity Commission

The Parliamentary Workplace Standards and Integrity Bill 2024 implements a key commitment of the Labor Government in its response to the Independent Broad-based Anti-corruption Commission's (IBAC's) and Victorian Ombudsman's Operation Watts special report. The Government supported all 21 recommendations and made three additional commitments to address parliamentary workplace standards.

The Operation Watts special report found that the current oversight of MPs, Ministers and Parliamentary Secretaries is limited, fragmented, ad hoc and falls short of community expectations. Individuals who wish to report inappropriate workplace behaviour by MPs, Ministers and Parliamentary Secretaries are also required to navigate difficult employment and management arrangements. These arrangements can be unclear, lack accountability and disempower people who report inappropriate behaviours.

This Bill will address these concerns by establishing an independent Parliamentary Workplace Standards and Integrity Commission to receive, manage and resolve allegations of parliamentary misconduct and

inappropriate parliamentary workplace behaviour. The Commission's jurisdiction will include receiving complaints of bullying, harassment, discrimination, victimisation and occupational violence and aggression.

The Commission has been developed drawing on recommendations of detailed reviews, the best aspects of existing integrity frameworks in other jurisdictions and accepted contemporary workplace standards.

The Bill gives effect to seven principles that the Commission, once established, must have regard to in performing its functions. These are:

- Integrity – the Commission will support the integrity of the Parliament and community expectations of their elected representatives.
- Independence – the Commission will act free from influence or political bias.
- Effectiveness – the Commission will ensure there is an effective parliamentary standards and integrity regime.
- Accountability – the Commission will facilitate a fair, proportionate and consistent process to hold elected representatives responsible for their conduct in the parliamentary workplace.
- Transparency – the Commission will be open to public scrutiny.
- Respect and safety – the Commission will promote a respectful and safe parliamentary workplace for all participants.
- Fairness – the Commission will support involvement from all participants in its processes, impartially considering all relevant facts and making decisions based on the available information.

The Commission will be seamlessly integrated into Victoria's existing oversight and integrity regime. It will promote a 'no wrong door' approach for complaints about misconduct and a referral and information sharing framework that ensures matters are dealt with by the most appropriate integrity body. The Commission will not assume the jurisdiction of any existing body that already has explicit jurisdiction to deal with a matter.

The Commission will provide a clear pathway for allegations of misconduct to be heard and investigated. By holding MPs, Ministers and Parliamentary Secretaries accountable for inappropriate behaviours, it will also act as a deterrent, ensuring that all MPs behave to the highest of standards as is our obligation as elected representatives of the people of Victoria.

Critically, the independent Commission will balance the needs of people making a referral for confidentiality and safety with the needs of MPs for protection from trivial or vexatious complaints, and attempts to weaponise or politicise the work of the Commission. It will be bound by the rules of procedural fairness and must act as expeditiously and with as little formality as possible. This will improve the outcomes for all parties involved and avoid the need for unnecessarily protracted and costly investigations.

The Integrity and Oversight Committee of Parliament will monitor, review, and report to both Houses of Parliament on the performance of the Commission.

Further, the Victorian Inspectorate will provide independent oversight of the Commission, ensuring compliance with procedural fairness, receiving complaints about the Commission and investigating the conduct of the Commission and its officers.

The Bill also introduces complementary reforms to the Code of Conduct in the *Members of Parliament (Standards) Act 1978* (MP Standards Act). MPs will have a positive obligation to foster a healthy, safe, respectful and inclusive environment in the parliamentary workplace that is free from bullying, sexual harassment, assault and discrimination. MPs will also be required to demonstrate respect for parliamentary standards and integrity, including an obligation to comply with a reasonable request made by the Commission.

I will now speak in more detail about the key functions of the Commission.

Functions of the Commission

Making referrals

The Commission will be able to accept referrals from any person or body. The Bill allows reports to be made anonymously to the Commission, to encourage people to report allegations of parliamentary misconduct without fear of reprisal. The Commission will not be able to receive referrals about conduct that took place before it was established, nor will it have own motion powers.

In relation to any MP, including any Minister or Parliament Secretary acting in their capacity as an MP, the Bill defines parliamentary misconduct broadly as:

- a contravention of the MP Code of Conduct
- a wilful, repeated, or deliberate contravention of Part 4 of the MP Standards Act, which is the Register of Interests

- wilful, repeated, or deliberate misuse of work-related parliamentary allowances
- wilful, repeated, or deliberate misuse of the Electoral Office and Communications Budget
- inappropriate parliamentary workplace behaviour.

Inappropriate parliamentary workplace behaviour includes behaviours such as bullying, harassment (which includes sexual harassment), discrimination, victimisation or occupational violence or aggression.

In relation to a person in their capacity as a Minister or Parliamentary Secretary, the Bill defines parliamentary misconduct as inappropriate parliamentary workplace behaviour.

The Bill also defines serious parliamentary misconduct as parliamentary misconduct that is:

- intentional, wilful or deliberate
- occurs frequently or forms a part of a pattern of behaviour, or
- serious enough to provide reasonable grounds for a Member having to vacate their seat.

The Commission will also be able to redirect a report of misconduct if it considers it would be better dealt with by another entity or body. For example, it is expected that criminal matters will be referred onto Victoria Police and matters of alleged corrupt conduct will be referred to IBAC.

The Bill does not limit a person who has made a referral to the Commission from also making a complaint to another body or entity, or otherwise seeking redress for their matter. This will ensure that victim-survivors can deal with an issue as they wish. The Commission will be able to defer dealing with an issue or otherwise dismiss it if it decides the matter will be dealt with by an appropriate body.

Dealing with referrals

As I spoke to before, the Bill requires the Commission to deal with complaints made to it with as little formality, and as expeditiously as possible. This is intended to encourage the Commission to facilitate early and confidential resolution of matters where appropriate.

The Commission can determine that a complaint can be dealt with through an appropriate dispute resolution process. This can occur at any time before, during or after conducting an investigation or as an alternative to conducting an investigation. The Commission must also ensure this takes place as soon as practicable and provide reasonable assistance to the parties during the process.

The Bill also includes safeguards to minimise the risk of the politicisation of the Commission. The Commission will be required to dismiss a referral if it considers that it is not supported by sufficient evidence. The Commission will be able to seek information before it makes this decision. The Commission may also dismiss referrals that it considers, among other things, to be lacking in substance or credibility, trivial, frivolous, or vexatious or otherwise not made in good faith. The Commission will be required to publish guidance on how it will dismiss referrals, to publicly reinforce that the Commission will not deal with politically motivated referrals that do not have merit.

The Bill also creates an offence with a penalty of up to 12 months' imprisonment for any person who provides false or misleading information to the Commission. This is intended to prevent any misleading referrals and to safeguard risks of politicising the Commission.

Furthermore, if the Commission completes an investigation and does not make any findings of parliamentary misconduct, the relevant Member or Minister will have the opportunity to express a preference for the investigation to stay confidential or for the report to be tabled in Parliament to clear their name.

Investigation powers

The Commission may decide to investigate a matter, rather than resolve it through the informal mechanisms in the Bill. The Bill sets out proportionate and appropriate powers to perform these investigation functions, including powers to request information or attendance at an interview. The Commission will also have the power to apply to the Supreme Court to determine if a person has a reasonable excuse not to comply with an investigation request.

During an investigation, the Commission will be required to continue to balance the needs of individual referrers for confidentiality and safety with the needs of MPs, Ministers or Parliamentary Secretaries, which includes the right to procedural fairness.

If a current or former Member fails to comply with an investigation request without a reasonable excuse, the Commission will be able to:

- end its investigation and recommend sanctions for non-compliance. The sanctions that may be recommended are like those that can be recommended for a finding of serious parliamentary misconduct.

- report the non-compliance to Parliament. The Parliament can then use its powers to refer the matter to the Privileges Committee to investigate if the Member has breached parliamentary privilege by failing to comply or otherwise pass a contempt motion against the relevant Member.

Tabling reports

The Commission will work with the existing structures in Victoria's parliamentary system to enable sanctions to be determined and reports to be tabled in Parliament.

The Commission will be required to prepare a report at the end of any investigation and to provide these reports to the relevant Privileges Committee (including reports about the Premier), or Premier if the report relates to inappropriate workplace behaviour of a Minister or Parliamentary Secretary.

Following consideration of the report, the Privileges Committee and Premier in turn will be required to table the reports in Parliament (unless the Commission determines that it is not in the public interest to do so). Where the report includes recommended sanctions for serious parliamentary misconduct or failure to comply with an investigation request, the Privileges Committee must consider the report and invite the subject of the report to provide a written response about the sanctions.

If the Committee or Premier determine that a different sanction should apply than recommended by the Commission, they must provide an explanation as part of tabling the report.

These strict reporting requirements will address public expectations that there will be full transparency concerning allegations of parliamentary misconduct by MPs and ministers.

Confidentiality

The Bill provides for strict confidentiality requirements which offer protection to both the referrer and the MP, Minister or Parliamentary Secretaries who may be at the centre of a complaint or allegation of misconduct.

The Commission will also have powers to issue Confidentiality Notices in line with other integrity agencies. Confidentiality Notices can safeguard the integrity of the investigation and protect the privacy, safety, welfare and reputation of those involved in the investigation. The issuing of Confidentiality Notices will be a key aspect of the Commission's work that will monitored by the Victorian Inspectorate.

The Bill also creates an offence if the Commission knowingly discloses any information acquired in the course or performance of the functions under the Bill without authority to do so.

Public Interest Disclosures

Currently, a public interest disclosure about a Member, including in their capacity as a Minister, generally must be made to the relevant Presiding Officer.

The Operation Watts special report recommended that alternative channels should be created for a person to make a disclosure. The Bill addresses this recommendation in three ways:

- the Commission will be able to receive and deal with public interest complaints that relate to a current or former MP, Minister or Parliamentary Secretary
- people will be able to make a disclosure directly to IBAC, as the clearinghouse for all public interest disclosures
- Presiding Officers will be required to notify IBAC of any public interest disclosures made to them.

These reforms will ensure that the establishment of the Commission fits within Victoria's existing integrity and complaints scheme and that there is a 'no wrong door' approach to reporting alleged misconduct.

Sanctions

The Commission will be able to impose sanctions directly on a current or former MP, Minister or Parliamentary Secretary who has been found to have engaged in parliamentary misconduct. The Commission's ability to impose sanctions balances the ultimate authority of Parliament (over Members) and the Premier (over Ministers and Parliamentary Secretaries) with the public interest that the Commission will independently hold Members and Ministers to account.

The full suite of sanctions available for parliamentary misconduct are specified in the Bill to ensure transparency, procedural fairness and consistency. Sanctions may include a requirement to provide a written apology, participate in an education or training program, or enter into a behaviour agreement with the relevant Presiding Officer.

Where the Commission finds a person has engaged in serious parliamentary misconduct, the Commission can recommend sanctions in its report to the relevant Privileges Committee or Premier. The only exception to this is that the Commission can decide directly under the *Parliamentary Salaries, Allowances and*

Superannuation Act 1968 that a person is not entitled to their separation payment if they have been found to have engaged in serious misconduct.

The Bill provides guidance on sanctions for serious parliamentary misconduct, informed by existing powers of the Houses and *Members of Parliament (Standards) Act 1978*. The Privileges Committees, Premier and Parliament will not be obliged to agree to these sanctions. However, where the Privileges Committee or Premier does not agree, they will need to provide reasons when the report is tabled in Parliament.

The Bill also sets out penalties that may be imposed, especially in instances where confidential information has been knowingly disclosed or taken advantage of. This also includes the disclosure of or mishandling of Confidentiality Notices, which carry a penalty of up to 120 penalty units or imprisonment for up to 12 months.

Penalties also apply for any person who knowingly provides false or misleading information to the Commission, who threatens a person making a referral or who seeks to hinder or obstruct any employee of the Commission, each of which also carry a penalty of up to 120 penalty units or imprisonment for up to 12 months.

Appointment of Commissioners

The Bill allows up to three Commissioners to be appointed to the Commission, with one to be the Chair of the Commission. Each Commissioner will be an independent officer of the Parliament. Commissioners will be required to collectively decide actions at key stages of a referral or investigation, and can draw on their collective expertise.

There are strict eligibility requirements for the appointment of Commissioners. Commissioners must be of good character and high standing in the community and will need to have extensive knowledge, expertise or experience in one or more of the specified fields. A person will not be eligible to be appointed if they are or have been a member of an Australian Parliament, Australian Local Council, registered political party or a registered lobbyist within the last five years. This is another important feature to reinforce the independence of Commissioners and to safeguard against the politicisation of the Commission.

Each Commissioner will be appointed by the Governor-in-Council for up to five years. The responsible Minister will propose appointments to the Integrity and Oversight Committee of Parliament, who must unanimously support the recommendation before a Commissioner can be appointed.

Oversight of the Commission

Consistent with Parliament's scrutiny of other independent entities such as IBAC, the Integrity and Oversight Committee will monitor and review the performance of the duties and functions of the Commission. It is not intended that the Integrity and Oversight Committee will investigate specific complaints or review decisions made by the Commission.

The Victorian Inspectorate is a key part of Victoria's integrity system, overseeing and monitoring the proper functioning of integrity agencies within Victoria. This Bill amends the *Victorian Inspectorate Act 2011* to provide the Victorian Inspectorate with independent oversight of the Commissioner and its officers. The Victorian Inspectorate will have:

- Proactive oversight of the Commission, with regular access to all investigative requests and Confidentiality Notices made by the Commission to ensure these are administered appropriately.
- Reactive oversight of the Commission, through the ability to investigate any part of the Commission's functions if someone makes a complaint (for example, about an appropriate dispute resolution outcome).
- Own motion powers over the Commission, to instigate their own review at any time (for example, if they are concerned about the Commission's performance of a certain function).
- This oversight will strengthen confidence in the Commission and its processes. It will also provide MPs, Ministers and Parliamentary Secretaries with assurances that the Commission's investigation requests will be issued appropriately, and that any findings of a failure to comply without reasonable excuse is justified.

Annual reporting

The Bill provides that the Commission must report annually on the number of referrals received and dismissed, public interest complaints, referrals that have been redirected and those which have been investigated by the Commission, and outcome reports.

The Bill provides detailed and thorough requirements for annual reporting to ensure Parliament and the public can monitor referrals and allegations of misconduct – for example, the annual report is required to contain an analysis of the nature, scope and trends of parliamentary misconduct.

Further key aspects of the Bill

In addition to establishing the Commission, the Bill includes several other reforms to acquit the recommendations of the Operation Watts special report and further promote integrity within Victoria's parliamentary system.

Parliamentary Ethics Committee

The Bill will establish a new Parliamentary Ethics Committee that will have various functions in relation to parliamentary standards and integrity.

The Parliamentary Ethics Committee will be a Joint House Committee, established under the *Parliamentary Committees Act 2003*. Once established it is intended that the Parliamentary Ethics Committee foster an ethical parliamentary workplace through promoting and reviewing the Members Code of Conduct, preparing guidance about the ethical obligations of members of Parliament, and providing information and training sessions to MPs on integrity and ethical issues, and various other functions. The Parliamentary Ethics Committee will also consider the appointment of the Parliamentary Integrity Adviser.

Parliamentary Integrity Adviser

The Bill will establish the existing role of Parliamentary Integrity Adviser (PIA) in legislation and expand their functions. This will enable the PIA to provide confidential advice and training to MPs, Ministers and Parliamentary Secretaries on matters relating to ethics and integrity to support them to perform their public duties.

The PIA will be an independent officer of Parliament and sit alongside the Commission. This will ensure there is appropriate separation between the advisory, education and investigatory bodies in Victoria's parliamentary standards and integrity regime.

Provisions are included in the Bill to transition the current PIA to the first statutory PIA role to support continuity. Going forward, the PIA will be appointed by Governor-in-Council on the recommendation of the relevant Minister. The newly established Parliamentary Ethics Committee will be consulted on the proposed appointment and have an option to veto any recommendation within 30 days.

Amendments to other Acts

The Bill will also make consequential amendments to 11 other Acts to integrate the entities established by this Bill within existing integrity regimes and oversight frameworks.

This includes amendments to the:

- *Independent Broad-based Anti-corruption Commission Act 2011*, so that IBAC can refer public interest complaints to the Commission.
- *Judicial Commission of Victoria Act 2016*, so that the Judicial Commission can notify the Commission of any relevant matter.
- *Local Government Act 2020*, so that the Chief Municipal Officer can disclose information to the Commission.
- *Members of Parliament (Standards) Act 1978*, to create positive obligations for Members and to enable the Clerks of Parliament to make referrals to the Commission for breaches of the Register of Interests.
- *Ombudsman Act 1973*, to link the agencies in the integrity regime and enable information sharing.
- *Parliamentary Committees Act 2003*, to establish the Ethics Committee and create new responsibilities for the Integrity and Oversight Committee.
- *Parliamentary Salaries, Allowances and Superannuation Act 1968* to allow the Commission to make determinations about separation payments.
- *Public Administration Act 2004* so that the Commission will be defined as a special body, the Chair of the Commission will have the function of the public service body Head and the Commission can employ Victorian Public Sector staff.
- *Public Interest Disclosures Act 2012* so that the Commission can receive public interest disclosures and refer them to IBAC, and so the Presiding Officers must refer a disclosure to IBAC.
- *Racing Act 1958* so that the Racing Integrity Commission can share and disclose information with the Commission.
- *Victorian Inspectorate Act 2011* to integrate the Commission with the integrity regime, and to provide the Victorian Inspectorate with appropriate oversight over the Commission.

Review of Act

The Bill provides that the relevant Minister must seek an independent review of the operation of this Act and the amendments made to other Acts within two years, with the review to be completed within 12 months after it has begun.

This review mechanism will ensure that the effectiveness of the reforms and the function of the Commission are assessed.

Conclusion

In summary, this Bill and these reforms will promote the highest standards of accountability, integrity and behaviour of all MPs, Ministers and Parliamentary Secretaries.

The Bill will contribute to creating a more positive parliamentary workplace, aligned with community expectations and contemporary standards.

Together with other recent Government reforms, including an updated Ministerial Code of Conduct, this Bill will significantly improve Victoria's integrity regime and further strengthen public confidence in the institutions that serve them.

I commend this Bill to the House.

Georgie CROZIER (Southern Metropolitan) (18:48): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (18:48): I move:

That the house do now adjourn.

Teacher workforce

Richard WELCH (North-Eastern Metropolitan) (18:48): (980) My adjournment matter is for the Minister for Education. We have a major problem in the Victorian education system right now: teacher shortages. I have visited many schools in my electorate, and in almost every case they have reported that they are scrambling to fill positions, often resulting in the hiring of less experienced or even unqualified staff. The repercussions of these shortages are already being felt across Victoria. Many schools are cutting the length or frequency of, or completely cancelling, camps. These are valuable experiences that contribute to students' personal and social development. The use of relief teachers is at an unprecedented level. This can only lead to a decline in the quality of education our children receive.

The 2022 teacher supply and demand report paints a very grim picture, revealing that the forecast demand for teachers is expected to outpace supply significantly, so much so that by 2028 the shortfall is projected to be 5036 teachers. According to the department this figure is still current today. Add to this a teacher attrition rate that surged by nearly 20 per cent in the 2021–22 year and adds, conservatively, another 1000 to 2000 teachers to that figure. We know that between 2021 and 2022 the number of teacher vacancies skyrocketed, with primary schools experiencing a staggering 49 per cent increase and secondary schools facing an even more concerning 68 per cent rise. Applications to primary schools dropped from 14.7 to 5.3 applications per position and applications to secondary schools fell from 6.4 applications per vacant position to just 2.8.

What concerns me most is that the department itself has been unable to clearly and confidently say it has strategies in place that will meet the shortfall. At a recent education inquiry hearing I received no satisfactory clarification that the minister's department had plans that would deliver 5000 new teachers, and this would seem a very basic question to answer. They had measures, they had programs, but there were no definitive statements that their plans would actually address the shortfall numerically. Will the measures do enough? They do not know. Have they got the funding required?

They could not say. Are the programs value for money? They cannot say. This is unacceptable and an incompetent approach that typifies their whole approach to teacher recruitment.

Will the Minister for Education commit to a teacher recruitment timetable that addresses the teacher shortage by 2028 and provide details of how many teachers per measure it is expected to deliver, the cost of each measure and the timeframe each measure will require to do so?

Housing

Samantha RATNAM (Northern Metropolitan) (18:51): (981) My adjournment matter tonight is for the Minister for Housing. Recently Louise Goode had to watch her Thornbury home of 25 years be demolished. She had fought fiercely for years to get her home back after being evicted. The emotional toll of being evicted has been incredibly high for Louise, who grew up in foster homes. This house represented the first real place of stability and belonging. To watch it be demolished has been heartbreaking for Louise, her neighbours and all those who joined her fight.

Louise is not alone. I have recently written to you about a constituent named Iman Minas, who resides in public housing in Coburg with her two children. Iman told me that the Department of Families, Fairness and Housing wants to evict her family from their home of 13 years. She is absolutely devastated because she has made a stable and loving home in this neighbourhood, where she is surrounded by supportive neighbours and her doctor, support services and her son's school. Iman's youngest son has autism and requires significant care, so stability and access to these services and this school are of vital importance. The department has told Iman that she must move to a smaller house because her older son is moving out and this house is apparently transitional housing. But Iman says her son may have to move back in again if he cannot find other stable accommodation and may stay with her occasionally to provide extra care and support. Given the dire state of the private rental market, especially for young people, these are very real considerations.

It is frankly inconceivable that the department can just evict someone from their home without reasonable cause when they have lived there for over a decade. Iman says this process has caused her immense stress and she feels depressed as a result. This is the human cost of public housing relocations and the inevitable result of treating housing as a commodity, not a right. Just imagine a world where the state government intervened and allowed Louise, for example, to stay in her property as a public tenant. That world is possible.

Public housing tenants experience forced relocation as displacement. Studies have shown that this process has serious negative effects on people's health, wellbeing and social cohesion. The impacts reverberate through tenants' lives long before and after a physical move. We have seen this many times here in Victoria. Every time this Labor government demolishes public housing estates, people are uprooted and separated from their communities. They are given limited options, and many are pressured into housing that may not suit their needs.

As Labor now plans to demolish Victoria's 44 remaining public housing towers, we are going to see more of this. We have already heard from many residents that they have signed documents without interpreters, that they have been offered housing far away from their community and that they have been offered only community housing and not public housing. Minister, these alarming relocation practices must end. I ask that you start by ensuring Iman can stay in her Coburg public home.

Water policy

Wendy LOVELL (Northern Victoria) (18:54): (982) My adjournment matter is for the Minister for Water, and the action I seek is for the minister to make public her plan to prevent the federal government from removing any more water from Victoria via water buybacks and indicate whether that plan includes limiting or stopping the constraints relaxation policy.

Northern Victoria is the food bowl of Australia, generating over $3 billion worth of farm gate produce every year and employing 3500 people. The Goulburn–Murray irrigation district produces 75 per cent

of Australia's pears, 50 per cent of Australia's stone fruit and 21 per cent of Australia's milk. In Northern Victoria our food, fibre and dairy industries rely heavily on irrigation water from the Murray and Goulburn rivers. The state government in Victoria has said it opposes the Commonwealth purchasing water entitlements, but its latest draft water plan makes clear that its plan is to facilitate Commonwealth water buybacks by actively identifying irrigation areas with a view to closing them down. Labor's water prospectus *Planning our Basin Future Together* makes several positive references to the fact that they completely closed down the Campaspe irrigation district, and my constituents are worried that Labor have planned the same thing in the Goulburn–Murray irrigation district. The government's Engage website identifies water recovery opportunities in the Goulburn–Murray and talks about the rationalisation of irrigation infrastructure that enables local transition. These words sound fancy, but make no mistake, 'transition' is code for closing down irrigation channels, closing down farms and threatening the future of horticulture in the area.

Water deliveries to the Goulburn–Murray irrigation district have already dropped from a high of 2100 gigalitres in 2001–02 to 730 gigalitres in 2023–24. The chair of Goulburn–Murray Water warned in 2016 that if water deliveries dropped below 700 gigalitres that would be a tipping point for the viability for our irrigation communities. It is troubling then that the Victorian government's water prospectus envisions in one of its future projections that a further 108 gigalitres will be taken for environmental use, which would affect 25 per cent of the irrigation district and over 3500 farmers. Removing this amount of water from the consumptive pool would take the water volume below the predicted tipping point that the government has been warned about. Taking that much water could end irrigation in the area and devastate farming communities, and this minister seems to have no plan for stopping that from happening.

Due to natural and built constraints there are limits to how much water can be delivered to the environment without inundating private property. There is no point in buying back water for the environment if that water cannot actually be delivered. This government, however, has a constraints relaxation policy that will remove constraints and lead to flooding properties adjacent to the river.

Animal welfare

David LIMBRICK (South-Eastern Metropolitan) (18:57): (983) My adjournment matter this evening is for the attention of the Minister of Agriculture. I had the pleasure of meeting with Adam recently, the president of the Victorian Herpetological Society. For the benefit of my colleagues who may not be aware, herpetology is the name for the scientific study of amphibians and reptiles. The Victorian Herpetological Society has existed since the mid-1970s to bring together reptile enthusiasts and provide support and advocacy for private reptile keepers. Just over a decade ago they were considered a key stakeholder when drafting new wildlife regulations as part of the now disbanded Wildlife Possession Trade Advisory Committee. This committee has since been disbanded, and it may be that the lack of its input has led to some poor enforcement practices as the department may not be receiving adequate feedback from the community.

Whilst there may be other issues, the main concern that Adam brought to my attention was the enforcement of the current Code of Practice for the Welfare of Animals: Private Keeping of Reptiles. This code of practice is more than 20 years old, and the information contained within it is no longer accurate. Apparently there has been increasing enforcement around section 3, relating to enclosure sizes. These outline very specific dimensions required for keeping lizards and snakes and other animals. There are multiple concerns here. One is that there may be a conflict between section 1 and point 1 under the general requirements, which state that the welfare of captive animals must always be viewed as a high priority in order to safeguard them from disease, injury and stress. In one circumstance it was described to me that it was stated that:

> The animals were in excellent condition, looking healthy and well cared for, but the dimensions of the enclosure did not perfectly match the code. This is despite the overall area being larger.

Another concern is that overly restrictive enforcement where there is no indication of maltreatment of the animals may lead to people dumping animals. There is also concern that proposed updates to these regulations may fail to appropriately understand the practical limitations for private reptile keepers.

My request for the minister is to review current enforcement activities and urgently update the code of practice and in doing so to also meet with representatives from the Victorian Herpetological Society to ensure that regulations are fit for purpose.

Metro Tunnel

Sheena WATT (Northern Metropolitan) (19:00): (984) Today I rise to give my adjournment matter to the Minister for Transport Infrastructure in the other place. How lucky am I to have four of the five new world-class Metro Tunnel stations right in my electorate of Northern Metropolitan Region. I know that these stations are not just infrastructure dotted around our great city but architectural destinations right in the heart of Melbourne. All the way from Arden to Anzac the Metro Tunnel is connecting Victorians. With the Metro Tunnel opening in 2025, I know that I will be counting down the days until I can go down to Parkville station, not far from my electorate office, and ride the tunnel for the very first time.

By 2050 Melbourne will have the same population as London. This city is getting bigger and bigger every day, and projects like the Metro Tunnel futureproof our city's public transport network. Untangling the network and getting Victorians to where they need to go is something this government is committed to. We know that whether you are going to the MCG, going to work or going out for dinner, Victoria has a world-class public transport system to take you there. One of the biggest projects the state has ever undertaken, the Metro Tunnel will transform this city's public transport system and bring a completely new feel to Melbourne's already iconic public transport system.

My matter, as I said, today is for the Minister for Transport Infrastructure. Minister, what will the new Metro Tunnel mean for Victorians and our visitor economy?

Payroll tax

Ann-Marie HERMANS (South-Eastern Metropolitan) (19:01): (985) My adjournment is for the Treasurer, and the action I seek is for the Labor government to stop the schools payroll tax on non-government schools. Many families and their school communities are being asked to pay for Labor's financial mismanagement yet again, and through this they are using the government's unfair schools tax. Starting from 1 July 2024, Labor's schools tax is going to hamper Victorian families whose children attend non-government schools, with the government stripping the longstanding payroll tax exemption.

Up to 58 independent schools are educating, let us say, 65,000 students. They are having to pay the tax from July this year, with the number of targeted schools rising to almost 70 within five years, as they inevitably reach the arbitrary tax threshold of annual fees of $15,000. This $15,000 magic number is the number that the state government's payroll tax is using to measure which non-government schools will have to pay the income tax per student. So this is what we are looking at, because the problem is, with the cost of everything going up, the number of schools is also going to increase. This is going to be extended until January 2029, and non-government schools are also going to be assessed annually.

We, the Liberals and the Nationals, wanted to exempt all schools from payroll tax, but the government voted against this because it is desperate to recoup costs. It is creating a class system in this state and in my electorate in the south-eastern region. With the net debt set to rise to $187.8 billion by 2027–28 and daily interest rate repayments alone to hit almost $26 million over the same period, this is just a blatant and dishonest cash grab affecting families who are already doing it tough. We have people in the south-eastern region that are struggling to pay their bills and struggling to feed their families, and they make sacrifices, in many cases, to send their kids to schools that they feel align with their values

and with what they want for their children, the sort of education that they can give them. These are not wealthy people; these are people making sacrifices. Reports indicate that this cash grab will add $35 million to the government's coffers, but why take this from our children? Families in Victoria should be able to choose the schools that they want for their children. This is going to limit scholarships, and it is going to disadvantage Indigenous opportunities in communities for private education, because they are going to have to cut something out. As we look at the situation in Victoria and in the south-eastern region, we have to consider whether this really is a fair tax on Victorians.

I am running out of time, but I just want to say as a former teacher I value education. Schools in the south-east are being affected, families are being affected, and I want to see this school tax gone.

Vehicle regulation

Katherine COPSEY (Southern Metropolitan) (19:04): (986) My adjournment tonight is to the minister for transport. In recent years we have seen more and more truckzillas on the streets of Melbourne, huge American-style pick-up trucks and SUVs lumbering around narrow streets that were never designed for them. As the *Rammed* report by Comms Declare makes clear, we did not just wake up one morning and decide we wanted to pick up the groceries in something the size of a World War II tank. Car companies have more than tripled their advertising on big utes since 2010 to convince us all that we need them, because they mean bigger profit margins than the normal-size cars that people drove until more recently.

These rapidly expanding vehicle numbers have consequences for everyone around them. They do not fit into normal parking spaces, spilling out onto the next space, the footpath or the roadway. They have huge blind spots, making them more likely to hit pedestrians, cyclists and even other cars, and when they do, the damage is far worse. Their boxy fronts and huge mass mean children are eight times more likely to die when hit by an SUV. This is not to mention the climate consequences. These truckzillas guzzle so much fuel that the International Energy Agency has warned that increases in the size of vehicles could effectively cancel out emissions reductions from electric vehicles, which incidentally is why we also need more mode shift.

These behemoths may have a use on a farm or a building site, but they are not appropriate for regular passenger duties on narrow inner-city streets. This is not the Wasteland. We are not going to run into Furiosa or Dr Dementus when we pop down to the shops, so we do not need monster trucks clogging our streets.

Other jurisdictions are taking action. Within Australia, New South Wales and WA have weight-based registration systems that incentivise lighter vehicles, while internationally Paris has recently tripled the price of parking for these larger vehicles. The action I seek is for the minister to protect Victorians by properly regulating these truckzillas.

Local government integrity

Bev McARTHUR (Western Victoria) (19:06): (987) My adjournment matter, for the Minister for Local Government, concerns the victimisation of councillors in Victoria. The victims I am aware of are mostly women – conservative women – but I am not convinced this is a sex-based division. Sadly, some of the most enthusiastic bullies are women. The motivation seems to be political.

This case is just one of a handful occurring across the state, all relatively recent, all deeply unjust. A new female councillor was elected. Perhaps unsurprisingly she did not see eye to eye with her Labor and Greens colleagues. Three years later, with no warning, she was charged with 17 conduct complaints by her political opponents. She was never approached to resolve matters formally or informally by these councillors or council staff. It was a deliberate and calculated ambush. Nor did mediation follow. An arbiter was immediately assigned whose politics, to be careful here, could reasonably give rise to the apprehension of bias. At the hearing she was disallowed legal representation and since the procedure was confidential could not discuss it with others.

How is this acceptable? It is downright intimidating. For an individual to be singled out and then feel unable to discuss the matter is shocking. The judgement reached was, I am told, not in line with the evidence of witnesses, yet I cannot judge this, as to date she has been unable to obtain a transcript – no warning, no mediation, a confidential process, no legal representation and apparently no transcript, the only remedy an appeal to the Supreme Court, obviously far beyond her means. The lack of natural justice is terrifying.

I feel enormously sad for this councillor. The system has been weaponised against her by those who wish to intimidate and silence her. It is victimisation – horrible, personal bullying dressed up as respectable procedure. It takes its toll. However right you may think you are, when everyone gangs up on you and you have no right of reply, when you are ordered to make an apology for doing absolutely nothing wrong, it is incredibly upsetting.

I do not argue that no councillor ever does anything wrong, that they never deserve investigation or censure, but the action I seek from the minister is an explanation of how the system should work and how the details of this distressing case I relate cannot actually be true. I sincerely hope there has been a mistake here, because this is abuse, and with the passage of Tuesday's Local Government Amendment (Governance and Integrity) Bill 2024 we are making an even more potent weapon for bullies. I hope this case gives some context to my deep reservations about those changes.

Nuclear energy

Moira DEEMING (Western Metropolitan) (19:09): (988) My adjournment matter is for the Minister for Energy and Resources. We all agree that energy policy should be geared towards providing the cleanest, cheapest and most abundant sources of energy, but I also believe that it should be based on objective science and economics, which means being open to new information. Personally, I think that nuclear has to be part of the answer. Gas, wind and solar are just not going to cut it. Nuclear is safe and clean, and other countries have been using it safely for decades. Sure, it is going to be expensive to set up, but not in the long run, not when you compare it to the permanent stream of taxpayer dollars and the price-modelling gymnastics that it is going to take and does take already to make wind and solar look competitive – and that is without mentioning all of the waste from them in physical products. This government has trashed the coal and the gas industry, not to mention good farmland, in our regions. Yes, it got them their inner-city votes, but people cannot pay their bills and they are being told to prepare for blackouts. So I ask the minister: will she take ideology out of energy and allow science and economics to decide on nuclear in Victoria?

Sobering facilities

Georgie CROZIER (Southern Metropolitan) (19:10): (989) My adjournment matter this evening is for the attention of the Minister for Mental Health, and it relates to the Mitchell Street sobering-up centre in St Kilda. I have been contacted by some local residents down there who are concerned about what they came across in early May when they found an individual who was lying on the road. He said he was trying to get to 10 Mitchell Street. He was struggling to stand or walk, and he had a number of medical issues. But he had also just recently left hospital. He needed help to get off the street, so the residents, who were stopping cars so he did not get hit by a car, helped him with the use of a wheelie bin get to the side of the road. He was right outside the centre, but there was no-one in the centre. They rang an ambulance, and the ambulance paramedics arrived and attended to him as well as six police.

The sobering-up centres were meant to be a health-led response. The government has said that they are open 24/7 and fully staffed. Well, that is clearly not the case because of this situation in early May, as I described, from those residents, who were very concerned about the state of this man. If they had not been there and assisted him, goodness knows what might have happened. They were concerned that he could have been hit by a car, and it could have ended up being a catastrophic situation.

The minister has spoken about these sobering-up centres on a number of occasions. The action that I seek is to understand how many times ambulances and the police have actually turned up to both

Collingwood and St Kilda to assist those who are trying to get support and care from these centres as the government has intended.

Drug rehabilitation services

David ETTERSHANK (Western Metropolitan) (19:12): (990) My adjournment matter is for the Minister for Health. The number of publicly funded drug rehabilitation services across the board in Victoria is woefully inadequate. Based on the most recent figures, there are less than 500 publicly funded rehabilitation beds in the state. These are beds in structured residential programs like Odyssey House or Windana, for example, where people can receive the treatment and support they need to address their drug use. That is a ratio of 0.74 beds per 10,000 people. By way of comparison, only South Australia has a lower ratio.

Whilst there are clearly not enough residential rehabilitation beds to meet the surging need in Victoria for longer term alcohol and other drug treatment, the situation is worse for publicly funded residential withdrawal – detox beds. There are currently only about 110 in Victoria. This means there is a bottleneck at the detox end. People needing to access those longer term rehabilitation services have to go through detox first. They need to be free from those immediate withdrawal symptoms before they can get into residential rehab. There are four times as many residential rehab beds as there are residential detox beds in Victoria. This disparity between the number of residential rehab beds and residential detox beds results in critical and often life-threatening delays to people's recovery.

Desperate people may try their luck in the unregulated private sector; however, as revealed in the health complaints commissioner's *Review of Private Health Service Providers Offering Alcohol and Other Drug Rehabilitation and Counselling Services in Victoria*, the costs of private AOD rehabilitation services are prohibitive, and as the services are unregulated, they mostly do not meet appropriate clinical quality and government standards. The report in 2022 had 21 recommendations for government which have not been actioned despite the fact that the government commissioned the report. The action I seek is twofold: that the minister urgently fund more detox beds to ease the rehabilitation bottleneck and that the government incorporates the health complaints commissioner's recommendations into its statewide AOD action plan.

Western suburbs train services

Trung LUU (Western Metropolitan) (19:15): (991) My adjournment matter is for the Minister for Public and Active Transport regarding the insufficient train services in the western suburbs. The action I seek is for the minister to commit to the construction of Thornhill Park train station and Mount Atkinson train station. My constituents and Melton City Council have detailed a concern about the inaction from this government towards the development of this vital infrastructure. The council have indicated that they attempted to contact the minister regarding these two key transport projects. Unfortunately, they have had no response. Over 40,000 residents in the Melton LGA do not have accessible and reliable public transport options near their home. One of my constituents from Thornhill Park, Daniel, stated that it was like living in a Third World country with the lack of service in the area. Nathan, another resident, stated that driving from Thornhill Park to Cobblebank railway station, 6 kilometres away, takes the same time as a train to Southern Cross.

A petition was created last year to build a train station in Thornhill Park, gaining over 1200 signatures from locals. However, still the government has taken no action to address this community's outcry. There is $141 million in unallocated funds from the growth areas infrastructure contribution. This is an obvious opportunity to fulfil infrastructure needs in the most populated area where there are unallocated funds. The Melton City Council is the fastest growing LGA in Australia, with the area needing significant infrastructure upgrades. So I ask: when will the Allan government listen to community of Thornhill Park and Mount Atkinson and commit to the development of these two train stations to make Melbourne's west a livable city for all Victorians?

Duck hunting

Georgie PURCELL (Northern Victoria) (19:17): (992) My adjournment matter is for the Minister for Outdoor Recreation, and the action I seek is for him to launch an investigation into the behaviour of the Game Management Authority throughout the 2024 duck-shooting season. I have been a volunteer duck rescuer for over 10 years now, and I have never seen behaviour like this year's. It is no secret that I was issued with a banning notice on the wetlands, but I am not here to talk about myself, I am here to raise the systemic mismanagement of duck hunting overseen by the Game Management Authority, which saw a disproportionate number of rescuers sought out, targeted and fined.

The Game Management Authority has shown its clear incompetency to ensure widespread compliance by shooters, even though the turnout was so much smaller than usual. It also showed us that its focus this season was to ensure that those who report, document and publicise incidents of shooters breaching the law are not only banned but punished. When they could not fine rescuers for illegal water entry because they were licensed, they would fine them for what they call 'hindering the hunt'. Essentially, what that means is completely up to them. By the time the season ended, there were barely any rescuers legally able to assist our native waterbirds as they were unable to have their banning notice contested by the courts before the season was over. The GMA, for the record, claimed to be impartial and independent, but they were witnessed handing out GMA-branded camo caps and game bags to shooters' children to promote their engagement with the activity, despite many of them being under the legal shooting age of 12 – and yes, disgracefully, the legal shooting age is 12 in Victoria. Rescuers faced increased aggression from GMA officers, including grabbing and removing body cameras from them unnecessarily, handcuffing them and pushing them into the ground.

Let us talk about some of the behaviour the GMA missed while focusing on the efforts of wildlife rescuers just trying to do the right thing. A hunter indecently exposed himself to a female rescuer. A nearby resident and rescuer had dismembered duck body parts thrown onto the lawn of her house. Pits of buried birds were dug by shooters to hide their noncompliance, including a protected grebe. Culturally significant Indigenous sites were desecrated, and ancient scarred trees were cut down and removed for firewood. It is clear that while the GMA oversees regulation, there will be no consequence whatsoever for this disgusting behaviour, just like every other year.

Not only is the integrity of the Game Management Authority in question, but their credibility diminishes every single day that they exist. If the government wishes the public to trust in the Game Management Authority and wishes to stand by their disgraceful decision to allow duck shooting to continue in Victoria, it must launch an investigation into the behaviour of the Game Management Authority throughout this year's duck-shooting season.

Energy policy

Evan MULHOLLAND (Northern Metropolitan) (19:20): (993) My adjournment is to the Minister for Energy and Resources, and the action I seek is that she explain how she will ensure Victorians stay warm this winter and into the future. I do not usually wear a coat in the Parliament, but it has been quite cold today. Far be it for a politician to complain, but it is the reality that many Victorians will be facing this winter and into the future under this Labor government.

As we see today, the Australian Energy Market Operator has warned that critical gas shortages are set to hit Victoria over this winter, according to a new threat alert:

> Recent gas supply and demand trends for the southern jurisdictions … potential for gas supply shortfalls due to the depletion of southern storage inventories …

This is very, very concerning. We know that Labor has completely botched our energy system with a shortfall in gas that they have been warned about for some time. Now we are facing immediate shortfalls. An AEMO spokesperson said it had identified potential risk to gas storage levels in parts of the east coast due to high gas generation demand.

Australian Pipelines and Gas Association chief Steve Davies said the industry had been warning about looming shortfalls for half a decade but that little had been done to remedy the situation. Rather, the opposite had occurred and businesses were being asked to pay the price. In the first 19 days of June gas-powered generation in Victoria has already used as much as the entire winter of 2023, but you cannot have gas generation without supply. Mr Davies said:

> The extreme lows in renewable generation, particularly wind yields, have meant gas-powered generation has picked up a significantly larger load to keep the lights on and ensure electric homes can remain heated …

Gas is picking up the tab.

Labor have a botched energy policy. Not one new exploration permit has been issued for onshore conventional gas across their decade of power. Their war on gas, their hatred of gas, has left Victorian households very vulnerable this winter, with higher power bills and being left in the cold. Gas will play a critical role into the future. The AEMO report singled Victoria out as the most at risk, forecasting the closure of Yallourn by 2027–28 will exacerbate the state's issues, and the government still will not tell us what conversations they are having with Yallourn.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (19:23): There were 14 matters raised today. There was Mr Welch to the Minister for Education, Dr Ratnam to the Minister for Housing, Ms Lovell to the Minister for Water, Mr Limbrick to the Minister for Agriculture, Ms Watt to the Minister for Transport Infrastructure, Mrs Hermans to the Treasurer, Ms Copsey to the minister for transport, Mrs McArthur to the Minister for Local Government, Mrs Deeming to the Minister for Energy and Resources, Ms Crozier to the Minister for Mental Health, Mr Ettershank to the Minister for Health, Mr Luu to the Minister for Public and Active Transport, Ms Purcell to the Minister for Outdoor Recreation and Mr Mulholland to the Minister for Energy and Resources. I will make sure all those are passed on for appropriate response.

The PRESIDENT: The house stands adjourned.

House adjourned 7:24 pm.