



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 1 June 2023

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

Matthew Bach

Member	Region	Party	Member	Region	Party
Bach, Matthew	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, Nicholas	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaëlle	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 ¹	Western Metropolitan	IndLib	Ratnam, Samantha	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
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David ²	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

¹ Lib until 27 March 2023

² LDP until 26 July 2023

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 1 June 2023

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

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

Subordinate Legislation Act 1994 – Documents under section 15 in respect of Statutory Rule Nos. 36 and 37.

*Business of the house***Notices****Notices of motion given.****Adjournment**

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (09:40): I move:

That the Council, at its rising, adjourn until Tuesday 20 June 2023.

Motion agreed to.*Committees***Economy and Infrastructure Committee***Membership*

Rachel PAYNE (South-Eastern Metropolitan) (09:40): I move, by leave:

That Mr Ettershank and Ms Payne be participating members of the Economy and Infrastructure Standing Committee.

Motion agreed to.*Members statements***National Reconciliation Week**

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (09:41): Over the weekend I had the great honour of being welcomed onto Wadawurrung country to mark the beginning of National Reconciliation Week. The theme for reconciliation week in 2023 is ‘Be a voice for generations’ – to be a voice for reconciliation in tangible ways. It is a chance to learn more of our shared histories and cultures and to explore how each of us can contribute to achieving reconciliation. That is why it was such a special time to be out on country planting trees as part of our partnership with the Wadawurrung Traditional Owners Corporation and the Wyndham City Council. Together we are planting 10,150 trees on country over the next 12 months. The Wadawurrung Traditional Owners Corporation have grown 5000 native trees to be planted as part of this program. It is about creating cooler, greener spaces for communities in the west and supporting Aboriginal determination as we do it.

This is building on our More Trees for a Greener, Cooler West program where we are working with councils, land managers and schools to plant 500,000 trees across our western suburbs. A shout-out to all the locals who got on board and planted hundreds of trees over the weekend. It is a really tangible way to support First Nations people this reconciliation week.

Piano Transformation Design Challenge

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:42): First of all, I was pleased to attend the Piano Transformation Design Challenge last week presented by Pianos Recycled at the Kingston Arts Centre. The Pianos Recycled event is one of only two hosting a Melbourne Design Week event; one was in Southern Metropolitan and the other in the South-Eastern Metropolitan Region. Local artists used materials from reclaimed and unwanted pianos to design and create their pieces, and I had the privilege of purchasing a ukulele made from a piano that dated back to the 1800s in Victoria. I would like to thank and congratulate all of those artists and Pianos Recycled on their wonderful exhibition.

Vietnamese community celebrations

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:43): I also had the great pleasure of attending the Mother's Day celebration hosted by the Vietnamese Australian Senior Association of Victoria in Springvale. I enjoyed meeting several of them again at the Buddha's Day and Multicultural Festival, the flag-raising ceremony and also the events that have been hosted by the Bright Moon Buddhist Society. I appreciate what the wonderful Vietnamese members have contributed to our culture and community in the south-east region and to all of Victoria, and we should thank VASA Vic, the Vietnamese Community in Australia Victorian Chapter and the Bright Moon Buddhist Society for including me in their celebrations.

South-Eastern Metropolitan Region citizenship ceremonies

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:43): In my time in Parliament I have had the pleasure of attending and welcoming more than 1500 people who have become new citizens in the South-Eastern Metropolitan Region across several citizenship ceremonies in Greater Dandenong, Frankston City Council, the City of Casey, Cardinia shire, Knox City Council and the City of Kingston. I look forward to meeting many new Australians in the south-east region, and I welcome them all.

E-cigarettes

David LIMBRICK (South-Eastern Metropolitan) (09:44): Yesterday was World No Tobacco Day. This has coincided with the rollout of a campaign so short-sighted and backwards it is difficult to imagine it could be achieved merely through ignorance and naivety. I am of course talking about the misguided federal policy to try and ban vaping, mirrored at the state level with a misinformation campaign on vaping. Yesterday was a day to contemplate the health impact on the 1 billion people globally who currently smoke tobacco.

The federal health minister Mark Butler noted yesterday that 12 per cent of the adult population still smoke. This figure should be considered an embarrassment, particularly when compared with countries such as New Zealand, England and Sweden where tobacco harm reduction has been embraced and smoking rates have fallen dramatically.

Let me be absolutely clear: vaping is less harmful than smoking. It has the potential to displace smoking completely. Listening to governments and public health lobbyists in Australia, you would think that vaping is by far the most dangerous public health risk in the country. Governments around this country are currently doubling down on a strategy that guarantees not only failure but a flourishing black market run by organised crime. Until we accept reality and allow adults to purchase nicotine vapes legally as a consumer product, we will continue to make a mess of this policy area.

Bernice Hogarth

Nicholas McGOWAN (North-Eastern Metropolitan) (09:45): It is a great pleasure to rise and pay my respects and thanks for the contribution of Bernice Hogarth. Bernice Hogarth has been a member of the Liberal Party for 60 years – in fact, to be precise, it is 61 years. None of us would be here were it not for the tireless efforts of the volunteers of all of our parties. Bernice, along with her late husband

Charles, joined the Liberal Party on 1 March 1962. At that point in history Robert Menzies was the Prime Minister of Australia and Henry Bolte was the Premier of Victoria – the good old days. Bernice has held many positions, including chair of the Heathmont branch and secretary of Bayswater branch, and has contributed to a number of elections. She has had a long-held association with the Deakin federal electoral commission, and, President, I am sure you would join with me in remarking on what a fine contribution she has made to the Liberal Party. She assisted in the campaigns in Bayswater for Heidi Victoria, our colleague in another place at a former time, in 2006, 2010, 2014 and 2018. She has also been instrumental in the campaigns of Phil Barresi and Michael Sukkar, members of our federal Parliament. It is rare that a state council of our party also passes without regular representation and speaking on motions by Bernice. She has played a mentoring role, she has helped in our party and our party is indebted to her for her tireless efforts and support over the years.

Dairy industry

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:47): I rise today to mark some fantastic achievements by the dairy industry in Western Victoria. Western Victoria's great-tasting fresh milk helps to explain the outstanding medal tally at the Dairy Industry Association of Australia awards recently. Around three-quarters of the DIAA awards were won using milk from my electorate. The Colac–Cobden region performed particularly well, with Bulla Dairy Foods winning 13 gold and 56 silver medals. Fonterra's Cobden site, the home of Western Star Butter, won 15 medals overall. And I give a shout-out too to some of our smaller producers who scored highly, including Dooley's ice cream from Apollo Bay, Apostle Whey Cheese from Cooriemungle and Aussie Farmers Direct from Camperdown. Congratulations to new producers in Colac Jiwandpreet and Anmol Sharma, who have been using Birregurra milk to make paneer and natural yoghurt since just last year, having arrived in Australia in 2016.

National ploughing championships

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:48): Another competition that will produce outstanding results begins today at Larpent, the Victorian ploughing championships, followed by the national titles on Friday and Saturday. The Colac area has a very long tradition of hosting ploughing competitions. This week's events will include conventional, reversible and vintage ploughing, and winning is based on straight, consistent furrows – no GPS here. The Colac and District Ploughing Association and its leaders Kelvin McNaughton and Peter Gardiner have done a great job organising this contest, drawing in competitors from right across Australia. We wish them very well for this very successful event.

Schools payroll tax

Moira DEEMING (Western Metropolitan) (09:48): Last week I spoke with many working-class parents and dedicated teachers who are dreading Labor's payroll tax on non-government schools. It is a tax on teachers who are already overworked and whose classes are already overcrowded. Schools need more teachers and teachers need more prep time, and this is inevitably going to result in less of both. It is a tax on working-class parents already facing rent or mortgage distress, who are now going to have to face a sudden and huge increase in school fees simply because they already pay more. And it is a tax on students, who know that being handed iPads and being told to self-direct their learning in overcrowded and poorly supervised classrooms is just not going to work. Labor paint themselves as some version of Robin Hood, taking from the rich and giving to the poor, but it is actually the government who are a rich, bloated, overtaxing bureaucracy, stealing from the working classes to pay off their unnecessary debts.

I will just give one example, but I could give many more. When my husband and I took in Man, a young Vietnamese asylum seeker, to live with us, I took him straight out of the public school, where he was bored and unhappy and had been put into a lower year level than he was capable of, and I drove him straight over to the local Catholic Regional College Sydenham. After just one meeting, as I

predicted, they happily enrolled him in year 10, organised a uniform for him and introduced him to some teachers and students to begin right away. Man went to CRC Sydenham for three years. He graduated year 12, all the while suffering from cancer. That school never charged him or me a cent, and they did everything they could to achieve his dreams. There are countless stories like that from private and independent schools all over the state.

Ceylonese Welfare Organisation

Lee TARLAMIS (South-Eastern Metropolitan) (09:50): It was a pleasure to attend the 50th anniversary celebration of the Ceylonese Welfare Organisation. On 26 August 1973 around 100 people came together for the first gathering of this organisation. In 1978 they held their first dinner dance, and in July 1983 they launched their day care centre in Noble Park, which continues to this day. Throughout their 50-year journey there have been many dedicated and passionate committee members and volunteers who have contributed to reaching this milestone. It was wonderful to join with the current committee; two former presidents, including the inaugural president; and many members of the Sri Lankan community to celebrate and acknowledge all those who have given so freely of their time for the benefit of others and also to reflect on the importance of this organisation, which provides a safe space for the community to come together, socialise and obtain support while also celebrating their Sri Lankan culture and traditions. Happy anniversary to the Ceylonese Welfare Organisation, and thank you for all that you do.

Boer War Day

Lee TARLAMIS (South-Eastern Metropolitan) (09:51): On another matter, I recently had the honour of attending the 13th annual Boer War Day commemorative service at the Shrine of Remembrance along with John Berger. Organised by the Boer War Association of Victoria, the event commenced with a march, followed by a service in the sanctuary paying tribute to those soldiers and nurses who took part in the Boer War and fought in South Africa from 1899 to 1902. This year marks the 121st anniversary of the peace treaty signing that officially ended the Boer War. Lieutenant Colonel Murray Duckworth CSM presented a moving address acknowledging some of those Victorian Boer War veterans who served again and became Anzacs. It was wonderful to see so many students, Scouts and Guides in attendance as well as descendants of those who served in the Boer War. Congratulations to the organisers and all those who took part.

Boer War Day

David DAVIS (Southern Metropolitan) (09:52): I join Mr Tarlamis in congratulating those who served in the Boer War. In proper recognition of them, I would encourage the government to make sure that the Boer War monument is restored in full once the works are completed around the Metro Tunnel.

Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023

David DAVIS (Southern Metropolitan) (09:52): Having said that, my main purpose today is to talk about the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023, which passed this chamber last night, and I thank the chamber for its support. The bill will now head to the Assembly, and I call on the Premier and the management of the Assembly chamber to bring this bill on for proper and full debate in the Assembly. The restriction of debate in the Legislative Assembly in Victoria is the most extreme of any chamber in the country. It is seriously restricted, it is wrong and it is anti-democratic, and I call on the Premier to ensure that this bill, which goes directly to the heart of lobbyists and the arrangements that they strike sometimes when they are on government boards and which is an attempt to put in place the four recommendations from IBAC in the *Operation Clara* report, is debated in the Assembly. The government should bring it on, and it should allow proper time for a full and open democratic debate on this bill. This is a corrupt government, it is a long-term government, and it is trying to close down debate on these matters at every turn.

Port Melbourne public housing

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:53): Public housing is a human right, just like public health and public education. Governments have a responsibility to make sure everyone has a safe and secure place to call home. On Saturday I joined with residents like Margaret from the Barak Beacon public housing estate, community supporters and my Greens colleagues to protest the demolition of this public housing estate. This place has been Margaret's home for 25 years, and as one of the few remaining residents she was there fighting to keep her home. It was wonderful to be there with Margaret and the community to fight for public housing.

Over the weekend we saw Labor government ministers try to use smokescreens and misinformation to attack the Greens on Twitter over this protest and ignore the voices of residents and their own actions to destroy this estate. Make no mistake: the Andrews Labor government is planning to privatise Barak Beacon and turn this public housing land over to private developers. We need to keep public homes in public hands. I call on the government to abandon their privatisation agenda and invest in public homes for all who need them.

National Reconciliation Week

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (09:55): This week is National Reconciliation Week, and the theme is 'Be a voice for generations'. Nothing distils the importance of a framework of visibility, of respect, of healing, of truth telling and of recognition more, in my view, than the bronze statue which was unveiled at Drouin Civic Park last weekend. Joining Minister for Women Natalie Hutchins on the weekend to unveil this statue was a profoundly moving experience. It tells the story of three Kurnai women – women who under threat of significant hardship, the looming shadow of stolen generations, did everything that they could to make and keep their children safe. Dorothy Hood, Regina Rose and Euphemia Mullet are all recognised in this incredible statue, which is also accompanied by a QR code to encourage people to find out more about these amazing women and more about the stories and histories across Gippsland, the ones that tell of grief, of loss, of dislocation and of theft of land and culture and the stories that tell of where to from here as the journey toward reconciliation continues.

Reconciliation week is about visibility, it is about respect, but it is also about where we head from here as a state and as a nation. As we continue our work toward treaty and as the Yoorrook Justice Commission continues its work, I urge people to consider what it is that they will do when they have the power to vote in a referendum on the Voice later this year.

Social housing

Ryan BATCHELOR (Southern Metropolitan) (09:56): Housing is clearly an issue of concern to many in this Parliament, and rightly so. A place to call home is a right that everyone should enjoy – too many do not. We have got to find ways to solve the housing crisis. Yesterday the Reserve Bank governor gave us three policy solutions – he suggested supply, supply, supply. So if you are serious about fixing the housing crisis, you have got to back more supply, which is why I am finding it a bit difficult to grapple with the grandstanding from our colleagues in the Greens, both inside and outside this place. If you want to fix the housing crisis you have got to back housing supply. Instead, in here and out there, they are campaigning against new social housing developments. Here in Melbourne and up in Brisbane the story is the same, and in Canberra they continue to block the \$10 billion Housing Australia Future Fund, a social housing endowment fund that will build homes for decades.

Whilst they campaign against social housing, we are building social housing – 12,000 new homes as part of the Big Housing Build. In my electorate in New Street, Brighton, there are 299 new homes being built. I visited the Markham estate in Ashburton a couple of weeks ago with the Minister for Housing, where we are replacing 56 outdated walk-ups with 178 brand new homes. If you want to fix the housing crisis, you have got to build more homes.

*Production of documents***Duck hunting**

The Clerk: I present a letter from the Attorney-General dated 1 June 2023 in response to a resolution of the Council on 3 May 2023 relating to seasonal changes to the 2023 duck-hunting season. The letter states that the date for production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

*Business of the house***Notices of motion**

Lee TARLAMIS (South-Eastern Metropolitan) (09:58): I move:

That the consideration of notices of motion, government business, 36 to 93, be postponed until later this day.

Motion agreed to.

*Bills***Building Legislation Amendment Bill 2023**

Committed.

*Committee***Clause 1** (10:02)

David DAVIS: I just have some comments rather than questions on clause 1, and then we can move to clause 48, because I do not think there are any persons in the chamber wanting to discuss the clauses between.

Just to recap very quickly, this is a bill that we do not oppose. There are many worthy matters in the bill, but there are some rough edges and some problems. I think it is important to look at the context. The Victorian Building Authority and building regulation in this state are at a point of crisis. We have seen the head of the building authority leave and a new one appointed. We have seen a series of issues with that authority. We have also seen Porter Davis and a string of other firms get into trouble in the recent period, and it is clear that the regulation of the building sector in this state is not fit for purpose. So there is a deeper and structural problem which is not fundamentally addressed by this bill. I think it is important to put it in context that there are small changes in this bill, some of which are worthy and some of which we support, and in that sense we are not opposing the bill.

Our amendments, both the ones to clause 48 and the insertion of a new clause, arise from consultations undertaken by the Shadow Minister for Planning David Hodgett and in particular Wayne Farnham with a number of the building sector groups and builders across the state. He has consulted widely. He is of course a builder of 30 years standing and understands the building sector extremely well. The input from the opposition has been to deal with what are perceived to be a number of problems with the bill, noting that there are many good parts to the bill. I do not want to bag the bill completely, but I do not think it gets to full grips with a number of the problems across the sector at the moment. There are problems, which we will come to in clause 48 and which I will outline there. I think it is just worth mentioning the context of our amendments, the fact that we do not oppose the bill overall and the fact that there are some worthy points in the bill. But there is a broader problem with regulation of the building sector, and we will seek to remedy a number of the smaller but still significant points that have been raised with us.

Harriet SHING: I might just respond briefly to Mr Davis's comments on a number of the things that he has raised in his opening remarks, and then hopefully we can move directly to the amendments proposed by the opposition. This is a bill which sits alongside a broader package of reforms. There is work already underway, including mandatory continued professional development (CPD), trade

regulation and a broader package of reforms in response to Porter Davis and the other challenges around liquidity and ongoing operation of building and construction companies. To that end, Anna Cronin has been recently appointed as the CEO of the Victorian Building Authority to drive that performance and culture change that Mr Davis has referred to in the opening remarks that he has made.

Again I would say, in response to the concerns that he has raised more broadly about the industry, that the regulatory system has not been comprehensively examined since the early 1990s, so we are looking at 30 years of change that needs to be implemented as part of not just the legal process within statute but also the regulatory framework. This is where again the capacity for regulation-making processes will be able to address the sorts of issues that Mr Davis has flagged and that are contemplated by the stakeholder responses that he has raised in his opening remarks. This is, to the end that relates to the opposition's amendment, squarely within the scope of what is occurring within this bill and within the regulation-making capacity that underpins it.

Clause agreed to; clauses 2 to 47 agreed to.

Clause 48 (10:07)

David DAVIS: I move:

1. Clause 48, after line 22 insert –

‘(3) After section 261(1) of the **Building Act 1993** insert –

“(2) For the purposes of subsection (1)(ha), the kind of work that a category or class of registered building consultant is authorised to carry out by that registration must not be substantially the same as the kind of work that a category or class of registered building surveyor is authorised to carry out by that registration.”’.

As I have outlined, Mr Farnham points out and a number of submitters to the opposition point out that there is likely to be confusion with the way the legislation is currently framed, and this should clear up some of that confusion. We are concerned that the arrangements that apply to larger sites will seep down into domestic sites, and we are concerned that there is a lack of clear definition. This amendment will assist with that.

Harriet SHING: The points that Mr Davis has raised relate to the challenges around identifying any overlap and managing that in relation to the system and the regulation framework that operates upon the passage of this bill and as part of broader regulatory reform. The proposal to make the changes around the amendments that Mr Davis has proposed to clause 48 I think are properly and reasonably addressed through a regulation-making process that will consider the kind of work that registered building consultants would be authorised to carry out. In doing so, that will consider any overlap in the terms Mr Davis has contemplated with the authorised activities of other registered practitioners such as building surveyors. That process will note that there are distinct roles of different practitioner types.

To give an example, building consultants – they are intended to provide quality checks at defined stages of a build or to be engaged post occupation to investigate potential defects in the building. That is expected to include people who carry out due diligence inspection work such as fire safety installers and maintenance providers – namely, those who are not engineers or plumbers, who are already subject to a separate system of regulation and licensing requirements, as we all know – disability access consultants and energy efficiency consultants.

Building surveyors play a regulatory role in providing independent oversight of building work. That is to ensure that those building works comply with standards and requirements. The regulatory processes to define the role of building consultants in the way in which it is defined by this bill will avoid an unintended shift of responsibility between practitioners – which in fact goes to the very issue, Mr Davis, that you have raised – but also an additional burden on existing practitioners by requiring them to undertake additional qualifications or to gain multiple registrations to continue performing activities authorised under their existing registration. So it is about a clarity of role and role distinction,

about the avoidance of overlap and therefore about a capacity to cover more comprehensively and consistently the various types of work undertaken by building consultants and building surveyors respectively.

David DAVIS: I thank the minister for her explanation, which is of some comfort, but I make three points. I make, first, a generic point on the matter of whether Parliament should be clear in what it says or whether it should be left to regulation. This is a generic discussion, and I happen to believe that Parliament should be clearer and more precise on these things and leave less to regulation. That is the generic frame. The second thing I would say is that we are concerned that there will be a potential union push to use any blurring in this area to push greater control into the domestic sector. So that is the second point. The third point is that even if you did not accept the first point that I have made and you had a different philosophical view and you wanted to have more regulation and less clarity in the chamber and in the legislation, I would argue that the community should be uniquely worried about the building authority and its current abilities. I know there is a new chair, but leaving that aside, the authority has not demonstrated over a long period of time its capacity to implement these things properly and with good outcomes, so that is why we are bringing this amendment. I understand the government may be intending a certain outcome, but that requires us all to have faith in the ability of the building authority to actually promulgate those regulations and get them right. I do not happen to have that faith. I will put that on the record now. I reckon they will botch it, and that is why we are trying to get this clarity.

Harriet SHING: Thanks, Mr Davis, for confirming yet again your optimism in the capacity of broad and widespread consultation and discussion with industry and stakeholders to deliver improvements in a system which has not been the subject of regulatory reform since the 1990s, a period which also included time within which you might have been in a position to address those issues in a then incumbent coalition government. But the current regulatory system lacks the ability to properly manage the level of growth that Victoria has experienced. There was, as you would be aware, following the concerns that were highlighted across a range of really significant and tragic events around compliance, the importance highlighted of creating long-lasting and safe homes and buildings. This was, as we know, something tied directly to the Lacrosse and Neo200 fires, the Grenfell Tower tragedy as well and the ongoing impact of the Victorian Cladding Taskforce and the Commonwealth *Building Confidence* report.

Following the release of those reports, as you would be aware, Mr Davis, there was a building system review expert panel, which was appointed to lead the building system review that is currently underway. So this, as I flagged in my opening remarks, is about that ongoing change and management of existing challenges whilst also being able to contemplate and respond to future challenges as well. Consistent with previous findings, the building system review expert panel has highlighted those systemic issues that impact upon our building system, and we are committed to delivering that building system providing safe, compliant, durable housing and buildings. That is then underpinned by the need for a workforce that is suitably skilled and experienced and has a really strong and viable system of regulation to enforce compliance. This is where legislative amendments that were recommended by the building system expert panel review are part of this work to reshape the regulatory landscape in Victoria, and we have placed consumer protection very much at the centre of this process, making sure that we have a better measure of integrity in building regulation in Victoria.

To the point that you have raised around stakeholder work that you have undertaken along with your colleagues, we do have a process of formal consultation that will take place with industry and other stakeholders through the regulatory and regulation-making process. So we also need to make sure that we do not ignore the reality that, on the point of residential construction, defects are actually costing us in excess of \$675 million per year, and two-thirds of those costs are from apartments. So this is again about widescale cross-system, whole-of-system reform and improvement. It is also about making sure that we build upon the package of reform that, as you are aware, Mr Davis, is already part of the work that we are doing, and that is then part of reaching into the skills qualifications, professional

support and regulation of people working in this space. I will leave your comments in relation to worker representation as comment.

Council divided on amendment:

Ayes (13): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nicholas McGowan, Evan Mulholland

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, 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, Gayle Tierney, Sheena Watt

Amendment negatived.

David DAVIS: I move:

2. At the end of Clause 48 insert –

‘(4) At the end of section 261 of the **Building Act 1993** insert –

“(3) For the purposes of subsection (1)(ha), the kind of work that a category or class of registered site supervisor is authorised to carry out by that registration must not include work that is carried out in connection with domestic building work.”’.

In the same way as the earlier clause did, the amendment seeks to give clarity and it seeks to leave less to regulation and more decided by the chamber and the legislation in a clear way. This is particularly important to stop intrusion into domestic work. I understand some will have a different view. It is our view – from the work of particularly David Hodgett and Wayne Farnham and the panel that they consulted with – that this amendment improves the bill and provides greater clarity and certainty.

Harriet SHING: The government opposes this amendment on a couple of grounds, and they go directly to what you have just referred to around the consumer protection that is at the heart of this bill. Consumers are inherent in the process of building and development of dwellings and domestic building markets, and as I have stated earlier, more than \$675 million sits at the heart of defects in residential buildings each year – and it is two-thirds residential apartments within that \$675 million defect bill.

This is about making sure that we have within regulation a space to ensure that we can consider the kind of work that registered site supervisors would be authorised to carry out and related classes of buildings. This is about ensuring detailed consideration of the classes of buildings that site supervisors would be required to be engaged on and also to ensure no unintended consequences from how that work is defined.

I want to give you an example. Excluding domestic building work, as you have proposed within your amendment – and by reference to the comments you have just made in support of it – would also have the effect of excluding oversight of high-risk residential apartment buildings given that domestic building work is associated with homes that are classes 1, 2 and 4 buildings and associated class 10 buildings. That would in fact, through logical extension, weaken the protections for consumers and minimise the oversight of the people carrying out work on those high-risk buildings. On that basis, the government opposes the amendment.

David DAVIS: I will just make one point here: the government has been in power for 20 of the last 24 years. The shambles that is building regulation in this state is entirely of their making. There have been nine years in this recent cycle, but the government has had ample time to deal with the problems with building regulation. As I have said, in general with the bill there are a number of things we agree with, but we think in this area the government has not got the balance right.

Harriet SHING: Far be it from me to allow Mr Davis to have the last word. I will just note that on that there is a broader package of reform already underway, including mandatory CPD and trades registration as well as a broader package of reforms in response to Porter Davis, which you referred to in your opening remarks. Anna Cronin has, as I said earlier, been appointed as CEO of the VBA to drive that performance and culture. And, as I also said earlier, consultation on regulation-making processes will occur through industry and stakeholder engagement. This is about making sure that we bring the entire sector along with us as part of these large-scale changes, reforms and improvements.

David DAVIS: As I indicated, and I will be brief because I think people are here, we have little confidence, even with a change of leadership at the VBA, which we have welcomed because we think the previous leader was not up to it. But the VBA has a history of bad performance and bad implementation, and we have very little confidence in its ability to do this.

Council divided on amendment:

Ayes (13): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nicholas McGowan, Evan Mulholland

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, 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, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to.

New clause (10:31)

David DAVIS: I move:

3. Insert the following New Clause to follow clause 48 –

‘48A New section 261A inserted

After section 261 of the **Building Act 1993** insert –

“261A Minister must review the operation of certain regulations

- (1) The Minister must review the operation of any regulations made under section 261(1)(ha) for the purpose of ensuring the efficient operation of Part 11.
- (2) The Minister must complete a review under subsection (1) within 2 years after those regulations come into operation.”.

This new clause seeks to insert a review. The minister must review the operation of certain regulations. The minister must review the operations of any regulations made under section 261(1)(ha) for the purpose of ensuring efficient operation, and that must be completed within two years after the regulations come into operation. We think this is a check. We think it is a control. We actually see that there are a number of problems in this area still, and we think that this is a very thoughtful and sensible way forward. Again, David Hodgett and Wayne Farnham and their panel have put forward this suggested review.

Harriet SHING: I am not sure which panel you are referring to, but we will leave that to one side in the interests of efficiency. The term that you have referred to around review is probably best responded to by the sunset of the regulations that will occur by 2028. That is in line with established regulatory processes, and that process can be used to consider the extent to which the operation of any practitioner registration regulations is having that intended impact and any changes that might be required, which is consistent with the continuous improvement and sector-wide reform which is currently underway, which I have spoken about earlier.

Additional evaluation opportunities include those mid-term evaluations as required for high-impact regulations – and that is, for example, the building regulations – and they will provide opportunities for changes prior to the conclusion of the regulations and consideration of and improvement to regulations in response to evidence and feedback from key stakeholders, which will contemplate those stakeholders you have referred to in earlier remarks, enabling amendments to be made outside formal mid-term and sunset review processes. On that basis we see that that new clause is supernumerary, and we will be opposing it.

David DAVIS: Very briefly, 2028 is a long, long way away, and this sector needs oversight. This is one way of putting oversight in earlier on the implementation of many of these changes.

Council divided on new clause:

Ayes (13): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nicholas McGowan, Evan Mulholland

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, 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, Gayle Tierney, Sheena Watt

New clause negatived.

Clauses 49 to 70 agreed to.

Reported to house without amendment.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (10:38): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (10:38): I move:

That the bill be now read a third time.

I wish to thank all stakeholders who have been part of this important work to reform the system as part of a broader package of reforms.

Motion 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.

**Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters)
Bill 2023***Second reading***Debate resumed on motion of Jaclyn Symes:**

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (10:39): I am pleased to rise and make a contribution to the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023 and to indicate clearly that the opposition will support this bill. We think that there are reasonable grounds for this bill, and we think it will add some positive steps forward.

Now, I should say that the background of this is important to understand in the first instance. The June and October 2021 severe storms caused extreme damage. This chamber heard much about that, and Ms Burnett-Wake was actually the one who raised the issue repeatedly in this chamber, pointing to damage and outages.

A member: Where is she?

David DAVIS: Well, I actually think she did a very good job in raising these matters, and as a former councillor she actually had very good links with the council in the local area. I think with respect to her work on this, even your people would be highly respectful. I think in this circumstance, given this was an emergency set of matters, we sought to act in a bipartisan way and to support government activities but also the activities of the energy companies.

To take a step away from the bipartisan position now that sufficient time has certainly elapsed, the government was slow in responding to much of this, and there were people without energy for a very long period of time. I am not an expert on the Dandenongs and the damage that occurred up there, but I can tell you that many people have raised with me the long delays in getting reconnection to energy suppliers. This was not a well-managed crisis. It was a crisis that was impactful. It was something where greater preparation could have been done beforehand. I think a myriad of issues came to the fore.

Even longstanding people in the area where the impact of the outages and the storms were at their greatest point to the fact that lines came down that had not come down prior, even in very significant storms. It was in part the direction which the weather came from and the long period of soaking that impacted it. There are a lot of layers in this, and I am not going to claim to be the expert on it, but what I will say is I think that there are legitimate questions still about how that emergency response operated. There are legitimate questions about the role of the energy companies. I do think by and large they tried to do the right thing, and they did undertake many of the steps that are advocated in this bill voluntarily. I think that is quite important to put on record.

The bill fundamentally establishes a directions power, an ability to direct on a wide front to ensure that there are responses, and to that extent we have not quibbled about the objectives that are in this bill. I did speak to the minister before, and I indicated that there are a number of questions that we would like to see responded to about spending on electricity supply and repairs and related matters through that period. I understand the minister may well be trying to provide some assistance with that matter, and that would probably expedite the matter and mean that we probably do not need a committee stage.

Just to recap the storm, 68,000 customers were without power after 72 hours, and 9000 customers were still without power seven days after the event. There were some very laggard case studies that people are aware of. Nearly 24,000 customers remained off supply 72 hours after the second incident in October, and 2500 customers were still without power after seven days. These were prolonged, they were unacceptable, and I think we need a better focus.

The experience of these storms highlighted the limits of getting critical information from electricity distribution businesses to support the relief activities and programs for customers. A substantial external review was undertaken to identify priority reform measures and policies to enable distribution businesses to mitigate the risk or better respond to prolonged power outages. In August 2021 the government commissioned the electricity distribution network resilience review in response to the storms of June 2021. The expert panel found that the participation of distribution businesses in the emergency response and recovery was not delivering positive outcomes for impacted customers. Victorian customers were provided with mixed messaging on power restoration times – it is clear there was quite a lot of confusion – insufficient relief measures and were disregarded during the emergency operation.

The bill does provide the Secretary of the Department of Energy, Environment and Climate Action with a new power to direct distribution businesses where there is an emergency power outage. It sets up penalties of more than \$200,000.

There has been consultation broadly on this point, but in short the opposition will support the bill. Our concern is to see that customers have a fair shake here and that where there are outages the power is back on quickly and where there is significant disruption there is proper relief and support and a fast-tracked restoration of power. To the extent that this bill assists with that, we are supporting it.

Tom McINTOSH (Eastern Victoria) (10:45): I am very happy to stand and speak today on energy because, at its centre, energy is for people. It is for all Victorians – all Australians indeed, as we have interconnected networks – and it is very disappointing that over recent decades energy has been used as a political football. Today's bill and the amendments within it are in response to extreme weather events, and I will come to those later. I do want to take some time to look more broadly at energy. I am disappointed that those who should take a greater interest in this issue, like the Greens, are not in the chamber. They talk about being passionate about energy. I do not think it is for people's sake; I think it is from a disconnected ideology. I agree that we have got to act on climate, and this government is doing that and it is something I am passionate about, but within that there has to be a passion and a fundamental belief that what we do is going to benefit people. I am also disappointed the Nationals are not here, given how big the transition is that is occurring in Gippsland.

David Davis: I think the Nationals are intending to speak. They have informed me on this.

Tom McINTOSH: I am informed they are intending to speak, so I will acknowledge that. That is good. As I said, energy is essential to our lives. Energy has played a massive part in bringing our civilisation – the quality of people's lives – to where it is now. We need to acknowledge the history, but we also need to look to the future. Fossil fuels have played a massive part in getting us to where we are today, and we need to acknowledge that and we need to be thankful for that. We need to be thankful to the workers who have done the work to deliver the quality of life and the opportunities that we have all had through energy generation and what has been a reliable and affordable source of energy that has assisted us in numerous ways.

But we also need to acknowledge that our climate, our atmosphere, cannot continue to have carbon dioxide emitted into it. This is why we have had to make the changes to our energy generation, and I am proud to be part of a government that have made that front and centre of what we do. It is also why I think we are in government. I think the public have acknowledged the work, have acknowledged the hard yards that we have done, particularly this government, in the last two decades. We had the Greens stall federal action on emission reductions – we have probably had hundreds of tonnes of emissions occur since that date – and particularly federally we had the coalition government take us backwards and stall things for the best part of a decade.

David Davis: On a point of order, Acting President, Mr McIntosh is talking very broadly about energy policy. He is talking about the energy mix and so forth. These are all very interesting topics, but this is actually a very narrow bill. It specifically sets up emergency powers and emergency

directions powers. It does not canvass targets, the previous energy mix and the future energy mix and the federal Parliament's role in this. We have now got him talking about the federal Parliament. I think it is a long, long way from the narrow bill, which is actually focused.

Michael Galea: On the point of order, Acting President, I believe the member is being relevant to the topic.

The ACTING PRESIDENT (John Berger): I would just direct the member back to the topic, if he could.

Tom McINTOSH: Absolutely. In talking about energy distribution systems I will not talk about political parties or which government, federal or state, because I think people know that a particular group had 20 different policies – they would dream them up on their way into media conferences. I do not even know what that averages out to – one every quarter or something. What we are talking about today is capacity to deliver energy into people's homes, and to do that you need very, very clear understanding, which is what this legislation is doing. It is making it very clear to those in the energy-providing game what is expected of them, and that is what governments are meant to do. I am sorry, Mr Davis, but there has been a vacuum for the last decade nationally about what we are supposed to do.

I am going to get to offshore wind in a minute because supply is absolutely critical to being able to deliver to people's homes, as is the network that we deliver on. When we talk about storm events, which – I know you are not going to like this – are intensified by climate change, and getting power to people's homes, we need the distribution network to do that. We need those distributors to understand what their obligations are, we need the retailers to understand what their obligations are, we need everyone to understand what the obligations are. If we are going to deliver the capacity of power that Victoria needs, if we want to deliver the power that consumers need, that manufacturers need, that our hospitals need and that everybody in Victoria needs, we all need to have a very clear understanding of what it is that every player across the system needs to do. And that is what the minister has done, not just now but for years.

David Davis: On the point of order, Acting President, the main purpose of the bill is to amend the Electricity Industry Act 2000 to empower the head of the Department of Energy, Environment and Climate Action to give directions to distribution companies to mitigate the effects on their customers of disruptions to the distribution or supply of electricity that are class 2 emergencies under the Emergency Management Act 2013. It is a very narrow bill. It is an important bill and we are supporting it. But the member is going on a frolic. It is a very interesting policy – I would be happy to have the debate at some other point – it is just not about this bill.

Michael Galea: On the point of order, Acting President, I believe the member was being directly relevant to the issue of energy and energy disruption.

The ACTING PRESIDENT (John Berger): Could I direct the member back to the bill, please.

Tom McINTOSH: Absolutely. Extreme weather events, which we know are becoming more frequent, mean that we absolutely have to be clear on what is expected of every single player along the energy system. It is the whole system because your generators need to understand what the distributors are doing and the distributors need to talk to the retailers and the retailers need to communicate with households, which is exactly what this bill is about: it is about retailers communicating with households. We had households – as you pointed out, Mr Davis – households that were without energy. We need to make sure (a) that households have energy in extreme storm events and (b), if they do not, that they understand when they are going to get that power back on. Mr Davis, are you okay with that? Do you agree with that?

The whole system has to work together. This is why I was saying Minister D'Ambrosio and the Victorian government have had a plan, and have a plan going forward, to deliver energy to Victorians.

I have talked about generation and distribution and it is a big task. It is a big, big task. Part of that is storage, and that is why we have the biggest storage battery in the Southern Hemisphere here in Victoria. It is about how we deal with homeowners. I heard those opposite yesterday; I think they were talking about electric vehicles and laughing about them. I am not sure if they are aware that rooftop solar – and rooftop solar comes into this because consumers need –

Melina Bath: On a point of order, Acting President, rooftop solar panels are not part of this particular legislation, though we welcome them. So I ask you to call him back on relevance.

Ingrid Stitt: On the point of order, Acting President, I think there is a bit of latitude that is given to members in their second-reading contributions on a range of different bills. I do note that those opposite have been known to stray from the very narrow cast of particular bills on occasion, and I do believe that Mr McIntosh is broadly being relevant to the issues around energy distribution and disruption and the importance of supply for consumers.

The ACTING PRESIDENT (John Berger): I draw the member back to the bill.

Tom McINTOSH: Ms Bath, you are telling me that solar has nothing to do with this. I do not know, have you ever been camping? Have you ever seen people with solar panels? When people's energy is down, they can use other forms of energy generation. That might be a generator fuelled by diesel, or it might be solar panels that they are using to charge batteries behind the meter or whatever it might be, so it is all interconnected. This is what I am talking about. And this is why I am saying, in terms of the minister and this government, this is part of the work and the plan that the government has to ensure that the whole energy system delivers for Victorian consumers.

When we talk about delivering for Victorian consumers, I can understand why the opposition cannot comprehend it. They would privatise the air that we breathe if they could. Energy is a fundamental need of consumers, particularly people who have health concerns – they need to know absolutely that their energy supply will be delivered to their home. This is what these amendments do. I thank Mr Davis for his recognition of the amendments in the bill and what they do, but I will just keep coming back to the point that the broader points do matter. That is why the Victorian public have seen something like the SEC and they have backed it in. They understand we need to act on climate; they understand we need an energy supply. That is why offshore wind sat on the federal energy minister's desk for three years, going nowhere. We needed regulations for a new industry. Those opposite talk about bringing in nuclear, but they stalled offshore wind for years.

Anyway, now we are getting on with that. We are setting up the framework. We are making the plan to deliver offshore wind so we have base load power to support this state. That is what I am talking about. I am sure those opposite would think that energy efficiency has nothing to do with it. If the power goes out and people have the ability to keep their food cool and everything frozen in their freezer, they can last longer. If their home has better energy efficiency, they can go longer without power and they can use less power. I think the mindset is that we should try and get people to use more power so we can get more money out of them that can be sent to wherever it wants to go. We are committed to ensuring that Victorians (a) are able to use less energy if they want to and (b) can do so cost-effectively.

I was just about to say, back to this sort of ideological opposition to renewables, that it has been government investment that has allowed solar to be the cheapest form of energy. It used to be \$100 a watt. Now we are talking tens of cents, because it was backed. And now it is off the leash – we have the highest per capita installation of solar on rooftops in the world in Australia, because we have backed it and we have believed in it. It is supporting consumers to bring down their energy costs, and it is supporting all of us to bring down our emissions. In Victoria last year I think it was 36 per cent of energy that came from renewables. That is incredible.

So on the point of the legislation and the bill, I wholeheartedly support what is being done here to support and protect Victorian consumers and to give very, very clear guidelines to retailers and to

generators about what they need to do – as we have done in other areas over time, particularly around hardship and other matters – so that there is a clear understanding that when these extreme events occur Victorians will have energy and if they do not, they will be clearly communicated with about what they need to plan to do to get through until energy is reconnected and they have the energy they need for their homes and their families.

Melina BATH (Eastern Victoria) (11:01): I am pleased to rise this morning to speak on the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023, and doing so gives me an opportunity to repropose the issue that really brought about this legislation and to come into Parliament and discuss some of the important issues that affect my Eastern Victoria Region.

From a historical perspective the rationale behind this legislation was a review that was Victorian government commissioned, and it was commissioned in August 2021 post the shocking and devastating storm event that hit in June 2021. It was the electricity distribution network resilience review, and I note and pay thanks to my lower house colleague Danny O'Brien, the member for Gippsland South, for his continued advocacy post those incredible storms that really devastated our region considerably and for him asking for such a review to occur in the first place. I am glad the government, through this and other advocacy, saw the sense to have this review. The review was how the distribution businesses – in our case in Eastern Victoria Region AusNet Services, and others around the state – could improve network preparedness and response to prolonged power outages during storm events and strengthen community resilience for those prolonged power outages. It certainly is easier said than done.

If I can reflect on the storm of that time – I remember it very, very clearly – it was Wednesday 9 June, and we were sitting in Parliament during that time period. In fact I went to bed, and the storm was raging in Melbourne. However, my poor community in Eastern Victoria Region and others – particularly in the Dandenongs where they were quite smashed as well – suffered torrential rain and flooding. I know and I have spoken many times about the flooding events that occurred on Traralgon Creek and many others, but that decimated over 300 homes, community assets and infrastructure in the Traralgon area. I know one family woke up and their TV was floating on their lower floor.

I have also made comment on a number of occasions about the lack of proper – there may have been monitoring – conversation. Government-owned agencies – Emergency Management Victoria (EMV) – actually failed through incident control to provide that information in a timely manner, but that was once under the control of the Latrobe City Council.

I want to pay homage to all of the councils in Eastern Victoria Region who responded so wonderfully. I know that there are still clean-ups occurring, for road slips and damage from trees falling, even now when I speak to some of those local councils who are doing that clean-up work so many years later. It is an ongoing process, and I recognise that, for them. I also want to put on record my sincere thanks to the first responders – to our SES, to the CFA, to the native timber industry and the plantation timber industry – for their service in using their machinery and their expertise and skills to clean away roads. Sometimes there were contract workers, but there were other workers that came out and just provided that work in a volunteer capacity using their machinery and skills. There is a section up in Yinnar South, and we were there with them, a safe distance away, while they opened up these vital links, these small roads, to get people in and out of this area.

Indeed, too, the local farmers had chainsaws and machinery and tractors out. I drove through South Gippsland and Loves Lane near Dumbalk, and when you looked across the landscape it looked like a terrible set of Gengar that had just wrong. There were trees over roads and trees smashing fences and the like. Of course trees fall, and they fall on powerlines as well.

To give the context of these power outages, there were dwellings and homes and businesses without power. 68,000 of them were without power after three days, 9000 were without power for up to seven

days and 2000 for longer than a month. That was an extremely challenging time for those people without power – without heat and without telecommunications. The longer you are without power, the less you have the opportunity to charge your phones. If you are trapped in your home and cannot get out, then it really is a very compromising situation for people.

I spoke with farmers, including one of my local South Gippsland farmers. I heard the previous member talking about power generation. I know many farmers had to purchase or hire – under great pressure – back-up power to run their farms and to run their milking machines. Some were able to hire them quickly, at considerable cost – around \$8000 for a very short period of time. Others of course did have the ability to use their farm machinery for that. When there are really big milking sheds you just cannot run them from the back of a tractor. There was a wonderful case in Won Wron where one farmer actually walked her whole herd down to be milked by a neighbour. That was a great kindness in such terrible circumstances, and I thank them for their kindness. Preparedness is important, but it also comes at a cost. I know the farmer in South Gippsland spoke about the cost to animal welfare as well.

There are other examples, and I have spoken in this house on them. A lady on the Grand Ridge Road, a beef cattle farmer, was trapped for nine days without power or telephone. It highlights the loss of this to the community. It also goes to the point about the effect on our regional businesses. A lovely couple, Michael and Alexandra Boka, are at Boolarra, and they grow berries – blackberries, raspberries and the like – for restaurants. They have rather significant freezers to freeze their berries so that they can take them to market. Unfortunately, because they were out of power for a long time, that stock melted and was destroyed. So it has that economic impact.

Also, I would like to put in congratulations and a thankyou to Derek Walton, who is my go-to at AusNet Services. I am sure he did not sleep for three weeks solid, and they did their very best. When trees go over lines – and there is a breadth of transmission lines across Eastern Victoria Region – it is so hard to find out where they are and where those connections are.

Going back to the review, the review found that customers were provided with mixed messages on power restoration times and insufficient relief measures as well. The review set out recommendations for improving distribution businesses and their preparedness for responses to prolonged power outages from storms and extreme weather events. I am really pleased that this government-requested review had recommendations. I can compare it to another review that I have commented on in this house on a number of occasions. My supreme disappointment was that there was another review on these storms called the *June 2021 Extreme Weather Event Community Report*, which had 98 pages and 10 pages of photos, with lots of people interviewed, but only ‘learnings’. I do not know about you, but ‘learnings’ sound fine when you are talking in football parlance, but we need direction and we need recommendations. I was very disappointed to see that that did not have recommendations. The government needs to act, as it is today, on recommendations. There are many great and wonderful people in the EMV, but I think it was derelict in its duties not to have proper recommendations about how to serve our community better in terms of monitoring, in terms of action and communication and in terms of after response.

The purpose of the legislation is to amend the Electricity Industry Act 2000 to empower the head of the Department of Energy, Environment and Climate Action, in this case, to give directions to distribution companies to mitigate the effects on their customers of disruptions – and I have spoken at length about those disruptions – to the distribution or supply of electricity in cases of specified emergencies. How this will assist people getting their power back I am yet to be convinced of, but we shall see. The bill also amends the Victorian Energy Efficiency Target Act 2007 in relation to payments of fees to allow the minister to again directly set fees for the Victorian energy upgrades program instead of having the fees prescribed under regulation. It seems a little bit like taking something from column A and putting it in column B; however, let us see. The bill also amends the Essential Services Commission Act 2001 in relation to the amendments being made to that act by the Victorian Energy Efficiency Target Amendment Act 2022 for the enforcement of the Victorian Energy Efficiency Target Act by the Essential Services Commission.

While I have referenced the Essential Services Commission, only recently the commission confirmed that the new default offer set for 2023–24 will result in an average price increase across Australian households of \$352 per annum. This seems to be on the back of increases that hurt people every time they open their power bills. I am sure so many thousands of Victorians shake their heads in frustration and concern as to how they are going to pay their power bills. The ESC also spoke about an average increase of \$752 for small businesses. At a time when we have incredible pressure from taxes, from rate hikes and, as we have just seen today, from a decreasing retail market where people because they are under stress are curtailing their spending, this is a concern. We have seen on average a 25 per cent increase in power prices under Daniel Andrews. So we are struggling – there is no doubt about it – under Daniel Andrews. We are sending our children to school, and I am sure there are many families who are concerned about how they going to pay these electricity bills.

In summing up, fundamentally this bill creates a directions power. Firstly, there is a directions power in relation to the provision of information, there is a directions power in relation to relief services and activities and there is a directions power in relation to the provision of relief payments. The Nationals will support this bill because we want to see an improvement in the responses to and the outcomes of these storm events, which unfortunately occur very severely in Eastern Victoria Region.

I would just put on record my interest in Mr McIntosh's comments before about the importance of renewables and solar panels et cetera. While I wholeheartedly endorse renewables – solar panels, wind turbines et cetera – where they are competitive and where they can make a difference to people's lives, what he failed to mention is that unless you are a household that is completely off the grid and self-sufficient, you still need transmission lines. You still need to be connected to the grid in order for your power to flow and go. If these issues that we have spoken about occur and power goes down for a prolonged period of time, you are still going to be affected.

I would like to again thank all those people who worked so magnificently during the storms in June 2021 and highlight the fact that the government has still got some outstanding issues it needs to fix in terms of infrastructure that has been left neglected as a result of these. They seem to pick targets to fund incredible amounts of money to and then neglect people in my Eastern Victoria Region. But with that, the Nationals are in favour of this bill.

Sheena WATT (Northern Metropolitan) (11:15): I rise to speak on the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023, which is a much-needed bill that although administrative in nature deals with significant energy policy priorities for the government. This bill amends the Electricity Industry Act 2000 and provides a directions power for the Secretary of the Department of Energy, Environment and Climate Action – DEECA as I understand it is referred to as – to allow them to direct electricity distribution businesses to provide information and contribute to relief efforts following a mass power outage event. This will mitigate the impact of prolonged power outages on homes and businesses in the event of another storm. The second component of the bill will make technical amendments to confirm the Essential Services Commission's enforcement and consumer protection powers in relation to the Victorian energy upgrades program.

In June and October 2021 Victoria experienced two extreme storms, which caused unprecedented damage to our electricity network. The June storm caused the largest electricity outage in the state's history. At its peak there were nearly 250,000 households and businesses without power. However, this was soon surpassed by the number of outages caused by the storm in October of that same year. At the peak of the October storm more than 525,000 households – nearly a quarter of all Victorian homes – were left without power. Both storms caused extensive damage but were different in their geographic spread across our state. The damage caused by the June storm was largely concentrated around the Dandenongs and required an almost total rebuild of the network in some very difficult terrain. The October storm affected a much larger area, with prolonged outages experienced in western Victoria, the Mornington Peninsula and the Gippsland area. The storms highlighted the vulnerability

of our electricity distribution network to extreme weather, and we know that climate change will only drive more extreme weather events, further threatening our network.

The impacts were also made worse by the inadequate response from the privatised electricity distribution businesses responsible for the network. They were largely unprepared for power outages of this scale. For example, they provided inadequate return-to-service times, which meant that residents could not plan things like alternative accommodation with any certainty. This is unacceptable for people who are already dealing with the loss of power. This legislation will ensure that the Secretary of DEECA will have the authority to direct the private distribution businesses to provide necessary information, assist in relief efforts and administer government relief payments.

The catalyst behind these extreme weather events is climate change, and I am proud to be part of the Andrews Labor government, which is a world leader in climate action. Make no mistake, our renewable energy target of 95 per cent by 2035 is world leading. You will struggle to find a jurisdiction on the globe that is decarbonising faster than Victoria. With our emissions reduction target of 75 to 80 per cent by 2035, this builds on our commitment to net zero emissions by 2045.

This is on top of one of the most exciting aspects of this government's agenda, the SEC. Labor is bringing it back. With the cost of living rising and higher energy prices, action is needed to push down electricity prices, and the SEC will put the power back in the hands of Victorians. Even more exciting is that it will be 100 per cent powered by renewable energy, helping to reduce emissions and tackle climate change. It will also create 59,000 jobs for Victorians.

We are also investing in 100 neighbourhood batteries to be installed across Victoria, a really new and emerging area of the electricity market if you will. This creates localised energy storage, including in Melbourne's northern suburbs. I know from my many conversations within my community that climate change is to many the single biggest issue of our time, and to be a part of a government that is committed to taking action is heartening. This is in no small part thanks to the tireless efforts of the Minister for Energy and Resources Minister D'Ambrosio, who has an incredible amount to be proud of as she fights every day to make Victoria a global leader in climate action.

The fact is you cannot rely on the privatised power companies to do the right thing, because they will always put profit ahead of people. There are three things that the directions power in this bill enables. Firstly, if the information the power companies are providing to either customers or the government is not adequate, particularly in relation to restoration time, the secretary can step in to improve the quality and flow of information. Secondly, if the distribution companies are required to attend community information sessions to provide information to locals, the secretary can direct them to do so. To be absolutely clear, the actions covered by the directions power will not divert crews from any repair and restoration works, because our priority will remain reconnecting households and businesses to power as quickly as possible when it is safe to do so. Finally, the secretary can direct the power companies to administer relief payments on behalf of the government.

Following both storms in 2021 the Andrews Labor government stepped in and provided affected households and businesses with a prolonged power outage payment. The \$1680 payment was made available to any household that was without power for more than seven days, allowing people to find alternative accommodation, replace food and cover any other expenses that they may have incurred. The payment was administered successfully by the power companies on behalf of the government. The directions power will formalise this arrangement, ensuring that any relief payments made by the government are administered swiftly and effectively to provide affected residents with that direct financial assistance.

This bill before us continues the Andrews Labor government's record on strengthening our power network against bushfires and storms. In response to the 2009 Victorian Bushfires Royal Commission we have implemented a range of programs and technologies to increase the resilience of our power network. This includes the rollout of the rapid earth fault current limiter technology, which effectively

acts as giant safety switches across the network. Forty-four out of 45 of these rapid earth fault current limiter technology things – they are new to me, I must confess – were installed by 1 May this year, with the final installation to be completed by 1 November, ahead of the bushfire season.

Large-scale undergrounding of powerlines is largely prohibitively expensive and impractical, particularly in our forested areas like the Dandenongs, but where possible we have identified some high-risk lines on small sections of the network that could be undergrounded. Through the powerline bushfire safety program we have undergrounded 700 kilometres of bare wire and private overhead lines, and in direct response to the storms we have provided \$7.5 million for crucial backup power systems in 24 towns across the state. Working with local councils, we have identified communities most at risk of storm-related power outages and are funding systems comprised of batteries and rooftop solar for selected community buildings. These buildings will act as relief hubs in the event of a prolonged power outage. We know just how important these relief hubs can be. They provide a place for residents to heat food, charge devices and shower when the power is out.

The Victorian energy upgrades program was one of the earliest energy policy initiatives introduced by the Andrews Labor government. The program has been a massive success, saving households and businesses thousands of dollars, reducing energy use and reducing greenhouse gas emissions. Since being established in 2009, 2.3 million households and businesses have taken advantage of the program, saving them on average \$110 and \$3700 respectively on their energy bills annually. Even those who do not participate in the program will save on their bills, with households saving \$150 and businesses saving \$870 over the next 10 years because of lower wholesale energy prices and reduced network expenditure. Across the life of the program we have reduced emissions by over 80 million tonnes since 2009, which is the equivalent of taking 24 million cars off the road for a year. What an extraordinary number.

The Victorian energy upgrades program is regulated by the Essential Services Commission. The second component of the bill before us today will make technical amendments to confirm the Essential Services Commission's recently strengthened enforcement and consumer protection powers in relation to the program.

We strengthened the Essential Services Commission's powers through the Victorian Energy Efficiency Target Amendment Act 2022 and are now ensuring consistency between the act and the Essential Services Commission Act 2001. Strong enforcement and consumer protections will ensure that the Victorian energy upgrades program is able to continue to deliver energy savings and greenhouse gas emission reductions while providing assurances that the independent umpire remains the tough cop on the beat, as they say.

I do not have much more to say, but in concluding my remarks I will just say that although administrative in nature – and that has been brought up by some of the speakers before us today – this bill drives significant energy policy changes by the government for the times when Victorians need them most. I commend the bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (11:26): I rise to speak on the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023. This bill does two main things: one is it gives the Department of Energy, Environment and Climate Action head effectively an emergency directions power, and also, as has been noted, it strengthens some of the regulatory controls on the Victorian energy upgrade program. I will tackle each of these things separately. Firstly, the way that the government talks about our energy network you would think that privatisation of many of the energy assets resulted in some sort of evil capitalist free market, free from regulations and free from controls, and nothing could be further from the truth. In fact it is difficult to find many other markets where the government interferes more than it does in the energy market, and it is an absolute mess.

We are talking about the failure of distribution infrastructure. If the government were serious about reducing failures in distribution infrastructure, maybe they would look at minimising the amount of distribution infrastructure that exists. But instead what we are seeing is infrastructure being crisscrossed all over the state – very complicated and new infrastructure, much of it, not just transmission lines but things like condensers, batteries and all of this sort of infrastructure. The more infrastructure you have, the more points of failure you have. That is very obvious to anyone inside or outside this place. Maybe what the government should have done is listen to some of the submissions to the 2019 nuclear inquiry which actually talked about transmission infrastructure. Two of the most excellent submissions on this point were actually from the CFMEU and the AWU, and they pointed out the fact –

Bev McArthur: Outstanding individuals.

David LIMBRICK: Yes, they were very good and very technically competent. What they said was that we should maximise the use of existing infrastructure and install nuclear production facilities where we currently have coalmines and reuse that. That would be cheap, not like the expensive stuff that we are putting all over the state.

What we are proposing here is not freeing up the market more but having more market interference by giving this directions power. I saw how emergency powers were used by this government over the last few years, and frankly I am not impressed. I am very sceptical that providing more emergency powers over these companies is going to somehow fix things when an emergency happens. In fact I am concerned that some of these things, like forcing them to provide relief et cetera, might actually force these companies to reconsider investment, to increase their risk assessment of the government interfering in their business and to actually increase prices. I am quite concerned about that.

I will not be supporting this bill, on the basis that we are providing these new emergency powers. I point out that it is very concerning to me that we are providing the department head with emergency controls over companies right before the government have indicated that they will be entering this same market themselves with their SEC, which I am calling the ‘socialist energy commission’. They are entering the market in competition with these same companies that they will have emergency powers over. What could possibly go wrong? This is nuts.

I will get onto the other thing which is a personal bugbear of mine: the Victorian energy upgrades program. This bill is strengthening regulatory compliance with this program because it has been a mess, frankly. What this program needs is not better regulation; this program needs to be abolished outright. It is an absolute waste of taxpayer money. The idea is that you provide these items to households and they will improve their energy efficiency et cetera. If there was a real investment case for anything, guess what, consumers would buy it themselves if they were well informed. I have got no problem with the government informing people about new products on the market that might save them money. That is a fine thing. But this has been running for many, many years – I have received some of these things myself. I remember many years ago some guy knocked on my door and gave me this thing that was meant to shut down my television set when it was in power-saving mode – it was meant to shut it down so that it saved a little bit of power when it was on stand-by. Everyone I know in my area got one of those things and not a single person ended up using them because they did not function correctly. The government of course clocked up their carbon savings, all this energy saved that never actually happened.

Another one was they were sending out balloons – if people have a chimney that they do not use they can stick a balloon up their chimney and it will stop the draught coming down. That is a wonderful idea. But lots of these balloons popped. And, guess what, because the government had interfered in the market, because the government had given these things away for free, no-one sold them – you could not buy a replacement because who is going to sell a product when the government is competing with them by providing it for free. Let us not even get started on these fridges that were sent out to businesses. What an absolute joke. This program needs to be abolished as soon as possible. It is an

absolute shambles. Thinking that strengthening regulations is somehow going to fix it – it has been around for ages now and it has been a mess for years. Just get rid of it. That is my position on this bill. I will be opposing this bill.

Bev McARTHUR (Western Victoria) (11:32): In rising to discuss the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023 I want first to put on record my dissatisfaction with the government's severe truncation of the scrutiny process for this legislation. This is far from the first time. This bill is relatively uncontroversial, but it is symptomatic of a government with no regard for Parliament which sidelines the opposition, general public and affected stakeholders. Rushed legislation is bad legislation. It removes the ability for any outside involvement in the legislative process and inevitably will lead to errors. And it is unnecessary.

Any properly run business, organisation or government should be able to process non-urgent matters such as this in a carefully programmed manner. Before we even read a word, this bill shows the incompetence of the government and its disregard for due process. Despite that, the content is not actively damaging. As we have heard, its intent is to assist and require the provision by electricity distribution companies of better information and consistent relief to customers affected by power outages. In fact the very straightforward nature of the bill makes me question its necessity. I know this government is addicted to increasing ministerial power, but having legislation to direct businesses to do what they already do seems questionable. Power cuts cause enormous inconvenience to customers, and in prolonged emergency situations they can be seriously damaging. But I have heard no suggestion that power companies did anything other than their best in the circumstances to communicate with and support their customers. The constraint here, the very problem here, is not a lack of legislation, it is the power distribution network itself. That is the problem, and that, sadly, is what this bill does nothing to address.

We are told that the genesis of this legislation was the June and October 2021 storms, where Victorians went for days or sometimes weeks without power – of course it was all the fault of climate change. I am afraid that the biggest problem faced was not lack of communication or lack of relief, it was lack of electricity. This bill is designed to pick up the pieces when there has been an outage. I do not oppose that, but it would be far better for this government to give more thought to stopping outages in the first place. We hear that adverse weather events like fires, floods and storms will become increasingly frequent and severe in coming years. Yet the government is directing its efforts at recovery measures, not those which prevent the emergency in the first place.

I have long argued that we should invest for the long term in our electricity distribution. Undergrounding distribution at a local level provides far better resilience and protection. These lower voltage short-distance lines which transmit power to end customers can easily be put underground; in fact, they very often not only are but have to be. For new developments or on farms, for instance – as I know only too well, because it is compulsory for all lines to go underground if you are a farmer and you pay that enormous cost – new powerlines must be put underground. So we are compulsorily made to put our power underground, but the government, it appears, is not.

It is common sense. It is green. Yes, it requires greater up-front cost, but the benefits far outweigh the cost. It is popular locally, a visual enhancement for communities, removing frankly shoddy, almost Third World pole-and-wire messes in the suburbs. It helps local retail business and property values. And environmentally, which I am sure you are interested in on the other side over there, it stops the destruction of tree canopies. You actually butcher trees everywhere. It prevents power pole accidents and removes ongoing pole maintenance. We seem to have cars running into poles as well. Undergrounding for transmission is a slightly different issue but another one that we must address if we truly want an effective, resilient, 21st-century power transmission network.

Far too often politicians boast about their plans for shiny renewables generation but neglect to mention the new transmission infrastructure they necessitate. This is slowly but surely destroying the social licence for renewable power in Victoria. We have to consider power transmission and generation in

one piece. There is no point whatsoever in having the smartest, cleanest, greenest generation if it only works by cutting costly, unsightly swathes through prime agricultural land, environmentally sensitive landscapes and relatively densely populated areas. The economic, environmental and social costs are immense and still as yet uncaptured by the cost-benefit analyses required of network planners.

The Australian Energy Market Operator's announcement of the Victoria to New South Wales Interconnector (VNI) West route is the latest threatened blight on Victoria's landscape. Serious questions have been raised about its necessity and, in closer relation to this bill, its resilience. It has been described in a detailed submission by former Powerlink Queensland chief operating officer Simon Bartlett and the Victoria Energy Policy Centre's Professor Bruce Mountain as a 'monumental mistake' and a 'natural disaster magnet'. They are the experts; you should be listening to them. They note that the plan will significantly increase Victoria's susceptibility to statewide blackouts through exposure to natural disasters and terrorism; double transmission charges; and delay, not accelerate, the transition to renewables until its completion in a decade's time. That might sound unbelievable, but it is there in the figures.

The modelling assumptions can only justify the cost of the investment in the transmission network by claiming that vast sums of capital will not be spent on renewables generation construction in Victoria until much later than currently anticipated. The new route also means that much of the planned Victorian investment will end up in southern New South Wales – yet another reason why this is a bad plan for our state.

Aside from the absolute fiction required to make the value-for-money argument stack up, Professor Mountain and Simon Bartlett point out that concentrating transmission along the VNI route, where even AEMO predict severe network congestion, means up to 50 per cent of the capacity built in the corridor will be lost to spills and choke supply from Snowy 2.0. But the worst of that is it is unnecessary. Victoria has an alternative, with existing transmission capacity from the Latrobe Valley to Melbourne. As the duo note, this is 'by far the strongest transmission corridor in Australia', with existing structure and easements.

Michael Galea: On a point of order, President, we have had some points of order raised before in this debate about the strict application of relevance, and I would ask that that be applied here as well.

The PRESIDENT: If the previous point of order was upheld, I uphold your point of order. I call Mrs McArthur back to the bill.

Bev McARTHUR: Thank you, President. Obviously Mr Galea and the minister are terrified that we actually might get to the real heart of what is wrong with energy distribution in Victoria, and it is not only the distribution, it is the transmission that is causing no end of problems across this state. You will never get any transmission if you do not actually get social licence, just by way of a bit of advice.

What we are saying is that power cuts cause enormous inconvenience to customers, and prolonged emergency situations – where customers cannot keep their food cold, restaurants cannot operate and people cannot charge their mobile phones, for heaven's sake – can do serious damage. In the farming community, as Ms Bath has said, we need to resort to diesel power generation to provide power, because the cows have to be milked, the milk has to be kept cold and we have got to provide the energy for the rotary dairy and all the facilities that are needed in food production, and yet we have no capacity to ensure that there is a proper supply of electricity when it is needed – and one way of doing it is to make sure we get the distribution and transmission in an environmentally feasible and sustainable way.

You are all on about the environment over there, but these transmission lines are cutting an absolute swathe through some magnificent environmental areas. In fact with the biolink down in the Darley–Melton area 45 farmers gave up land to provide the biolink, but these transmission lines are planned to cut them all off. Hundreds of thousands of trees were planted to help the environment and create a biolink. That is all going to be gone under your proposals.

We need an expansion to the grid to provide a low-cost link to renewables planned in the area and to significant offshore wind projects planned off our south coast. So while I will not be opposing this bill – surprise, surprise – I think even the small amount of time being dedicated to it is a missed opportunity. It is a missed opportunity to think about transmission again, to understand the impact of new lines on communities, to consider re-using our existing assets and to build a network for 100 years time, not just for the next decade – a network which understands that locally generated, stored and used power is the future and that interconnectors will likely become unsightly and expensive anachronisms.

I would also say that a major problem in fire situations is roadside vegetation, which acts as a wick. When you have powerlines along the roadsides, trees fall on the powerlines and they create fires. In the St Patrick's Day fires in my area, it was energy distribution – poles and wires – combined with out-of-control roadside vegetation that actually caused the damage to tens of thousands of hectares plus the loss of animals in the farming community. Unless we actually have a holistic approach to how we generate power, how we transmit power and how we distribute power, this sort of patchwork job of telling power companies they have got to do something is largely window-dressing. I think you need to get out of the business of instructing everybody that you are in control of everything when clearly you are incapable of being in control of much, and if you start directing people, you usually get it wrong, as we found in the COVID situation. Anyway, it is a shame we cannot look at how we do power generation, power transmission and power distribution better to avoid the situations that occurred in the storms. As you know, we will be supporting the bill, but please get your act together and get it sorted for the future.

Renee HEATH (Eastern Victoria) (11:46): I rise to speak on the Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Bill 2023 because of the importance to my community. After the extreme weather events of June 2021, the flaws of the current model became obvious. Some residents in the Dandenong Ranges went without power for weeks. I will mention here that this would not have occurred if the powerlines had been underground, and this is something that we should actually be looking into and investing in. During this time, after severe storms trees were down all over the region, roads were cut off, people were without power and internet and were unable to use lighting and heating in their homes, and the whole thing was a massive disaster.

Former emergency services commissioner Andrew Crisp said that it was the largest recorded power outage that Victoria has ever seen, and he said there was:

... flooding, fallen trees, downed powerlines, road closures, prolonged power outages, telecommunication outages and damage to critical infrastructure.

A resident from the area contacted me and said that never before had they felt so isolated. They were without power, the home was freezing and they could not use the internet, and for a time there was no mobile reception. Their landline was cut off. Not only was it extremely dangerous, but they felt completely forgotten and alone.

This bill does not even consider the economic and psychological damage that these communities were hit with. Cr Jim Child, mayor of Yarra Ranges council, declared it:

... the most significant storm event in Victoria's history. 122 properties damaged, 72 of which were destroyed. 25,000 trees fell in a few short days.

This bill will streamline the process to support communities like those in the Dandenong Ranges in a time of power outages like those that were experienced in 2021. This devastation highlighted the urgent need for better mechanisms to support our emergency recovery efforts. It exposed the clear limits faced by the community in receiving critical information from electricity distributors. The government expert panel found that these distributors were not providing positive outcomes for customers during times of crisis and recovery. Granting the Secretary of the Department of Energy, Environment and Climate Action the power to direct distributors on critical information during

outages and to compel them to support relief programs for their impacted customers is a positive step towards minimising the additional problems during times of disaster.

In closing, I would like to say that it is the incredible volunteers that assist during times of weather events such as in 2021. Volunteers have supported communities far more than the government ever has. I also want to highlight that in events like this a lot of the volunteers are members of the native timber industry. They come out, they use their own time, they use their own machinery, and they clear the trees from the areas that are blocking roads. I just want to put on record that this is something that, in the closure of the native timber industry, just has not been thought about. When there are extreme weather events, we need people like this. We need their machinery to come in and get the communities running again and back on their feet. Thousands of people in the community, because of this closure, will be forced to leave, and I do not think that is something that we have considered for upcoming disastrous weather events, which we have often in this state – that it is these people that come to our rescue.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (11:50): I do thank all members for their thoughtful contributions this morning, even the ones that had relatively little to do with the bill before the house. It is always important to hear the contributions of all in the chamber.

In summing up, of course the first component of the bill is in direct response to the severe storms in June and October 2021, which caused the two largest mass power outages in our state's history. The storms highlighted the vulnerability of our electricity distribution network to extreme weather, and as we know, climate change is driving more of these events. To improve the response to mass outage events, the Minister for Energy and Resources commissioned the electricity distribution network resilience review, which was led by an expert panel. I think it is important to acknowledge that a wide range of stakeholders, including community members affected by the 2021 storms and electricity distribution businesses, were consulted during the electricity distribution network resilience review.

In response to one of the recommendations of the review, the bill creates a new power for the Secretary of the Department of Energy, Environment and Climate Action to direct power companies to provide information to the Victorian public and assist in the delivery of relief activities during and after an electricity outage emergency. The second component of the bill makes technical amendments to confirm the Essential Services Commission's enforcement and consumer protection powers in relation to our flagship energy efficiency initiative, the Victorian energy upgrades program. We strengthened the ESC's powers through the Victorian Energy Efficiency Target Amendment Act 2022, but we are now ensuring consistency between that act and the Essential Services Commission Act 2001. Strong enforcement and consumer protection will ensure the Victorian energy upgrades program is able to continue to deliver energy savings and of course, importantly, greenhouse gas reductions.

During the second-reading debate, Mr Davis asked whether we might be able to provide some figures in relation to the storm events of 2021, which I have been able to receive from the department. AusNet's costs for the repair of the network following the June 2021 storm were \$31.9 million – and I note that Mr Davis is probably missing all this, but anyway, I will press on. The June 2021 storm costs were \$39.1 million, with \$12.2 million in compensation costs to consumers who were without power under the guaranteed service level scheme. The total network costs therefore were \$51.31 million. In addition, the government paid \$11.9 million in relief payments, and those figures do not include any economic impacts. I hope that satisfies Mr Davis's questions, which he put during the second-reading debate, but given that he is not listening, I am not sure where that takes us. But I do commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (11:54): I move, by leave:

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 (35): Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Noes (2): Moira Deeming, David Limbrick

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.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Emergency Services Telecommunications Authority

Georgie CROZIER (Southern Metropolitan) (12:02): (169) My question is for the Minister for Emergency Services. Minister, ESTA's website has a series of facts and figures available to the public. Why does ESTA not report the wait times for 000 calls needing an ambulance?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:02): The benchmark that is set for ESTA is set by IGEM, monitored by IGEM and reported by IGEM.

Georgie CROZIER (Southern Metropolitan) (12:02): Thank you, Minister, for that response, but there is lots of other information on there, so it is a pretty simple issue that probably should be reported. I think it should be reported. Nevertheless, Minister, what are the average wait times for 000 calls needing an ambulance as at the end of April 2023 and the month to date?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:03): I do not have the specific average for April. Do you mean for the month of April or for the six months leading up to April? The IGEM will report on that in his next report, so it will be publicly available at that time. In relation to call answer speed, I am advised – informally, which is not verified by IGEM, who is the independent person who oversees, and correctly so – by ESTA in relation to their call times that they are exceeding their benchmark and have been for eight months. I remind the house that the benchmark is 90 per cent of calls in 5 seconds, and they are in the high 90s and have been for the last eight months. But for the official verified figures, they come from the IGEM.

Workplace safety

Rachel PAYNE (South-Eastern Metropolitan) (12:04): (170) My question is for Minister Pearson in the other place, represented in this house by the Attorney-General. Non-disclosure agreements, otherwise known as confidentiality agreements, are frequently used in settlement of workplace sexual

harassment and often take the form of a settlement deed, where financial compensation is offered in exchange for silence and a resignation. It means that victims are forced out of the workplace when it should be the other way around, and it means that employers can duck their obligations to provide a safe workplace and enable repeat offending, all while preventing victims from talking about their abuse. Last year the then workplace safety minister Ms Stitt announced proposed reforms in response to a ministerial task force investigation. So my question is: what steps has the minister taken to progress legislation to restrict the use of non-disclosure agreements in sexual harassment cases?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:05): I thank Ms Payne for her question. It is an incredibly important issue, and I do thank the former ministers responsible, particularly Minister Stitt, in relation to the important work that that task force did. They certainly looked at non-disclosure agreements. It is a very complex area of reform. I have had many people talk to me about whether you ban them, whether you restrict them. It is something that the government has committed in principle to advancing. It is something that I am interested in in the Attorney portfolio and Minister Pearson in his workplace safety role, and the Minister for Women is also quite interested. There are ongoing conversations about this topic. It is complex. It does require a lot of continued discussions. I would welcome further discussions with you, and I am sure Minister Pearson would as well.

Rachel PAYNE (South-Eastern Metropolitan) (12:06): I thank the Attorney for her response. By way of supplementary, I simply ask: when are we likely to see reform of this type?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): I have gone on the record with dates for you previously. I am not going to do it again, because I do not know the answer to it. I do not want to restrict it, but I can confirm it is under active consideration at the moment.

Ministers statements: National Reconciliation Week

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:06): I rise today to speak about National Reconciliation Week and the important role that water plays in traditional owner engagement and the sacred connection between country and people. It has been an exceptionally important journey to continue the conversations around connections between people, country and water. To that end I want to congratulate and thank every single traditional owner, corporation, community, family member and group that has been part of the delivery of our nation-leading *Water Is Life* program.

It was an exceptionally important and profound moment to head to the Budj Bim World Heritage site, located in south-west Victoria, to announce the launch of *Water Is Life* at a location where 2.5 gigalitres has been returned to Gunditjmara country and to make sure that we continue to build upon the connections that traditional owners have with water, which operates as a heart, as veins, as arteries throughout our countryside. We are making sure that we also deliver on the Yarra strategic plan, the work that we do to engage with people in our urban and regional catchments and the way in which we ensure that traditional owner and First Nations voices are part of the work to deliver an aspirational framework for a better set of connections and recognition and respect of water and country.

I also want to acknowledge and thank all traditional owners who have been part of showing me the impact of flood plain watering – the work that is happening in and around Lindsay and Wallpolla Island to make sure that the largest burial sites in Victoria are getting the environmental water that they need through pumps and through regulators, making sure that the resting place of hundreds of generations of elders is maintained now and into the future. This is our week, the voice for generations, and water is a huge part of that.

Timber industry

Melina BATH (Eastern Victoria) (12:08): (171) My question is to the Minister for Agriculture. Minister, how many full-time equivalent positions in mental health services are currently based in Gippsland and the Central Highlands timber communities and will be able to deliver face-to-face mental health services for those workers who have lost their jobs?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:08): I thank Ms Bath for her question. The arrangements that are in place are referral services that go to the flying doctor service. There are also health services that are connected in terms of the northern part around the Corryong area, and there is also of course provision for mental health referral for those that are closer to the Yarra Ranges.

Melina BATH (Eastern Victoria) (12:09): I would be grateful if the minister could provide the details of the EFTs. Minister, in Parliament on Tuesday evening, in relation to mental health support services, you told timber workers to ‘engage with the department’. On your advice, Courtney Campbell from Bruthen visited the Victorian government website. To her horror she only found generic hotlines rather than any reference to a tailored service that would provide face-to-face mental health supports for these workers and their families. Given the grief this shock announcement is causing hardworking timber families right now, when will face-to-face mental health services be available?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:10): Again I thank Ms Bath for her question. Workers and their families at this particular time are absolutely at the centre of our thoughts, our actions and our consultations that are occurring. This was subject to discussion with peak organisations even as recently as yesterday, and we know that there is a need for a whole range of support mechanisms. That is why we have been able to stand up a number of support services already. I would suggest that workers in particular should contact ForestWorks, because they are the immediate conduit. In terms of the list of organisations or agencies that I listed on Tuesday night, that was in relation to a range of information points that are available for those that are impacted as a result of the decision in the budget.

Timber industry

Katherine COPSEY (Southern Metropolitan) (12:11): (172) My question is to the Attorney-General. Attorney, now that the government has made the decision to end native forest logging on 1 January, will you work with your colleagues to also repeal the anti-protest laws, such as the sustainable forests timber amendment act, designed to penalise people who exercise their democratic right to protest against logging in native forests with huge fines and jail time?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:12): Ms Copsey, the Attorney-General is not responsible for every law in this state, so that piece of legislation was not an Attorney-General bill. However, as a former Minister for Agriculture and having spent time in coupes and knowing how dangerous they are, that is a workplace safety bill in relation to ensuring that workers and indeed people that want to enter dangerous workplaces are prevented from doing so for their own safety. The question is just directed to the wrong minister in any further regard.

Katherine COPSEY (Southern Metropolitan) (12:12): I note the Attorney’s response to that question. Attorney, I have directed this question to you as the chief law officer in our state because protest is fundamental to the health of our democracy. We have seen the Labor government in South Australia following Victoria’s shameful example by putting in place draconian laws to crush climate and environment protest. Attorney, can you assure Victorians that further harsh anti-protest laws targeting people raising the alarm on crises facing our climate and environment will not be introduced by the Andrews Labor government?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:13): This chamber considered that bill in great detail, and it was not in relation to curtailing people’s right to protest. This government certainly respects people’s right to protest. It was ensuring that people did not die or get killed by really dangerous equipment. In fact I am on the record saying I would have been happy to build a platform for protesters in forests just outside the coupe. That would have been fine. But when you go into a coupe and put yourself at risk, that is horrible. I spoke to timber workers who were terrified that they were going to kill someone. It was horrible having that on their mind. So you are linking a bill that was important to protect people’s safety with the right to protest in a really inappropriate way.

Ministers statements: flood recovery initiatives

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14): I would like to update the house on the government’s ongoing support for Victorian communities that have been impacted by floods. We are now eight months since the devastating floods caused havoc across parts of Victoria. Everyone in the chamber knows it sadly involved the death of two people, destroyed thousands of homes and caused widespread damage to infrastructure, farms and public land. The 2023–24 budget invests \$677 million in ongoing flood recovery, which builds on the initial \$1.8 billion that was committed to that event. The funding is helping to continue the residential flood clean-up program, support recovery officers, emergency accommodation support, clean-up of public land and mental health support for communities.

We know that recovery does not happen overnight; it does take time. It is why we will continue to work with the communities to understand what they need. Yesterday I was pleased to meet with representatives of the Murray River Group of Councils to hear how they are dealing with this issue. We know that recovery from disasters must also be culturally appropriate, and we recognise the special contribution of Aboriginal communities in leading the recovery.

I know that many people are still trying to get back on their feet and back into their own homes, and it cannot happen soon enough. Since the beginning of the floods, we have supported over 2000 people to find accommodation, and there are 285 people that we are currently housing in our emergency accommodation program. Last month we launched the Homes at Home pilot. It is a \$4.6 million program delivering temporary units to properties in Greater Shepparton, which allows flood-affected home owners who want to remain on their land to do so while they carry out essential repairs to their damaged homes.

I know that as we head into winter it is going to be really tough and I know people are tired, but we would like to acknowledge the incredible work of those who have pulled together and helped one another and those that continue to do so. The government is certainly grateful for that, and we want to continue to support them with this latest package.

Timber industry

Renee HEATH (Eastern Victoria) (12:16): (173) My question is for the Minister for Agriculture. Michael O’Connor, national secretary of the CFMEU, has labelled the *Victorian Forestry Plan* advisory committee a sham following the Victorian government’s shock decision to fast-track the closure of the native timber industry. He has since resigned in disgust, saying:

The union is not interested in being a prop for the state’s media unit.

Minister, why did the government not consult with the *Victorian Forestry Plan* advisory committee?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:17): I thank the member for her question. In terms of the comments that Mr O’Connor made, he is within his rights to make those comments, of course. We have been in active conversation with members of the advisory council for a long, long time. In terms of the decision and the timing of that decision, that was a decision made by the government, and it was

made last Tuesday as part of its budget considerations. I have met with Mr O'Connor as recently as earlier this week, and I have always had a good relationship with him. He is a fierce advocate for his members, and we will continue to consult with him and his organisation all the way forward.

Renee HEATH (Eastern Victoria) (12:18): I thank the minister for her response. Labor senator for Victoria Raff Ciccone has publicly slammed the Victorian government for its shock closure of the native timber industry, citing lack of consultation with the unions, workers and the broader sector. Minister, will you now take the advice of your Labor colleague and meet with workers and the sector to properly explain this shock decision?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:18): It is unfortunate that Ms Heath does not understand how government works. The fact of the matter is that we have been meeting with various parts of the timber industry for a long time, even as recently as yesterday. And we will continue to do so.

Members interjecting.

The PRESIDENT: Order! It is a very difficult expectation on me to judge if a minister has answered a question when I cannot hear her answer, but she did answer the question. The people who ask the questions are the ones that make it impossible for all of us to hear the answer.

Albury Wodonga Health

Rikkie-Lee TYRRELL (Northern Victoria) (12:19): (174) My question is again for the minister representing the Minister for Health. I am starting to feel like a broken record player, so I can only imagine how the Wodonga City Council is feeling. For the third and final time, I would like to see the minister do her job and grace the council with her undivided attention for a brief 20 minutes. I understand the government's aversion to discussing its efforts towards the redevelopment of the Albury–Wodonga hospital. However, a conversation with the council to hear what they have to say should not be too much to ask. Is there a reason the minister is avoiding the Wodonga City Council's request for a conversation?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:20): Thank you, Mrs Tyrrell, for your question, and I will pass it on to the minister for her to respond to in accordance with the standing orders.

Rikkie-Lee TYRRELL (Northern Victoria) (12:20): Thank you for your reply. Can the minister commit to a phone call with the relevant council?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:20): Again, thank you, Mrs Tyrrell, and I will pass that on to the minister for a reply.

Ministers statements: open space funding

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:20): I have got some exciting news to share with Victorian families in relation to their beloved pets. The Victorian budget has allocated over \$13 million towards the development of dog parks right across the state. We are delivering new dog parks for Mount Waverley, Armstrong Creek, Wollert, Sydenham, Wantirna and Endeavour Hills, and we are upgrading a further 22 dog parks, recognising that the furry members of our families deserve a safe and enjoyable space to play and socialise in. We want to see our parks filled with our four-legged friends, and this builds on the great work done through the local parks program that invested \$5 million into 14 new dog parks in metropolitan Melbourne and a \$2.5 million building works package to deliver 17 new dog parks in regional Victoria.

It is not only dogs, though, that are benefiting from our massive investment in open space. The \$315 million suburban parks program is creating 6500 hectares of new and upgraded parks and trails.

Local park programs have invested \$35 million in new pocket parks, and we have invested \$10 million towards revitalising existing parks. This budget builds on this, with our \$7 million commitment to delivering better parks and playgrounds. So wherever you live, we are doing what matters and investing in open spaces near you.

Schools payroll tax

David DAVIS (Southern Metropolitan) (12:22): (175) My question is to the Minister for Higher Education and Minister for Training and Skills. Minister, given the government's plan for a payroll tax on non-government schools, isn't the government's decision to exempt universities from payroll tax surcharges simply a temporary measure?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:22): This is a matter for the Treasurer. However, the reason that that was applied at the time was because of the effect that COVID was having on the international student sector, and as a measure of good faith the Treasurer saw fit to enable that to occur.

David DAVIS (Southern Metropolitan) (12:23): My question, therefore, is: will non-government schools that offer higher education or indeed TAFE components within their VCE offerings face payroll tax on teachers salaries providing those courses, given the government's exemption of universities and dual-sector institutions from payroll tax surcharges?

The PRESIDENT: My problem with that is that the minister is not responsible for secondary schools.

David DAVIS: On a point of order, President, a number of schools provide training and other tertiary ed courses within their VCE offerings, and those are provided in many cases by dual-sector institutions.

The PRESIDENT: Can I make a suggestion if it is acceptable to you, Mr Davis. Either we can send the supplementary question to the Treasurer or the minister can answer as she sees fit.

David DAVIS: President, there is a clear impact on these schools that do offer tertiary education offerings. Are those offerings provided by institutions the minister is responsible for?

The PRESIDENT: The minister can answer questions for what she is responsible for under the administration of the executive, and this is not her responsibility. I am happy to put it to the minister and she can answer as she sees fit. I tried to do you a deal – it could have been diverted to the Treasurer – but I will let the minister answer as she sees fit.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:25): Thank you, President. Just because the terms 'higher education' or 'skills and training' are mentioned in a question does not mean that that is my responsibility. This was a decision taken by the Treasurer, and this matter should be referred to the Treasurer.

Education system

Moira DEEMING (Western Metropolitan) (12:26): (176) My question is for the Minister for Education. Could you please explain to the house how our Victorian education system incorporates respect for parental rights in its curriculum and policies?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:26): I thank Mrs Deeming for her question, and I will refer that to the Minister for Education for a written response in accordance with the standing orders.

Moira DEEMING (Western Metropolitan) (12:26): Could the minister also please disclose how many Victorian public school children have been declared mature minors on school grounds for the purposes of social transitioning?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:26): I will also refer Mrs Deeming’s supplementary question for a response.

Ministers statements: TAFE funding

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:26): Since 2014 the Andrews Labor government has invested \$4 billion into TAFE, skills and higher education, and the 2023–24 budget further reinforces our commitment to quality by investing over \$500 million in TAFE and the training system. This budget delivers \$170 million for important TAFE capital projects such as a new TAFE at Melton, a new TAFE at Sunbury, a centre for excellence in disability and inclusion at the Gordon TAFE in Geelong and the community health and learning hub at the Castlemaine campus of Bendigo TAFE. Future skills are up-front and centre, with \$50 million for the clean energy fund, which features stage 2 of the Asia Pacific Renewable Energy Training Centre at Federation TAFE in Ballarat, a clean energy centre at Gippsland TAFE Morwell and the building innovation and design centre at South West TAFE at Warrnambool.

This budget is about empowering our community to access quality training and skills. More Victorians can now access free TAFE to gain skills for in-demand careers. Our vulnerable communities will be able to further access literacy, numeracy and digital skills. And of course this budget supports our apprentices and trainees. That is why we are investing in a tailor-made mental health program and establishing the apprenticeship task force. This is a training and skills budget that embraces regional and metropolitan Melbourne and epitomises our unwavering commitment to quality public provision of vocational education and training in this state.

Written responses

The PRESIDENT (12:28): Minister Stitt will get Mrs Deeming answers from the Minister for Education for both her questions, under the standing orders; and Minister Blandthorn, a similar thing with the Minister for Health for Mrs Tyrrell for both her questions.

Melina Bath: On a point of order, President, my substantive question to the Minister for Agriculture was not answered in any detail at all about the full-time equivalent positions for mental health services in those particular regions.

The PRESIDENT: Thank you, Ms Bath. I will review that. At the time I thought the minister was being relevant to the preamble and the question, but I will review that and get back to the house as soon as possible.

Georgie Crozier: President, could I just seek some clarification from the minister in relation to those figures that she will provide to the house. Is that correct? Will she provide them? I have looked at the IGEM’s website, and the reports relate to COVID-related issues but there is none of what I was asking for. I am just wondering if that can be reviewed and those average wait times can be provided to the house.

The PRESIDENT: I think the minister was pretty clear on who is responsible for that data and when it may be available, so I took that as an answer.

Constituency questions

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (12:30): (225) My question is for the Minister for Veterans in the other place, Minister Suleyman. Last Wednesday I received a tour of the Shrine of Remembrance from CEO Dean Lee. It was touching to see up close the great care and planning that went into the shrine’s construction – the colonnades, the trees, the ceremony and majesty, a place of reflection and the stone where the sun only shines once, on the 11th of the 11th. I was honoured to visit the education centre supported by our government to educate the next generation about our

veterans, and on Sunday I represented the minister along with Mr Tarlamis at the Boer War and the American service commemorations. Recently the minister announced more than \$1.4 million in funding for 55 projects across the state for veterans. I ask the minister to outline how the Andrews Labor government is investing in programs that support and honour veterans and their families in my community of Southern Metro.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:31): (226) My question is for the Minister for Health. During the last election campaign the government announced a funding commitment of up to \$55 million to redevelop Nathalia Cobram Numurkah Health's Pioneers Memorial Lodge aged care facility in Numurkah. In the 2023–24 state budget handed down last week it mentioned the Pioneers Lodge upgrade with two other regional aged care projects, with all three projects allocated a combined funding of \$162 million. Nowhere in the budget does it specify the actual funding amount allocated for the Numurkah project, nor does it give a breakdown of the allocation of funding by year or a time line when the project is expected to be completed. The current facility is no longer fit for purpose, and NCN Health and the local community deserve clarity on the issue. Can the minister provide me with the amount of funding that has been allocated to the Pioneers Memorial Lodge redevelopment project, a breakdown of the expected flow of funding by year and a time line for when the project will be completed?

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:32): (227) My question is for the Minister for Housing. One of my constituents, Sarah, recently had a rent increase of \$40 a week, and she elected to move jobs to reduce her travel costs rather than try and find a new rental in this market. Sarah is now also getting shamed and made to feel unwelcome in her home. Sarah told us that whenever staff from the real estate agency are at the property, they comment on how many things that she owns as if forgetting that Sarah has a right, living there, to be afforded basic respect and dignity. Like many renters, Sarah remains silent – ever fearful that agents could recommend yet another unaffordable rent rise or to change tenants to her landlord. As with many other people in my electorate who rent, Sarah would like to know when the government plans to start supporting renters rights, such as by freezing rent for two years and regulating the short-stay market.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:33): (228) My question is to the minister representing the Minister for Suburban Development. Every day in the suburb of Kalkallo, which happens to be the minister's electorate, residents have to leave home before 6:30 am to escape hour-long traffic chaos entering onto Donnybrook Road. I was at the Kalkallo market last Saturday hearing firsthand what it is like to live through this traffic nightmare of being forced onto a heavily congested, single-lane Donnybrook Road. It is in desperate need of duplication, yet despite years of outcry from residents, the government has sat on its hands. Given the minister is responsible for identifying what communities need to improve local living, I would think that being able to enter and leave their own neighbourhood would be a good start. Will the minister commit to improving local living in her electorate and ensure Donnybrook Road gets duplicated?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:34): (229) It is a real morning of energy today. My question is for the Minister for Energy and Resources in the other place. Minister, can you please provide an update on the current round of the power saving bonus and its uptake and benefits across the Mornington Peninsula? The power saving bonus has been incredibly popular because it helps people cover their bills. The \$250 payment is much-needed relief for many across the community. But my favourite part about the process is the Victorian Energy Compare website. This is such a neat and effective way to apply downward pressure on the whole market by helping Victorians find the best

savings for their power bills. This is one practical step the government is taking to help Victorians in a way that makes a difference, but it is not the only thing we are doing about the way we produce and consume energy in this state. We are bringing back the State Electricity Commission – that is right, the SEC – and bringing back government-owned energy. We are going to drive down energy costs and help create thousands of jobs. I, like so many Victorians, am excited the government is ensuring cleaner, cheaper energy that will benefit Victorians every day.

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:35): (230) My constituency question is for the Minister for Police, and the question I ask is: will they attend the St Kilda community policing meeting next Tuesday from 9 am to 12:30 pm? This is in relation to the issues in Fitzroy Street and Acland Street. The residents and traders down there are very concerned about the antisocial behaviour. Many traders have reached out to me to talk about the issues. There have been reports in today's paper about one in four stores being empty in Acland Street. It is becoming very, very dangerous for some traders, and they are very concerned about what is happening. I am asking the minister to come to this forum. I know the new police inspector will be there, and I think it is very important for the government to understand exactly the concerns of local residents and traders.

Western Victoria Region

Joe McCracken (Western Victoria) (12:36): (231) My constituency question is for the Minister for Energy and Resources in the other place, and it relates to the proposed Victoria to New South Wales interconnector project from Bulgana to the New South Wales border. On 27 May the minister confirmed that she had issued a ministerial order to progress the preferred option known as option 5A. This has not been fully released to the public. According to media sources local landholders will be eligible for \$8000 per kilometre of transmission line that they host on their property per year up to 25 years. This is basically buying the community out. My question to the minister is this: when will the minister release the details of Australian Energy Market Operator's preferred option 5A? Will the minister actually come and meet with locals to hear their concerns, or will she rely on consultation when anyone – and I mean literally anyone – could go up to the consultants, press numbers on an iPad and get 20 bucks? Will the minister actually meet with the people who are impacted by her decisions, because they feel that they have been absolutely forgotten?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:37): (232) My constituency question is for the Minister for Emergency Services. I recently met with people from the CFA in Nar Nar Goon, which services a very large area, including areas in the South-Eastern Metropolitan Region. The CFA have been having to work within situations and circumstances in premises that are not up to scratch when you compare them to what the FRV are given in terms of their stations. This CFA is in desperate need of an overhaul and an upgrade, so I would like to ask the minister to please meet with these members of the CFA in Nar Nar Goon and see what can be done to provide them with premises that are more compliant and will be safer for them to be able to exit and enter when they come in and out with their trucks. That is my question: could the minister please meet with them?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:38): (233) Continuing the energy theme, my question is for the Minister for Energy and Resources and concerns the Australian Energy Market Operator's recent announcement of the project assessment conclusions report for the Victoria to New South Wales Interconnector West. The economic modelling which justifies the project is breathtaking. It piles questionable assumption upon questionable assumption, some even contradicting current Victorian government policy in order to justify the cost. Simon Bartlett, formerly of the National Electricity Market's reliability panel, professor of electrical engineering and chief operating officer at Powerlink, and Professor Bruce Mountain, director of the Victoria Energy Policy Centre at Victoria

University, have described it as ‘a monumental mistake’ and a ‘natural disaster magnet’. They point to transmission capacity in the existing infrastructure and easements from the Latrobe Valley to Melbourne. Minister, in asking for people to come on trips, will you accompany me, along with Mr McCracken, to meet the communities threatened by the blight of this unnecessary and soon to be anachronistic powerline?

North-Eastern Metropolitan Region

Nicholas McGOWAN (North-Eastern Metropolitan) (12:39): (234) My constituency question is to the Minister for Roads and Road Safety, and it relates to safety concerns for pedestrians crossing Diamond Creek Road near the intersection of Greenhill Road, Greensborough, within the vicinity of the bus stop. Local residents have petitioned for a signalised pedestrian crossing for this bus stop. Disembarking passengers, including schoolchildren, have no safe passage to cross busy Diamond Creek Road, which has a speed limit of 70 kilometres an hour and consists of two lanes of traffic in both directions. In the past the government has undertaken only minor safety upgrades on Diamond Creek Road by slightly reducing the speed limit and installing additional line marking near the Greenhill Road intersection, which they state has improved safety for schoolchildren and pedestrians. These works do not go anywhere near far enough to improve safety and have not resulted in a safer crossing option. My question to the minister is: when will the government install an urgently needed, signalised pedestrian crossing on Diamond Creek Road near the intersection of Greenhill Road, Greensborough, to ensure the safe passage of pedestrians?

Northern Victoria Region

Gaëlle BROAD (Northern Victoria) (12:40): (235) My question is to the Minister for Energy and Resources on behalf of residents of north-central Victoria. I support renewables, but I also support the regional communities that will carry the burden of delivering renewable energy to the city. The minister’s media release on Saturday afternoon announced the preferred route – option 5A – for the high-voltage transmission line known as Victoria to New South Wales Interconnector West that will cross valuable agricultural land, including at Charlton and Boort. The transmission towers will be 80 metres high – as tall as the MCG light towers – and will be able to be seen for up to 27 kilometres. It is news to many in the region, and public engagement has been poor. Transmission Company Victoria was only recently established to engage all stakeholders along the new route to identify the preferred corridor by August this year. It is a massive project, costing billions. I ask: where is the minister, where is the public consultation, and where are the details about compensation to be paid to the landowners, neighbours and communities impacted by these transmission lines?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:41): (236) My constituency question is for the attention of the Minister for Creative Industries, and it concerns the Australian National Academy of Music based at the South Melbourne town hall in the City of Port Phillip. This important national training organisation deserves proper support. Before the last election, the coalition committed \$10 million to support ANAM and to support the reinvigoration of the South Melbourne town hall. Already \$15 million has been provided by the City of Port Phillip, \$2.5 million by donors and \$12.5 million from the former federal government in 2019. So it is with shock that this important institution in the electorate of Albert Park, in South Melbourne, was not in the state budget. It was a great disappointment and a repudiation of a national training institution that deserved support in the state budget. The state government has blown its financial position, and that may be the reason, but this is an important national institution that is being forced to suffer, so I ask him to review this.

*Bills***Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023***Second reading***Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

Matthew BACH (North-Eastern Metropolitan) (12:43): I have rarely been more excited to take to my feet in this place than I am today to discuss the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023. I want to be very clear at the outset of this debate – as my friends and colleagues in the other place were some time ago when this matter was debated there – that on this side of the house we will be supporting the bill.

This bill, as with some other bills in the broader child protection and family services portfolio, has a lengthy and convoluted history. It has taken a circuitous route to get us to this point. None of that, may I say, is to direct any criticism whatsoever at the current Minister for Child Protection and Family Services, who, if I may be so bold, has in my mind run just the most wonderful and collaborative process, especially over the last few weeks as she has been dealing with really complex matters regarding a series of amendments that we knew were set to be introduced in this place. I appreciate that very much indeed.

The bill was initially introduced in a slightly different form by one of her predecessors before the election, and I was very disappointed, as I know many people in the broader sector were, that we were not able to move the bill forward at that time. We had many months before the election. I think it was last June – I may be corrected at some point in the debate – that this bill, in a slightly different format, was initially introduced. It is a really important bill, and we will talk about that. The Premier has gone on the record saying how important this bill is. I think it is a really good bill. It is a bill, as I say, that I support and that we can support, yet it has taken so long to get to this point. Because it has taken so long to get to this point – again, I want to be clear that on this side of the house we will seek to deal with this bill in an expeditious fashion today – there are a number of people on the opposition benches who are keen to make brief contributions, because they are really passionate about key elements of the bill and what we hope the bill will be able to do. Nonetheless, it would be a fabulous thing if we could get this done this afternoon.

The bill includes, as many members are aware, because we have spoken about this matter broadly before, an Aboriginal statement of recognition and recognition principles, importantly, relating to child protection. These principles will be inserted into the Children, Youth and Families Act 2005. It makes a series of other changes. The key purpose of the bill is to make a variety of amendments to that principal act, including, obviously, the statement of recognition, as I have said; amendments relating to the authorisation of principal officers of an Aboriginal agency – that is important; to provide for the use and disclosure of information to and by principal officers – again, that is important; and to enable judicial registrars to exercise powers of magistrates to issue warrants.

Broadly speaking, why I have always been so supportive of this bill is that it will do something that key figures in the Indigenous community and key figures more broadly in the sector have been calling for for a long time – that is, shift power from the department to Aboriginal community controlled organisations. We know the data is stark when you look at young people who are case managed directly from the department: the outcomes they achieve are far, far worse than the outcomes that are achieved by young people who are case managed by fabulous organisations in Victoria's community sector. We are so lucky in Victoria to have a community sector with so much skill. It is not the case in every other jurisdiction, but for some historical reason that I confess is largely lost on me, we have a quite fabulous community sector with so much skill and fabulous staff. We talk a lot about staff shortages in this place and workforce shortages, but that is not really the case in the community sector,

or at least I am convinced from my discussions with leaders in the community sector, leaders in ACCOs and leaders in the broader community sector that there is so much capacity there waiting to be tapped and waiting to be utilised. My sincere hope is that this bill will be a step in that direction. I do think that there is more that we can do, but nonetheless this bill is a good and a significant step in the right direction.

I also like, as I have said before, the statement of recognition. I like the way that the statement of recognition is framed in the present. I find it difficult to find fault with the minister's recent testimony at the Yoorrook Justice Commission. There are huge ongoing failings within our broader child protection system here in Victoria that have led to really, really bad outcomes for Indigenous people. That is not the fault of the current minister; she became minister after the last election. I do think that in seeking to work with those of us on this side of the house and with others in the chamber to finally get this bill up, which initially was brought to Parliament by one of the minister's predecessors, I have much hope for further action.

We know in Victoria that far too many young Indigenous people are brought into the care system in the first place. Of course in every individual circumstance there is a reason for officers of the department to make those decisions, but my contention and the contention of so many Indigenous groups has long been that what we need to be doing is investing really heavily early in evidence-based early care and prevention models, not delivered by the government but delivered by culturally appropriate organisations. These organisations potentially 10 or 15 years ago did not have the sort of capacity that would allow governments to trust them with the level of autonomy that this bill will give them, but I am convinced – and I know the minister is convinced too – that they have been on a journey over the last few years to ensure that now we have so many fabulous ACCOs in a very strong position to take further control, further power and more autonomy to ultimately deliver far better outcomes for young Indigenous people.

The chief problem I have with the massive rate of over-representation of Indigenous children in care is that then in care they are failed once again. We have learned from the recent testimony of the children's commissioner and the Indigenous children's commissioner about what some of those failings look like. My hope and quite frankly my expectation is that this bill will be part of a broader agenda – and the minister spoke about this over the last couple of days in the house – that will finally seek to see fewer, not more, young Indigenous people drawn into the child protection system at the same time as providing more culturally appropriate supports to Indigenous families to strengthen Indigenous families and ensure young Indigenous Victorians can be safe with their families.

On the day actually that the minister was providing her testimony at the Yoorrook Justice Commission I was with Mrs Hermans in Dandenong, and I was very pleased by a recent response that the minister had provided to me on an adjournment matter to say that she would also like to come to Dandenong. She could not come on that date because she was providing testimony to the Yoorrook Justice Commission, which was very important, so I make no criticism of her whatsoever. Nonetheless it was great to be there as a parliamentary representative with Mrs Hermans to hear again from the Indigenous community in Dandenong, because if all we ever talk about are dry facts and figures – one in 10 Indigenous children are in child protection in Victoria, the worst in the country; well, okay – or even quite frankly if you talk about the number of young Indigenous people who die in the care of the state, those figures are nowhere near as powerful as what you hear directly from Indigenous communities who are impacted by ongoing failures in child protection. The minister recognised those ongoing failures in her testimony at Yoorrook, and she has recognised and the government has recognised the ongoing nature of those failings in this bill. And we have seen some really significant investments in child protection through the recent budget as well.

I have been very critical and I will continue to be very critical of this budget on a number of fronts, especially when it comes to schools. However, in the context of a budget in which difficult decisions were always going to have to be made, I was pleased to see very significant investments in residential care. We want to do everything to stop young people getting into residential care, and that is a large

part of what this bill is about. We do not want to see young Indigenous kids in residential care, but we have also got to fix up residential care. The minister now has gained through this budget process – and I give credit to her for this – a significant amount of funding in order to start that work. This is just the start. Getting that funding does not fix the problems, but nonetheless that was a significant achievement and I pay credit to her for that.

In addition there was significant funding to seek to do better, as the minister has said, for young Indigenous people. With this bill and with some significant funding announcements as a result of the budget, I finally have hope, and I know that many in the Indigenous community and the broader child protection sector also have hope, that despite many, many years of ongoing failures – under Labor governments, for a brief period of time under the coalition government and with some good things being done from time to time by different child protection ministers but nonetheless outcomes getting worse and worse for many, many years – it is possible now that we have a pathway forward to doing things differently and to seeing some better results and some better outcomes.

I am thrilled to see that we are finally debating this bill. I recognise the fact that one of the reasons for the recent delay was that the minister was engaging in a really thorough process with me and with other members of the crossbench, and I thank her for that. I had said previously that the Liberals and Nationals would support the bill in its original format, although I also want to pay tribute to Dr Ratnam for the work that she did in working up what I thought were some really good amendments. The minister, to her credit, has gone away and taken that further feedback on board; I understand there will be some house amendments. We will be supporting those house amendments – but not other amendments – in order to expedite what we think is a really excellent bill.

Jacinta ERMACORA (Western Victoria) (12:54): I am humbled to speak in support of the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023 – quite a mouthful. In speaking on this particular bill I want to acknowledge the importance of the President's acknowledgement of country each morning. We meet here in this place on the land of the Wurundjeri people. I also want to acknowledge my colleague in this chamber Ms Sheena Watt, a proud Yorta Yorta woman, and any other Aboriginal people here today and pay my respects to elders past, present and emerging. I pay respects to Victoria's First Peoples' Assembly and the co-chairs Aunty Geraldine Atkinson and Uncle Marcus Stewart. I am proud to be part of the Andrews Labor government, which is committed to not just acknowledging Aboriginal people but supporting the Voice, truth, justice and treaty.

I pay respect to Aunty Hilary Saunders, a Gunditjmarra woman who I was delighted to be heckled by during my brief remarks to a gathering of Gunditjmarra people at the Ploughed Field in Portland on 26 January. When I said I was 'here to listen', she called out 'And do!' I was honoured to meet Hilary afterwards and again when I visited Dhauwurd–Wurrung Elderly and Community Health Service in Portland, where Hilary is one of the board directors. It is my deepest hope that this bill and its changes to how we keep Aboriginal children safe and connected to family, community and country constitutes 'doing' for Hilary.

I would like to acknowledge that as a nation, as a state and as a community in western and south-western Victoria we have a long way to go. This bill addresses the exclusion of Aboriginal people, specifically pertaining to the Victorian child protection system. In particular it addresses the resulting disproportionately high rates of Aboriginal children in the Victorian child protection system, as mentioned by Dr Bach. In fact south-west Victoria has some of the highest rates of Aboriginal children in the child protection system. All the evidence points to self-determination being the key pathway to solving this problem. The Victorian *Self-Determination Reform Framework* says:

While Aboriginal self-determination means different things to different people, the United Nations Declaration on the Rights of Indigenous Peoples ... describes self-determination as the ability for Indigenous people to freely determine their political status and pursue their economic, social and cultural development.

The same report states:

... government action to enable self-determination is the critical first step in achieving improved outcomes for Aboriginal Victorians.

...

While Aboriginal self-determination is driven by community, government has responsibility for many of the systems and structures that enable self-determination.

The *Victorian Government Aboriginal Affairs Report 2021* identifies four self-determination enablers: prioritise culture; address trauma and support healing; address racism and promote cultural safety; and transfer power and resources to communities. It is the transfer of power and resources to communities that this bill achieves.

The Andrews government recognises the important role it must play in reforming the institutions and systems impacting Aboriginal people in this state. The bill provides recognition of Aboriginal people as the First Nations people of Australia. It acknowledges the child protection system played a key role in the dispossession, colonisation and assimilation of Aboriginal people. It acknowledges that the practices of the child protection system resulted in the removal of Aboriginal children from their families, culture and country.

The statement of recognition in this bill recognises the impact of past policies on Aboriginal people and has been developed in collaboration with Aboriginal stakeholder groups, including the Victorian Aboriginal Child Care Agency and the Victorian Aboriginal Children and Young People's Alliance. It acknowledges the child protection system played a key role in the enactment of policies leading to the dispossession, colonisation and assimilation of Aboriginal people. It also acknowledges that the laws, practices and policies of former child protection systems resulted in the removal of Aboriginal children from their families, culture and country by compulsion in an effort to assimilate them and extinguish their culture and identity. It provides recognition by Parliament that these practices contributed to a legacy of disconnection, intergenerational trauma, entrenched social disadvantage and dysfunction, marginalisation and a distrust of the child protection system. It acknowledges that ongoing structural inequality and systemic racism impacts Aboriginal people and culture in relation to decision-making in the child protection system.

Sitting suspended 1:00 pm until 2:03 pm.

Jacinta ERMACORA: We have got Aboriginal people and culture in relation to decision-making in the child protection system and over-representation of Aboriginal children in the child protection system. The statement of recognition states:

It is the intention of Parliament that the child protection system must recognise, respect and support the distinct cultural rights of Aboriginal people and their right to self-determination.

The bill sets out 10 recognition principles which provide specific guidance to the secretary and, by delegation, child protection workers in relation to dealings with Aboriginal children, Aboriginal families and Aboriginal-led community services under the Children, Youth and Families Act 2005. For example, they refer to the right of Aboriginal children to sustain connections to family, culture and country and their right to self-determination. It requires respect and support for Aboriginal culture, cultural diversity, customary lore, knowledge, perspectives and expertise to be demonstrated in decision-making. This is a very specific requirement. It states that:

Strong connections with culture, family, Elders, communities and Country are to be recognised as the foundations needed for Aboriginal children to develop and thrive and to be protected from harm.

And it acknowledges that:

Historic and ongoing biases and structural and everyday racisms create barriers to the best interests of the Aboriginal child and are to be recognised and overcome.

These principles specifically relate to the way in which child protection workers must conduct their everyday practice with Aboriginal children and families. These principles shift culturally appropriate practice from the 'Nice to do' to the 'Must do' column and provide a clear and measurable framework for accountability against them.

This bill furthermore gives the secretary the power to authorise an Aboriginal agency to undertake the powers or functions of the secretary specified in section 18. The new section 18 provides for seamless authorisation of the functions and powers of the secretary, from protective interventions through to protection orders and other relevant orders, to provide for consistency of culturally appropriate service delivery to Aboriginal children and their families. This will also be an expansion of the secretary's existing authorisation power, as it enables an Aboriginal agency to be authorised to manage a child who is subject to relevant orders in addition to protection orders.

Muriel Bamblett AO, CEO of the Victorian Aboriginal Child Care Agency, said:

The proposed laws represent what can be achieved when Aboriginal Community Controlled Organisations work with their communities to demand better outcomes for children and families – and the Government actively takes up the challenge and commits to self-determination.

Muriel went on to say:

The proposed Bill enables us to not just stop the cycle of higher rates of Aboriginal child removal, it will also help address the cycle of family violence. Strengthening the whole family is the only way forward.

Karen Heap, CEO of the Victorian Aboriginal Children and Young People's Alliance and the Ballarat and District Aboriginal Co-operative said:

The legislation contains principles that will guide decision makers to promote self-determination and healing for Aboriginal children and families. Aboriginal families can advocate for themselves and ask for accountability in a system that has historically contributed to creating trauma and disconnection.

The new laws are a first in Australia – they help keep Aboriginal children with their families by enshrining Aboriginal self-determination in child and family services.

There is no doubt that this bill returns something that did not belong to us in the first place, something that was progressively, systematically and judicially taken away from Aboriginal people over the last 200-plus years – that is, the right to make decisions about the health, safety and protection of their children within family and community and according to the knowledge, culture and social and legal systems that were previously in place on the land of their people.

We know that the Victorian child protection system is working very poorly for Aboriginal children. As I mentioned earlier, Aboriginal children are over-represented in the system. So our kind offer to return a broken system to Aboriginal control must include support and resources to set communities and Victorian Aboriginal community controlled health organisations up for success. I recently met with Jason Walker and John Bell at Winda-Mara, a VACCHO in Heywood in my electorate, to discuss these challenges. As with mainstream community welfare organisations, there is diversity of readiness and capability to take up these section 18 powers. The government is aware of this diversity of readiness and the diversity of culture and approach across VACCHOs in this state. Consistent with the principles of self-determination, the government will listen to and work with VACCHOs to set them up for success.

Whilst we here in this place at this point in history are not the original perpetrators of this breach of human rights, it is incumbent upon us right here, right now, to redress the wrong. By doing nothing, we continue to protect and perpetrate a broken system that continues to this day. The bill provides for one small but important component of the journey to self-determination for Aboriginal people in this state.

Ann-Marie HERMANS (South-Eastern Metropolitan) (14:11): I also rise to speak on this bill, the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023, and I do commend Dr Bach for bringing up some of the really important matters that are in this bill. It is a great privilege to be able to stand and speak on it, because this bill does include the Aboriginal statement of recognition and the recognition of principles relating to child protection in the Children, Youth and Families Act 2005, and it makes a range of other changes to children and health legislation, with the key purpose of the bill being to amend some of the things in the act that do not allow and have not allowed the Aboriginal people to have self-determination.

We do have an extraordinary number of people from Aboriginal families that are finding that their children are in care, and it is a great concern. I am glad to know that the government is very concerned and prepared to look at this and address this issue, because (1) it should not be happening in the first place and (2) I think one of the things that really bothers me and that I have found to be a real issue is that we find that there are a number of unallocated cases of young people and children in homes that do not have support. With a number of children not having support and a number of them being from Aboriginal families, it is simply not good enough. This government has always said that it is about giving people a fair go, and I fail to recognise how we are providing a fair go for our Aboriginal families if we have a number of cases that are unallocated and do not have support.

I do take Dr Bach's recommendation as something that should be considered seriously, in terms of having support workers that are from non-government organisations being able to go in and be fully trained so that they can go in with child protection services when they go and meet with the families, so that there is an instant opportunity for children to have support. As a person who has worked as a support worker, I can say that it is incredibly important to maintain these non-government organisations, because the work that they do is extraordinary. Very often they are the hands and feet in case management for these young people. They are the ones that are doing the hard yards at the grassroots level. Children and Aboriginal communities need these support workers, and they need them desperately. We cannot be leaving this in a state where we have so many cases – I mean, I just cannot believe that we actually have unallocated cases and that we have got people that are not getting support. Can you imagine what that is doing to our society? To have children that are being neglected or sexually or physically abused and have no-one to advocate for them and nobody to support them, which means that they are continually in a situation in which they are at risk, is simply not good enough. That is damaging people – it is continually damaging their lives – and it is something that needs to be looked at and addressed.

I am very disappointed that this government has allowed that to be the case and that they have not had in place the structure, the support, the systems and the finances to adequately deal with this problem. To me it is quite extraordinary; to me it is appalling. To find out that we have that many people that are in this situation is completely unacceptable, and it is a testimony to the failure of this government. Such ineptness needs to be called out and condemned.

Affording more appropriately trained community sector staff the opportunity to be present when child protection workers meet with children who need support is definitely going to drive down our numbers of unallocated cases. I think it is also going to help people to develop the sort of support systems that they need, and it is going to help some of these NGO programs to be able to successfully develop systems and ideas and even support networks and programs that will actually provide for the Aboriginal community.

It is great that we are allowing self-determination, but self-determination cannot be structured by the government with the government's world view. It has to have a sit-down conversation with these Aboriginal communities to understand what their world view is and how it is going to best support them, because ultimately children with parents that love them are in a better and safer place but sometimes parents need support to be able to look after their children.

I did mention yesterday in this chamber about having the opportunity to meet in Dandenong with some of the Aboriginal community, and one of the things that they were saying was that they have found new ways to provide support for Aboriginal children that are at risk – for instance, with an Aboriginal mother that desperately wanted to keep her child. She did not want to lose her child, and so they have actually had someone from their community who is a stable influence and a great mentor and support come into the home and live within the home and teach the mother how she can be an adequate mother, providing nutritious meals, having coping mechanisms in situations of stress – and that is functioning and working within this community. Not all communities are going to have that type of support or those types of support people, but the thing is that it is about consultation; it is about listening to people.

Most parents genuinely love their children and genuinely want connection and the best for their children. There would be very few people that would actually want to harm their children deliberately or wilfully and would actually enjoy that process, so I think working with parents is an incredibly important thing for us to be thinking about – and actually listening to these parents too, who have a great love for their children but in many cases do not actually know what they need to do in order to be parents that can support their children. They may not have the resources. They may not have had the role models in their own life. They may have some other area in their life which desperately needs support in itself. Simply taking the child out of the home is not the best solution, but we can be going into the home and providing home care workers that could actually support them and show them, ‘This is how we provide hygiene in this situation. This is how we provide nutritious meals.’

I can say this as a person who has worked as a support worker. My background was not particularly focused in Aboriginal culture at the time. It was working with youth and young adults, and I can tell you that there are plenty of people out there that do not know how to cook or how to make a nutritious meal. They would not even know the first place to start. They do not know what it takes to actually look after their children. They would not know how to look after themselves, let alone have had parents that looked after them as children. So they do not have a background of understanding what is okay. Being able to go in as a support worker from a not-for-profit organisation or a non-government organisation and working with them one-on-one to teach them some of the basics that some people just take for granted is an incredibly important thing to do – having self-determination for the Aboriginal families, allowing them to work with their own children, teaching them that there are opportunities and different standards.

What we forget is that the world and our nation have changed to a large degree, and the way Aboriginal communities were once able to live and work and survive in this beautiful country has changed. We do not need to go into the history of what has happened here, but we do need to understand that education – and my background is in education as well – is incredibly important in this. So when we have this self-determination and we bring this legislation in, I think it is incredibly important for the government to also be considering how their workers can be educating, and education is a two-way street. It is a two-way conversation, and that is incredibly important to Aboriginal people – the two-way conversation of listening and learning and also being able to talk.

I think it is an incredibly important dialogue that needs to take place. Again, I was extremely concerned when I was reading about the unallocated cases. I would hate to think what it must be like for a child who would be out there in Victoria today as one of those unallocated cases, one of our own from an Aboriginal community, who does not have anybody supporting them. I would hate to think what it would be like for those parents who desperately want to keep their children within family, connected to culture and their community, then having the government just walk in and take their kids away from them. That is stolen generations all over again and something that people will have to give an account for if we do not fix it. I am very happy to support this bill, and I do hope that it is not going to be the end, where the government just takes it and goes, ‘We’ve got the legislation now.’ There is a lot of work to be done in this space if we are to protect the children of this state and if we are to do the right thing by our Aboriginal communities.

The other thing that I think the government needs to consider – and it is not so much in this bill – is that we need to make sure that children that are going into care are not being abused. It is one thing to take them away from their parents if the government have this tick-box situation and they are saying, ‘We’re feeling this child has been neglected and deprived of certain things,’ but it is another thing then to put them into a care situation devoid of contact with their community, devoid of contact with their culture and where the people that care about them and care about their community can actually make decisions and have that ability to have self-determination. But it is an even worse situation to then take these children and put them into care situations where they are being abused. To think that not only are some being abused but we have children in situations where we find that there are deaths, where there are suicides and where there are all manner of issues – it is not okay. I do understand that we have so much brokenness in this society that it is difficult to find the right thing to do, and it is very difficult when the government is involved. But again, it comes down to education. If we are going to educate, then we need to help people to realise that there is an opportunity for foster care, and then vetting those foster carers has to be done properly because we cannot, like I said, have children going into foster care where they are not safe. I can tell you time and time again, as a person who has worked as a support worker, to hear stories of young people that have not been safe in the environments that the government has put them into is just quite heartbreaking.

I am very, very pleased to be able to stand and support this. I do think it is incredibly important to have Aboriginal self-determination, but I do agree that we need to make sure that we have the support systems in place. I do agree that decisions about self, safety and the protection of family with cultural understanding for Aboriginal people are incredibly important. I can say that the coalition continues to be genuinely concerned about the disproportionate number of at-risk Indigenous youth who are in this situation, who are at risk and, again, as I say, who are unallocated cases. We do continue and will continue to encourage the government to work more effectively with the Indigenous leaders of their community – and when I say that, I do not mean at a higher state level but at a very local level, with the Indigenous leaders of the local community and not just with some government-created groups and departments. Let us face it, some of the groups that have been developed are a little bit artificial; they are not genuinely having that conversation with the Aboriginal community and listening to them. If people are concerned about the standards within the Aboriginal community, then that is where the education comes in and that is where the additional support needs to go, in my opinion. Where there are Aboriginal elders and families that are adequately able to keep at-risk Aboriginal children genuinely connected to their Aboriginal communities, I would encourage the government to provide support in those areas, support to parents and support to families so they can be heard, so they can be empowered and so they can be involved in providing the solutions for their own family members and children. At this point I do just want to say I commend the bill to the house and will be supporting it along with my colleagues.

David ETTERSANK (Western Metropolitan) (14:25): I rise to speak to the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023. Legalise Cannabis Victoria will support the bill. This bill expands the role of Aboriginal agencies delivering children and family services to help keep more Aboriginal families together. It does this by embedding Aboriginal self-determination in legislation and supporting better and more equal partnerships with Aboriginal stakeholder groups. Importantly, this bill includes a statement of recognition. This helps address the need to acknowledge the long history of governmental policies that have so negatively impacted generations of First Nations people. It is an important step in reframing and recognition that I hope will be repeated in Victorian legislation across the board.

We know that the child safety system in our country has been undermined by a constant cycle of paternalism and trauma. What we also know is that Aboriginal people are by far the best placed to make decisions that protect the best interests of Aboriginal children. Pleasingly, this bill extends laws to support out-of-home care leavers up to the age of 21. This reform is long overdue and will help ensure that over 10,000 Victorians living in out-of-home care will no longer be forced to leave care on the day they turn 18 and fend for themselves.

We know that kids in foster care are an already vulnerable group. Forcing them to go it alone at 18 has been a huge driver to poorer outcomes within the first 12 months of leaving care, leading to 50 per cent of kids being homeless, in jail or unemployed. It has taken some time, but I would like to acknowledge the work of Fiona Patten in first bringing this issue to the chamber in the last term of government. Estimates by Deloitte Access Economics suggest that reforms to increase the out-of-home care leaver support age will halve homelessness, reduce hospitalisation by one-third, reduce mental illness by 40 per cent, increase engagement in education, significantly decrease arrests and massively decrease alcohol and drug dependence. We commend the government on this bill and their work to ensure greater self-determination and culturally safe care.

In relation to amendments to this bill brought by the Greens and the minister, we are supportive and note the importance of emphasising the harm for children and cultural connection caused by removing an Aboriginal child from the care of a parent.

This bill is just one step in the work that needs to be done to meet the Closing the Gap national agreement and address decades of trauma and disconnection. We commit to supporting this important work wherever and whenever possible.

Sheena WATT (Northern Metropolitan) (14:28): I rise to speak on the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023, which is a bill that provides significant reform opportunities to achieve self-determination and self-management for Aboriginal people and to strengthen provisions that uphold the importance of culture for the safety of Aboriginal children. When I read a little bit more about this bill before us I could not help but stop and reflect on my time as a member of the executive committee of the Family Matters campaign – a campaign that has long championed the reforms that are captured in this bill today. So before I go on I want to take a moment to acknowledge SNAICC and their extraordinary national leadership as well as the Victorian Aboriginal Child Care Agency here in our state. And to those that continue this work, now that I have left that important advocacy behind can I just say thank you for what you do but also for taking the time out to talk to me and make sure that I understand just how significant it is that we address this really critical, critical issue in our communities.

The evidence really is clear that the single biggest factor in improving health and social outcomes for Aboriginal people is achieved through Aboriginal self-determination. We get told this many, many times as members of the Aboriginal community but more so as people that work in Aboriginal community controlled organisations (ACCOs). It is Aboriginal health in Aboriginal hands or it is Aboriginal children in Aboriginal families. This has been a quite a foundational principle in my time working with Aboriginal families and communities.

In this bill before us today is the recognition that Aboriginal people are best placed to lead and inform responses for Aboriginal children and families and also a recognition that Aboriginal people have the strength and the rights to lead change for our children. The bill, extraordinary as it is, reinforces the Victorian government's commitment to Aboriginal self-determination in health and child protection systems and acknowledges the importance of culturally safe and appropriate resource services to meet the health and wellbeing needs of Aboriginal people in Victoria.

The bill progresses key commitments and strategic directions under *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement 2018*. I recall with great affection attending that launch, albeit with a different hat on, but it is something that has sat with me and still sits with me today. I think I have spoken on *Wungurilwil Gapgapduir* about four times since entering the Parliament, and it is great again to hear that commitment to this important strategy presented in the bill today. It really is a commitment to reducing the over-representation of Aboriginal children in child protection and out-of-home care. We are going to achieve that. We will achieve that by enabling the advancement of Aboriginal models of care and transferring decision-making for Aboriginal children to Aboriginal community controlled organisations. The bill is really an important part of achieving that vision. The

bill is an important step in meeting our Closing the Gap national agreement targets here in Victoria to reduce the rate of over-representation of Aboriginal children in care by 45 per cent by 2031.

In the health sector the bill progresses the major priority of the Aboriginal Health and Wellbeing Partnership Forum by enshrining commitments to Aboriginal self-determination in our health legislation. This also progresses the government's commitment to Aboriginal self-determination as set out in the Victorian government's self-determination reform framework. Through this bill we will specifically acknowledge the treaty process, something that I am enormously proud of, and our shared aspiration to achieve increased autonomy and Aboriginal decision-making. This includes greater control of planning, funding and administration of services, including through self-determined Aboriginal representative bodies established through treaty. Through this the government will make clear our commitment to treaty and the reform work currently underway.

Just last week we had the budget, and I was very pleased to see a \$140 million investment in the 2023–24 budget to resource initiatives to improve outcomes for First Nations children in the child protection and family services system. Particularly of note is the expansion of the Aboriginal children in Aboriginal care program, the expansion of the Community Protecting Boorais trial and Aboriginal-led investigations team for child protection reports, funding to support Aboriginal-led family services and early intervention, continued support for the Aboriginal Workforce Fund, business-controlled resources for Aboriginal community controlled organisations and targeted training packages for the approximately 100 support workers for the Aboriginal community infrastructure program.

In that, can I just take a moment to acknowledge all the Aboriginal workers that are working in our ACCOs right across the state. You hold up our communities, you keep us strong and I am hoping that you can see through this budget commitment that we too are standing right beside you and right behind you as you are really at the forefront of leading the future and the future generations of our families. Thank you very, very much for all that you do. I have got some names, but if I start, I am going to forget someone, and I do not want to do that. But you know who you are, and I am so deeply, deeply grateful.

Of course I have reflected a little bit on the *Victorian Aboriginal Affairs Framework* – something that I have been around for a long, long time – and the fact that this bill will support that. It is a partnership with Aboriginal people and the Victorian government to meet the goal that Aboriginal children are raised by Aboriginal families. In recognition of the historical importance of the statement of recognition and its importance for Aboriginal people, it is intended to give prominence to decision-makers under the Children, Youth and Families Act 2005 by placing the statement up-front in a new part of the act.

The bill recognises the critical role connection to culture and family plays in development of Aboriginal children and in protecting them from harm and ensures that that is recognised, understood and considered from the outset of engagement with the child protection system. The bill is an acknowledgement that Aboriginal children achieve better outcomes and that the over-representation of Aboriginal children care is reduced when Aboriginal people and organisations are involved in Aboriginal decisions for Aboriginal children. I cannot say that enough. It is just so foundational to achieving the aspirations that we all have for our community. By guiding decision-makers through the binding recognition principle, the bill aims to retain Aboriginal children with their culture and community and break the intergenerational trauma contributed to by past policies. It promotes a stronger emphasis on keeping families strong and a clear path for returning our kids home.

The bill further confirms the rights of Aboriginal Victorians to make decisions on matters that affect their lives and communities. We are probably going to hear that a lot over the next six months. And whilst it takes the folks in Canberra to bring this referendum before us, this bill is just one way in which the Victorian government is demonstrating that absolutely we know that Aboriginal lives are improved each and every day when it is Aboriginal people that are behind the decisions about their own lives and our own communities.

This is really hard, actually. This is actually really, really hard.

I just not too long ago went out to a beautiful organisation and met some young people who for the first time know where their place is in the world, where their place is in communities, because of programs run by Aboriginal organisations to connect Aboriginal kids to community, to their kin and to their culture. Those kids stand a little bit taller and they work a little bit harder in the classroom because they know about who they are and what their responsibilities are as Aboriginal people. And they told me: ‘Now we do really well at school. Now when we are bullied, belittled and harassed as Aboriginal people, we can stand up and say, “No, no, no, no. I’m part of the longest continuing culture in the whole world, and this is exactly where I am from and this is exactly my part in the world.”’

That does not happen magically. You cannot go to the library and take out a book that tells you exactly who you are and your place in the world. I know that because I tried. I thought that you could just walk into the library as someone disconnected from culture and just pick it up off a shelf somewhere, and that in the books it would tell you that you are valued and that you are heard and that you have a place. It does not exist. No-one has quite written the book. Maybe that was in the 1990s; I do not know. I have been to some bookstores now, and they have got some pretty powerful stories being told. But really, it is through really considered programs that connect Aboriginal people to Aboriginal culture, to families and to understanding our place and connection to land and country that we as Aboriginal people feel more valued and more respected and more rightfully placed here in our home.

So I am really, really proud of it. I could talk about technical matters of the bill but, you know what, I am just not going to, because I know the incredible work being led by organisations who have stepped up to be part of section 18 – organisations like Bendigo and District Aboriginal Co-operative, Gippsland and East Gippsland Aboriginal Co-operative and others. I know because I was in the rooms when they were making decisions about whether this was something they wanted to do, whether this was something they felt they were ready for, whether this was something they felt they could do and how they can do it right, how they can do it justice.

To those ACCO leaders whose shoulders I stand on each and every day I just want to say that it is an extraordinary thing you have taken on to be responsible for the lives and futures of Aboriginal children in this state – many children that you will never meet or that you might meet once or twice. So to you, thank you. I hope that with this bill you know that the Victorian government and in fact the Parliament and all of us here that are voting in not too long a time are standing with you, because there is so much more that we can do, but we cannot do it alone here in these fancy red seats. We need folks out there in the grassroots, out there in the community, stepping up and telling us exactly what it is that they need and for us to stand with you, believe you, walk with you and – critically – fund you. That is what the budget did; that is what we will continue to do. To the leaders, thank you very, very much. To the workers, you are angels in our community. Anyone that works in child protection is simply extraordinary – the trauma that you are exposed to each and every day. Yet you turn up each and every day for people of all different ages and all different stories and circumstances. So to you, thank you very much.

I am going to take some time to pull myself together after this. I am getting some text messages from folks saying, ‘I know. We’re watching you.’ They are watching us out there right now. Aboriginal people are watching us as we talk about the future of our kids, and to you I say thanks for tuning in. This is the least that we could do to back you and support you in the very, very important work that you do. And thank you to each and every person that has already spoken and that will speak on this and stand up in support of Aboriginal families and children in recognition that in the past we just got it wrong. We just got it wrong, and we have got so much more that we can do to get it right. I am hoping that today is just one small step on that path.

Samantha RATNAM (Northern Metropolitan) (14:45): Thank you, Ms Watt, for your very eloquent and moving contribution to this debate.

I am pleased, too, to speak in support of the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023. I want to start my contribution today by acknowledging the traditional owners of the land that this Parliament is on, the Wurundjeri people. This always was and always will be Aboriginal land. Our history is founded on the violent colonisation of First Nations people, who were dispossessed of their lands, who had their families separated and their children taken from them, and who had their lands, waters and skies stolen and destroyed. The impacts of colonisation are still seen in all parts of our society today. First Nations people continue to experience disproportionate rates of socio-economic disadvantage, poorer health, education and employment outcomes and higher rates of homelessness, imprisonment and contact with the justice system than non-First Nations people. We still have a long journey to walk towards justice and healing for our First Peoples. We have begun this work in Victoria through the treaty process and the truth-telling at the Yoorrook Justice Commission, but true justice for First Peoples will require major systemic and structural reform.

The reforms in this bill today are a step in the right direction. I am pleased that there is agreement on all sides of this chamber that we need to reform our child protection system to reduce the over-representation of First Nations kids in the system, and I want to thank the minister and Mr Bach for their time and engagement on the reforms in this bill. Reducing the over-representation of First Nations children and young people in out-of-home care should be a priority for all of us in this place, but too often this portfolio is put in the too-hard basket and much-needed reform is delayed or implemented at a snail's pace.

There has been little leadership or vision from successive governments on how to reform the child protection system. In the last 18 months alone in Victoria we have had five different child protection ministers, and this bill has been handed down through multiple ministers. The child protection system in our state is, quite frankly, broken. It has been failing First Nations families for years. Despite the lasting lessons of the stolen generations and despite what we know about the ongoing harm caused when children are removed from their parents, we are still seeing First Nations children taken from their families at ever-increasing rates. Aboriginal children are 22 times more likely than non-Aboriginal children to be in out-of-home care. In Victoria we have the highest rate of First Nations children in out-of-home care, 103 per 1000 children, double the national rate of 57.6 per thousand. They make up more than 20 per cent of children in Victoria's child protection system, an increase of 14.6 per cent since 2016.

For every child removed from their parents there is a story of grief, of loss, of trauma and of a cycle of disadvantage and hardship. Children who are forcibly removed from their parents experience significant social and health disadvantage throughout their lives, a disconnection from their culture and community and intergenerational trauma. We heard many of these stories from members of the stolen generations in the *Bringing Them Home* report, and now we are hearing them again through the truth-telling at the Yoorrook Justice Commission. Yoorrook's deputy chair described the rising rates of removal as a new stolen generation and called out the culturally unsafe practices within the Department of Families, Fairness and Housing. Yoorrook heard that about 60 per cent of child protection notifications for Victorian First Nations families were unsubstantiated. The department conceded that systemic racism is still embedded in our child protection system and that racism and bias within the child protection workforce is contributing to these reports.

We have needed major reform of the child protection system for years, so the Greens are pleased to be able to support the beginnings of this reform work in this bill today. However, there are some aspects of the bill that we have some concerns with, and there are some opportunities to improve the bill that we think the government has missed, and I will speak to these in turn.

The bill will expand the role of the Aboriginal agencies delivering child and family services in Victoria. This means sector organisations like the Victorian Aboriginal Child Care Agency will be empowered to investigate child protection cases and connect families with support at an early stage. These new early intervention powers are designed to allow Aboriginal organisations to provide culturally appropriate, targeted support for families early in their contact with child and family services and in turn reduce the number of children who are removed from their families and placed in the care of the system. It will also help ensure more First Nations children are in First Nations care. I know that sector organisations like VACCA do incredible work supporting families and children and providing much-needed culturally appropriate services and that many have been waiting for these reforms for years. The sector is ready and willing to hit the ground running to exercise these new powers, and I am pleased to see the government has upheld its promise to bring these reforms back before this house early in this new term of government.

The bill will also introduce a new statement of recognition acknowledging that the child protection system has contributed to the dispossession, colonisation and assimilation of First Nations people and recognising the lasting trauma and harm caused by the systemic, forcible removal of Aboriginal children. It is good to see an express acknowledgement from the government of the harm directly caused by the child protection system and of the ongoing structural inequality and systemic racism that exist within it. However, I would remind those in government and in this chamber that this is not a recognition of past harm. These harms are ongoing and continue to be perpetuated today. The statement of recognition is not a clause to be put in legislation and forgotten about but something to be considered and incorporated in all decision-making in the child protection system.

The bill will put into legislation all five elements of the Aboriginal child placement principle (ACPP): prevention, participation, partnership, connection and placement. The government's intention is to improve decision-making regarding Aboriginal children in care and ensure that the full intent of the placement principle is realised through decision-making. However, we have heard concerns from the sector, who fear that this reform may be symbolic and will not result in an improvement in how the Aboriginal child placement principle is applied in practice. Despite the aim of the principle to keep children connected to their families and culture and to ensure that removal of a child is only used as a last resort, it is very clear that in Victoria too many First Nations children are still being removed from their parents and, once in the system, too many are put on the pathway to permanent placement rather than reunification within their families.

The Greens welcome the engagement from the sector on ways to improve the application of the ACPP, particularly the hard work of the teams at the Victorian Aboriginal Legal Service (VALS) and at VACCA. In collaboration with the sector we have prepared amendments to better give effect to the substance and the intent of the ACPP and ensure that it is fully applied by decision-makers in the child protection system. They are aimed at reducing the over-representation of Aboriginal children living out of parental care and, for those who are placed out of parental care, reducing the number who are disconnected from their family, community and culture. I will speak more to the substance of our amendments during the committee stage, but I am happy for them to be circulated now, please.

Amendments circulated pursuant to standing orders.

Samantha RATNAM: The reforms in this bill are a start, but they are just a start, and the Greens want to see a commitment to meaningful ongoing child protection reform from this government and an assurance that this reform will be led by First Nations communities and organisations. I know in December last year the Premier indicated his intention to overhaul the child protection system, and I am pleased to see funding allocated in last week's state budget to reform the children and families system in order to reduce the over-representation of First Nations families in child protection and family services. I have also had a number of productive conversations with Minister Blandthorn and her office and look forward to working with her on further reform of the child protection system.

Ultimately this work needs to be led by our First Nations communities and First Nations organisations in the community sector. Despite our best intentions, we have made no progress on reducing the over-representation of First Nations children in contact with the child protection system – instead we are going backwards. And while the reforms in the bill are empowering Aboriginal agencies to exercise more power within the child protection system, they are still constrained within the confines of the broken system itself. I know that in the past engagement and consultation with First Nations organisations has been poorly handled by the department and that a number of organisations, like our legal stakeholders, have been left out or ignored completely. VALS and Djirra both expressed frustration with the engagement from the department, particularly on the reforms in this bill where they were given no opportunity to provide meaningful feedback. True self-determination does not mean being handed a broken child protection system riddled with racism, prejudice and bias – it means letting First Nations organisations and communities redevelop the system from the ground up in a way that works for their families and their children, and that means including and ensuring all parts of the sector have a seat at the table to engage in direct and meaningful feedback.

I know sector organisations have put forward a number of proposals for meaningful reform through Yoorrook, including recommendations like new standalone child protection legislation for First Nations children. I would urge the government to take a very close look at the evidence presented and the truths being told through the Yoorrook Justice Commission and the recommendations that the commission will make. This is the pathway towards true structural reform: acknowledging the truths of continued structural racism and injustice in our state, heeding calls for reform from First Nations people and then empowering our First Nations people to design and manage the systems and services that are supposed to support them. The Greens look forward to working with the government and the sector on future reform and discussing this further in the committee stage.

John BERGER (Southern Metropolitan) (14:55): Today I rise in support of the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023. Before I speak on this bill, I would like to acknowledge that today we stand and meet on the land of the Wurundjeri people of the Kulin nation, the traditional custodians of this land. I would like to acknowledge the Boon Wurrung people of my electorate of Southern Metropolitan and the Woiwurrung people, on whose land we meet today. I pay my respects to the Wurundjeri, Boon Wurrung and Woiwurrung elders past and present and extend my respects to the elders of the future. I extend my respects to any First Nations people present in the chamber or joining us remotely today.

It is the First Nations people of Australia, the longest continuous civilisation on earth, who have cared for this land and who continue to maintain their culture through song and story. The Andrews Labor government is a government of truth and compassion, and that is why we are committed to truth, treaty and voice. It is because of this that we are listening to the *Uluru Statement from the Heart*. It is because of this that we are committed to the Closing the Gap national agreement to reduce the over-representation of Aboriginal and Torres Strait Islander children in custody by 45 per cent by 2031 and also to close the gap in wellbeing, health, education, justice and countless more areas.

The historical treatment of Aboriginal and Torres Strait Islander people is a tragedy felt to this day in Aboriginal and Torres Strait Islander communities, and therefore it is essential to work towards reconciliation. The overall objective of this legislation is clear. Our government, the Andrews Labor government, is committed to Aboriginal self-determination, and for this to be substantial it must be embedded in our legislative framework. That means updating our ways of operating, whether that be social services regulation, the reportable conduct scheme, the Children's Court, the Commission for Children and Young People or more. It is the right thing to do.

We have a duty to ensure that every single Victorian has the best quality of life and the best opportunities – access to the best of everything. We have a duty to ensure that they are not discriminated against or disadvantaged due to the colour of their skin or any other factors. The injustices are systemic, they are complex and they are serious. Today we hope to address one aspect of this: the over-representation of Aboriginal and Torres Strait Islander children in social services.

Evidence given to the Yoorrook Justice Commission has highlighted important issues. The reality is that there is an over-representation of Indigenous children and young people in the system. That is why the bill will progress key elements to address these issues. It will update several pieces of legislation to be embedded with binding principles of recognition and measures to include legislative support for Aboriginal self-determination.

It is the responsibility of everyone in this and the other place to ensure that every single Aboriginal and Torres Strait Islander person in Victoria has the best opportunity in life. Self-determination is a major factor in the improvement of Aboriginal wellbeing and health. This has been known since the 1987–91 Royal Commission into Aboriginal Deaths in Custody along with the 1997 *Bringing Them Home* report. In 2005 we saw the legislative establishment of these principles being enshrined and protected in law through section 12 of the Child, Youth and Families Act 2005. It is now time to update this and other pieces of legislation to further embed our government's commitment to ensuring Aboriginal and Torres Strait Islander self-determination.

This bill will ensure that Aboriginal and Torres Strait Islander self-determination is written into legislation. Self-determination is a basic human right – free will, the ability to decide what to do with your life. Unfortunately many systemic forces interfere with First Nations peoples' self-determination and have done so for a long time. This bill seeks to firstly recognise this – the hardship Aboriginal children and adults face every day.

It is a key election promise of the Andrews Labor government that we lower the disproportionate numbers of Aboriginal children in the system. I am proud to be part of a government that makes promises and then keeps them. Aboriginal and Torres Strait Islander people make up 3 per cent of the Victorian population; however, 21 per cent of the children and young people in child protection are Aboriginal or Torres Strait Islander. The bill follows and listens to strategies and commitments of the Aboriginal children and families agreement from 2018, a tripartite agreement between the Aboriginal community, the Victorian government and the child and family services sector. It sets out five clear objectives to ensure Aboriginal self-determination in the child and family sector: encourage Aboriginal children and families to be strong in culture and proud of their unique identity; resource and support Aboriginal organisations to care for Aboriginal children, families and communities; commit to culturally competent and culturally safe services for staff, children and families; capture, share and build Aboriginal knowledge, learning and evidence to inform practices; and prioritise Aboriginal workforce capability.

This bill aims to strengthen families. That is what this bill, in accordance with the agreement, hopes to ensure: strong families from Aboriginal Victorians with strong connections to culture and country. The Andrews Labor government believes deeply in this agreement and since 2018 has committed \$160 million of investment to its implementation and initiatives. One of the key aspects of the bill is that it puts decision-making about Aboriginal children back in the hands of Aboriginal communities. A Department of Families, Fairness and Housing report has shown that 56 per cent of Aboriginal and Torres Strait Islander children were placed in non-Aboriginal or Torres Strait Islander care. The same report found that more than half of these children were separated from their siblings.

With the implementation of Aboriginal Children in Aboriginal Care, Aboriginal community controlled organisations now hold responsibility for Aboriginal children's case management and plans. Additionally, a more focused approach to kinship care will ensure that higher rates of children in care are placed with family members like grandparents, aunts or uncles. This will ensure that children and young people will remain connected to their family and community.

The Andrews Labor government has listened to experts in forming this bill. We know that Aboriginal and Torres Strait Islander children and young people achieve better outcomes when Aboriginal and Torres Strait Islander organisations are involved in the decision-making for their children and young people. To this effect, the bill will open the doors and make it easier for Aboriginal and Torres Strait Islander organisations and community groups to engage in information-sharing for the cases of certain

children and young people. This puts decision-making back in the hands of Aboriginal communities and expands the functions of such organisations to be more effective in supporting their community.

Under the nation-first Community Protecting Boorais pilot, Aboriginal-led agencies are authorised to undertake investigations into child protection. This means that reports and responses to protect the needs of Aboriginal children are led by Aboriginal organisations and are therefore sensitive to and informed on the details of the situation. Aboriginal Children in Aboriginal Care also authorises Aboriginal controlled community organisations with full responsibility, case planning and management of Aboriginal children under protection orders. Under section 18 of the Children, Youth and Families Act 2005 Aboriginal community controlled organisations may become an approved principal officer and undertake child protection functions for Aboriginal children and the young.

An important detail within the bill is the enshrinement of all the five elements of the Aboriginal child placement principle. These five principles are vital in ensuring that the devastating consequences resulting from the removal of Aboriginal children from their families and communities are legislated against. These principles draw on and strengthen the recognition of the importance of self-determination through the implementation of practical principles. They are as follows: prevention – protecting Aboriginal children’s right to grow up in family, community and culture by pre-emptively addressing the causes of intervention; partnership – ensuring the participation of community voices in the design of placement programs and case decisions; placement – placing Aboriginal children in out-of-home care in accordance with the appropriate placement hierarchy; participation – ensuring the participation of children, parents and families in decisions that affect the care and protection of children; and connection – maintaining and supporting the connection between the child and their family as they navigate out-of-home care.

These principles work to protect Aboriginal children in that they ensure that the removal of any Aboriginal child or young person is absolutely the last resort. Furthermore, if a last-resort scenario is unavoidable, the Aboriginal child placement principle exists to safeguard future procedures in that First Nations welfare organisations are consulted with, and if removal is necessary, children will be placed with extended family or, if that is not possible, within the Aboriginal community in the closest proximity to the child’s natural family.

Currently there is some legislation that has the potential to cause confusion. The Children, Youth and Families Act 2005, section 13, outlines the placement principle of the five elements within the Aboriginal child placement principle – there is no legislative detail or mention of the other four. This leaves the impression that it is often the only approach, or the most important, when considering Aboriginal placement. This bill seeks to expressly include the other four principles in the Children, Youth and Families Act: prevention, participation, partnership and connection. It will ensure that placement is, in a legal sense, only ever seen as a last resort. To avoid the scenario where a child will be removed from their family, we will establish the family preservation and reunification response model, which seeks to, where possible, keep vulnerable children and families together and support children in care returning to their homes safely.

With other initiatives, like the Care Hub trial and the Home Stretch program, more power and personalisation will be given to those navigating the system, even altering the ways in which children and young people are able to approach family reunification. The Care Hub trial, with assessment and planning, will ensure that children and young people in care for the first time will have placement, stability and a potential safe passageway home. The Home Stretch program, which will prioritise the voices and input of those who have real-life experiences of children and family systems when designing services and delivery, will ensure that the care system is designed for the people going through it. I note my electorate officer was on the board that helped deliver this program, so our office is well informed of the importance of what this legislation means.

The Children, Youth and Families Act will also be amended to hold an updated definition of ‘Aboriginal person’, removing the use of an outdated and racist term. Our legislation has no place for offensive language.

The bill also seeks to enshrine Aboriginal self-determination in our health legislation as per the Victorian government’s self-determination reform framework. The Health Services Act 1988 and the Public Health and Wellbeing Act 2008 will be amended to include a statement of recognition. This will be accompanied by the principles of self-determination. Additionally, it will serve to acknowledge the historical and continuous impact that laws with racist motives have had on Aboriginal and Torres Strait Islander people in Victoria, the impacts that it has had on these practices and policies and therefore the impact that this has had on the health and wellbeing of Aboriginal people.

The bill recognises the importance of Aboriginal community controlled health organisations and will also seek to share core principles of Aboriginal determination with health organisations so that all necessary bodies within the state may be adequately informed on issues relating to their patients and clients.

Additionally, the bill will ensure the power of the Commission for Children and Young People to advocate for children and young people in child protection and care systems. Children and young people in protection and care systems will now have the means by which to report abuse and neglect. They will have support in understanding and exercising their rights to raise concerns over issues. The advocacy function will help to ensure an easier and happier experience for children and young people in extremely vulnerable situations. Amendments will be made to the reportable conduct scheme, which has fallen under the oversight of the Commission for Children and Young People since its commencement in July 2017. It exists to protect children from abuse and misconduct while in the care of protection and care entities. It will alter the definition of ‘employee’ so that the scheme may extend to those who are indirectly in contact with children in the care of the system, such as labour hire arrangements or secondments. The commission will have the powers to monitor and enforce compliance with requirements in conjunction with Victoria Police. The Commission for Children and Young People will be able to commence proceedings under the act. The time frame for commencement of proceedings will be extended to three years, with a requirement to notify the commission about allegations of reportable behaviour.

Additionally, within the judicial system the Children, Youth and Families Act 2005 and the Magistrates’ Court Act 1989 will be amended to allow the Children’s Court, where appropriate, to delegate certain powers of registrars and magistrates to the judicial registrars. They will also be enabled to perform any functions under the registrar. This is all for the purpose of ensuring a smooth, more efficient Children’s Court so that action in emergency situations can be quick and not traumatic for the children.

This legislation is important to ensure that Aboriginal and Torres Strait Islander children are protected and their connection to culture and country is protected. To enshrine these principles into legislation is to enshrine recognition into Victoria so that we can protect their safety whilst ensuring the self-determination of every single Aboriginal child in the state and that they always have a connection to their culture and country. I commend these amendments to the house.

Rikkie-Lee TYRRELL (Northern Victoria) (15:10): After close consultation with Indigenous elders within my constituency, it appears that the in-depth consultation that the government is claiming was conducted was not as in-depth as it should have been. Firstly, this bill does not encourage cross-border coordination with New South Wales. Seeing that we have Labor governments in both states and that most of the northern Indigenous communities I represent liaise with services on both sides of the border, I would have hoped that the government would have capitalised on this opportunity to facilitate a standardised practice between states. Secondly, I cannot in good conscience support any proposal to consolidate the decision-making powers of those concerned into the hands of a select few

and out of the hands of the relevant local elders and community leaders. For these reasons, I will not be supporting this bill in its current form.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (15:11): Firstly, I acknowledge that we discuss these matters today on the lands of the Wurundjeri people, and I pay my respect to elders past and present. It is indeed a privilege to be in this place speaking about these issues and following the contributions that have been made in the chamber so far today.

The conversation has shown that from whatever perspective, whatever corner, people are coming from within this chamber, everyone is approaching this conversation in a spirit of respect and – importantly in National Reconciliation Week – reconciliation and also with an acknowledgement that everybody has the best interests of children first and foremost in their mind and the best interests of First Peoples children first and foremost in their mind.

I thank the crossbench and Dr Bach and his team for their engagement on this bill. As Dr Bach said, there is always more that we can do, and we look forward to working together with Dr Bach and his team as well as every member of this place in relation to what things require further action, particularly when we are talking about reducing the over-representation of First Peoples children in the child protection system. I think it is clear that the wellbeing of Aboriginal children and young people is above politics, and that is what we have seen today.

At the last election the government gave stakeholders a commitment. We gave the Aboriginal community controlled organisations a commitment and we gave various other stakeholders a commitment that we would reintroduce a statement of recognition bill as soon as possible. We have met that commitment, and today we have the opportunity to further embed Aboriginal self-determination in legislation. Self-determination is indeed a human right, and this bill will increase self-determination for Aboriginal people by introducing a statement of recognition. It is an ongoing statement, it is a binding statement. With all respect to Dr Ratnam and her contribution, which I do value, I note that the statement itself does acknowledge that some of the systemic issues to which she referred remain ongoing; the statement of recognition does actually acknowledge that.

The bill enshrines all five elements of the Aboriginal child placement principle into the Children, Youth and Families Act 2005 to strengthen recognition of the importance of self-determination and culture for Aboriginal children. Can I firstly acknowledge the contribution of Ms Watt to this debate and also acknowledge, as she did, the contribution of SNAICC in particular in relation to furthering the advancement of the placement principles.

The bill also expands the functions under the Children, Youth and Families Act 2005 which can be delegated to Aboriginal community controlled organisations under the Aboriginal children in Aboriginal care program, including receiving therapeutic treatment reports and ensuring sufficient information sharing to undertake those functions. As Ms Watt did, can I also acknowledge those ACCOs that have been involved in this important work to date, in particular the contributions of both the Victorian Aboriginal Child Care Agency and the Ballarat and District Aboriginal Co-operative in their role in furthering the Aboriginal children in Aboriginal care program.

The bill also removes outdated language from the Children, Youth and Families Act 2005 and amends the Health Services Act 1988 and Public Health and Wellbeing Act 2008 to introduce a statement of recognition and non-binding principles.

The bill will also strengthen the protections for all children in the child protection and out-of-home care systems, including amending the Commission for Children and Young People Act 2012 to ensure the commission can advocate on behalf of children and young people who are in or who have recently exited the child protection and out-of-home care systems, amending the reportable conduct scheme to address critical regulatory gaps impacting on the effectiveness of the scheme, amending the Social Services Regulation Act 2021 to provide the necessary transitional provisions and consequential

amendments required to support commencement of the new Social Services Regulator and the worker and carer exclusions scheme, and amending the Children, Youth and Families Act 2005 and Magistrates' Court Act 1989 to enable the Children's Court of Victoria to make rules that delegate certain powers of a registrar or a magistrate to a judicial registrar and allow judicial registrars to perform any functions of registrars in the Children's Court and Magistrates Court of Victoria.

All of these changes are important, but I want to highlight in particular the amendments to section 18 of the Children, Youth and Families Act. At present section 18 allows the authorisation of an Aboriginal agency only where the child is subject to a protection order. The changes proposed in this bill broaden the power of the secretary to authorise any specified functions and specified powers. This will allow the Community Protecting Boorais pilot to progress. There is strong potential that the pilot will reduce the need for further intervention after the investigation phase and reduce the number of Aboriginal children entering care. Aboriginal-led agencies are best placed to engage Aboriginal families and connect them to the services that they need to support them and keep their children safe. I have three house amendments, and I would ask that they be circulated now, please.

Amendments circulated pursuant to standing orders.

Lizzie BLANDTHORN: The government is introducing a house amendment to strengthen Aboriginal determination by introducing a statement of harm to the Children, Youth and Families Act 2005 recognising that removing Aboriginal children from their parents may cause harm to those children, including through disconnection to their culture; secondly, expressly require the court or a bail justice to have regard to the Aboriginal child placement principle when making decisions relating to Aboriginal children in need of protection; and, thirdly, remove a provision which stated for the avoidance of doubt that the secretary retains sole parental responsibility for children authorised to Aboriginal-led agencies.

The government has been in conversation with key Aboriginal community controlled organisations and is making these changes based on concerns those organisations have raised. Making these amendments underscores the government's commitment to listening to the Aboriginal community and progressing self-determination, while limiting the risks of adverse consequences. This bill furthers our government's commitment to greater self-determination in the child protection and family services system.

For the record, the government has given due consideration to all of the amendments that Dr Ratnam has proposed. We received advice from the department, the statement-of-recognition working group and external advice from the Children's Court. The amendments we are in a position to support and put forward today are a result of the totality of this advice. The amendments tabled in my name represent a position that weighs the feedback I have received, and I want to particularly thank Dr Bach and his team for the constructive way in which they have engaged with me and my office in relation to these matters. I want to also thank the members of the crossbench, including Dr Ratnam, who have engaged on these matters as well. Child protection and family services should be above politics. I think this chamber today is showing that we can put these matters above politics. I do thank the crossbench, and I thank the coalition for their engagement on these issues.

To be very clear, I am not ruling out that there may be further changes following the intent of some of the amendments that have been put forward by Dr Ratnam and indeed some of the conversations that I have had with Dr Bach and others. There is always more work, as Dr Bach said in his contribution earlier today and as I acknowledged up-front, that needs to happen in relation to ensuring the safety and wellbeing of all of our children and, in this case, First Peoples children. I commit to this chamber that this work will continue to be done, with Dr Bach, with Dr Ratnam, with members of this chamber and indeed with stakeholders, the statement-of-recognition working group and the new legal stakeholder working group which we have also established for further consideration of these matters.

I look forward to this bill progressing. I also look forward to continuing to work with members of this place in the best interests of all children.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:21)

Samantha RATNAM: Minister, I understand that a new legal reference group will be established to inform ongoing reform in the child protection system. Can I seek further information about the terms of reference and purpose of this group and an assurance that organisations like Victorian Aboriginal Legal Service (VALS) and Djirra will be included in the group?

Lizzie BLANDTHORN: I have written to a number of stakeholders inviting them to be members of this reference group, including VALS and Djirra. I believe – I can check with my adviser in the box – at least one of those has already replied and indicated who their representative will be on that group. There is VALS, there is Djirra, there is Victoria Legal Aid, the Children’s Court and others as well; they have all been written to. They have all been invited to nominate representatives.

The terms of reference I expect will probably evolve. We have acknowledged that consultation with those legal stakeholders could have been better in the past, and it is my expectation as minister that it be better going forward. We look forward to that.

Samantha RATNAM: Thank you very much, Minister. I really appreciate that update. Another question: one thing that is missing in this bill is the intersection between increasing rates of removal of First Nations children and high rates of family violence experienced by First Nations women. Approximately 88 per cent of Aboriginal and Torres Strait Islander children in out-of-home care have experienced family violence, yet the links between family violence and the removal of children are often ignored or forgotten. Minister, can I seek a commitment that additional family violence support for First Nations women and families will be part of future reform in this area?

Lizzie BLANDTHORN: Obviously I am not the Minister for Prevention of Family Violence. The issues you raise do not specifically go to the scope of this bill, but family violence is clearly one of the factors that often influence children being within the child protection system, and there is clearly an over-representation of Indigenous children within our system. I have heard from stakeholders – I have certainly heard from the Aboriginal community controlled organisations – that family violence in particular is an important issue that must be considered when we are looking in a holistic way at the factors that lead to the over-representation of children within the system. Obviously we also have the Orange Door program, Better Connected Care and a range of other factors that are seeking to deliver a more holistic approach to family services, including family violence services, for all families and obviously for families of Indigenous background. It is definitely an issue that we will continue to work on and continue to work with you on.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (15:25)

Lizzie BLANDTHORN: I move:

1. Clause 4, after line 24 insert –

“7AA **Statement of acknowledgement**

- (1) The Parliament acknowledges that removing an Aboriginal child from the care of a parent may –
 - (a) disrupt the child’s connection to their culture; and

- (b) cause harm to the child, including serious harm.
- (2) The Parliament does not intend by this section to affect in any way the interpretation of this Act or of any other laws in force in Victoria.”.

Samantha RATNAM: I have no questions on the amendment, but I am happy to speak to the amendment. Thanks very much, Minister, for moving this amendment. We support the work done by the government in their amendments to implement this in part, also acknowledging that those amendments have been drafted in response to a number of amendments we put on the table a number of weeks ago. We really appreciate the dialogue that we have been able to have since. We do believe, however, that placing this recognition of harm within the placement principle will better ensure that it is actively applied in all decision-making in the child protection system. We are not convinced that placing this recognition in a preamble of sorts to this section is the strongest way to give effect to the intention of our amendments. However, we are happy to support this reform as a step in the right direction and look forward to continuing to work with the government on future reform in this space.

Matthew BACH: Can I just briefly say that, like Dr Ratnam, the coalition also supports this amendment and appreciated the very thorough and early briefing that we had on these matters. I note the points that Dr Ratnam has made about placement. We think it is good that this language will be in the bill.

Lizzie BLANDTHORN: Just in response to Dr Ratnam, the government considered that including the same amendment before the statement of recognition was a more appropriate approach. In our view it presents a low risk of conflicting with other similar provisions, such as those of the best interest of the child principle. Also, inclusion in the Aboriginal child placement principle would be more likely to create challenges in balancing the assessment of what is in the best interest of the child and may lead to unintended consequences, and hence that is why we are proposing that this amendment happen in this place.

Amendment agreed to; amended clause agreed to.

New clause (15:28)

Lizzie BLANDTHORN: I move:

2. Insert the following New Clause to follow clause 4 –

‘4A Aboriginal Child Placement Principle

- (1) After section 13(3) of the **Children, Youth and Families Act 2005** insert –

“(4) For the avoidance of doubt, the Court or a bail justice (as the case may be) must have regard to the Aboriginal Child Placement Principle in making any decision or taking any action in respect of a child in need of protection under Chapter 4.”.’.

This is indeed an amendment that was borne out of giving due consideration to Dr Ratnam’s amendments and with thorough consultation with Dr Bach. We feel that this amendment is an important amendment to make to the bill.

Samantha RATNAM: Could I just pose this question: given that I have got subsequent amendments to insert an alternative clause, clause 4A, will I have a chance to speak to why I am wanting to move my original clause or should I speak to that now? If this passes, will I have a chance to do that?

The DEPUTY PRESIDENT: You should speak to it now, because if this passes yours will not be put.

Samantha RATNAM: Okay. It will not be tested; excellent. Thank you very much. As has been referenced before, we do believe the government’s amendments go part way to responding to the concerns that we have raised, but I had foreshadowed a more fulsome amendment. I will speak to why I will continue to proceed with those amendments. Our amendment 1 recognises the inherent harm

caused by the removal of an Aboriginal child from parental care by explicitly including this within the Aboriginal child placement principle. We know that removing a child from parental care causes significant and ongoing harm to the child and should always be a last resort, where the risk of harm to a child is unacceptable. The ACPP emphasises that removal must be a last resort, but the numbers of children still removed from their families in Victoria suggest this element of the ACPP is not being properly applied. We have heard concerns that in practice the placement principle of the ACPP can override the application of the unacceptable risk test, which means that priority is given to securing a stable and eventually permanent placement for Aboriginal children over progressing pathways to family reunification. Whilst placement within the Aboriginal family may reduce some of the harm caused by removal from parental care, it does not eliminate harm altogether and does not reduce the gross over-representation of Aboriginal children living out of parental care.

We want to see more First Nations children kept in or returned to parental care and have heard quite strongly from sector organisations that this reform to the application of the ACPP is the best way to ensure this. The amendments will also require the ACPP to be applied throughout the child's involvement with the child protection system, including in decision-making by the department and the courts. Continuous application will help ensure the full intent of the ACPP is realised, including increasing family reunification where possible.

Further to section 13(2)(a) as part of new clause 4A, these amendments emphasise that wherever possible priority should be on ensuring children removed from parental care are placed together with any siblings. We have heard that in practice siblings in the child protection system are too frequently separated, especially for large family groups. Protecting sibling connections is a key part of protecting a child's connection to their culture and community, and we hope that specifically mentioning this in the act will help keep more family groups together.

New clause agreed to.

The DEPUTY PRESIDENT: That new clause tested Dr Ratnam's amendments 1, 2 and 3, so we will not be moving those amendments.

Clause 5 (15:31)

Samantha RATNAM: Just to clarify, I understood that my amendments 2 and 3 would be tested separately because they are to clause 5. I can speak to them if they have already been tested, if that is your interpretation.

The DEPUTY PRESIDENT: Your amendment 1, which cannot be moved because of the government's amendment, actually tested your amendments 2 and 3, so they could not be moved unless your amendment 1 had been passed. But you can speak to them if you wish.

Samantha RATNAM: Given that my original amendments 2 and 3 pertain to clause 5, I will just speak to the rationale for these amendments. The amendments ensure that new participation rights are subject to the child's or his or her parents' agreement to the participation of the relevant person. We have heard concerns that at the moment in practice other community members' voices can be elevated over those of the parents and that sometimes the need to include First Nations voices results in other elders or community members being involved who do not have strong cultural or kinship connections with the child. For other cultural communities the act explicitly notes that any other members involved in decision-making should be chosen by the child or his or her parent, for example, as part of that act. The sector believes that this should apply to Aboriginal community members as well.

Clause agreed to; clause 6 agreed to.

Clause 7 (15:34)

Lizzie BLANDTHORN: I move:

3. Clause 7, page 14, lines 33 to 36, omit all words and expressions on these lines.

4. Clause 7, page 15, lines 1 to 3, omit all words and expressions on these lines.
5. Clause 7, page 15, line 4, omit "(9)" and insert "(8)".

Amendments agreed to; amended clause agreed to; clauses 8 to 12 agreed to.

New clauses (15:35)

Samantha RATNAM: I move:

4. Insert the following New Clauses to follow clause 12 –

12A When Court may make order under this Part

At the end of section 274 of the **Children, Youth and Families Act 2005** insert –

- “(2) A Court must not make an order under this Part in respect of an Aboriginal child unless the Court is satisfied, by a disposition report prepared in accordance with section 558(cb), that all reasonable steps have been taken by the Secretary to comply with the Aboriginal Child Placement Principle.”.

12B Content of disposition report

After section 558(ca) of the **Children, Youth and Families Act 2005** insert –

- “(cb) if the report relates to an Aboriginal child, a detailed statement setting out the steps taken by the Secretary to comply with the Aboriginal Child Placement Principle.”.

The amendments in this clause seek to ensure that the requirement for the secretary and the court to apply the ACPP in decision-making is enforceable by requiring them to set up steps taken to comply with the ACPP in a disposition report. This is a simple amendment that legislates additional accountability in the application of the ACPP by decision-makers.

Lizzie BLANDTHORN: The government does not support this proposal. It is our view that all of the information that is available to the courts as well as the disposition report should be able to be considered, and our view is that this is one of those issues that is perhaps well intentioned but requires some further work. We are happy to continue to do that work with Dr Ratnam and others who would like to pursue these issues, but at this stage the government is not in a position to support this amendment.

New clauses negatived.

Clauses 13 to 71 agreed to.

Reported to house with amendments.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (15:37): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (15:37): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, a message will be sent to the Assembly informing them that the bill has been agreed to with amendments.

Questions without notice and ministers statements

Written responses

The PRESIDENT (15:38): I have a couple of follow-up announcements for the chamber. At the end of question time I undertook to review *Hansard* for Ms Bath's question to the Minister for Agriculture. I have reviewed *Hansard* and consider the minister did not answer the substantive question. I will order a written response to that question only, not to the supplementary one, due in – given the lateness of the day – two days.

Committees

Procedure Committee

Reference

The PRESIDENT (15:38): And I have a follow-up from the start of the week. Members, on Tuesday I advised the house that the Legal and Social Issues Committee had self-referenced an inquiry. Given that the inquiry was similar in substance to an inquiry the house had negated, I said I would consider asking the Legislative Council Procedure Committee to examine the matter. I advise the house that, pursuant to standing order 23.02(2), I have now written to the Procedure Committee referring for examination and report (a) the standing orders in relation to the self-reference power of committees and (b) the standing orders and practices in relation to how the house refers bills to committees. The Procedure Committee will consider and report back to the house in due course.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (15:39): I move:

That the house do now adjourn.

Flood recovery initiatives

Wendy LOVELL (Northern Victoria) (15:39): (271) My adjournment matter is for the Minister for Emergency Services, and it concerns the delivery of assistance to flood victims in Northern Victoria. The action that I seek is for the minister to order an immediate review of the flood assistance process faced by victims seeking help as they recover from the October 2022 flood event and to make all assistance packages more accessible to victims by simplifying the application process to expedite the distribution of help to victims.

The October 2022 flood event severely impacted the lives of many people in Northern Victoria – from Seymour, Rochester, Mooropna, Shepparton and Echuca, many other towns in between and many other towns further west on the Murray River. The devastation continues today. People are still unable to return to their homes as they navigate insurance companies and tradies, towns are without vital infrastructure and services and victims are suffering emotionally from the prolonged after-effects of the disaster. I have detailed the adversity faced by many of my constituents in the aftermath of the floods in many contributions in this place since October 2022. I have spoken at length about home inundations, of families displaced, of prolonged insurance claims and of mental health struggles experienced by the victims.

As they recover from the floods it is extremely disappointing that victims are also experiencing other frustrations in attempting to access government assistance. Local councils of areas impacted heavily by the floods have expressed frustration at the complexity of seeking flood assistance funding, citing red tape for unnecessary delays. I was pleased to hear the minister say that she had met with some of those councils earlier today. Some of their frustrations include funding for infrastructure replacement and repair, funding for road repair and assistance for councils dealing with the physical and emotional health of victims. The criteria for accessing financial assistance for farmers and primary producers is unfairly rigid, with many of my constituents unable to access assistance through the Andrews

government's primary producers flood relief program as a result. Victims who continue to be displaced from their homes have expressed frustration at the lack of assistance from the government when dealing with their insurance companies or obtaining tradespeople to repair their homes.

These people, who are shared constituents of the minister I am raising this with and me, have been through such trauma, and they are only asking that access to vital flood assistance be made easier. I urge the minister to review all flood assistance programs to ensure the expediency of help to those who desperately need it.

Schools payroll tax

Matthew BACH (North-Eastern Metropolitan) (15:42): (272) My adjournment matter tonight is for the Minister for Education.

Evan Mulholland: This afternoon.

Matthew BACH: This afternoon, rather. Sorry, Mr Mulholland, you are quite right: this afternoon. It is for the Minister for Education and it is regarding the Labor government's new schools tax. In the budget the Labor government announced that it has a secret hit list of 110 schools – or, to quote the budget papers, 'approximately 110 schools' – which will now be liable to pay \$422 million worth of additional taxation just over this budget period. But it is worse than that, even though the minister did not even know it was worse than that.

The government's COVID levy and the government's mental health levy kick in once an organisation's payroll is at \$10 million. There are so many independent schools that have payrolls much higher than \$10 million – some have payrolls of over \$100 million. However, extraordinarily, in the other place this week the minister was asked about this matter and she asserted that there is not one school in Victoria with a payroll over \$10 million. Many state schools have payrolls over \$10 million. I quickly checked the figures, and there are 69 – this is publicly available information – independent schools in Victoria that have payrolls over \$10 million. But that is before you include the Catholics – and gee, the Catholics came out hard today. So many Catholic schools with mid-range fees of \$8000, \$9000 or \$10,000 per annum are going to be absolutely thumped, paying, so says the principal of St Columba's in Essendon, \$800,000 a year in extra taxation.

The action that I seek from the minister is for her to outline to me exactly how much extra taxation independent schools will now pay just through having to pay the COVID levy and the mental health levy. She did not even know that these levies would now apply to many independent schools on her hit list – the vast majority of independent schools on her hit list. I would not mind seeing the hit list. It was put to me by a member of the press pack that given that the government has detailed economic modelling – this new tax grab is going to strip \$422 million from independent schools – they must know which schools they are targeting, so just tell us.

Independent schools have a budgetary period that covers the calendar year, not the tax year. That is because schools operate on a timetable – term 1 starting in January, term 4 finishing in December – so many independent schools are well forward in their planning for next year. They do not know whether they are going to be forced to pay, in some cases, millions and millions of dollars in additional taxes.

The government has told us that it is going to raise \$422 million through its new schools tax, but many of these independent schools are going to be hit with a triple whammy. I want to know from the minister how much additional tax on top of the \$422 million independent schools are going to have to pay that have a payroll over \$10 million. The number is not none that have a payroll over \$10 million, it is 69 plus the Catholics. How much will they pay?

Gender transition

Moira DEEMING (Western Metropolitan) (15:45): (273) My adjournment matter is for the Minister for Health. Recently Australia's MDA National insurance company decided to refuse medical practitioners insurance coverage for claims that arise in any way out of an assessment that a patient under the age of 18 years is suitable for gender transition, because of the high risk of claims arising from irreversible treatments provided to those who medically and surgically transition as children and adolescents, even if those activities were performed within a multidisciplinary team within a hospital. Also, the Family Court of Australia has now been presented with an in-depth research paper by prominent family law barrister Belle Lane cataloguing the lack of international evidence that could justify these procedures on minors. In light of these facts, will the government take responsibility and call for an urgent inquiry to review social, medical and surgical gender transition practices on minors in Victoria, including the government's own indemnification risk and liability? Families and gender health care providers in the western suburbs need answers.

Belmore School

John BERGER (Southern Metropolitan) (15:46): (274) My adjournment today is for the Minister for Education in the other place, Minister Hutchins, and the action I seek is for the minister to join me on a visit to support an inclusion school in my community of Southern Metropolitan Region. On Monday I had the honour of visiting the Belmore School in Balwyn. Belmore School is a specialist school which caters for students who have physical disability or significant health impairments. These are complex cases that require paramedical support and the best staff and support services to wrap around them. Students at Belmore have a wide range of intellectual abilities and all have complex needs, but in Victoria equality is not negotiable and everyone deserves an opportunity to receive an education.

One of these students is Vivian; she is a student leader at Belmore School. In her wheelchair, talking through her computer-generated voice, she took me on a tour of her school. She showed me her classroom, the new facilities and more. As an elected representative I was excited to hear that Belmore School has elections of its own – how amazing. Students like Vivian campaign for votes to be elected as the school's student leaders.

It was my honour to meet with the school staff, led by Principal White, who are determined, passionate and clearly dedicated. The team is made up of 12 teachers who are passionate about providing an environment for learning. With an extensive education support team of 13, this can happen. Every family deserves to know that their children will receive a great education – no exceptions. I am proud that we get this. Vivian's school is being modernised as part of the Andrews Labor government's \$9.6 million capital works program. It is part of the \$14.9 billion we have invested in schools and in more than 1940 school upgrades in less than nine years. These investments ensure that every child can get a great education, that our schools cater for Victoria's growing population and that our government schools are better equipped to prepare students for the 21st century. By reforming schools we transform communities, we transform family lives and we allow students like these, who may never have had the opportunity, to receive an education and to one day perhaps enter the workforce and have a full and dignified life. I commend the Belmore School and the specialist schools in my community of Southern Metro to the house.

Cost of living

Michael GALEA (South-Eastern Metropolitan) (15:49): (275) My adjournment matter is for the Assistant Treasurer in the other place. Could the minister please update the house on the cost-of-living measures being implemented to support my constituents in the South-Eastern Metropolitan Region and specifically in the Rowville electorate? This week Westfield announced that it would start charging customers and staff for parking at their Knox shopping centre in Wantirna South. Disgracefully, they have given shoppers and retail workers less than two weeks notice of the change. Retail workers at Knox working 4 hours or more on a shift will now be slugged \$5 a day just for the

privilege of parking at their place of work. That is in excess of \$1100 per year for someone who works five days a week. This is a deplorable money grab on the part of Westfield and one that comes at the expense of lower paid retail workers.

My colleague the member for Bayswater Jackson Taylor has been very active on this issue, and I am proud to campaign with him against these changes. I encourage everyone to sign our petition telling Westfield to stop these new parking charges, which you can do by clicking on the link. To reiterate: the action I am seeking is for the minister to update the house on cost-of-living measures being implemented in the Rowville electorate.

Land tax

Evan MULHOLLAND (Northern Metropolitan) (15:50): (276) My adjournment this afternoon is seeking action of the Treasurer. The action I seek is for the Treasurer to acknowledge the untold damage his new renters tax will have on Victorians already struggling with the housing crisis and have some introspection and drop this proposed new renters tax. Let us be clear about the impact of the Labor Party's new renters tax. The cost of the average rental property is going to go up by \$1300 per year every year for 10 years. That price will inevitably be paid by renters. It will be paid with higher asking prices for rents, and it will be paid with a further reduction in our rapidly diminishing supply of rentals here in Victoria.

I have been taking a very active role, as I know my colleague Mr Davis has, in the stamp duty inquiry by the Economy and Infrastructure Committee, listening to the experts and getting their views on what new land taxes will do to investments. One of the experts, the CEO of the Real Estate Institute of Victoria Quentin Kilian, said on the renters tax that supply is where we need to be focusing, not disincentivising, and that by further diminishing supply we are going to put further pressure on finding a home.

Then we saw the Treasurer saying that he is open to a new rent cap, a policy the policy experts argued against in the strongest terms. Whether it was the Urban Development Institute of Australia – Victoria, the Housing Industry Association, the Grattan Institute or the Real Estate Institute of Victoria, the message was the same: a rent cap undermines the housing market, it undermines investment and new supply and it is the biggest driver of rent increases. We simply cannot afford to have a rent cap when vacancy rates are trending south of 1 per cent.

As we have seen overseas – the Greens might want to check it out – in San Francisco, for example, Stanford economists found that in the long run rent caps drove rents up, not down, because they led to a number of landlords converting their housing to other uses and this further reduced the supply of rental units. The Grattan Institute in particular had the same astute warnings. They said supply shortages drive homelessness, with the result that people end up in caravans and tents. It is devastating, particularly in situations where there is domestic violence where people have to escape and there is nowhere to go. They basically said it would lead to a two-tier rental market, with those in rent-controlled apartments paying less but getting lower quality housing.

When the Greens show a lack of understanding of economics, it is just your average sitting day. But I am terrified that this kind of proposal has attracted the interest of the Treasurer. The action I seek from the Treasurer is to drop this ludicrous proposal, rule out a rent cap and scrap his new rental tax.

Bus network

Katherine COPSEY (Southern Metropolitan) (15:53): (277) My adjournment tonight is for the Minister for Public Transport. We know that many communities across Victoria effectively live in public transport deserts. By and large those communities live in rural and regional areas and in outer metro areas. My colleague Dr Sarah Mansfield has heard from her constituents that a short, 20-minute car trip from Mount Helen to the Ballarat Botanical Gardens takes a whopping 1 hour and 10 minutes if you need to go by bus – nearly four times as long.

Two weeks ago I joined community members from western Melbourne – Mr Luu also addressed the rally, and Mr Ettershank was there as well – at a protest on the front steps of Parliament calling for better, and in some cases any, bus services across the west. The group are calling for a transformation of Victoria’s bus network from the long, convoluted routes that we currently have to a simple grid with 10-minute frequencies. A bus network that is unreliable and infrequent means that Victorians do not trust buses to get where they need to go, and people who do not drive are facing higher levels of socio-economic disadvantage as it prevents them from accessing jobs, education and health care. Bus reform for Victoria is not just a transport issue, it is a matter of equity.

Victoria’s bus plan from 2021 states that a lot of our bus routes have evolved incrementally over the years, meaning many do not have a clear purpose and do not serve a distinct travel need. They become overly complex, and that deters potential bus passengers. But while this budget made sure that bus reform investment did not go backwards, it also did not go nearly far enough. There is no guarantee that we will see the transformative change needed during this term of government on current budget settings, and there was no explicit commitment to prioritise the west or rural and regional Victoria, where better buses are really needed most.

The announcements this year are in line but with the incremental reform that we have always seen in Victoria. Transport is the second largest and the fastest growing source of emissions in Victoria, so if we are serious about meeting the government’s own targets for net zero emissions by 2045, we need to take the action to decarbonise our transport network. So my adjournment this evening to the Minister for Public Transport is: given you have stated that incremental evolution of bus routes becomes overly complex and deters potential bus passengers, will you please lay out for us your plan for transformational bus reform in this term of government, prioritising the areas of Victoria that need it the most?

Burwood post office

David DAVIS (Southern Metropolitan) (15:56): (278) My adjournment matter tonight is for the attention of the Minister for Government Services. Obviously the matter I want to raise is in part a federal government matter but does impact many local Victorians who want to pay bills and want to access and receive local, simple services.

On the weekend I spent time in Toorak Road in the pocket around Glen Iris. The Burwood post office is due to be closed by Australia Post on 30 June. This is a body blow to the local community. It is a body blow to local traders. It is obviously very significant to the many small businesses in that pocket and the many older people who use the post office to pay bills, including state government bills, and to access simple services, including their post. This I understand is happening under policy by Australia Post on a broader level, but I think at a state level we should be prepared to stand up and say that in key locations where local communities are going to be severely impacted, we should advocate and fight to retain some of these local services.

It is clear that in this case the services provided by Australia Post are important to the local community, and I know that up to 1900 people have already signed a local petition to protect the Burwood post office. One of the signs I saw in a bread shop said it is like a muscle: ‘If you don’t use it, you lose it.’ And in this case they are urging people to use the local post office, and I support that call. But at the same time we need local MPs and we need the state minister, who does have a number of state payments go through some of these post offices, to stand up and actually support local services of this type. I certainly support the Burwood post office and will be fighting and advocating for that post office to remain open.

It is too often now we see the bean counters, the bureaucrats of a certain type, the cutters and the closers inside these government organisations just turning the tap off on local services like the Burwood post office. So what I seek from the Minister for Government Services in Victoria is that he engage with his federal colleague.

Bev McArthur interjected.

David DAVIS: He might want to advocate on a broader front, but specifically today I am asking him to advocate for the future of the Burwood post office and to thereby protect the local community and local businesses.

Duck hunting

Georgie PURCELL (Northern Victoria) (15:59): (279) My adjournment matter this afternoon is for the Minister for Outdoor Recreation, and the action I seek is for the minister to ensure that the 2023 duck-shooting season is the last one to ever go ahead in Victoria. On the opening morning of the 2023 recreational duck-shooting season, a rescuer at Gunbower Creek near Echuca watched a black swan fall from the sky after flying onto powerlines as gunfire erupted. It signalled the beginning of a five-week onslaught on Victoria's native waterbirds. That same day shooters had already made headlines for illegally shooting and harvesting a blue-winged shoveler and attempting to hide the evidence in a tree hollow.

It was not long before local residents started reporting further illegal behaviour. Not only were shooters firing at closed wetlands, shots could be heard as early as 7:30 am, half an hour earlier than the permitted starting time. Similar situations were unfolding at wetlands across our entire state. Rescue teams at Lake Connewarre searched desperately for birds who had fallen into dense reeds while the men that injured them continued to shoot.

Shooters were permitted to kill four birds per day this year, but there was no apparent limit on wounding. At the end of the weekend 22 birds had been brought into Wildlife Victoria's veterinary triage by rescuers – all still alive. Despite the best efforts of volunteer rescuers, carers and vets, not a single bird could be saved. Among the dead were eight illegally shot protected and threatened species, including the freckled duck, one of Australia's rarest waterbirds. By day 7 rescuers had retrieved 73 native waterbirds from just a handful of sites. Each one had been wounded and left to die by shooters.

At the beginning of May a Geelong business owner found the bodies of nine native ducks dumped on a residential nature strip with obvious gunshot wounds. None had been harvested for meat, as is required by the wildlife game regulations. Today I continue to receive reports – from vets and rescuers who volunteered their time at closing weekend – of shooting into flocks, shooting out of range, shooting over bag limits, improper killing methods, flouted gun safety and deliberate prolonged suffering. Empty shotgun cartridges litter the wetlands as yet another season comes to an end.

Thanks to the tireless effort of volunteer wetland surveyors, a total of 18 sites were closed to shooting during the 35-day season. Whilst threatened and endangered species were offered a reprieve at these sites, the protection should not have been an afterthought. This practice has no place in Victoria, and I hope the minister will support a complete end to cruel duck shooting after this year.

Health workforce

Gaelle BROAD (Northern Victoria) (16:02): (280) The action I seek is for the Minister for Health to help support nursing staff that have trained overseas to be able to join Victoria's health workforce. My constituent has experienced a very long and drawn-out process seeking to re-register as a nurse in Australia. Mrs Lim graduated from nursing with honours in the United Kingdom and worked as a critical care nurse for eight years. In 2009 she moved to Australia with a young family together with her husband, who is a doctor at a major regional hospital.

Eighteen months ago Mrs Lim was offered a job as a nurse at a local GP clinic, so she looked into what she needed to do to register as a nurse here in Australia. She was advised that she could complete a 16-week return-to-nursing course and would first need to apply for provisional registration with the Australian Health Practitioner Regulation Agency, AHPRA. That process has taken 18 months at significant cost. Mrs Lim had to complete two sets of police checks. Due to their delays, one expired

and she was asked to resubmit. This cost almost \$1000 as she had to get one check for every country that she has lived in. She was also asked to obtain a transcript for her university studies, which cost another \$500. Then there were fees related to the application amounting to \$640 and a \$180 registration fee. It has taken 18 months for AHPRA to advise that she is ineligible to return to nursing in Australia. They apologised for the misinformation and refunded the \$180 registration fee. The only way for Mrs Lim to work again as a nurse is to completely retrain or complete a minimum of 450 hours of practice as a registered nurse outside of Australia.

When hospitals and GP clinics, particularly in regional areas, are under pressure and in desperate need of nursing staff, it is hard to believe the hoops well-trained people with experience are being asked to jump through. In this case AHPRA took 18 months to make a decision, and Mrs Lim is still unable to work as a nurse, despite being offered a job due to her training and experience. My constituent is happy for me to pass on contact details in the hope that the minister can help resolve this matter and by doing so open the door for many more nurses to join the health workforce in Victoria.

Timber industry

David ETTERSHANK (Western Metropolitan) (16:04): (281) My adjournment matter is for Minister Tierney. The announcement of an end to logging in Victoria's native forests by January 2024, a full six years ahead of schedule, is excellent news for our environment, its threatened species and the state's economy. We have long known the damage caused by old-growth forest logging. The destruction of these magnificent forests to produce low-value products, such as woodchips and paper pulp, has led to a sharp decline in biodiversity and pushed many of our native animals towards extinction. Increasingly harsh bushfires have further exacerbated the pressures placed on our forests by logging, with vast areas of forest never fully regenerating. Economically it has never stacked up. VicForests, the state-owned business that manages Victoria's logging industry, has been running at a loss for many years, and government subsidies have been used to prop up an ever-dwindling workforce.

So we congratulate the government on its decision – it is overdue. But this change leaves those workers, skilled and unionised, and their communities in need of new opportunities. The towns of Heyfield and Maryvale, by way of example, face devastating consequences arising from these changes. The government has earmarked \$200 million in this year's budget to allow workers to retrain and enable them to transition to other industries. The obvious question, however, is what those industries might be for the citizens of towns like Heyfield and Maryvale. It also raises the question of how we will fulfil the demand for wood, fibre and paper products.

We strongly suggest that an industrial hemp industry could be part of the solution to both of these problems. Industrial hemp offers a sustainable alternative for the building materials and paper products we need. It can provide long-term, well-paid jobs for workers affected by the end of the logging industry, particularly if there is a tight focus on capturing those jobs in value-added production instead of shipping those jobs overseas, along with the woodchips. The action I seek is that the minister, as part of the timber industry adjustment process, establishes a plan to train and support affected workers to transition into long-term, sustainable jobs in the hemp industry.

Wire rope barriers

Trung LUU (Western Metropolitan) (16:07): (282) My matter is directed to the Minister for Roads and Road Safety. The action I seek is for the government to stop installing wire rope barriers on roads and highways and realise the ineffectiveness of wire rope barriers. Between 2015 and now – 2023 – hundreds of kilometres of wire rope barriers have been installed on Victoria's roads at a massive cost. VicRoads has indicated that since 2015 \$4 billion has been spent on wire rope barriers in Victoria. Apart from this being an outrageous expense, funds for rural roads have been diverted to cover the wire rope barriers project, making them the most expensive barriers ever installed, and for a working life of only 20 years – one-quarter of the life span of concrete barriers.

The effectiveness of wire rope barriers is also in question, with accidents and crashes resulting in serious injuries and deaths. Wire rope barriers' flexibility causes direct crashes to bounce off the barriers, throwing vehicles and motorcycles back into oncoming traffic. Wire rope barriers rarely perform as the government and its department VicRoads have indicated. The reality is that wire rope barriers kill motorcyclists. Minister, the wire rope barriers have contributed to motorcycle fatalities. Data from the TAC and VicRoads shows a steady increase in fatalities since 2010.

Again and again what we see is the community calling for the removal of wire rope barriers in order to reduce injuries and fatalities resulting from crashes and accidents involving the wire rope barriers. The road authority knows this. This is the reason for the installation of pole covers and pads on wire rope barrier poles. Wire rope barriers are most expensive and are not doing the job it is claimed they do. Minister, I ask you to stop the installation of wire rope barriers and conduct a review of the effectiveness of wire rope barriers.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

David LIMBRICK (South-Eastern Metropolitan) (16:09): (283) My adjournment matter is for the Attorney-General. As an advocate of rights, I have frequently expressed my concerns regarding the government's neglect of these vital principles. It is disheartening to witness our country's standing on the global stage diminish in this regard. In February, I asked the Attorney-General a question in relation to the international agreement on the protocol against torture and detention, known as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, after it was reported that Victoria had missed the deadline to set up a body to manage the monitoring regime, and the UN subcommittee on the prevention of torture subsequently cancelled their visit to Australia. On the same day, the SPT confirmed visits to nations like South Africa, Kazakhstan, Madagascar, Croatia, Georgia, Guatemala, Palestine and the Philippines for the year 2023 but not Australia. The Attorney-General's response, in short, was that we would be unable to take steps to implement some aspects of OPCAT that perhaps were not picked up by what we already had without accompanying sufficient and ongoing funding from the Commonwealth and that the Attorney-General would:

... update the house if we can get any commitment out of them to help fund the obligations that they have signed up to.

Since that time, the federal budget has been handed down. If the federal and state Labor Party's principles align and those principles value human rights, then one would expect the federal Labor government would provide adequate funding to ensure that Victoria and other states are compliant with international treaties that this country has ratified. My request is that the Attorney follow through on the commitment to update the house on this matter and help return Australia to a position where we comply with international human rights standards that we have signed up to.

Progress Street, Dandenong South, level crossing

Ann-Marie HERMANS (South-Eastern Metropolitan) (16:11): (284) My adjournment is also to the Minister for Roads and Road Safety, and the action I seek is for the minister to supply in writing to all the local businesses that are being subjected to what can only be called huge inconveniences of parking, congestion, safety and productivity losses due to this government's insistence on removing the level crossing on Progress Street in Dandenong information on the following three measures: (1) safety solutions for trucks that will have to pass each other on the narrow hump bridge to Fowler Road; (2) safety measures and solutions implemented so these trucks can enter the South Gippsland Highway without putting themselves or others at risk; and (3) a commitment in writing to the long-term solution of a bypass extension.

I would like to refer, first of all, to the Big Build that has been advertised for the area. They have advertised this level crossing removal on their internet site:

We're removing the level crossing –

it says proudly –

at Progress Street, Dandenong South –

I might add this is a level crossing that none of the businesses want removed –

and building a new road bridge connecting Progress Street and Fowler Road.

This road, however, is going to be too narrow for these trucks, and they are going to have to wait for each other or play chicken as they go across this bridge. It says:

The new road bridge will provide businesses in this busy industrial precinct with safer access to the Princes Highway via South Gippsland Highway.

This is simply not the case. There is nothing at present put in place to make it a safer option. At the moment they have traffic lights. At the moment they have a level crossing that is not near a station, so the trains go past very quickly. They are quite happy to wait for 30 seconds so that they can be on their wide streets and be able to get through to the Princes Highway. This diversion to Fowler Road is going to mean that they are going to have to go around all the parked traffic through a narrow road where there are other businesses that will also be inconvenienced and then risk their lives and the lives of other drivers as they try to cross over the South Gippsland Highway. And why? It is just so that this government can tick a box and say, 'We removed a level crossing.'

I am telling you this is simply not good enough, and the businesses that are there do not feel it is good enough either. This is a fundamental failure of this government to genuinely consult with people and come up with solutions. There are 50,000 vehicle movements a week in this area, and trucks cannot pass each other on the hump bridge. The government has not provided any solution, even though they are aware of the issue, so I ask the minister to bring this in writing.

Timber industry

Bev McARTHUR (Western Victoria) (16:14): (285) My adjournment matter is for the Minister for Agriculture and concerns the shock announcement that the illogical, environmentally catastrophic and economically stupid ban on native timber harvesting in Victoria will be brought forward by six years to 2024. It is the only thing this government is doing ahead of schedule, but now even Labor supporters are slamming it. Michael O'Connor, national secretary of the CFMEU, quit the *Victorian Forestry Plan* advisory committee, saying the committee is 'frankly, a sham'. He went on to say:

The union is not interested in being a prop for the state's media unit.

He said members were devastated to hear about the accelerated shutdown and it was completely disrespectful and inappropriate that they found out about it through news outlets. He went on to blast the government for the transition plan as being just 'government rhetoric', and he said the last time he looked at training it was not a job. He said:

The government has rushed this announcement (and) hasn't consulted anybody.

And it gets worse, because Labor senator for Victoria Raff Ciccone has attacked it –

A member: My friend.

Bev McARTHUR: Your friend, is he? Right. Your senator. He has attacked it, claiming there has been total disregard for unions, workers and the broader sector. This is your senator who is attacking you. The poor senator said:

I'm disappointed by the Vic Gov's sudden decision to end the native timber industry as it will have a negative effect on workers and regional communities.

Senator Ciccone seems to really understand rural and regional communities even if the government does not. But he also went on to say:

Australia needs timber products and we need to support local forestry jobs.

Well, hallelujah! He has got it right. And asked if more needed to be done to support the workers, he said:

I don't think people want a package, they want ... jobs.

Well, isn't that a revelation? He said the state government has already said 2030, so why now? He is asking the government, asking your people:

Where are you going to get your timber for your furniture, for your floorboards –
we have got a housing problem –

... and other parts of the building.

Minister, isn't it clear, when even your own side is rejecting the policy, that it is time to rethink it? The action I seek is for the minister to wake up to the reality of the damage this decision will do to communities, the economy, the home building industry and the environment and abandon this Greens-appealing ideology-based policy choice. You have got time.

Responses

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (16:17): This evening, aspirationally, we have received 15 matters for a number of ministers. They will be referred for response in accordance with the standing orders.

The PRESIDENT: The house stands adjourned.

House adjourned 4:17 pm.