Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 19 June 2024

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll

Leader of the Parliamentary Liberal Party and Leader of the Opposition

John Pesutto

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

David Southwick

Leader of the Nationals

Peter Walsh

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

Members of the Legislative Assembly

60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel[1]	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren[2]	South Barwon	Ind	O'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim	Werribee	ALP
Cleeland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan[5]	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden[3]	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will[4]	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam	Prahran	Greens	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole[6]	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Wight, Dylan	Tarneit	ALP
Kathage, Lauren	Yan Yean	ALP	Williams, Gabrielle	Dandenong	ALP
Kealy, Emma	Lowan	Nat	Wilson, Belinda	Narre Warren North	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Jess	Kew	Lib

[1] Resigned 27 September 2023
[2] ALP until 29 April 2024
[3] Sworn in 6 February 2024
[4] ALP until 5 August 2023
[5] Resigned 7 July 2023
[6] Sworn in 3 October 2023

Party abbreviations

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

CONTENTS

CONTENTS

CONTENTS

Wednesday 19 June 2024

The SPEAKER (Maree Edwards) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.

James Newbury: On a point of order, Speaker, this morning Victoria Police advised members in a briefing that they are seeking stronger provisions around who can enter this building and also reforms to the Parliamentary Precincts Act 2001 because of significant deficiencies. I would appreciate your advice and I am sure the house would appreciate the advice on those two matters.

On a further point of order, Speaker, yesterday one of the Acting Speakers made a ruling and in effect pre-empted words that had not come out of a member's mouth. On the last sitting day I moved a motion calling out concerns around impartiality and the importance of impartiality. The Acting Speaker, the member for Yan Yean, did that yesterday. I would appreciate your review of the incident that occurred, because it is not appropriate for an Acting Speaker to be putting words into a member's mouth.

The SPEAKER: I will come back to the Manager of Opposition Business.

Bills

Subordinate Legislation and Administrative Arrangements Amendment Bill 2024

Introduction and first reading

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:35): I move:

> That I introduce a bill for an act to make miscellaneous amendments to the Subordinate Legislation Act 1994 and to consequentially amend the Monetary Units Act 2004, to make miscellaneous amendments to the Administrative Arrangements Act 1983 and for other purposes.

Motion agreed to.

James NEWBURY (Brighton) (09:35): I seek a brief explanation on the bill.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:35): The bill will (1) clarify and improve the operation of the Subordinate Legislation Act 1994 in its governance of the development of subordinate legislation by the executive government, (2) clarify and improve the operation of the Administrative Arrangements Act 1983 by improving the usability of orders in council made under the Administrative Arrangements Act and providing greater certainty and clarity as to their effect and (3) make a consequential amendment to the Monetary Units Act 2004 so that the annual rate is published on the Department of Treasury and Finance website.

Emma Kealy: On a point of order, Speaker, the minister has provided an explanation; however, there is still a lack of understanding over what that actually means. Could the minister provide a further explanation on the impact of this legislation, please?

The SPEAKER: The minister has provided what is required, which is a brief explanation of the bill.

Read first time.

Ordered to be read second time tomorrow.

Payroll Tax Amendment (Schools) Bill 2024

Introduction

Jess WILSON (Kew) (09:37): I move:

> That I introduce a bill for an act to amend the Payroll Tax Act 2007 to exempt wages paid or payable in government and non-government schools from payroll tax and for other purposes.

We know in last year's budget the Allan Labor government introduced a payroll tax on high-fee independent schools that charge more than $15,000. When originally announced, the Allan government put this in place for 110 schools across Victoria – schools that take immense pressure off the public system, off government schools.

A member interjected.

Jess WILSON: Yes, they do, because 40 per cent of children in Victoria attend Catholic or independent schools – 40 per cent – including in your electorates.

This is a bill that seeks to remove payroll tax not only on non-government schools but on government schools. The coalition has pledged not only to repeal Labor's tax on non-government schools but also to repeal the tax on government schools. We on this side of the house do not believe that we should be taxing education. It is simply not the case that this applies across the board. We do not tax nurses; there is no payroll tax on nurses in public hospitals, like there is no payroll tax applied to nurses in not-for-profit hospitals in the private health system in this country. Why does this Labor government intend to punish parents who choose to send their children to non-government schools?

The purpose of this bill is to exempt wages paid or payable in both government and non-government schools from payroll tax. We have seen today in reports in the *Age* that the impact of this tax, Labor's tax on non-government schools, will see 44 schools in the state pay in net value $19 million, far in excess of what they receive from this government in funding, for the privilege of educating children in this state to take the pressure off the government system. These schools now are paying the government to remain open, to be able to actually provide that education to children in this space.

Independent and non-government schools are not the preserve of the ultrarich, as those on the other side of the house like to speak to. This is class warfare at its very purest by this government. It is simply class warfare. Further, it was only in this recent budget by the Allan Labor government that we saw a decision to put in place a so-called $400 school bonus that is not available to parents who choose to send their children to low-fee Catholic and non-government schools – class warfare at its very purest by this government.

Now we see 58 schools on Labor's hit list. We know that in the coming years there will be additional schools – 18 schools in the coming years – that will be added to this list, and we know that members on the other side of the house have written to the minister to say, 'Please, please, can schools in my electorate be exempted from this tax? Can families in my electorate be exempted from this tax?' We had the member for Mordialloc reach out and talk about the impact – the very, very clear impact – that will happen to Cornish College students if this tax is applied. This is a school, Cornish College, that has only been open for less than a decade. It has worked incredibly hard to make itself accessible to local students by providing a number of scholarships and bursaries to local families. Those programs will not be able to continue thanks to Labor's tax on non-government schools.

This is a tax that seeks to create division in Victoria. It seeks to undermine choice. It seeks to undermine aspiration. We know from the very clear numbers that nearly 40 per cent of parents choose to send their children to non-government schools in the Catholic sector and in the independent sector, and that number is growing. Independent schools are seeing growth in this state. So despite the cries from those opposite talking about the fact that this is a fair tax because it is applied to government schools, we know that it is not really applied to government schools. It is an accounting trick. It is a way to artificially inflate the budgets of government schools. But we on this side of the house do not think

that any school, government or non-government, should be paying payroll tax in this state. The coalition has pledged to remove this tax not just for non-government schools but for government schools. This bill seeks to introduce that change and seeks to make sure that parents have a choice – a choice that is not undermined by class warfare by those opposite by putting in place a tax that makes it harder for parents to choose where they want to send their children to school.

Nina TAYLOR (Albert Park) (09:43): It is interesting the little traversing that the opposition are going on with at this present moment in time to somehow suggest that they are the bastions of fairness and equity when it comes to education in this state, let alone the country, and then to put down the $400 school saving bonus as if that is somehow a negative, when we know that with the cost-of-living pressures there are families who genuinely need this support in our great state of Victoria. It is a way of helping them and helping to provide balance and fairness when it comes to the system. If you think about the significant investment that we have made both in school infrastructure and also in the recent announcement we have made with regard to phonics, we are helping again to provide balance and equity when it comes to the ability of students to have the best possible chance in life when it comes to being able to read and to be literate and also when you look at their further education into the future.

However, I do not want to be drawn into this stunt – this diversionary tactic – because of course it is a procedural motion, and if I proceed to get into the nitty-gritty of certain matters of payroll tax or otherwise, then we are absolutely taking away from the government agenda that we have set out this week. It is a legitimate agenda. We have justice legislation reforms. We had integrity reforms that we were debating last night and other motions as well. So I do think it rather galling that the opposition think that they actually have some sort of premise in this debate when it comes to fairness and equity in terms of education and so forth. We know that over 90 per cent of Victoria's non-government schools remain exempt from payroll tax.

Every government school in Victoria pays payroll tax. It is only fair that the highest fee paying private schools now also contribute. We listened closely to schools on this policy and increased the threshold to make sure only Victoria's high-fee schools are subject to payroll tax. So I do think it is a bit rich for those opposite to be declaring that somehow they are the bastions of equity and fairness when it comes to education and calling out elements which really undermine and take away from the pre-eminence of the otherwise strong education reforms, upgrades and so forth that we are setting in this state.

Non-government schools with income per student of more than $15,000 will be subject to payroll tax under the legislation changes which are coming into effect from 1 July 2024. This applies to schools where the annual recurrent income per student is over the threshold of $15,000 per year. The threshold is in line with national benchmarks for per-student funding set by the Commonwealth government – oh, yes, and there is that too, because we conveniently avoid the Commonwealth aspect when it comes to funding of schools in this state, particularly non-government schools. Oh, yes, we have conveniently avoided that suddenly we are not paying attention, because we know that that is absolutely a very significant aspect of funding for non-government schools. Schools that collect annual recurrent income of $15,000 or more from parents while also receiving minimum government funding of $2612 per student have resources significantly above the national benchmark levels, right?

If we are talking about equity, that is why I was calling it out before, because I was thinking: hey, has somebody done the maths on this? If you are looking at equity and fairness, let us look at the numbers. Non-government schools are fully funded as guided by the schooling resource standard. The Commonwealth contributes 80 per cent of government funding for non-government schools, with the state government contributing the remaining 20 per cent. On that premise we can see this is nothing more than a stunt. It is a diversionary tactic. It is taking away from important government business here. It will not deliver. This procedural motion is not delivering any more fairness for any student in this state of Victoria, so we are calling it out for what it is. It is a nonsense, this debate, and I would urge the opposition to get on with the business that we are here to do.

James NEWBURY (Brighton) (09:47): I rise in strong support of the member for Kew's move to introduce the Payroll Tax Amendment (Schools) Bill 2024. This bill must be debated urgently. This is an issue that is a moral line in the sand. The state Labor government has decided to make money off children. It is absolutely outrageous. The reason that this bill must be debated today is because not only are there 58 schools which are currently caught up in the Treasurer's attack on those children but there are 18 schools which are about to be caught up in the government's attack – schools that are doing good work in educating our next generation. I refer to Alice Miller School in the member for Macedon's electorate, Alphington Grammar School in the member for Northcote's electorate, Ballarat Clarendon College in the member for Wendouree's electorate, Ballarat Grammar, again in the member for Wendouree's electorate, Girton Grammar School in the Speaker's electorate, Kardinia International College in the member for Lara's electorate and North-Eastern Montessori School in the member for Eltham's electorate as just some examples of schools that are about to be caught by this outrageous attack. And what will we see then? We will see those members quietly write little letters to the Treasurer – and hide them. They may come out under FOI. We will not see them stand up for the kids in their communities in this place, but that is what this bill does. That is what this bill is about. This bill is standing up for the 58 schools that the government is making money out of.

Natalie Hutchins interjected.

James NEWBURY: The former Minister for Education is interjecting across the chamber. If only the minister had actually used her voice on behalf of kids when the policy was introduced.

Members interjecting.

James NEWBURY: I remember, Shadow Minister for Education, the minister consulting at one dinner about the impact. That was the level of consultation with schools. It was embarrassing for the minister to stand up and say the consultation that was done was at a dinner –

Natalie Hutchins: On a point of order, Speaker, I am not sure if there are any regulations in Parliament about the tone that is being used and the decibels that are being reached by those opposite, but I would like to put a complaint in that my ears are hurting.

The SPEAKER: It is not a point of order.

James NEWBURY: I am more than happy if the minister wants to leave the chamber. I can understand why the minister is embarrassed by this policy. I can understand why. I understand after the strong public response the minister was forced into a partial backflip, but it was not good enough. And what we have seen today is 44 schools are paying the government to teach kids – $19 million. It is outrageous to think that this is a so-called Labor government that uses catchcry words around fairness but is charging schools to teach our kids. This is a moral question, and you can see how quiet the members on the other side of the chamber are because they are embarrassed. They know the 18 schools that are about to be hit.

Then in this budget the government went further. I recall in the briefing the government gave to members how it described possible risks and the need to close loopholes. What kind of government would see children being educated as a possible risk and a loophole that needs to be changed? We know that, after the new 18 schools are caught in the Treasurer's vicious net, members will write secret letters to their schools with their crocodile tears about how they have advocated to the Treasurer on their behalf. This bill must be debated today. This is a moral question. This is about children being treated fairly no matter where they go to school – and that is the side that the coalition is on – so we must debate this bill today.

Lauren KATHAGE (Yan Yean) (09:52): I am so glad to follow the member for Brighton, who spoke of me this morning. I would like to thank him for his continued interest and focus on me and his guidance of my career in this place. I just want to take this moment to thank him for his interest in my development. But we are not here to talk about me. We are here to talk about the bill that those

opposite are wanting to introduce, and I would like to say I am worried. It seems that those opposite have discovered education again. Suddenly they have focused and realised there is this thing called education, and you know what, I worry when they do. I worry when they remember that education is a thing, because last time they did that they shut two schools in my electorate.

James Newbury: On a point of order, Speaker, this is a procedural motion about the introduction of a bill, and the member has not yet referred to the bill.

The SPEAKER: I have been pretty free with people having a debate on this bill that is being introduced. There has been pretty wideranging discussion, as the member for Brighton was enabled to do as well. Member for Yan Yean, I do remind you that this is a procedural debate.

Lauren KATHAGE: In seeking to introduce this bill, the member for Kew spoke about how important those opposite believe education to be – and a quality education – for students, and the importance of choice. I can say that the families of Plenty and Kalkallo lost choice when their schools were shut by Jeff Kennett. That reduced the choice for families, which those opposite this morning have said is so important. Those opposite are talking about a hit list. I think the idea of a hit list gets to the core of why they are seeking to introduce this today – they want to distract from the other hit list which is being announced today, which is the federal government's nuclear sites that are being –

Jess Wilson: On a point of order, Speaker, this is a narrow, procedural debate, and I think we are straying into very different territory.

The SPEAKER: I do ask the member for Yan Yean to come back to the procedural debate before the house. This has nothing to do with nuclear energy.

Lauren KATHAGE: Thank you, Speaker, I appreciate your guidance. The other week I attended the opening of a new building in Marymede Catholic school in Doreen, a lovely school in my electorate. That building, that lovely senior learning building, was co-funded by the school and the federal Labor government, because as well as believing in and supporting education, we know that the federal government is primarily the level of government that is responsible for non-government schools. That is why the federal member was there and making a speech and whatnot. I would like to say that in the acknowledgement of country as part of that opening ceremony I was reminded of the strength and depth of Catholic social justice teaching and how important it is for many families who send their children there. I was impressed with how sincerely they sought to acknowledge the traditional owners of the land there. I would like to acknowledge them as a great school for teaching that to their children. That school charges around $7000 per year for a student to attend there for a Catholic senior education, which is less than half of the amount we are talking about here triggering payroll tax. It is a modest but high-quality school for local families, and they are not covered under what we are talking about today.

Next door to the senior school there is a kindy, and guess who paid for the kindy – that was a state Labor government. Guess how much the kindy is – it is free, because we made kindy free.

Cindy McLeish: On a point of order, Speaker, this is a procedural motion, not a time for a members statement.

The SPEAKER: The member has concluded her contribution.

Brad ROWSWELL (Sandringham) (09:58): I also rise in support of the member for Kew's very sensible proposal to introduce the Payroll Tax Amendment (Schools) Bill 2024. Members of the Labor government in this place know in their heart of hearts that this is deeply unfair. They know that historically this state has not taxed education. They know that last year's budget introducing a tax on education for the first time in our state's history was the wrong thing to do. They know that, because I know amongst members of the government there are some people with a decent heart, like the member for Mordialloc, who wrote on behalf of his constituency to the Treasurer to say this is not right. I am sure that there are other members of the Labor caucus who also recognise, truly representing

schools within their community, that Labor's schools tax is not right. They know that. They are making those internal advocacy points to members of the executive, to ministers, within this government. Members of school communities right around this state who are impacted by Labor's schools tax know it is not right because they are the people who are paying the price after 10 years of Labor and 10 Labor budgets. That is why the member for Kew's bill, the Payroll Tax Amendment (Schools) Bill 2024, must be considered as a matter of urgency in this place. It is a matter of fairness; it is a matter of equity. This government says that it governs for all. It does not; it, frankly, does not.

They also say that, yes, state schools are impacted by payroll tax and state schools pay payroll tax. But the truth of that is that there is no net impact to the bottom line of a state school's budget. It is a simple accounting trick, an internal mechanism, within the Department of Education and within existing state schools. Frankly, that is why this side of the house has come out and said, 'Well, under a government we lead, state schools will not pay payroll tax, because it has no net impact on the bottom line of a state school budget.'

The news today that there are some 44 of the 58 independent schools that will pay more to the state government than they receive from the state government as a result of Labor's schools tax is an absolute abomination. It should be widely and broadly condemned. We on this side of the house are the only people in this place prepared to stand up and call this out for what it is.

I want to, in the time that I have remaining, just unpick a furphy. There is an impression on the government side of the house that those who send their kids to independent and Catholic schools are rich, that those parents who choose to send their kids to independent and Catholic schools are wealthy. Can I tell you they are not. It is often hardworking parents who are not just working one shift in a taxi but working a second shift in a taxi to earn enough dough to give their kids the best start in life. These are the same people that this government is punishing. These are the people in this state that this government is punishing. After 10 years of Labor and after 10 Labor budgets, Victorians are paying the price for the bad economic decisions, the economic mismanagement, of this government.

The only reason why they have introduced this schools tax, which is impacting Victorian families, which is limiting educational choice and which is putting principals in a situation where they need to choose between providing the best educational outcomes for their students and cutting programs or raising fees, is because this Labor government cannot manage money. The only reason they are doing this is to raise revenue. That is the only reason they are doing it. They are raising more revenue than they have ever raised before, and yet taxes are going up and debt is going up. Surely after 10 years of Labor and after 10 Labor budgets there are some members of the Labor caucus or some members of this government who would actually recognise that it is not working and that it is Victorians – many constituents in Labor electorates – who are paying the price for the poor economic decisions of this government.

I wholeheartedly stand with the member for Kew, the Shadow Minister for Early Childhood and Education, in fighting for families, in fighting for educational choice in this state and in fighting for a fair go for those families who want to choose to send their kids to an independent or a Catholic school. It is a dark day in Victoria when we tax education in the way that this Labor government has. It is a stain on this government and a stain on the state of affairs in Victoria.

Dylan WIGHT (Tarneit) (10:03): It pains me to stand up this morning and speak against this motion from those opposite. Quite frankly, this motion this morning from those opposite is nothing more than embarrassing. The audacity of the member for Kew to come in here and to speak on this motion and the audacity of the member for Brighton with his particular brand of bleeding heart politics to come into this chamber and to say that this government, the Allan Labor government, is profiting off children is nothing short of absolutely obscene. Let us get the facts straight. Ninety per cent of non-government, independent schools are not affected by this whatsoever. The audacity of them to come in here and speak on education. Those opposite have closed more schools than they have opened. We can track it all the way back to the Kennett years. Ninety per cent of non-government schools in this

state are not affected by this, and I can tell you right now that not one school in Tarneit, not one school in my electorate, is affected by this policy. How many schools in Kew are affected? We are talking about schools that spend more to build one building than we spend to build two government schools – schools that spend more on one building than we spend on building two government schools – and that is our priority. I can say right now in the electorate of Tarneit, where I have been for only 18 months through the campaign and through my time here, we have opened five new schools in Tarneit – five brand new schools.

We have made Victoria the Education State. Education has been our priority ever since we got elected. To come in here and say that this government is waging class warfare by making some of the highest fee schools in this state pay their fair share is absolutely obscene. It is nothing more than coming in here and giving a little nod to your own electorate, because for those on this side of the chamber like me, there is not one school in my electorate that is affected by this, and I have some of the most fantastic low-fee non-government schools that you could ever come across, whether that be the Islamic College of Melbourne, which gives Muslim families in Tarneit and the west the opportunity to go and get educated in line with their faith and is an absolutely amazing school – it is not affected, and it will not be – or St John the Apostle, which allows Catholic families in Tarneit and Hoppers Crossing in the west to go and get educated in line with their faith and is not affected and will not be affected.

This is nothing more than alarmist. Like I said, the member for Brighton and his particular brand of bleeding heart politics is nothing more than alarmist, but we should not be surprised, because it is day in and day out. Let us get the facts straight: 90 per cent of schools are not affected – certainly no school in my electorate. Eighty per cent of funding for these schools is the primary responsibility of the federal government.

We understand that choice is important. We get that, and we support choice. If you are a family that would like to send your children to a high-fee non-government school, that is absolutely your choice, but choice does not mean that you get an infinite exemption to a tax that government schools pay and that every other business in Victoria pays whilst you sit there and run surpluses on your budget and whilst you sit there and do capital works that cost more than an entire government school. You do not get an infinite exemption from that because we support choice. This motion is absolutely absurd. The audacity of the Liberal Party to come in here and lecture us on education is absolutely ridiculous, and it will always continue to be.

Assembly divided on motion:

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

Noes (52): Juliana Addison, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Eden Foster, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Paul Hamer, Martha Haylett, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Motion defeated.

Business of the house

Notices of motion

The SPEAKER (10:13): General business, notices of motion 8 and 20, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

Petitions

Road maintenance

Danny O'BRIEN (Gippsland South) presented a petition bearing 1392 signatures:

> This Petition of residents from across Victoria draws to the attention of the House their concerns regarding the appalling state of our roads.
>
> The petitioners therefore request that the Labor Government provide more funding and maintenance to fix our roads.

Ordered that petition be considered tomorrow.

Gippsland police resources

Danny O'BRIEN (Gippsland South) presented a petition bearing 59 signatures:

> This Petition of residents of Victoria draws to the attention of the House their concerns regarding the rise in crime and lack of police presence and resources across the Gippsland area.
>
> The petitioners therefore request that the Labor Government provide more funding and resources to boost police presence and deter crime in Gippsland.

Ordered that petition be considered tomorrow.

Documents

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Auditor-General:

Domestic Building Oversight Part 2: Dispute Resolution – Ordered to be published

Effectiveness of the Tutor Learning Initiative – Ordered to be published

Planning Social Housing – Ordered to be published

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over St Kilda Botanical Gardens Reserve (three orders)

Orders under ss 17B and 17D granting a licence and a lease over Sandringham Beach Park Reserve

Order under s 17D granting a lease over Flemington and Kensington Reserve

Subordinate Legislation Act 1994 – Documents under s 16B in relation to the *Water Act 1989* – Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – June 2024.

Bills

Local Government Amendment (Governance and Integrity) Bill 2024

Council's amendments

The DEPUTY SPEAKER (10:15): I have received a message from the Legislative Council agreeing to the Local Government Amendment (Governance and Integrity) Bill 2024 with amendments.

Ordered that amendments be taken into consideration later this day.

Motions

Community safety

Brad BATTIN (Berwick) (10:15): I move, by leave:

That this house notes crime rates in Victoria continue to increase and violent crimes, including aggravated burglaries and armed robberies, are having lifelong impacts on victims and further notes increases in crime are due to the failure, for 10 years, of the Labor government to act.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes, with violent crime at decade-high levels in Victoria, that there are more victims who have been failed by the Labor government and that the continuous spin from Labor's media releases will do nothing to have a downward impact on crimes to protect people in their homes.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes that the recent government announcement that 70 violent young offenders were arrested for offences of aggravated burglaries and weapon offences failed to highlight what percentage of the 70 were on bail at the time of their offences and how many were granted bail on these crimes.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes that since the introduction of Labor's control of weapons bill, which failed to list machetes as a prohibited weapon, there continue to be increases in knife crime, including the use of machetes in aggravated burglaries and armed robberies.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes that the concerning trend of aggravated burglaries and violent armed robberies continues to increase, with many of these committed by young people on multiple sets of bail for previous violent crimes, and calls on Labor to fix the Bail Act to improve community safety.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes that the number of crimes remaining unsolved due to the Labor government failing to deliver 502 additional police or to fill the nearly 1000 vacancies on rosters across the state is a failure which means many offenders are getting away with violent crime and continuing to commit more crimes.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes the ongoing tobacco wars in Victoria, which are placing businesses and lives at risk as the firebombings continue in retail areas, and further notes the lack of action from the Labor government to address this issue.

Leave refused.

Brad BATTIN: I move, by leave:

That this house notes that the Allan Labor government continue to mislead the community as they have failed to deliver on their own commitment to deliver 502 additional police officers, putting police and communities at risk.

Leave refused.

Land tax

Brad ROWSWELL (Sandringham) (10:18): I move, by leave:

> That notice of motion 59, relating to the establishment of a parliamentary inquiry into the impact of land tax on Victorian individuals and businesses, be agreed to.

Leave refused.

Community safety

David SOUTHWICK (Caulfield) (10:18): I move, by leave:

> That this house notes the appalling attack on the office of Josh Burns, the member for Macnamara, and calls on Victoria Police to hold these haters to account for their actions.

Leave refused.

Members statements

Linda Maxwell

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (10:18): It is with great respect that I extend my heartfelt appreciation to the great Linda Maxwell, the principal of Keilor Downs College, as she heads towards a well-deserved retirement this year. Linda has been a dedicated teacher since 1982 and principal of Keilor Downs College from 2015. She has remained committed to education in the west throughout her 42 years of service. Linda is a remarkable leader and always goes above and beyond for her students, their families and her staff. Her influence has empowered individuals to embrace learning with confidence, shaping the fabric of our school community, including other principals, who she has always supported and given so much time to. You could ask any person about the impact that Linda has had on them and they would have special stories to share. I have had the privilege to work with Linda and witness her leadership in steering the school from strength to strength, scoring the best VCE results for the college.

I do want to thank Linda. It is very sad for her to be departing the Keilor Downs community. Your voice, your insight and your dedication will be greatly missed. But I do know that you will have a well-deserved retirement, and I do wish you the very best for your future endeavours. I wish to see you much more out in the west in a different capacity. All the very best for all the students.

Regional health services

Peter WALSH (Murray Plains) (10:20): On behalf of the people of Echuca and Rochester I am again asking the government to divert even just a small slice of the billions of dollars that it is wasting on major project cost overruns to help lure more doctors to regional Victoria, because if we do not get them, and soon, our already besieged hospital system emergency departments will collapse from the workload as more and more people turn to them for medical treatment that does not even come close to being an emergency. When you are ill or you have a sick child and the local GP practice does not have an appointment for months or will not see you because they are not taking new patients, you have no choice, and the stopgap that is telehealth is not the solution. In fact for people looking for repeat prescriptions it becomes an expensive option as telehealth physicians can only prescribe for one month. I have people coming into my electorate office regularly or on the phone to my staff every day looking for answers that I cannot give them because this government cannot manage money, cannot manage the economy and most certainly cannot manage to get more doctors into regional Victoria.

Gendered violence

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (10:21): I am proud to share the success of Walk With Us – Supporting Women's Safety, an event which happened recently in my electorate that I hosted with Watergardens shopping centre. Every woman should be able to live safely in their community without fear of

violence. This issue is about ending men's violence against women. This initiative provided a vital platform to highlight the importance of women's safety and demonstrated our community's commitment to protecting one another. About a hundred people walked across our local community, gathering at the shopping centre and walking in solidarity along Taylors Creek Trail to linear park, where they were warmly greeted by the Taylors Lakes Lions Club volunteers with bottles of water.

Upon making a return to the town square at Watergardens, participants were invited to sign a pledge for action on women's safety. By signing or leaving a message, individuals committed to supporting and promoting the safety and wellbeing of women in our community. This pledge is now proudly displayed in the window of my electorate office. Throughout the event attendees received valuable information from organisations like WestCASA and Respect Victoria, and can I thank Gender Equity Victoria for their ongoing work in standing up for women in the west. I would also like to extend my heartfelt thanks to the Minister for Prevention of Family Violence Vicki Ward; Trish Gardiner, the manager of Watergardens shopping centre; Cr Ranka Rasic, the mayor of Brimbank, who walked with us; and Rhonda Brown, acting superintendent.

Community safety

David SOUTHWICK (Caulfield) (10:23): Everybody has a right to feel safe in their workplace, and I want to call out the shocking behaviour of the activists that attacked Josh Burns the member for MacNamara's office overnight. This is appalling, and those that did this attack need to feel the full force of the law.

Bowel cancer screening

David SOUTHWICK (Caulfield) (10:23): On this Red Apple Day raising awareness for bowel cancer is so important. I know Donna Hope, who received King's Birthday honours for her great work as the ambassador, is doing some great work. My mother was diagnosed with bowel cancer and is unfortunately no longer with us, so this is a really important cause to me. I encourage everyone to get checked and also to support Bowel Cancer Australia.

King's Birthday honours

David SOUTHWICK (Caulfield) (10:23): A number of people were recognised as part of the King's Birthday honours, and I want to especially recognise a number of those volunteers in my electorate, including Daniel Besen from the Besen family; Sharon Goldfeld; the late Jacob Goldstein; Sherene Hambur for her work particularly with the Jewish community and Zionism Victoria; Dr Ida Kaplan; the late David Zyngier; Annette Gladwin, who contacts me all the time when we have antisemitic attacks in the community and is tireless in terms of her work in calling out hate; Veronica Blair; Ms Gwyneth Fitzgerald; and Valerie Hall. These are really important people that do fantastic work. Professor Ross Coppel received an Order of Australia as well. Congratulations to him as well.

Community safety

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:24): Activists, or thugs really, who may claim to be pro-Palestinian but who smash windows, daub antisemitic graffiti and light fires at the electorate offices of our colleagues, particularly the member for Macnamara Josh Burns in St Kilda, stand condemned. I spoke to Mr Burns this morning. Victoria Police arson and explosive squads, plus criminal investigation units and members, are on scene. There is also engagement with our counterparts in the Australian Federal Police.

The federal member for Wills Peter Khalil and the federal member for Cooper Ged Kearney in particular are the subjects of repeated threats, intimidation and vandalism at their offices and also in the course of their duties and responsibilities to the communities they represent as members of Parliament. So too are many of my state colleagues in the northern suburbs in particular, who I spent time with last week.

Operation Park sees additional police resources brought to bear to investigate and make arrests regarding protest activity that goes beyond the law and also to hold those to account who claim to break the law in the name of conflict in the Middle East. These individuals who commit serious violence offences will be tracked down and will be brought to justice, and they stand condemned. Can I say also that those who do not call out this behaviour are damned by their silence and condemned by their mealy-mouthed excuses. We will not stand for it, and neither will Victorians. We will hold these perpetrators to account, and Victoria Police continue their investigations.

World's Greatest Shave

Cindy McLEISH (Eildon) (10:26): A huge shout-out to the grade 6 students at Mansfield Primary School for participating in the World's Greatest Shave again this year. A very impressive $13,852.30 was raised for the Leukaemia Foundation, surpassing their target of $10,000. Seven students coloured their hair and 16 shaved their heads for this worthy cause. This is a big deal for these kids, especially in the middle of a High Country winter. The brave students who shaved their heads were Zac Borg, Mia Oliver, Monty Sketcher, Dylan Gibney-Schelfhout, Hayden Kent, Sam Davis, Bodhi Clifton, Angus Parsons, Locky Brakels, Angus Vasey, Jack Forrest, Sweeney West, William Ronald, Heath Martin, Tyson Parks and Saxon Daykin.

Daniel Plozza

Cindy McLEISH (Eildon) (10:26): On 1 June Healesville local Daniel Plozza broke the record of the Healesville Football Netball Club when he played his 346th game of football. Debuting in 2004 as a 19-year-old, Daniel has had an illustrious career, including captaining two premierships of his beloved Bloods. A stalwart of the club for more than 20 years, Daniel is highly regarded for his playing ability and respected for his leadership both on and off the field and was awarded life membership in 2017.

Great forest national park

Cindy McLEISH (Eildon) (10:27): On behalf of bush users and those who love their forests, I call on the government to reject the Victorian Environmental Assessment Council's recommendation to create one national park linking forests across the Murrindindi, Yarra Ranges and Mansfield shires. Activity in national parks is greatly restricted and many activities banned, and this should not be allowed to happen.

Pride Month

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:27): It is Pride Month, and we have kicked off this week with Rainbow Monday, an event I hold for members and allies of our local LGBTIQA+ community to celebrate Pride, inclusivity and equality. I thank the incredible Anastasia Le, board member of our fabulous Victorian Pride Centre. Anastasia is a proud trans woman of colour and of forcibly displaced experience. She is incredibly generous, sharing time and intersectional knowledge with so many organisations and employers across our state. Anastasia spoke about our nation's first purpose-built centre for LGBTIQA+ communities and its work as a vibrant hub of resident organisations, a hub for vital connections and support for queer communities in Victoria.

Thanks to everyone who came to my Rainbow Monday, including our local community leaders, Jagajaga MP Kate Thwaites, Nillumbik mayor Ben Ramcharan, sporting clubs, schools and organisations, all of which recognise the importance of inclusion and respect.

Heidelberg School

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:28): Art tells us so many stories about who we are. This includes the important Heidelberg School of artists and their depictions of life in the north-east of Melbourne and the story of the evolution of Australian art. I thank the Allan Labor government and the Minister for the Suburbs for allocating

$28,000 towards creating new signage for the Heidelberg School heritage artists trail. I also thank Nillumbik Shire Council for their great arts team and the Eltham District Historical Society for their work in helping to bring about these new signs, which for the first time acknowledge that they are on Wurundjeri land.

St Margaret's Anglican Church, Eltham

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:28): Thank you to St Margaret's, Eltham, and Community and Volunteers of Eltham for their ongoing work to support local students, especially those facing challenges across Nillumbik and Banyule. We had a lovely fundraising lunch on Sunday, including Jan's famous soup. This beautiful group of volunteers has contributed to our community in many ways, such as providing support for school expenses – *(Time expired)*

The Mirror

Danny O'BRIEN (Gippsland South) (10:29): Next Wednesday 26 June will be a sad day for the Foster and Corner Inlet district when the final edition of the *Mirror* newspaper hits the stands. This saddens me as a local MP, as a citizen and particularly as a former journalist who started his career as a cadet at a similar small country newspaper. Owners Rab and Jenny Best have had the *Mirror* on the market for some time but unfortunately have received no genuine offers and have had to make the difficult decision to shut down the paper, which printed its first edition way back in 1890.

Rab himself started as a printer-compositor back in 1974 and took over as the owner of the paper in 1989. When I called in to say goodbye last Friday, Rab and I joked about the historical enmity between compositors like him and journalists like me: the old Printing and Kindred Industries Union versus the Australian Journalists Association – and, yes, I was a member of the AJA very briefly, but I was young and naive. I have had a great professional relationship with Rab and the various journalists he has employed in my time, most recently the delightful Kate Fooke.

The *Mirror* has been just that for the Corner Inlet community: a reflection of the people, towns, times, issues and debates for 132 years; a voice for a community; a leader; and a place of debate, interests, entertainment and of course local sport. I hold out hope that someone may step into the breach, but the demise of the local paper will be a very sad day for a proud community – a changing community but one that has always prided itself on putting locals first. I wish Rab, Jenny and Kate all the best for their future, and I thank them and all their predecessors for 134 years of service to the community.

East Pakenham train station

Emma VULIN (Pakenham) (10:30): I had a very early start on 3 June to catch the first ever passenger train leaving the new East Pakenham station. I travelled the new 2-kilometre track to the magnificent brand new Pakenham station. If two stations are not good enough, we removed three more level crossings on the Pakenham line at Racecourse Road, Main Street and McGregor Road. How good is that?

Kurmile Primary School

Emma VULIN (Pakenham) (10:31): In early June I joined the Premier, the Deputy Premier and the fabulous member for Bass at Kurmile Primary School in Officer. This is the newest school in my district, which opened in February this year. We met the six female principals that will lead the next six new schools opening in 2025 around our state. I caught up with Zania Cope, who was appointed as the principal of Pakenham North West primary school, the next new school in my electorate to open on day 1, term 1 of 2025.

Motor neurone disease

Emma VULIN (Pakenham) (10:31): You would not be surprised to hear that I have attended many Big Freeze events – the Hills MND Big Freeze in Emerald, the Pakenham Lions Netball Club, the

Beacy Big Freeze at the Beaconsfield Junior Football Club, the Officer football and netball club at the Officer Recreation Reserve and many, many others. So many people have contributed to this massive fundraising effort, and I sincerely thank them. I was also privileged to attend the MCG on the King's Birthday to witness the Big Freeze for FightMND and walk behind the legendary Neale Daniher from Fed Square to the G, and there we listened to other sufferers of this terrible disease and how they continue to be positive.

Sporting clubs grants program

Emma VULIN (Pakenham) (10:32): Lastly, congratulations to the successful grant recipients for the local sporting clubs program. They play a vital role in our community.

Cost of living

Brad BATTIN (Berwick) (10:32): Cost of living is not something that is just a slogan when you use it on a DL card to send out to your community, it is the reality of many people living in my electorate. Some of the pressures they have been facing include interest rate rises, with 13 interest rate rises across the last 15, 16 months. They have also seen increases in their energy costs and just the cost of general living through our community. It is really important that the government gets their spending under control, and that is one way we can actually place downward pressure on inflation here in our state.

Thompsons Road, Clyde North

Brad BATTIN (Berwick) (10:32): One of our major roads, Thompsons Road, has become effectively Thompsons car park, particularly down through the Smiths Lane area going down to the south end of Clyde North. I heard it was going to be fixed – these were the words we just got from the other side – but there is no funding for Thompsons Road. There is funding for a roundabout in the next five years, but Thompsons Road itself does not have any funding in the budget. It is really important we do get that money into the budget as soon as possible, because the new schools down there are struggling. It is taking up to 45 minutes to travel about 3 kilometres to get to and from schools to drop children off, and this is placing a lot of pressure on families.

Adena Sava

Brad BATTIN (Berwick) (10:33): I want to today also thank Adena Sava. Adena Sava is a mother and also a fighter of MND in my electorate. I note, member for Pakenham, I failed to mention that I was Mr Incredible at one of those events that we went to for FightMND, but I will say it is really important that that message continues to be out there. If we can have this message out there that it is very difficult to fight the fight and we want to take on – *(Time expired)*

Caroline Springs RSL

Luba GRIGOROVITCH (Kororoit) (10:33): Caroline Springs RSL has produced a documentary, *Those Who Serve*, and I was honoured to attend the launch on Saturday. As the proud member for Kororoit, I have come to know the Caroline Springs RSL and the important work which they do not just for their own members but for the entire community. This documentary beautifully captured a number of veterans' lived experiences, including the incredible story of World War II veteran, friend and local Allan Godfrey. This documentary gave a human face to the perspective that many veterans around the world share while also ensuring veterans' stories like Allan's are not lost. Sadly, we lost Allan earlier this year; however, via the documentary and the memories that we all have of him he lives on. *Those Who Serve* shows how important and connected the Caroline Springs RSL is with our diverse and vibrant local community and schools. The documentary was a brilliant way to explain the story of the Caroline Springs RSL, how it was established, how the RSL gained momentum, the journey along the way and of course where the RSL is now. Along with the incredible stories of a number of the Caroline Springs RSL members, I want to make special mention of the co-founders Peter Burquest and Murray Lewis. If it were not for their foresight, hard work and dedication, Caroline

Springs RSL would not have been formed. As we know, it takes a village to get any community group up and running, and the camaraderie shown at the RSL event, as always, was admirable. I also want to thank current president Andy Marshall for his dedication and his warmth.

Southern Cross Grammar

Luba GRIGOROVITCH (Kororoit) (10:35): Last but certainly not least, I want to thank Southern Cross Grammar and principal – *(Time expired)*

John Chandler

Sam HIBBINS (Prahran) (10:35): I rise to honour John Chandler OAM, who passed away in March this year. I served with John on council in the City of Stonnington between 2012 and 2014, and his time on council was much longer than mine. In fact John served for 39 years on the old City of Prahran and then subsequently Stonnington. He served as mayor four times and was awarded a Medal of the Order of Australia for service to local government and the City of Stonnington in 2014.

I worked with John on Stonnington's sustainability committee, and one of his key achievements was the Yarra River biodiversity project, one of the biggest regeneration projects in the river's history and something that many in our community now enjoy the benefits of as we walk, run or ride along the Yarra. John also served as president of the Prahran Mechanics' Institute, and in his time he oversaw the purchase and refurbishment of its current home at St Edmonds Road, which is now a terrific asset for our community.

Those who served on council at that time regard it as a really cohesive council that put the interests of the community first. John played a really key role in this, particularly in ensuring council's open space strategy was enacted, and we are seeing the fruition of that today. Sadly, we have now lost three councillors from that time – Adrian Stubbs and Claude Ullin, along with John – and my thoughts and respects are with his wife Suzy, who I always enjoy chatting with when we bump into each other down at South Yarra station, and the wider Chandler family. Vale, John Chandler.

Riley Coughlan

Josh BULL (Sunbury) (10:36): I want to take this opportunity to congratulate Riley Coughlan, a local athletics superstar in my electorate. Riley, 17, is a state race walk champion who won silver in Adelaide this year and also represented Australia in the under-20s 10-kilometre race walking team championship, winning a bronze. On behalf of our community I take the opportunity to congratulate Riley and say that those phenomenal achievements will continue to come, I am sure. Congratulations for all of the work that you do.

Eric Boardman Memorial Reserve

Josh BULL (Sunbury) (10:37): Speaking of athletics, I was delighted to join a number of representatives within our community to open the recently upgraded Eric Boardman reserve. This delivers to the reserve a brand new synthetic all-weather track and new long jump, shot-put and discus areas. This of course has been made possible thanks to a $2 million investment from this Allan Labor government and a nearly $5 million contribution from Hume City Council. Riley and many others joined us on the day, and it is of course an example of what happens when you invest in local community sport.

Kismet Park Primary School

Josh BULL (Sunbury) (10:38): I also very briefly take the opportunity to congratulate Kismet Park on receiving $20,000 for a project at that terrific school. Thank you for all the work that you do.

Deer control

Bill TILLEY (Benambra) (10:38): Last week Henry was killed. On a dark winter's night, all alone, the young buck met his maker. Henry should not have been there. It was the wrong place and the

wrong time, but in these uncertain times those on the fringe of society are increasingly exposed to risk and, in Henry's case, death. Henry was a sambar deer, killed by a car in Wodonga. The car – the only means of transport for that family – is written off. A second car was totalled by another deer just days later. This is now a deer plague that threatens people's lives. To paraphrase what I said in this place back in 2018, the issue for the High Country and the peri-urban fringes of the towns in the Benambra district and even in Melbourne is that the elephant in the room has antlers.

This is the East Victoria deer control plan, and this is the lapsed funding from the Victorian government. There is $18 million over four years, which expires in just a few days. I am told the continued funding may come from another bucket of money, but my fear is this government and its upper house transactional charlatan, aka the Animal Justice Party, will conspire to save Bambi. This funding needs to be transparent. It must be maintained, and deer need to be controlled.

Kaleidoscope 2024

Mathew HILAKARI (Point Cook) (10:39): Recently I had the pleasure of attending the African festival hosted by the Kaleidoscope program at the Point Cook pop-up park. This festival has provided an occasion to celebrate the cultural diversity within African communities in Point Cook and beyond. It was a great day of live performances, including One Spirit Africa, Afro Movement Academy and many more. Everyone got on the drums for a little bit, including me. I will not be giving up my day job. The festival played host to market food stalls, community workshops, face painting, henna, a library of African literature and more. It was a wonderful day. Well done to all involved.

Laverton Bowling Club

Mathew HILAKARI (Point Cook) (10:40): On another matter, I had the pleasure of seeing the Laverton bowls club roll out the green grass for the official opening of their greens. I would like to thank president Doreen, secretary Brian and the countless others who make this wonderful, welcoming community club so truly special. Thank you to the Hobsons Bay City Council, who have led the program, funded of course by the state government. It will contribute to an exciting future for this club.

Point Cook electorate office work experience

Mathew HILAKARI (Point Cook) (10:40): I want to acknowledge and thank Sam, who has recently finished work experience in my office. Sam greatly contributed throughout the week, especially in delivering a report into community sport in Hobsons Bay. He is a great member of the community that I represent. His hard work will contribute to the effort I make on behalf of the community in this place and for better sporting facilities across our community of course. I wish him the best of luck in his future studies and look forward to working with the many young people across the community I represent.

Eastern Football Netball League

Nicole WERNER (Warrandyte) (10:41): We are well and truly into a fantastic season of local footy at the Eastern Football Netball League (EFNL), from Chirnside Park footy club, with president Stuart Kearney and finance director Andrea Newlands, which is a great local club in my electorate; to Donvale footy club, with president John Giles and amazing volunteers like Allisha Djordevic, who recently organised a brilliant ladies day, which I attended; to the Park Orchards Sharks. I was honoured to recently speak at their president's lunch. Thank you to president Rod Faulkner and secretary Vicki Knight, and a big shout-out to my mate Liam Buhagiar, who is playing his 150th game this weekend. Well done, Liam.

Last weekend I had the pleasure of attending North Ringwood footy club's ladies day, where there were just great vibes all around. Well done to new president Dean Philpots for taking the reins this year. A special thankyou and shout-out to club secretary and all-round legend Tammie Palmer for all that she does for our community. Finally, Warrandyte footy club held a beautiful ladies day lunch last weekend organised by local legend Katie Taubert and new president Aaron McDonald. Up the

Bloods! How good is local footy. We love our community's local sports clubs, and we thank all of the volunteers who make it possible. Thank you to the EFNL.

Literacy education

Nina TAYLOR (Albert Park) (10:42): There is so much happening in education in my community of Albert Park, and one of those things is phonics. Evidence has shown us that systematic synthetic phonics is the most effective method to teach children to read. Going forward, schools will be supported to make this transition and will include a minimum of 25 minutes a day explicit teaching of phonics and phonemic awareness from prep to grade 2. South Melbourne Primary is one of the schools that already include systematic synthetic phonics in their teaching, and I got to visit it last week. I had the opportunity to present the students of this school with an assortment of books from the Mary Martin Bookshop in Port Melbourne as part of the school's commitment to reading, because reading is what? Fundamental.

St Kilda South post office

Nina TAYLOR (Albert Park) (10:43): There are a couple of other matters that I want to cover. The St Kilda South post office – oh, my goodness – is proposed to be closed, and let me tell you, many people from the local community have reached out to me with dismay. Many of them actually walk to the post office. If they have to go elsewhere, they are going to have to have other transport. It is going to be inconvenient. This is a great local hub, and it actually pulls people into the local community as well and that shopping centre in Acland Street, so I would really appeal to Australia Post not to do that, please.

Community safety

Nina TAYLOR (Albert Park) (10:43): Also, I just want to call out the shocking behaviour with the destruction on the outside of Josh Burns's office, my federal local member. I think it is really threatening and intimidating behaviour to him and his staff. It is completely unfair and uncalled for, and what signal does it send – certainly not peace and harmony. I really just want to call out that bad behaviour.

Gendered violence

Michaela SETTLE (Eureka) (10:44): Last week I attended an extraordinary event, the Ballarat student forum against gendered violence. Students from every school in Ballarat, both government and independent, came together to give their voice on the issue of gendered violence. The forum was instigated by Karen Snibson, the principal of Phoenix college, and organised with Stephan Fields from Ballarat High. Michael Poulton from Committee for Ballarat was the independent moderator, and many community and business leaders took part, including me and my colleagues the member for Wendouree and the member for Ripon. But the true leaders in the room that day were the thoughtful and committed students. They offered incredible insight and sought and found concrete actions to change the conversation amongst their peers.

The forum provided a space for students to come together and have their voice heard. Through workshops and discussion it sought to find tools that students could use for support and for the support of others. It gave me hope that we can find a better way. Students must be at the table as we work to eliminate gender-based violence. Their insight and experience are invaluable as we search to find ways to make real change. Congratulations to all involved. But most of all, to the students who attended and gave so much thought and energy, thank you. We hear you, and you have a voice in this debate.

Hastings and Somers Probus clubs

Paul MERCURIO (Hastings) (10:45): I absolutely love getting out to my community, doing street stalls or doorknocking and getting to know people, but what I love better is getting out to Probus clubs and speaking to heaps of people all at the same time. I would like to thank the Hastings Probus Club and also the Somers Probus Club for inviting me to speak at their events over the last two weeks. I do

a talk called 'Ten Questions with Paul Mercurio'. They can ask me whatever they want, and after I have done the 10th question I leave. It is all a bit of lighthearted fun and entertainment where they get to know me and I get to know them.

Hastings electorate early childhood education

Paul MERCURIO (Hastings) (10:46): On another matter, I would like to thank the Minister for Children and Minister for Disability from the other place, Lizzie Blandthorn, for coming down to my electorate and visiting the amazing folk at Kindred Clubhouse. All the members are grateful for the grant received, which has enabled them to continue their very important social prescribing program. We also dropped into Baxter Kindergarten to announce a Building Blocks improvement grant for them for computer equipment. It is a great kindergarten with awesome staff and of course lots of very happy four-year-olds.

Healthcare workforce

Paul MERCURIO (Hastings) (10:46): On another matter, I met with six local nurses in my office last week. It was hard to hear their stories. They are burnt out, they are tired, they are understaffed and they are losing experienced work colleagues. They are spending more time doing paperwork than they are with their patients, and they are deeply concerned. I want to say to Kat, Mara, Lisa, Keiran and Sheree, I hear you loud and clear and I will continue to advocate for you.

Eid al-Adha

Pauline RICHARDS (Cranbourne) (10:47): I would like to take the opportunity to wish the local Muslim community Eid Mubarak. In particular, I would like to thank my local mosque in Cranbourne, Imam Khalil and the sisters Nazra Ibrahim and Hishama Anvar. There has been a lovely gift that has been left at my office to celebrate a really important festival of sacrifice Eid al-Adha. I am very much looking forward to being able to enjoy the gift, but I do want to acknowledge what it means to have a festival that acknowledges sacrifice when there has been so much great sacrifice from the Muslim community right across Victoria and how grateful I am for the extraordinary work that is undertaken in support of our broader community. I feel very lucky, very fortunate to have this strong community.

Cranbourne Italian Senior Citizens Club

Pauline RICHARDS (Cranbourne) (10:48): I was also very fortunate to visit the Italian senior citizens club on Monday. Val Motta is about to hit 27 years as the president of that extraordinary club. The joy that comes with spending time with the Italian senior citizens club is something that is hard to articulate, but I can say that the music and the dancing is something else.

Cranbourne electorate

Pauline RICHARDS (Cranbourne) (10:48): I would like to thank Cathy Emery for giving me the gift of some beads to wear to celebrate an important day. Thank you to Rihana Jamali, a terrific engineer who is a Dari speaker down on our local project. And everyone get to Lightscape.

World Environment Day

Belinda WILSON (Narre Warren North) (10:48): I had the absolute privilege last weekend of going to World Environment Day at the Officer gurdwara with my beautiful friend – *(Time expired)*

Statements on parliamentary committee reports

Economy and Infrastructure Committee

Inquiry into the Impact of Road Safety Behaviours on Vulnerable Road Users

Chris CREWTHER (Mornington) (10:49): I rise to speak in this committee report debate on the report of the inquiry into the impact of road safety behaviours on vulnerable road users, published last month. There are a number of sensible and well-researched priority recommendations that come out

of this report – namely, developing a road user hierarchy, creating a vulnerable users advisory group to contribute to the development of road safety interventions, reviewing the flexibility of speed zoning guidelines, reviewing the location of pedestrian crossings on arterial roads, prioritising road treatments in regional areas and investigating opportunities for vulnerable road users to self-report minor crashes and near misses and many other recommendations. Indeed there are 56 recommendations in total.

Two out of every five lives lost on Victorian roads so far in 2024 were of those who had little or no protection in the event of an accident on roads, footpaths and driveways. These vulnerable road users include pedestrians, bike riders, motorcyclists, the frail and elderly, people in wheelchairs and people with disabilities or a reliance on mobility devices.

Road safety and road maintenance are inherently connected. If the government truly wants to protect vulnerable Victorians from road fatalities, it must first ensure that the roads are fit for use to begin with. It is now effectively conventional wisdom that Victorian roads are not fit for use or up to standard; in fact it has been said that they are the worst roads in Australia. This is particularly the case for regional and peri-urban roads, with the government's own statistics showing that 91 per cent of our regional roads are in poor or very poor condition, and a recent RACV poll on the state's country roads received a record 7000 responses, the largest response ever received to the survey, which clearly shows that a great number of Victorians are concerned about the state of disrepair of our roads.

Yet the state of our roads has come about not due to any accidents but by a deliberate 45 per cent cut to the roads maintenance budget since 2020. In fact in regional Victoria there has been a 96 per cent reduction in the level of maintenance being done in 2024 when compared to the previous year. This is just disgraceful and further proof that this Labor government has not managed the economy well at all, despite being in government for nearly 21 of the last 25 years and for the last 10 years in a row. Labor in this government have now built up more than $130 billion in debt and are paying more than $15 million in interest per day. This is projected to grow to over $187 billion in a few years time and $25 million in interest per day by 2027. This has meant insufficient funds for roads, road maintenance and indeed road safety. That then has a flow-on effect for road safety, as mentioned, but also for lives, particularly those of Victorians with the worst roads in neglected areas.

Indeed locally in my electorate of Mornington road maintenance and safety have been totally neglected by this Labor government – for example, the many dangerous intersections on Nepean Highway, which I have consistently raised since and before my election. One example is the need for a dedicated merge lane for cars turning right from Mount Eliza Way onto Nepean Highway, an extremely dangerous intersection with limited visibility where there have been a number of crashes, injuries and, sadly, deaths. I use this intersection frequently as a Mount Eliza local, and it can be almost impossible at times to see beyond the cars and hill and for oncoming traffic travelling south on the Nepean Highway to be able to turn right. A central merge lane would enable a much safer right turn for drivers and cyclists.

Further, the Forest Drive and Uralla Road intersections with Nepean Highway in Mount Martha are notorious, striking fear into the hearts of locals every time they drive through them. These were fully funded by the former federal Liberal–Nationals government but delayed again and again by the state Labor government and even put on the chopping block last year by the federal Labor government. Finally, after locals, Zoe McKenzie MP and I practically begged the federal and state Labor governments to maintain the funding and commence the repairs, they buckled, keeping the funds and saying that the repair works will now commence in mid and late 2024. I just hope they do not delay it further.

Generally, there have also been so many other concerns with state roads across the electorate, whether that be Nepean Highway, Moorooduc Highway or elsewhere, as well as shire roads, the latter also not having sufficient funds with rate-capping and cost-shifting by the state government. There is also the need for upgrades to east–west roads like Mornington-Tyabb and Bungower roads, and there are many

potholes, like at the intersection of Fulton and Humphries roads in Mount Eliza. There is much more that needs to be done.

Public Accounts and Estimates Committee

Report on the 2021–22 and 2022–23 Financial and Performance Outcomes

Sarah CONNOLLY (Laverton) (10:54): I am very pleased to rise and speak on the Public Accounts and Estimates Committee's report on the 2021–22 and 2022–23 financial and performance outcomes, which I tabled in Parliament early in March this year, which quite frankly seems like a lifetime ago now we are on the verge of winter break. As this chamber knows, evaluating public sector reporting and performance is a key part of the function of the Public Accounts and Estimates Committee. It is actually a really important function for the committee and for the Parliament. These performance outcomes are undertaken on an annual basis. Having said that, there was a little bit of confusion about this report covering not one but two financial years, from July 2021 to June last year. Really the main reason for this was completely simple. It was totally normal. The state election, which seems, like I said just previously, to have been a lifetime ago – it seems like two lifetimes ago – took place in the middle of this period and is the reason why we evaluated the two financial years in the one report.

We know that during this time we have faced some really tough economic challenges. They are challenges that have been debated here in this place time and time again, including the tail end of the COVID-19 pandemic and the vaccination race that took place at the end of 2021, and these events have had a flow-on impact to today. Challenges and events like this undoubtably place significant strain and challenge on the performance of government and, importantly, on the departments that carry out this very important work. In light of this, however, it is pleasing to note that despite these tough challenges, our government is meeting most, if not all, of its medium-term fiscal goals.

In addition, this report provides some really insightful details on the rollout of some of our government's wonderful policy initiatives, including the establishment of primary care centres and mental health clinics – we have talked a lot about that this year, about the importance of those primary care centres and those mental health clinics – and of course our government's historic capital investment program into our schools, as well as our disability inclusion reform program. These are all policies that I know have not only affected but immensely benefited folks in the electorate of Laverton. So whether that is in things like health care, education or indeed other portfolios, it is really pleasing to be able to read with insight into how things are being delivered and then out on the hustings and on the frontline to understand how they are benefiting folks.

This report makes 140 findings across 14 chapters covering government departments and organisations, including the eight major government departments, Parliament and Court Services Victoria, which look at their experiences in delivering not only the day-to-day services, which are really important but in the delivery of key infrastructure and services that our community relies upon. There are 56 recommendations which aim to improve performance measures, the way that they are evaluated and the way in which they are reported during this process so that as a government we can set better targets and better goals for the performance of government bodies and programs, because at the end of the day that will benefit all Victorians.

I also do want to thank my fellow committee members for their work and their contribution to the report. This is a long report, and it required hours and hours in the public hearings but also in the time it took for deliberation on the report. There was really great work on both sides of the chamber. I also really want to thank the work of the committee secretariat, who I know have been diligent in their support and work in preparing this report. The amount of hours that the secretariat staff put in, not just of Public Accounts and Estimates Committee but indeed all committees across the Parliament, and the amount of work and effort that they put in to writing these reports – some of them are very, very lengthy reports, and I am not saying this one was in particular, but some of the reports can be really dry – is absolutely extraordinary. People like me and I would say those sitting in the chamber today

would not be able to do their job and committee work without the support of secretariat staff, so I give a really big shout-out and a really big thankyou to them. I am very pleased to be able to commend the report to the house. I will briefly say as the chair of the Public Accounts and Estimates Committee it is reports like this that make me very proud to do the job.

Economy and Infrastructure Committee

Inquiry into the Impact of Road Safety Behaviours on Vulnerable Road Users

Jade BENHAM (Mildura) (10:59): My committee report statement today is on the Economy and Infrastructure Committee's inquiry into the impact of road safety behaviours on vulnerable road users. It is important to note I think – and I have said this many times in this place – that the one thing that my office deals with the most is complaints about roads, intersections and potholes on regional and remote rural roads. Obviously there is confusion among constituents around who manages which roads. What is a council road? What is a state road? Usually the federal roads, I would hope, are pretty obvious to most but not always. So my focus today is on those vulnerable road users, particularly out in remote and rural areas around the great north-west or even over in East Gippsland.

There are sections throughout this report in fact that talk about cyclists and motorbike riders. I have been, and still am to a point, both of these. There is a certain level of vulnerability – in fact there is a very large aspect of vulnerability. It was interesting reading section 4.2, headed 'Bike riders must be viewed as legitimate road users'. I had to giggle at that. With respect, of course bike riders are legitimate road users, but in some cases, in regional areas that have a high heavy vehicle traffic load on very small, narrow roads with crumbling shoulders, it is almost like those cyclists and bike users become target practice for some truck drivers and for some motorists. It gets back to section 2.1.1 in fact: drivers post COVID have become impatient; they have become aggressive. I in fact do not cycle anymore. I was part of a bicycle users group – the ones that get dressed in lycra and go for a coffee afterwards, or a milkshake.

Tim Bull interjected.

Jade BENHAM: I know – beautiful. Sorry for that visual. I apologise, member for Gippsland East.

A member interjected.

Jade BENHAM: I did look fabulous – in fact an all-in-one. I would go and do it on mornings like this, but I will not do it anymore, because it is –

A member interjected.

Jade BENHAM: The member for Gippsland East has in fact donned a lycra leotard, I believe, but in the name of charity, not for enjoyment. However, my point is –

Tim Bull interjected.

Jade BENHAM: Oh, both. He does it for enjoyment – not the enjoyment of others, I can assure you. But my point is that I do not cycle anymore on country roads, simply because it has become too unsafe. Being a mother to two stepchildren, the risk is simply too high. Not only are cyclists vulnerable on city roads, but as the report states, regional roads have become very, very dangerous, and it is because of the impact of heavy vehicles. We are not just talking about road trains anymore – I had this discussion yesterday. We are talking about B-quads and we are talking about A-doubles on these very narrow roads that are crumbling and that have potholes. The smallest little thing can become a really big hazard for a cyclist or a motorbike rider in fact. Something as small as a puddle can put you in hospital for a week with broken ribs and severe concussion, another thing I have learned through lived experience.

When we talk about regional roads – and of course the report does talk about the vulnerability of regional road users in terms of how vulnerable we are with road use – there are many recommendations

within the report on how this can all be addressed. Action on the Victorian cycling strategy would be one. The findings and the recommendations in there are actually a fascinating read. The member for Laverton is quite right when she says some of these reports are quite dry, but this is actually a very good and interesting read, particularly from the point of view of a cyclist and of a motorcyclist, because it is really dangerous for us out there, not to mention the condition of the roads. We know that over 90 per cent of roads in Victoria are in poor or very poor condition. I give awards around my electorate as to which one is worst and which one you would be more likely to become airborne on – the list goes on and on. *(Time expired)*

Public Accounts and Estimates Committee

Gambling and Liquor Regulation in Victoria: A Follow up of Three Auditor-General Reports

Kathleen MATTHEWS-WARD (Broadmeadows) (11:04): I rise to speak on *Gambling and Liquor Regulation in Victoria: A Follow up of Three Auditor-General Reports*. I would like to start by firstly thanking the committee membership: the chair, the member for Laverton; the deputy chair, a member for North-Eastern Metro; a member for South Eastern Metro, Michael Galea; the member for Box Hill; the member for Point Cook; the member for Yan Yean; a member for Western Victoria; the member for Gippsland South; the member for Melbourne; and the member for Clarinda. I thank them for the important work they do on the Public Accounts and Estimates Committee. I would also like to extend my heartfelt appreciation to the committee secretariat for their unwavering dedication throughout the entirety of this inquiry. I thank them for their meticulous efforts in crafting this comprehensive report. I would also like to thank the families of the PAEC members. They give up a lot because PAEC is a really heavy committee to be on. So not only do the PAEC members give up a lot of their time but their families give up a lot of their time to be on that committee.

One of the crucial responsibilities of the Public Accounts and Estimates Committee is conducting follow-ups on the Auditor-General reports. The Auditor-General presented three reports concerning the regulation of gambling and liquor and the minimisation of gambling-related harm in 2017, 2019 and 2021. These involved assessing the extent to which government agencies have implemented the recommendations and identifying any other significant linked issues that may have arisen.

Firstly, I would like to acknowledge the work of the Minister for Casino, Gaming and Liquor Regulation on gambling reform. It is really exciting work, and I am really proud to be part of the government that has delivered the reform. I congratulate the minister on implementing the closure of gaming venues between 4 am and 10 am, which was one of the recommendations of this committee. People with gambling addiction are particularly vulnerable to the availability of round-the-clock gambling as it eliminates natural breaks that can help them stop or reduce gambling activity. Late night and early morning gambling can lead to fatigue, impaired judgement and increased likelihood of excessive gambling. The closure period allows players to rest and make more rational decisions. In addition to the closure period, the Labor government has introduced the statewide YourPlay system, which allows gamblers to set their own time and spend limits on poker machines and sees them locked out for a period once their limits are reached. This card has been mandated for play at Crown Casino, giving gamblers an extra layer of visibility and control over their gambling, helping to reduce harm.

The committee also found that gambling harm is particularly bad with young men, a cohort for whom gambling has become increasingly normalised. Treatment service providers are experiencing a rise in referrals for counselling sought by parents and guardians on behalf of their young sons. Gambling apps encourage bets with mates to normalise male group gambling as well. The committee undertook a visit to Geelong, where they spoke with not-for-profit organisation Meli, who offer multiple services, including financial counselling, in the Barwon and Great South Coast regions. Meli highlighted that young men typically refrain from seeking assistance for gambling issues primarily because gambling is socially accepted within this group. With the recent move to gambling on popular sports and online gambling making accessibility easier, this demographic is easily enticed.

Recommendation 44 in the tabled report suggests that the Victorian government consider how gambling codes of conduct and ministerial directions to minimise harm can be intentionally designed and enforced to ensure young people are protected from the harms of online gambling and to safeguard people under the age of 18 from accessing gambling products online. Young people are particularly vulnerable to the harms of gambling due to factors such as impulsivity, lack of awareness about risks and susceptibility to peer influence. Intentionally designing and enforcing regulations can help shield them from these harms associated with gambling addiction. That is a really important point. Until recent times if you wanted to have a bet you would need to go to the local bookmakers, but now gambling is constantly at your fingertips on devices with ready access to a variety of opportunities to gamble over multiple apps.

This leads on to the one of the more distressing parts of the report: a submission from Suicide Prevention Australia, serving as the national peak body for the suicide prevention sector, highlighting the risk between gambling harm and suicide. It found on average that there were 23 people who committed suicide in Victoria annually between 2009 and 2016 due to distress from gambling. Suicide Prevention Australia stressed that suicide is very complex and multifactorial but engaging in gambling is a risk factor that can increase the likelihood of job loss, financial hardship, problems at work and relationship issues. Suicide Prevention Australia noted that nearly one in five people showing signs of suicidal behaviour also struggle with gambling addiction, showing a correlation between gambling harm and suicide.

The committee also looked at the alcohol-related harm to the Victorian community. During the COVID-19 lockdowns there was a significant increase in ordering alcohol via home delivery. A major concern raised by the alcohol harm advocates is the delivery of alcohol purchased online. The committee learned that most of the current content of responsible serving of alcohol – *(Time expired)*

Economy and Infrastructure Committee

Inquiry into the Impact of Road Safety Behaviours on Vulnerable Road Users

Nicole WERNER (Warrandyte) (11:09): I rise to speak on the Legislative Assembly's Economy and Infrastructure Committee's inquiry into the impact of road safety behaviours on vulnerable road users. While I appreciate the findings of this inquiry, the truth is that road safety is impacted by the state of the roads across Victoria. Day in, day out we hear from members across this place raising local road issues. In fact all of the speakers before me who spoke to this report raised road issues in their electorates, and we hear them from across Victoria. They are Victoria-wide. Labor cannot manage money and they cannot manage our roads.

The people in my electorate know all too well what it is like to be vulnerable on unsafe roads, including on the dangerous intersection of Marbert Court and Kangaroo Ground-Warrandyte Road, where a man tragically lost his life in a crash just months ago. My constituent Kim Williams, who lives on Marbert Court, raised safety concerns about the intersection with my predecessor in 2020, who too had raised it with the minister as many residents felt that an accident was inevitable due to the road's design. Sadly, on 12 May their worst fears were realised when a motorcyclist was killed and another was left clinging to life in hospital. This has devastated the local community and left residents of Marbert Court scared and shocked, and every day residents turning in and out of this court face this dangerous intersection where a man tragically did lose his life.

Of course I will never pass up an opportunity to speak about one of my electorate's highest priorities, the dangerous and perilous Five Ways intersection. The people in my community have been waiting and wondering when the government will finally fix Five Ways intersection in Warrandyte South. Will it be when there is another casualty? Will it be when there is another road incident? I recently asked the Minister for Roads and Road Safety whether there were any short-term measures being implemented to mitigate the immediate safety issues surrounding the Five Ways intersection, and the minister responded that the Department of Transport and Planning's preliminary investigation did not identify short-term measures to implement in advance of a significant upgrade. This is simply not good

enough. We are hearing time and time again, accident after accident, that this tired Labor government want you to believe that they cannot even change a speed limit on a road. It is simply not good enough. I ask the minister why, despite the many safety issues that surround this intersection, the Labor government cannot fix the Five Ways intersection, and I get this same tired old line, day in, day out. I have raised it six or seven times now in the Parliament, and this is what she says each time:

> Given the complex geometry and physical constraints of the site, including the locations of the staggered intersections, significant modifications are likely to be required including land acquisition and the relocation of several utility services.

Well, you know what, it may be unparliamentary, but I am calling it out. I call BS. That is simply and categorically untrue. We need to be looking at this. This is a serious road issue, and let me list this: in 2014 –

Belinda Wilson: On a point of order, Acting Speaker, on relevance, we are talking about committee reports. I do not believe that the member for Warrandyte is talking about a committee report.

Tim Bull: On the point of order, Acting Speaker, the committee reports, particularly today, have been very, very wideranging in their content, and I would ask you to please give the honourable member the same latitude.

The ACTING SPEAKER (Alison Marchant): On the point of order, it is relevant to the topic, but it is a committee report, so I do ask you to come back to the committee report.

Nicole WERNER: On the committee report, as we are speaking about the inquiry into the impact of road safety behaviours on vulnerable road users, let me tell you a story. It was on my 18th birthday in 2009 that I got my licence, and I remember this very road because it was so challenging to navigate as an L-plater as well as as a P-plater. It was the intersection of Stintons Road and Tindals Road in Donvale, and many in my electorate will know it. That very same intersection had across five years four crashes involving casualties. It was incumbent upon the mayor at the time in 2014, who looked at this being an issue and was able to deliver funding and a roundabout as a solution to this road issue. It made a world of difference as I was growing up and learning to drive, and this is the same thing. We are looking at an intersection that is so hazardous, that has still not yet been fixed, that I am asking and calling upon the government week in and week out in this place to finally fix, not just in Warrandyte but across the electorates, across Victoria. We need our roads fixed. It is desperate.

Economy and Infrastructure Committee

Inquiry into the Impact of Road Safety Behaviours on Vulnerable Road Users

Ella GEORGE (Lara) (11:14): It is a pleasure to speak on the recent Economy and Infrastructure Committee's report into the impact of road safety behaviours on vulnerable road users. I would like to thank the committee and the chair, the member for Bellarine, for their important work in investigating how the Victorian government can make our roads safer for everyone, including vulnerable road users. As the Allan Labor government works towards achieving the *Victorian Road Safety Strategy 2021–2030* goal of zero deaths by 2050 on Victorian roads, this committee report helps inform how we can ensure Victorians can be safer on and around our roads.

Importantly, the committee investigated how road safety behaviours changed during and after the COVID-19 pandemic and the subsequent impact of these behavioural changes on road users. I understand the committee received 302 submissions, which certainly demonstrates the community's deep interest in this important issue. Any death on a Victorian road is one too many. However, we know that vulnerable road users – such as pedestrians, children under seven, older people and mobility device users, bike riders and motorcyclists – are over-represented in deaths and injuries from traffic collisions. Many of us will know someone who has been injured or impacted by a significant traffic collision. I have had many friends come off their bikes in serious accidents, and my little cousin was recently seriously injured in an accident with a car when he was on his bike. In 2023 vulnerable road

users made up 36 per cent of lives lost on Victorian roads, and in 2022 they represented almost half. One of the main findings of the report was that safety outcomes for vulnerable road users are not improving. To that end, one of the committee's priority recommendations is placing a greater emphasis on the safety of vulnerable road users in future road and urban infrastructure design and strategies, which will seek to address this concerning finding.

Sadly, there are many road accidents in the electorate of Lara, and the Corio SES unit, who are often the first responders, are one of the busiest SES units in the state. I take this opportunity to acknowledge the Corio SES unit and its many volunteers and acknowledge their important work in responding to road accidents right across the state.

Road safety is something that I hear about on a regular basis from constituents and local businesses, and one road that I have heard a lot about when it comes to safety is Thompson Road, a key arterial road that spans three suburbs: Norlane, Bell Park and North Geelong. It is 5 kilometres long and is used by approximately 16,000 vehicles a day. In the five years from July 2014 to December 2019 there were 70 crashes along Thompson Road between Victoria Street and Cox Road, including five fatal crashes in which six people, sadly, lost their lives, and 24 serious injury crashes. In some great news, works are due to start in mid-July along Thompson Road with a $4.6 million investment from the state and Commonwealth governments into improving road user safety. Amongst other things, this project will see the installation of multiple pedestrian refuge islands, making it safer for vulnerable road users who cross this busy road. These changes to Thompson Road will ensure that vulnerable road users, like pedestrians, are safer when travelling, and it is investments like this that really speak to the findings and recommendations of this report.

Additionally, recommendation 27 of the committee's report recommends reviewing the location of pedestrian crossings on arterial roads to ensure that there are regular crossings linked to public transport stops, activity centres and schools. This recommendation aims to reflect the concerns around the safety of families and students who often walk or ride to school and who are vulnerable road users. I regularly hear from parents, teachers and students across the Lara electorate about their concerns with road safety near schools, and one school of particular concern is Lara Lake Primary School, which is on Forest Road, the main road leading from the Princes Freeway into the township of Lara. As you would expect, it is an incredibly busy road. But thanks to the advocacy of the school community and neighbours who live in the area and investment from this government, the lights are now on at the new pedestrian crossing out the front of Lara Lake Primary School.

The committee report outlines that there is a lot of work to do in this space to improve the safety of vulnerable road users. However, I am pleased to see that there are already many infrastructure upgrade projects across the state, including in the electorate of Lara, that look to address these issues. We can always do more, and that is exactly what the recommendations of this report set out to achieve. Once again I would like to thank the committee and the chair for their work on this report and the community who contributed to the report, and a big thankyou to all those who are working to make sure all Victorians are safe on our roads all year round.

Bills

Youth Justice Bill 2024

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:21): In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility for the Youth Justice Bill 2024:

> In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Youth Justice Bill 2024.
>
> In my opinion, the Youth Justice Bill 2024 (**Bill**), as introduced to the Legislative Assembly, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill creates a standalone legislative framework for youth justice in Victoria. The nature and subject matter of youth justice necessarily raises a number of human rights issues, including both giving effect to and promoting human rights under the Charter, and limiting rights where reasonably justified.

Human Rights in the Bill

In light of the considerable scope of the Bill and the issues raised, this Statement of Compatibility commences with an outline of all rights engaged by the Bill, with a particular focus on children's rights under the Charter. It then discusses the compatibility of relevant Chapters of the Bill with those rights.

Children's rights

Children are entitled to all rights under the Charter, except where the scope or exercise of the right is legitimately restricted on the basis of age, such as the right to vote. The Charter also grants additional rights only to children, which are contained in sections 17(2), 23 and 25(3) of the Charter. In this Statement of Compatibility, the rights in sections 17(2), 23 and 25(3) of the Charter are referred to collectively as **'children's rights'**. These rights recognise the special vulnerability of children, and require measures to be adopted to protect children and to foster their development and education.

Protection in a child's best interests

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This provision is modelled on article 24(1) of the *International Covenant on Civil and Political Rights* and its scope is informed by the *Convention on the Rights of the Child* and other relevant United Nations materials. The right protects important values, including bodily integrity, mental health, dignity and self-worth.

What is in a child's best interests will depend on the specific circumstances of the child or group of children and the particular decision being made or action being taken. The level of protection required will ordinarily differ depending on the age of the child, in recognition of the progressively developing capacities of the children. Matters that may be relevant to a child's best interests include the child's views, the child's identity, preservation of the family environment and relationships, protection and safety of the child, situation of vulnerability, and the child's rights to health and education.

The scope of section 17(2) in the youth justice context may be informed by the United Nations Standard Minimum Rules for the Administration of Justice ('Beijing Rules'), which require youth justice systems to emphasise children's wellbeing and ensure that responses to children and young persons within the youth justice system are proportionate. The Supreme Court has indicated that the right requires the State to ensure the survival and development of the child to the maximum extent possible. In the context of a youth justice custodial centre, this involves:

- protecting the right of every child to maintain contact with their family;
- providing a physical environment that is separate from adult facilities, has a rehabilitative focus and that gives due regard to a child's need for:
    - privacy;
    - sensory stimuli;
    - opportunities to associate with peers and to participate in sports; and
    - recreation and leisure activities;
- providing children with suitable education and vocational training;
- providing adequate medical care;
- facilitating frequent contact with the wider community;
- ensuring that any disciplinary measures are consistent with upholding the inherent dignity of the child; and
- promoting the positive development of the child, including their capacity to understand the impact of their actions, engage in pro-social behaviours and make better decisions in the future.

Providing access to religious and cultural services, and mechanisms to lodge complaints, is consistent with protecting a child's best interests in a youth justice setting.

Rights of children in the criminal process

Sections 23 and 25(3) of the Charter protect the rights of children in the criminal process. In this Statement of Compatibility, the rights in sections 23 and 25(3) are referred to collectively as **'rights of children in the criminal process'**.

Section 23(1) provides that an accused child who is detained, or a child detained without charge, must be segregated from all detained adults. This provision is modelled on article 10(2)(b) of the *International Covenant on Civil and Political Rights* and applies to children remanded in custody. The right does not apply to children serving custodial sentences. While the segregation of children from convicted adults is, as a general principle, a fundamental human right, Victoria's 'dual track' system, which allows young persons aged 18 to 20 to serve custodial sentences in youth detention instead of adult prison in certain circumstances in order to prevent vulnerable young persons from entering the adult prison system at an early age, is considered to represent best practice in this area.

Under section 23(2), an accused child must be brought to trial as quickly as possible. This right has been interpreted as imposing an obligation to take positive steps to proceed as expeditiously as possible within what the circumstances will allow.

Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for their age. Age-appropriate treatment may incorporate matters such as opportunities to continue education or vocational training while in detention, access to leisure activities, minimising stigma, preservation of family relationships, minimal security measures in detention facilities, and primacy given to rehabilitation when sentencing children.

Finally, section 25(3) provides that a child charged with a criminal offence has the right to a procedure that takes account of their age and the desirability of promoting their rehabilitation. This right is directed at ensuring that children can effectively participate in the legal process and are not discriminated against or excluded from criminal proceedings that concern them. It may require procedures that are targeted to child defendants (such as ensuring the provision of age-appropriate explanations) and that assist them to effectively participate in the proceeding. The right in section 25(3) may also require courts to take steps to ensure that the trial process does not expose a child defendant to avoidable intimidation, humiliation and distress, and may require alternative measures to criminal proceedings to be adopted where appropriate.

Other relevant human rights

In addition to the children's rights contained in sections 17(2), 23 and 25(3), a number of other human rights protected by the Charter are relevant to the Bill.

Right to equality

Section 8(1) of the Charter protects the right of every person to recognition as a person before the law. Legal recognition is related to a person's ability to access and enforce their human rights, and may be limited where a law makes justifiable provision for people who lack legal competence.

Section 8(3) of the Charter provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (**EO Act**) on the basis of an attribute in section 6 of that Act, which relevantly includes age, race, gender identity, religious belief and disability. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Section 8(4) of the Charter confirms that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

Right to protection from torture and cruel, inhuman or degrading treatment

Sections 10(a)–(b) of the Charter provide that a person must not be subjected to torture or treated or punished in a cruel, inhuman or degrading way. The right is concerned with the physical and mental integrity of individuals, and their inherent dignity as human beings.

Cruel or inhuman treatment or punishment includes acts which do not constitute torture, but which nevertheless possess a minimum level of severity. Degrading treatment or punishment involves acts of a less severe nature but which inflict a level of humiliation or debasement of the victim. Whether conduct meets the necessary threshold will depend upon all the circumstances, including the duration and manner of the treatment, its physical or mental effects on the affected person, and that person's age, sex and state of health.

Right to freedom from forced medical treatment

Section 10(c) of the Charter provides, relevantly, that a person has the right not to be subjected to medical experimentation or treatment without their full, free and informed consent. In addition, section 13(a) of the Charter protects a person's right not to have their privacy unlawfully or arbitrarily interfered with. This right

extends to privacy in the sense of bodily integrity, which involves the right not to have our physical selves interfered with by others without our consent. The purpose of these rights is to protect a person's personal autonomy and integrity. They recognise the freedom of humans to choose whether or not they receive medical treatment or participate in medical experiments.

Right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria, to enter and leave Victoria, and to choose where to live in Victoria. The right extends, generally, to movement without impediment throughout the State, and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest. The right is directed at restrictions that fall short of physical detention (restrictions amounting to physical detention fall within the right to liberty, protected under section 21 of the Charter).

Right to privacy and reputation

As mentioned already, section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to privacy is broad in scope and encompasses rights to physical and psychological integrity, individual identity, and the right to establish and develop meaningful social relations.

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

Right to freedom of thought, conscience, religion and belief

Section 14(1) of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to have or adopt a religion or belief of one's choice, and to demonstrate one's religion or belief individually or as part of a community. The concept of 'belief' extends to non-religious beliefs, as long as they possess a certain level of cogency, seriousness, cohesion and importance. While the freedom to hold a belief is considered absolute, the freedom to manifest that belief may be subject to reasonable limitations.

Right to freedom of opinion

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. The right is concerned with a person's internal autonomy, and embraces not only the right to hold an opinion, but also the right not to hold any particular opinion.

Right to freedom of expression

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

Right to freedom of association

Section 16(2) of the Charter relevantly provides that every person has the right to freedom of association with others. Any provision which places limits on a person's ability to develop relationships will engage this right.

Rights of families

Section 17(1) of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the State. The right is principally concerned with unity of family. 'Family' in this context has a broad meaning that encompasses the diversity of families living within Victoria, not only those recognised by formal marriage or cohabitation. The right in section 17(1) is related to section 13(a) of the Charter, which relevantly provides that every person has the right not to be subject to unlawful or arbitrary interferences with their family.

Cultural rights

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language,

maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The rights in section 19 are intended to protect and promote the cultural, religious, racial and linguistic diversity of Victorian society. The rights are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property, such as powers of seizure and/or disposal of property, are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Right to liberty and security of the person

Section 21 of the Charter provides that every person has the right to liberty and security, including the right not to be subject to arbitrary arrest or detention. This right is concerned with the physical detention of the individual, not mere restrictions on freedom of movement. A person's liberty may legitimately be constrained only in circumstances where the relevant arrest or detention is lawful, in the sense that it is specifically authorised and sufficiently circumscribed by law, and not arbitrary, in that it must not be disproportionate to a legitimate purpose or unjust.

Right to humane treatment when deprived of liberty

Section 22(1) of the Charter provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. The right recognises the particular vulnerability of persons in detention, and applies to persons detained both in the criminal justice system and non-punitive or protective forms of detention such as the compulsory detention of persons with a mental illness. The right reflects the principle that detained persons should not be subjected to hardship or constraint other than that which results from the deprivation of their liberty.

Further, special rights attach to accused persons who are detained and persons detained without charge. Such persons must be segregated from persons who have been convicted of offences, except where reasonably necessary (s 22(2)), and must be treated in a way that is appropriate for a person who has not been convicted (s 22(3)).

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided.

Right to be presumed innocent

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

Right to be tried without unreasonable delay

Section 25(2)(a) of the Charter provides that a person charged with a criminal offence is entitled, without discrimination, to be tried without unreasonable delay. This right reflects the common law principle that justice delayed is justice denied. 'Unreasonable' in the context of this right means 'excessive, inordinate or unacceptable', and what is unreasonable in a particular case will depend on all the circumstances.

Right to adequate time and facilities

Section 25(2)(b) of the Charter provides that a person charged with a criminal offence is entitled, without discrimination, to have adequate time and facilities to prepare their defence and to communicate with a lawyer or advisor of their choice.

Right to be tried in person

Section 25(2)(d) of the Charter relevantly provides that a person charged with a criminal offence is entitled, without discrimination, to be tried in person. This right reflects the common law principle that the trial of an indictable offence must generally be conducted in the presence of the accused. However, the right may be reasonably limited, for example, where the accused abuses the right by conducting themselves in such a way as to obstruct the conduct of the hearing.

Right to legal assistance

Sections 25(2)(d)–(f) of the Charter provide that a person charged with a criminal offence is entitled, without discrimination, to defend themselves personally or through legal assistance of their choice. A person also has a right, if eligible under the *Legal Aid Act 1978*, to legal aid, and to be informed of that right.

Right to examine witnesses

Section 25(2)(g) and (h) of the Charter provide that a person charged with a criminal offence is entitled, without discrimination, to examine, or have examined, prosecution witnesses (unless the law provides otherwise), and to obtain the attendance and examination of witnesses on their own behalf under the same conditions as the prosecution. These rights are an aspect of the principle of equality of arms.

Right against self-incrimination

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

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However, the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa. Punishment generally refers to sanctions imposed in furtherance of the purpose and principles of sentencing, but the right does not extend to prohibiting other consequences that may flow from a finding of guilt or criminal conviction.

Chapter 1: Preliminary

Part 1.1 – Introductory provisions

The Bill broadly promotes children's rights under the Charter through its purposes to establish a scheme that provides an alternative process to court for children who are alleged to have committed certain offences, and to ensure oversight and accountability of the youth justice system to protect the rights of children involved, prevent and reduce offending by children and young persons, and support their rehabilitation and positive development.

Part 1.2 – Criminal responsibility of children

The Bill furthers the protection and promotion of children's rights in the state of Victoria by providing that the minimum age of criminal responsibility in Victoria is 12 years old, an increase from the longstanding historical minimum age of 10 years old. It does so by providing that it is conclusively presumed that a child under 12 years of age cannot commit an offence (cl 10). Unlike the presumption of *doli incapax* (cl 11), the presumption in cl 10 cannot be rebutted and has the effect that children aged 10 and 11 years old can no longer be subject to criminal proceedings if they engage in criminal conduct.

Raising the minimum age is in line with evidence about children's development and their inability to form criminal intent, which requires an understanding that some behaviour is seriously wrong in a moral sense. This recognises the unfairness and inappropriateness of responding to young children's behaviour through the criminal justice system. Raising the age to 12 recognises that offending by children aged 10 and 11 years old is rare.

Establishing a minimum age below which children are not to be held criminally responsible promotes rights relating to children under section 17(2) and section 25(3) of the Charter. Accordingly, cl 10 promotes the right of every child to such protection that is needed by reason of being a child (s 17(2)) and a procedure that takes account of a child's age and the desirability of promoting the child's rehabilitation (s 25(3)).

The Bill codifies the common law presumption of *doli incapax*, whereby a child who is under 14 years old is presumed to be incapable of committing an offence, unless the prosecution proves beyond reasonable doubt that the child knew at the time of the alleged commission of the offence that the child's conduct was seriously wrong in a moral sense (cl 11(1)–(3)). The Bill codifies this presumption in line with the case of *RP v The Queen* [2016] HCA 53, which is the most contemporary Australian authority on the presumption of *doli incapax*. The Bill makes it clear that any presumption arising by or under the common law in relation to the criminal responsibility of a child continues to apply and in the event of inconsistency between clause 11 and any common law presumption, clause 11 prevails to the extent of the inconsistency (cl 11(4)).

To support the effective operation of the presumption of *doli incapax*, the Bill introduces procedural reforms that require:

- a police officer to have regard to whether it appears there is admissible evidence to prove the child's knowledge beyond reasonable doubt before deciding to commence proceedings for an offence allegedly committed by a child at 12 or 13 years of age (cl 12(1)), and to consider the matters set out in cl 12(2) as far as practicable when doing so. The Bill introduces a complementary requirement to document this consideration and the reasons in writing if the police officer decides to commence proceedings (cl 12(3)).
- the written reasons prepared in accordance with clause 12(3) to be filed in the court at the commencement of the proceedings (cl 12(4) and 812) and exchanged with the accused at an early time in the proceedings, either upon service of a summons or warrant (cl 813), at the first mention hearing (cl 816) or in relevant brief material (cls 814, 815, 818 and 819).
- police prosecutors to review charges against children who were 12 or 13 years of age at the time of the alleged commission of the offence, which must be an indictable offence tried summarily in the Children's Court (cl 13(1)), as soon as possible after the commencement of the proceeding and, if practicable, not later than 21 working days after that date (cl 13(4)). The police prosecutor must consider the sufficiency of the available evidence in relation to the child's knowledge and each element of the alleged offence, and the prospect of the child being found guilty (cl 13(3)). Prosecutors must take reasonable steps to notify the child or the child's legal representative of the outcome of the review (cl 14) and, if the prosecutor is not satisfied of the matters in cl 13(3), they must consider whether it would be appropriate to withdraw the relevant charges against the child (cl 13(5)). Where the child is charged with multiple offences, the Bill makes it clear that the prosecutor is not required to review charges for the alleged commission of an offence when the child was 14 years of age or older and does not need to consider withdrawal of a charge against the child for the alleged commission of an offence at 12 or 13 years of age if the matters in cl 13(3)–(13(6) are satisfied.

Together, these new requirements are intended to foreground consideration of the presumption of *doli incapax* and, where appropriate, promote earlier resolution of this issue, so that 12- and 13-year-old children can be diverted away from the criminal justice system in circumstances where there are no genuine prospects of the presumption being rebutted.

Allowing for different options and consequences on the basis of a child's age and stage of development promotes children's rights. Specifically, the *doli incapax* reforms promote the right of a child to protection in their best interests under section 17(2) of the Charter, and the right to a procedure that takes account of the child's age under section 25(3). The reforms promote these rights by ensuring the laws that apply to children under 14 adequately account for their special vulnerability compared to adults and recognise the particular developmental stage and capacity of children under 14 years of age. This includes prioritising prevention, diversion and minimum intervention in response to harmful conduct or offending by children, in order to address the causes of their behaviour at an early stage and divert the child away from initial or long-term contact with the criminal justice system.

By providing for different options and consequences on the basis of age, which is (as noted above) a protected attribute, the Bill engages the right to equality and non-discrimination in section 8(3) of the Charter. For the reasons outlined above, I am satisfied that any limits on the right to equality and non-discrimination are reasonably justified.

Part 1.3 – Guiding youth justice principles

Children's rights are further protected and promoted through the guiding youth justice principles, set out in Part 1.3 of the Bill, which are intended to promote community safety, minimise and reduce offending by children and young persons, and support their rehabilitation and positive development. The Secretary of the Department of Justice and Community Safety (**Secretary**), the Commissioner for Youth Justice (**Commissioner**), any court or any other person should take into account each guiding youth justice principle to the fullest extent possible when exercising a power, performing a function, making a decision or taking any other action under the Act in respect of a child or young person (cl 17). The guiding youth justice principles promote children's rights in sections 17(2), 23 and 25(3) of the Charter, as well as the rights of families in section 17(1) and the right to equality in section 8, by:

- Affirming that children and young persons are to be treated differently to adults, in a way that recognises that they are developmentally distinct from adults, dependent on others for opportunities to realise their full potential, and have a unique capacity for rehabilitation when properly supported.

- Requiring that children and young persons should be responded to as individuals, and in a way that promotes their human rights; acknowledges their particular needs and characteristics; provides opportunities for meaningful participation in relevant decision-making; minimises stigma; promotes engagement of family, persons of significance and the wider community; recognises the unique vulnerabilities and systemic issues that disproportionately impact upon particular cohorts of children and young persons (such as those with a disability or from a culturally or linguistically diverse background); and contributes to a timely and appropriate outcome.
- Prioritising prevention, diversion and minimum intervention in response to offending by children and young persons, in order to address the causes of offending behaviour at an early stage and divert the child or young person away from the criminal justice system.
- Emphasising the importance of parents, family and persons of significance in a child's or young person's life, and the role they play in caring for the child or young person and helping them positively develop and not offend.
- Acknowledging the shared responsibility of public bodies, police, non-government organisations and the community to support children and young persons to rehabilitate, and the importance of partnership, collaboration and cooperation to achieve this end.

The Bill also contains guiding youth justice principles specific to Aboriginal children and young persons (Division 3), as well as a statement of recognition that Aboriginal children and young persons are overrepresented in the youth justice system as a result of inequality and structural and institutional racism caused by colonisation and historical laws, policies and systems which explicitly excluded and harmed Aboriginal people and culture (cl 23). In seeking to recognise, respect and support the distinct cultural rights of Aboriginal people and their right to self-determination, the Bill promotes cultural rights, as well as family, equality and children's rights under the Charter. In particular, the guiding youth justice principles specific to Aboriginal children and young persons require regard to be had to matters such as respect for cultural diversity and customary lore; valuing and centring of Aboriginal culture, knowledge and expertise; embedding cultural safety in policies, programs and services; ensuring equitable partnerships and transfer of decision making powers to Aboriginal communities with their free, prior and informed consent; and sustainable and flexible funding and resourcing for Aboriginal communities. These principles also affirm that Aboriginal children and young persons who have committed or are alleged to have committed offences should be dealt with in a way that upholds their cultural rights and sustains their ties to family, kin, community, country and Elders. This includes being provided with the opportunity to express their views and being supported to promote their participation in decision-making processes that affect them, as well as the participation of their family, kin and Elders (cl 21).

To ensure that the guiding youth justice principles specific to Aboriginal children and young persons are taken into account, the Secretary, court or other person must make enquiries to determine whether a child or young person in respect of whom a power is to be exercised, a function is to be performed, a decision is to be made or action is to be taken, is an Aboriginal person. This requirement engages the right to privacy under the Charter. The right is not limited, however, because such enquiries are provided for by law and are proportionate to the legitimate aim of enabling the decision maker to take into account relevant principles that protect and promote the cultural rights of the child or young person.

Parts 2.1 – 2.2 – The functions and powers of the Secretary and the Commissioner for Youth Justice

Part 2.1 of the Bill deals with the functions and powers of the Secretary, and includes the functions and powers conferred on the Secretary under the Act (cl 27), the power to enter into contracts for the provision of goods or services (cl 28), powers in relation to land (cls 29–31), and powers in relation to intellectual property (cl 32). The Secretary may delegate certain functions or powers under the Act or regulations (cl 33). The Bill also places an administrative requirement on the Secretary to publish on the Department's website the total number of adverse events relating to children and young persons held in custody in a youth justice custodial centre, disclosed by the Secretary to the Commission for Children and Young People (CCYP) in the relevant quarter (cl 34). This publication requirement furthers the protection of children's rights by ensuring there is a level of oversight of adverse events in youth justice custodial centres. The publication requirement further ensures the accountability of the Secretary who is responsible for the safety and wellbeing of children and young persons held in custody.

Part 2.2 of the Bill establishes the role of the Commissioner (cl 35) and outlines the functions and powers of the Commissioner. The Commissioner's functions include: providing leadership and stewardship of the youth justice system; supporting the rehabilitation and positive development of children and young persons who are subject to youth justice supervision in the community and in custody; coordinating and delivering services and supports to children and young persons; ensuring the safe, stable and secure operation of youth justice custodial centres and the supervision of children and young persons in those centres; establishing and

conducting high risk panels, and directing all youth justice custodial officers in the carrying out of their functions and duties (cl 36). The Commissioner is also required to perform any function that is delegated by the Secretary or that is conferred on the Commissioner under legislation (cl 36). The Commissioner also has, and may exercise, all the functions and powers of a youth justice custodial officer (cl 38). The Commissioner may delegate any function or power except for the power to order an unclothed search of a child or young person held in custody in a youth justice custodial centre or the power to authorise the use of reasonable force to carry out an unclothed search (cl 39). The Secretary has and may exercise all the functions and powers of the Commissioner (cl 37). The Bill also creates an offence for obstructing or hindering the Secretary, Commissioner or any person employed under Part 3 of the Public Administration Act 2004 in the Department in the carrying out of that person's duties under this Act (cl 763). These provisions support the smooth functioning of the youth justice system and transparency of youth justice operations.

Part 2.3 – Aboriginal youth justice agencies

The Bill introduces provisions governing the registration of Aboriginal youth justice agencies (cls 40–46), with the intention that the principal officers of these Aboriginal youth justice agencies will be able to perform functions and exercise powers of the Secretary in relation to Aboriginal children or young persons (cl 59) once they are registered. The intention of these provisions is to allow the Aboriginal youth justice agency to act in relation to an Aboriginal child or young person, as if the principal officer were the Secretary (cl 61). The Bill additionally requires the Secretary to provide the principal officer of the Aboriginal youth justice agency with reasonable assistance and support (cl 61).

The central requirements for a body corporate to be registered as an Aboriginal youth justice agency are that the principal officer (other than an acting principal officer) must be an Aboriginal person, the board members are elected by the Aboriginal community and that the board operates consistently with principles of Aboriginal self-determination (cl 41). The body corporate must also have the necessary experience to support the rehabilitation and positive development of children and young persons, minimise and reduce reoffending by children and young persons, and be able to meet the applicable performance standards (cl 41). These requirements aim to tangibly support the distinct cultural rights of Aboriginal people and their right to self-determination by creating a pathway for Aboriginal children to have decisions made for them by suitably qualified people from the Aboriginal community.

To ensure the quality of services provided to Aboriginal children, the Bill additionally sets out performance standards for Aboriginal youth justice agencies (cls 47–50), and provisions governing the revocation of registration (cls 51–53) and process for review of the Secretary's decisions (cls 54–55). The Bill requires the Secretary to provide information about the child or young person to the Aboriginal youth justice agency to assist it to make an informed decision as to whether it will accept an authorisation for the child (cl 60). While this may engage a child's right to privacy under section 13 of the Charter, any interference will be lawful and not arbitrary, as the information shared is limited to the specific purposes, and subject to the limits, prescribed in cls 60 and 65. The sharing of personal information is also necessary to allow Aboriginal youth justice agencies to determine whether they are equipped to support the child or young person.

Similarly, I consider that clauses 53(2), 57(1)(c) and 62(2) of the Bill, which relate to documents or records in respect of an Aboriginal child or young person, would not constitute an unlawful or arbitrary interference with their right to privacy under section 13 of the Charter. In respect of clause 57(1)(c), the Secretary may only inspect documents or records that relate to an Aboriginal child or young person who is the subject of an authorisation and, pursuant to clause 57(3), such inspection must be conducted in accordance with the regulations. Clauses 53(2) and 62(2) promote the privacy and wellbeing of a child or young person by requiring records produced in respect of a child or young person to be handed over to the Secretary on any revocation of an Aboriginal youth justice agency's registration, ensuring the protection of their personal information.

As a whole, these provisions in Part 2.3 of the Bill further the right to protection of families and children under section 17 of the Charter, the cultural rights of Aboriginal children and young persons under section 19 of the Charter, and support Aboriginal self-determination.

Chapter 3 – Police power to apprehend, detain and transport a child aged 10 or 11 years old

To support the raise in the minimum age of criminal responsibility to 12 years, Chapter 3 of the Bill provides police with new transport-based powers that can be used as a measure of last resort to protect young children and the community. These powers balance the need to minimise contact between police and children (to avoid any criminogenic effects of police contact) against the fact that police will often be first responders in dynamic and fast-moving situation that may warrant intervention to prevent serious harm to children and other members of the community. For example, it is simply unsafe for children to be left in situations where serious harm could result (to them or anyone else). Such a situation also does not align with community expectation about their safety and the safety of children. The transport-based power will be an additional tool for police

to use alongside existing operational strategies (e.g. de-escalation techniques and community engagement) or existing common law and statutory powers that may be available depending on the circumstances (such as breach of the peace powers, child protection, mental health, control of weapons or drugs legislation).

Chapter 3 includes a robust monitoring and reporting framework that uses the specialist expertise of the CCYP in ensuring child safety and wellbeing is maintained. This framework builds on the existing oversight mechanisms that apply, including the role of the Independent Broad-based Anti-corruption Commission (IBAC) in relation to police.

For the reasons outlined below, my view is that Chapter 3 is compatible with the Charter.

Power to effect safe transportation of 10 and 11 year old children

The Bill enables a police officer to take a child aged 10 or 11 years old into care and control if the officer believes on reasonable grounds that there is a likely risk of serious harm to either the child or another person as a result of the behaviour by that child and it is necessary to transport the child to minimise the risk occurring (transport power) (cl 68). To promote use of the powers as a measure of last resort, the Bill requires a police officer to take reasonable steps in the circumstances to minimise the risk of serious harm occurring. Reasonable steps could include a warning to the child or asking the child to move on from the area and go home. To maintain the connection between the purpose of the powers to protect individuals from serious harm, the Bill enables a police officer to release a child from care and control before the child is transported, if the officer no longer believes on reasonable grounds that there is a risk of serious harm.

The Bill encourages the swift return of children to their families or placement with an appropriate agency who can take care of them to minimise time spent in the care and control of police. It provides that as soon as practicable after taking a child into care and control, police must either place the child into the care of a suitable person, or an appropriate health or welfare agency (cl 69). Police may also arrange for the child to be collected, rather than transporting the child in a police vehicle. If police are unable to locate a suitable person or appropriate health and welfare agency, they may as a last resort take the child to a police station (cl 69). If this occurs, a child must not be placed in a police gaol or police cell, and police must continue to make reasonable attempts to place the child in the care of a suitable person or appropriate health or welfare agency. A child can only be held at a police station if a police officer believes on reasonable grounds that there is a risk of serious harm as a result of the child's behaviour if the child were released (cl 70).

Recognising the historical context of police interaction with Aboriginal and Torres Strait Islander peoples, if a child who is Aboriginal or Torres Strait Islander is taken into care and control by police, notification processes apply (cl 72). Police must seek assistance from an Aboriginal organisation to identify a suitable person or an appropriate health or welfare agency, unless it is not reasonably practicable in the circumstances. Further, if an Aboriginal or Torres Strait Islander child is taken to a police station, police must notify a parent and arrange for the child to be seen by or to contact a support person or support provider, including an Aboriginal organisation or a member of the child's Aboriginal community as requested by the child.

In my view, the transport power engages but does not limit the right to equality and non-discrimination in section 8(3) of the Charter, the protection against being treated in a cruel, inhuman or degrading way in section 10(b), and the protection of a child's best interests in section 17(2) of the Charter. This is because the transport power contains thresholds which are clear, high and proportionate to the context (e.g., for the power to be available there must be a risk of serious harm not a broad community safety concern or a generalised welfare concerns about the child). Further the serious harm must be connected to actual harm to the child or another individual, rather than a concern about harm to, for example, property. Further, the behaviour of the child and the risk this poses must involve a likelihood of serious harm occurring. Moreover, the Bill prioritises the safe return of children to a suitable person, who in many cases will likely be their parent or guardian, and enables a police officer to consider the child's views in relation to the suitability of the person. In light of the protective and non-punitive purpose of the powers, their intended use as a measure of last resort and the special vulnerability of children who are 10 or 11 years old, I consider that the transport power does not limit the rights in sections 8(3), 10(b) or 17(2) of the Charter.

While the rights to freedom of movement and liberty in sections 12 and 21 of the Charter are limited by the transport power, these limitations are reasonable and demonstrably justifiable under section 7(2) of the Charter. Any limitation of a child's rights to freedom of movement and liberty will be temporary. The Bill does not include a statutory limit on the length of time a child can be held in care and control recognising that some flexibility is required, for example to enable a suitable person to be contacted and then travel to the location where the child is being held. The time needed to transport a child may be affected by the location (e.g. greater time might be required to account for the distances and available welfare services in regional and rural areas) or the time of day. Requiring police to release a child within an arbitrary time limit even if a risk of serious harm continues to exist is inconsistent with the policy intent of the Bill. Instead, the Bill ensures

that police will be able to release the child from care and control if the officer no longer holds a reasonable belief that there is a likely risk of serious harm occurring as a result of the behaviour of the child.

As noted above, the powers have been crafted to apply to risks of serious harm relating to individuals (not, for example, property) that are likely to arise from a 10 or 11-year old child's behaviour. In this way, the provisions of the Bill safeguard against the risk of arbitrary use of the powers and are proportionate to the purpose of the powers, which is to protect children and the community from a risk of serious harm. As discussed above, the Bill requires police to take reasonable steps in the circumstances to minimise the risk of serious harm before taking a child into care and control, which means there are no other less restrictive means that could be applied in the context to achieve the purpose of the provisions. Further, the Chief Commissioner is required to keep a record of each use of these powers and this information will be provided to the CCYP on a quarterly basis, which will enable monitoring the use of the powers (cl 77). The CCYP will also be responsible for preparing an annual report that will be tabled in Parliament to promote public accountability and transparency about the use of the powers.

The Bill also requires a police officer to inform a child they are not under arrest or being charged with an offence as soon as practicable after taking them into care and control (cl 68(3)). Further, children will not be permitted to be held in police cells or police gaols if they are transported to a police station (cl 70(2) or questioned as a witness (cl 71). These requirements specifically support the humane treatment of a child by giving the child information about what is happening to them and mitigates against the risk that a child will perceive they are being subjected to a punitive action rather than a protective action.

Related powers to search and seize items

To ensure that children can safely be held in care and control and transported, police have powers to search a child and seize specified items without a warrant. A search can only occur in limited circumstances and police officers must comply with a range of safeguards set out in the Bill (cl 75). For example, only pat-down searches are permitted and no other forms of more invasive searches (e.g. unclothed searches). Before conducting a search, a police officer must inform the child about the proposed search and if safe to do so, must ask the child to handover any dangerous items. Where possible, a search must be conducted by a police officer of the sex or gender identity nominated by, or the same as, the child.

Police are permitted to seize items if the item could present a danger to the safety to the child, could be used by the child to avoid transportation, or if they are stolen or have been used in, or obtained as the result of the commission of an offence (cl 76). Any item that is seized must be returned to the child once the transport has occurred, unless there is a lawful reason for it to not be returned.

As noted above, clause 77 requires the Chief Commissioner of Police to keep a record of each use of the powers, which includes information about whether a child was searched and whether any items were seized. This will enable monitoring of the use of these powers.

The search and seizure powers engage the right of a child to such protection as is in their best interests and is needed by reason of being a child in section 17(2) of the Charter because they affect the welfare of a child while in the care and control of police. In my view, this right is not limited because of the overall purpose of the transport power which is protective, and the supporting role of the search and seizure provisions, which is to enable transport to safely occur. The powers operate within clear limits and many statutory safeguards apply to ensure the best interests of the child is a key factor underlying any exercise of the powers.

Search and seizure powers also engage rights to privacy (s 13) and humane treatment when deprived of liberty (s 22). Given the stringent requirements and safeguards in the Bill noted above, I consider that on the extent to which the Bill engages these rights is reasonable and proportionate to the aim of effecting the safe transport of a child to minimise a risk of serious harm occurring or the aim of monitoring the use of the powers. In addition, given the clearly prescribed limitations on the seizure and retention of property, I am satisfied that any limitation on the right to property in section 20 of the Charter is compatible with the Charter.

Related power to use reasonable force and restraint

Subject to extensive and rigorous safeguards, a police officer may use such force as is reasonably necessary when exercising the transport power, searching a child under clause 75, or seizing a thing under clause 76. This includes restraining a child by using handcuffs (including disposable handcuffs, flex cuffs or handcuff inserts). Before using force, a police officer must, to the extent reasonably practicable in the circumstances, use de-escalation techniques, give an oral warning, and if safe to do so, give a child reasonable time to comply with a warning.

In terms of safeguards, clause 73 of the Bill provides that any use of force must be proportionate and cease once no longer necessary. The Bill absolutely prohibits a range of physical techniques including those inhibiting respiratory or digestive functions and techniques for the purpose of inflicting pain to compel compliance. The Bill requires police officers using force to consider the characteristics and state of the child

and to avoid causing pain, injury or fear in specified circumstances. Police are required to continually assess the need for and manner of the use of force, and modify the use of force as required. These safeguards are consistent with the basic principles developed in international human rights instruments and jurisprudence for assessing the human rights compatibility of legal frameworks regulating the use of force. The safeguards are also consistent with other parts of the Bills regulating the use of force in youth justice and police gaol settings (see below Parts 10.4 and 11.2).

As a further safeguard, the Chief Commissioner of Police is required to record whether force was used on a child during the exercise of the transport power (cl 77). This will enable the CCYP to monitor the use of force. The CCYP's annual report prepared under clause 89 must include the number of times force was used on a child to support public accountability and transparency about the use of force.

I am satisfied that the use of force provisions do not limit the protection against cruel, inhuman and degrading treatment in section 10(b) or the right of every child to such protection as is in their best interests under section 17 of the Charter. Nor do they limit the right to humane treatment when deprived of liberty (s 22). I also consider that any limitations of the rights relating to protection of children (s 17) are reasonable and demonstrably justified. This is because the above provisions seek to ensure that any use of force:

- is proportionate to the purpose sought to be achieved through the use of the transport power (i.e. prevention of serious harm occurring through the safe transport of a child aged 10 or 11)
- is used for the shortest possible time and only as a measure of last resort after other techniques have been applied (where reasonably practicable)
- does not involve the infliction of any pain or suffering that could reach the minimum level of severity or intensity required to amount to cruel, inhuman or degrading treatment
- takes into account the particular characteristics of each child
- is subject to express and absolute prohibitions on the use of a range of physical techniques including those inhibiting respiratory or digestive functions and techniques for the purpose of inflicting pain to compel compliance
- is disclosed to parents via the notification requirements outlined below, and
- will be monitored to ensure appropriate use, transparency and accountability.

Clause 74 sets out a range of requirements that apply after police have used force. A police officer must notify a parent of the child if the transport power was exercised and force was used. Importantly, when force is used on a child, police must make all reasonable efforts to ensure that the child is examined by a health practitioner and receives the medical attention and mental health care the child requires while the child is in police care and control, if:

- the child is reasonably suspected of being injured, or
- a child or their parent requests.

If a child is examined, a parent or independent third party must be present unless the medical attention or mental health care is urgent, or it is not reasonably practicable for a parent or independent third party to be present. A health practitioner who carries out an examination must record any clinical observations made during the examination.

In limited circumstances, this provision may engage the prohibition against medical or scientific experimentation or treatment of a person without their full, free and informed consent in section 10(c) and the protection of families in section 17 of the Charter. While it remains an open question as to whether 'treatment' extends to a mere medical examination, I acknowledge that the meaning of the word 'treatment' is to be interpreted broadly. Under the *Medical Treatment Planning and Decisions Act 2016* the medical treatment decision maker of a child is the child's parent or guardian or other person with parental responsibility for the child who is reasonably available and willing and able to make the medical treatment decision (s 55(4)). In most instances, it is expected that a parent will be present during any medical examination and can provide full, free and informed consent to the conduct of the examination or any subsequent treatment. The Bill does, however, allow for scenarios where the child is not accompanied by an adult with decision making capacity or the child does not otherwise have decision-making capacity and urgent care is required. In these scenarios, the provisions do not oblige the child to participate or consent to any treatment, and any existing laws relating to the provision of urgent medical care will continue to apply. Consequently, my view is that the right in 10(c) is not limited.

Monitoring and reporting functions and powers for the CCYP

Chapter 3 of the Bill contains requirements for police to record certain information about the use of the transport power and provide it to the CCYP who will perform an active oversight role through a child safety and wellbeing lens.

The CCYP's new functions are to monitor the exercise of the transport power, prepare annual reports for Parliament about the exercise of the transport power, and prepare own-motion reports about the exercise of the transport power (cl 80). The CCYP's role will complement IBAC's oversight of police misconduct and corruption.

To support the CCYP's monitoring functions, the Bill requires the Chief Commissioner of Police to record certain information about each use of the transport power (including about certain aspects a child's identity, if the information is known to police) and to make the information available for the CCYP's inspection quarterly (cl 77). Further, the CCYP must be given access to documents and information kept by the Chief Commissioner of Police if requested by the CCYP (cl 81). The CCYP may also request relevant professionals to provide any information to assist the CCYP in its oversight functions (cl 83).

The CCYP may use the information it acquires within the clear constraints established by the Bill including:

- prohibiting an annual report from containing information that identifies a child in respect of whom the transport power was exercised (cl 89(2)(a)–(b)), and preventing an own-motion report that identifies a child from being tabled in Parliament (cl 87);
- extending prohibitions in Part 6 of the *Commission for Children and Young People Act 2012* in relation to information use that apply to the CCYP and its staff so they also apply to information acquired under Chapter 3 of the Bill (cl 790); and
- requiring any person or entity that is the subject of an adverse comment or opinion in a CCYP report to be given an opportunity to respond to the comment or opinion (cls 85 and 89).

The CCYP will need to share information with other persons and entities. For example, the CCYP must notify IBAC of matters that it becomes aware of in exercising its powers and functions under Part 3 that it suspects on reasonable grounds involves police personnel misconduct (cl 90). The Bill also recognises that in some cases the CCYP's functions may overlap with functions of other entities. To that end, it provides that the CCYP should liaise with other entities to coordinate and avoid unnecessary duplication of its own-motion reports with other investigations and inquiries (cl 91). The Bill also prioritises integrity and criminal investigations and proceedings, and permits the CCYP to consult with relevant agencies for that purpose (cl 91). Such consultations may involve disclosing information about a 10 or 11-year old in respect of whom the transport power was exercised, or another person.

Chapter 3 engages the Charter right to privacy (s 13) because:

- it creates new requirements to collect and record personal information (e.g. about a child and the suitable person into whose care the child has been placed).
- it provides for the transfer of information between persons and agencies (e.g. Victoria Police must provide access to the information at the request of the CCYP, and relevant professionals may provide the) and its subsequent use (e.g. in an own-motion report) without an individual's consent.
- it is open to the CCYP to make comments or express opinions about a person in its own-motion reports and annual reports.

While the Bill engages the right to privacy, it does not limit the right because any interference is lawful and not arbitrary. The Bill is precise and circumscribed in the information required to be recorded. It only requires the collection of information that is reasonably needed to ensure the new transport-based powers and related powers can be monitored and any trends in their use identified. Or it enables sharing of information between agencies for the performance of their statutory functions and to facilitate coordination. Further, there are a range of constraints (such as those listed above) that limit or prohibit disclosure and publication of personal information, and the inclusion of adverse comments and opinions in reports. In addition, existing legislated obligations that apply to the collection, disclosure and use of sensitive information established by the *Privacy and Data Protection Act 2014* will apply to the CCYP and to the Victorian public sector entities to whom an own-motion report is provided.

To the extent there could be any limitations on the right to privacy (s 13), I believe they are reasonable and demonstrably justified under section 7(2) of the Charter because of the important purpose for collecting and using the information, the rationale and proportionate connection between the limitation on information privacy and the public interest in monitoring the use of significant powers on very young children, and because there are no less restrictive means to achieve the purpose.

Chapter 4 – Diverting children from the justice system

Part 4.1 General

The Bill introduces additional diversionary mechanisms in appropriate cases as an alternative to the commencement of a criminal proceeding.

It provides a hierarchy of options for police to deal with a child who is alleged to have committed an offence, from taking no action to charging the child (cl 92). Police must apply the minimum intervention necessary, having regard to certain matters. More serious options can only be taken if the alternatives are 'clearly inappropriate in the circumstances' and reasons must be provided (cl 93). Implementing a hierarchy of minimum intervention actions promotes children's rights under the Charter by prioritising the prevention of reoffending and early intervention, addressing the causes of the offending behaviour and diverting children from contact with the criminal justice system. It furthers the rights of children in the criminal process by providing a procedure that takes into account a child's age, the desirability of promoting a child's rehabilitation and the adoption of alternative measures to criminal proceedings where appropriate.

One of the factors a police officer must have regard to in deciding the minimum intervention necessary is whether the child has a history of offending (including the number and frequency of findings of guilt or convictions: cl 92). While this may be relevant to the right not to be tried or punished more than once under s 26 of the Charter in that the provision provides for further consequences to flow from an earlier criminal conviction and punishment, the hierarchy of options provided for by this provision (including the commencement of a criminal charge) do not constitute 'punishment' for the purpose of this right, and thus do not engage this right.

Parts 4.2, 4.3 and 4.6 – Youth warnings and youth cautions

The Bill provides for police officers to give a youth warning or a caution to a child for an alleged offence if there is sufficient evidence to charge the child (cls 95, 103).

Primarily, youth warnings and youth cautions protect and promote children's rights by providing a course of action for the child's offending that diverts children from the justice system. Warnings and cautions are not recorded on the child's criminal record, nor is evidence of a warning or caution admissible in proceedings against the child, minimising stigma associated with offending (cls 101,139, 140). Procedural clauses require officers to explain youth warnings and youth cautions in a way in which is comprehensible to a child, which further promotes children's rights (cls 99, 105).

To be distinguished from a youth warning, a youth caution is a slightly more formal response to offending, and can only be issued with the child's consent. In addition to reasons outlined above, giving a youth caution may promote children's rights by:

- Providing the youth caution to the child expeditiously (cl 107);
- Providing that an appropriate support person attends the giving of the youth caution, who is chosen by the child (cl 109); and
- Providing that the youth caution be given to a child in a place that promotes their safety (cl 112).

The Bill allows for a youth caution to be given by another person, including a respected member of a cultural or religious community with which the child identifies, which upholds and respects a child's cultural rights (cl 108).

The Bill also promotes fair hearing rights by requiring the officer to explain to the child, in a way that the child is likely to understand, their right to seek legal advice with respect to a youth caution (cl 105(1)(c)).

In relation to limits on rights, youth warnings and cautions could be seen as a sanction of sorts, as they are measures designed to address alleged offending. While providing a child with a warning or caution may engage rights such as the presumption of innocence or privilege against self-incrimination (in that there may be an implication that, in issuing a warning or caution, the allegations the subject of the warning or caution are made out), I do not consider that they limit rights. The use of warnings and cautions cannot result in any finding of guilt, do not involve punishment, do not result in criminal records and offer an alternative pathway to the criminal justice system. The eligibility for a warning or caution is not affected by whether the child denies the offending (cls 96 and 104). Also, admitting to an offence will not constitute self-incrimination as evidence of warnings and cautions is inadmissible in proceedings (cl 92).

Part 4.4 Early diversion group conferences

As part of the hierarchy of options for responding to offending behaviour, the Bill provides for a police officer to refer a child to participate in an early diversion group conference (cl 117). The purpose of a group conference is to help facilitate a meeting between the child and other persons (including the victim, if they wish to participate, or their representative and members of the child's family and other persons of significance

to the child). Police must be satisfied that there is sufficient evidence to charge the child with an alleged offence and it is not appropriate to take no action or to give a youth warning or caution. Group conferences are a form of restorative justice that provide an avenue to resolve matters arising from the offending, with the aim of increasing the child's understanding of the effect of their offending on the victim and the community, to reduce the likelihood of the child re-offending and to negotiate an outcome plan that is agreed to by the child.

The Bill ensures that the child can effectively participate in the conference by requiring that a child have a legal representative as well as a parent (or other adult of significance) attend alongside them (cl 127). The Bill requires the convenor of an early diversion group conference to ensure that the contributions of each participant are considered and addressed, and endeavour to finalise an outcome plan that is acceptable to all participants, which promotes the child's criminal process rights to participation. In turn, this promotes the rights of the victims of the offending by allowing acknowledgement of the harm done by the child and the seriousness of the alleged offending.

The Bill provides that a police officer must not refer a child for an early diversion group conference if the child denies the alleged offending (cl 118). To do so may engage the right against self-incrimination as the provision could be characterised as enticing a child to confess guilt during the pre-charge process. Referring the child to an early diversion group conference despite a child denying the alleged offending may also engage the right to be presumed innocent, as the presumption also applies to pre-charge stages, and a child's failure to acknowledge responsibility for their behaviour may lead to greater intervention. However, given the restorative justice purpose of the group conference and the level of active participation required to achieve its aims, I consider the group conference not to be an appropriate option for a child who denies their alleged offending as the aims of the group conference, which involve a child assuming a level of responsibility for their offending and behaviour, would likely be obstructed.

Further, the Bill provides for a series of safeguards to ensure these rights are not limited by a child's participation. The Bill provides that certain things are inadmissible as evidence in any criminal or civil proceedings against the child, including evidence of the conduct of the early diversion group conference, evidence of the alleged offending and any statement made or information given by the child in relation to the alleged offending (cls 143 and 144). Further, the fact that a child participates in an early diversion group conference does not rebut the presumption that a child aged under 14 years old cannot commit an offence (cl 146).

Early diversion group conference proceedings are confidential. However, information on the outcome plan may be disclosed to a person who was entitled to participate in the conference or to a person who has a genuine and proper interest in supporting the child to complete the outcome plan (cls 134, 135). Also, information about the child is given to the group conference service, including name and details of the alleged offence. The sharing of personal information will engage the right to privacy and reputation and will engage the right to privacy under the Charter. However, any interference will be lawful and not arbitrary, as the information shared is limited to specific purposes. The sharing of personal information is also necessary to ensure that conference attendees can effectively participate together in the resolution of the matter.

Part 4.5 Aboriginal-led group conference model

The Bill inserts provisions to support the development of an Aboriginal-led group conference model (cl 136). It provides a timeframe within which the model should be developed. It requires the model to be co-designed by the Secretary of the Department of Justice and Community Safety, and representatives of the Aboriginal community on justice-related issues. The Bill defines the term 'representatives of the Aboriginal community on justice-related issues', allowing the Secretary to prescribe the representatives or organisations which should be consulted and collaborated with in the development of an Aboriginal-led group conference model. An Aboriginal-led group conference centres Aboriginal culture in the decision-making process, sustains the child's ties to family, community, culture and Country, and thus promotes the Charter right to culture (s 19).

Chapter 5: Commencing a proceeding against a child

The Bill introduces special requirements that apply when commencing a criminal proceeding against a child, and when determining whether to bail or remand a child. The child-specific provisions in the Bill, which operate in conjunction with other legislation, are intended to improve the structure and usability for practitioners.

Part 5.1 – Commencing a proceeding

The Bill provides that a proceeding against a child for a summary offence must be commenced within 6 months after the date on which the offence is alleged to have been committed (cl 148(1)). This furthers the rights of children in the criminal process by ensuring that an accused child is brought to trial as quickly as possible. Additionally, where a child has given consent to extend the time for commencement of the

proceeding beyond 6 months, the Court must be satisfied that the child obtained legal advice (cl 148(3)). This requirement protects children's rights by ensuring that a child charged with a criminal offence will be treated age-appropriately and can effectively participate in the legal process.

The Bill does allow for an informant to apply to the Children's Court for an extension of time to commence a proceeding against a child for a summary offence. This is necessary to avoid arbitrary outcomes and ensure that the proper administration of justice is not obstructed by circumstances beyond the control of informants. Any extension is limited to a 12-month period, and in determining the application the Court must have regard to various factors including the age of the child, the seriousness of the alleged offending, length of the delay in commencing proceedings and whether it was caused by factors outside the informant's control (cls 150, 151). The child is entitled to appear at the hearing of the application and address the Court. While the Bill does provide for such applications to be determined in a child's absence if they do not appear (cl 151(3)), which engages the right to fair hearing (s 24) and the criminal process right to be tried in person (s 25(2)(d)), a child is provided with the right to apply for rehearing, and the Court may set aside the order for an extension if it considers it appropriate to do so and rehear the application. In considering an application for a rehearing, the Court will need to give effect to the right to fair hearing in the Charter. Accordingly, I am satisfied the above provisions strike the appropriate balance and are compatible with the Charter.

Part 5.2 – Custody, bail and remand

This section of the Bill sets out child-specific provisions which apply when determining whether a child who is taken into custody should be bailed or remanded.

The Bill includes a presumption in favour of proceeding by summons against an accused child, with a warrant to arrest in the first instance to be issued only in 'exceptional circumstances' (cl 147). This provision promotes children's rights by requiring that the minimum intervention necessary is used, as well providing a procedure that takes into account a child's age and the desirability of promoting a child's rehabilitation. The Bill also requires a child to be released unconditionally or brought before a court or bail justice no later than 24 hours after being taken into custody, promoting the children's criminal process right by ensuring that a child's case is heard as quickly as possible (cl 154(2)).

The Bill requires a child who is remanded in custody by a court or bail justice to be placed in a youth justice custodial centre, with limited exceptions (cl 155). Detaining a child in a youth justice custodial centre serves the important purpose of segregating children from adults so as to prevent criminal exposure to negative peer groups in police cells, which promotes the rights of children in the criminal process.

The exceptions include permitting a child to be temporarily held or detained in a police gaol for no more than two working days for the purposes of facilitating the transportation of the child to or from a court or a youth justice custodial centre, or remanding a child in a police gaol for no more than two working days if in a prescribed region of the State. These exceptions engage children's rights, including that a detained child be segregated from all detained adults (s 23(1)) and treated in an age-appropriate way (s 23(3)). However, these exceptions are necessary and reflect the operational need to hold a child in a temporary location where direct transport to and from court and youth justice facilities is not immediately available or possible, including in regional areas of Victoria. The Bill provides a number of protections to ensure that a child is safe in this environment and to mitigate against risks that a child's right may be limited. The Bill stipulates that the child has a right to be:

- kept in accommodation separate from adults and separated according to the child's sex, unless the officer in charge of the police goal is reasonably satisfied that the child's gender identity differs from the child's sex and it is appropriate and safe for the child to be kept with children other than children of the same sex (cl 569)
- communicated with in a language and matter which the child can understand (cl 570)
- receive visits from parents and relatives, legal practitioners, and Aboriginal Elders in the case of an Aboriginal child (cl 570(b))

Having regard to these factors, and that the child can only be held or detained in a police gaol for the express purpose of facilitating transport, and must not be held or detained for any longer than two working days, it is my view that any limits on the child's rights are reasonably justified.

Chapter 6: Conduct of a proceeding

Part 6.1 – Proceedings Generally

The Bill provides for indictable offences to be dealt with summarily with the consent of the child (cls 156, 157, 158). It also requires the Court to consider any exceptional circumstances, including the adequacy of sentencing options available to it, the seriousness of the conduct alleged including the impact on any victims of the conduct and the role of the accused in the conduct, and the age and maturity of the child (among other

things), when considering suitability of uplift (cls 157–159). The Bill also provides for the transfer of proceedings from the Magistrates' Court to the Children's Court at any stage if the Magistrates' Court is satisfied that the accused is a child or was a child when the proceeding commenced (cl 1160). The purpose of such procedures includes supporting the rehabilitation and positive development of the child and promoting community safety.

Children's rights are also protected and promoted by:

- the Court's power to order a child to participate in an early diversion group conference and the Court's ability to consider the background and circumstances of the particular child when making such an order (cl 161).
- requirements that the Court take steps to ensure the proceeding is comprehensible to the child (cls 167(a)(i), 174).

The Bill also requires the Court to respect the cultural identity and needs of the child, the child's parents and other members of the child's family in any proceeding (cl 167). This provision affirms that children and young persons who have committed or are alleged to have committed offences should be dealt with in a way that promotes their cultural rights and sustains their ties to family, community, culture and Country as relevant.

The Bill also promotes fair hearing rights by providing for the legal representation of children (cl 170–172), access to interpreters (cl 173) and the translation of documents (cl 176).

There are a number of procedural clauses that may see criminal proceedings delayed, including adjourning proceedings to enable a child to participate in an early diversion group conference (cl 162(1)) or obtain legal representation (cl 170).

As the purposes of these adjournments are largely beneficial to the child concerned (i.e. to participate in early diversion group conferences, obtain legal representation, they would unlikely be considered to interfere with, or limit, the right of an accused to be brought to trial without unreasonable delay (ss 21(5)(a), 25(2)(c)). Further, the procedures the subject of these clauses include timeframes within which they must occur and the Children's Court, pursuant to s 6(2)(b) of the Charter, will be obliged under the Charter to give effect to criminal process rights when exercising its discretion to adjourn proceedings.

The Bill also provides for all proceedings to be heard in open court (cl 169), and empowers the Children's Court to order the whole or any part of a proceeding to be heard in closed court. This balances the right of an accused to a public hearing (s 24 of the Charter), and related rights of a person to receive information from open court (s 15(2)), with rights to privacy (s 13) and protection of a child's best interests (s 17). The Bill grants any interested person standing to support or oppose an application to close a proceeding, and the Children's Court will be obliged to give effect to the above Charter rights (and balance competing rights) when exercising its discretion under this clause.

Parts 6.2 and 6.3 – Court referrals and Diversion

The Bill provides for the Children's Court to refer matters of protection applications and therapeutic treatment orders to the Secretary to the Department of Families, Fairness and Housing for investigation (cl 180, 181) and obliges the Secretary to prepare reports detailing the results of their inquiry into such matters, any resulting application and the progress and outcomes of any such applications (cl 183–186, 189).

If a therapeutic treatment order has been made, the Bill requires a criminal proceeding be adjourned for the duration of that order. While this adjournment may delay criminal proceedings, the delay is beneficial to the child as the child will be discharged from the criminal proceeding if the Children's Court is satisfied that the child has attended and participated in the program under the order (cls 184–189).

The Bill also permits the Children's Court to adjourn a proceeding to enable a child to participate in and complete a diversion program (cl 193). The purposes of diversion include to divert the child away from the criminal justice system where possible and appropriate and focus on rehabilitation; to reduce the stigma caused by being in contact with the criminal justice system, encouraging a child to accept responsibility for unlawful behaviour; to provide opportunities for the child to strengthen and preserve relationships with significant adults or others in the child's life and to provide the child with ongoing pathways to connect with education, training and employment (cl 192).

These referral and diversion processes promote the rights of children in sections 17(2) and 25(3) of the Charter by supporting the rehabilitation and positive development of the child, prioritising prevention in response to offending by children, in order to address the causes of offending behaviour at an early stage and divert the child away from the criminal justice system.

A child's participation in diversion may engage the right to self-incrimination and the right to be presumed innocent, due to the threshold for participation and due to the fact of participation in a diversion program being able to be treated as a finding of guilt for the purposes of certain orders, such as compensation or for

the suspension or disqualification of a driver licence (cl 198). A child may participate in a diversion program so long as the child does not deny responsibility for the alleged offence (cl 194). This provision could possibly be characterised as enticing a child to admit guilt after court proceedings have been commenced against the child. To mitigate this, the Bill expressly provides that the fact that the child does not deny responsibility for the alleged offence is inadmissible as evidence in a proceeding for that offence and does not constitute a plea (cl 194). The same protection is provided to children who may have already entered a plea of guilty. The Children's Court may refuse to accept a plea of guilty, or allow a child to withdraw a plea of guilty and adjourn the proceedings to allow the child to participate in diversion (cl 193). In such cases, the Bill provides that the withdrawal of a plea is inadmissible as evidence in a proceeding for that offence and does not constitute a plea (cl 193(8)). Given the purposes of diverting the child away from the criminal justice system, providing opportunities to meet the child's needs and assisting with rehabilitation, the ability of the court to discharge the child if diversion is successfully completed, and the express protections against the admissibility of information, I do not consider that the requirement that the child does not deny the offence limits the right against self-incrimination.

Part 6.4 – Standard of proof

The Bill protects the rights of children in the criminal process by requiring the Children's Court, on the summary hearing of a charge for an offence – whether indictable or summary – to be satisfied beyond reasonable doubt, by the relevant admissible evidence, that the child is guilty (cl 201(1)). If the Children's Court is not satisfied of this, it must dismiss the charge against the child (cl 201(2)). This is the established standard of proof for criminal proceedings, enshrined in the Bill.

Chapter 7: Sentencing

Part 7.1 – Sentencing principles

The sentencing principles broadly promote cultural, family and children's rights (ss 17, 19 and 25(3)), including by:

prioritising rehabilitation and positive development of a child, including by preserving and strengthening the child's relationship with their parents, guardians, and significant adults in their life (cl 203);

tailoring sentences to the individual characteristics of the child, such as their Aboriginal, cultural, racial or other identity (cl 205);

making custodial sentences a last resort and for the minimum period appropriate, with a preference toward minimum intervention (cl 208); and

providing additional sentencing principles for Aboriginal children, including that sentences imposed should strengthen the child's connection to family, kin, culture, Elders, community and Country and pay particular attention to the history, culture and circumstances of the child (cl 210).

Parts 7.2, 7.3, 7.4 and 7.5 – Reports, conferences and other factors to be considered on sentence

The Bill details the information the Children's Court may take into account when considering the sentence to be imposed, including various types of pre-sentence, medical and specialist reports, submissions and victim impact statements (cl 211–221). Those who provide reports or statements to the Court may be called to give evidence and be cross-examined (cl 216–217).

Rights to privacy (s 13) and freedom of expression (s 15) are engaged by these provisions and related provisions in this Chapter that provide for participation in conferences and preparation of reports (e.g. pre-sentence group conferences (cls 231–234), youth justice planning meetings (cl 291), insofar as the conferences and reports will likely involve the collection and disclosure of personal information to the Court and related parties. However, any interference with the right to privacy will be lawful and not arbitrary. The purpose of these reports is to assist the court in determining a sentence that is appropriate and consistent with the sentencing principles. The proceedings of such conferences and meetings are subject to confidentiality provisions (cls 233 and 292) with specified exceptions permitting disclosure in limited circumstances. Related parties will be restricted in their use of information gained through involvement in these processes.

Any restriction on the freedom of expression through the associated confidentiality provisions will be necessary to respect the rights and reputation of other parties, and provides for disclosure with consent of the subject of the reports. These provisions promote the protection of the child's best interests (s 17).

The Bill provides for pre-sentence group conferences with various participants (including the child and potentially their parents and the victim (cl 230)), the objects of which promote family and children's rights (ss 17(2), 25(3)) by, for example:

- reducing further conduct with the criminal justice system and the likelihood of reoffending; and

- engaging parents, guardians and significant adults in the child's life and providing processes that assist the child to repair harm, self-reflect and restore and strengthen relationships with family and community members (cl 228).

The Bill also provides that the Children's Court must impose a less severe sentence than it would have otherwise imposed if:

- the child has undertaken to assist law enforcement authorities in the investigation or prosecution of an offence after sentence (cl 235), or where the child has already given or is giving assistance to law enforcement authorities at sentencing (cl 236);
- the child pleaded guilty (cl 237); and/or
- the child has participated in a pre-sentence group conference and agreed to the pre-sentence group conference outcome plan (cl 238).

Parts 7.6–7.12 – Sentencing generally

Hierarchy of options for sentencing

The Bill provides Courts with a hierarchy of options when sentencing a child as follows (cl 240), increasing in severity:

- unsupervised community-based orders (Part 7.7):
    - dismissal of the charge without a formal warning, the objects of which include diversion (cl 243 – Part 7.7);
    - dismissal of the charge with a formal warning, the objects of which are to warn the child about the potential consequences of further offending and diversion (cl 244, Part 7.7);
    - with the consent of the child, imposition of a good behaviour order, the objects of which include diversion, providing clear consequences and encouraging good behaviour (cl 245, 246, Part 7.7);
    - as an alternative sentence to a good behaviour order for children aged 15 or over (and which sits at the same level in the hierarchy), the imposition of a fine after consideration of the child's financial circumstances, the objects of which include diversion, providing clear consequences and reparation (cl 249, 250, 251, Part 7.7);
- supervised community based orders (Part 7.8), which must be made without conviction for children under 15 years old, and may be made with or without conviction for those 15 years or over, all of which can only be made with the child's consent:
    - imposition of a community service order, the objects of which include supporting learning and development of skills and future opportunities to assist the child to move towards a prosocial life, as well as providing the opportunity to make positive and meaningful reparation (Part 7.8, Div 2);
    - imposition of a probation order, the objects of which include providing clear consequences for offending behaviour, allowing participation in community and family life in a supervised and supported way and engagement with activities, programs or services to support rehabilitation and positive development (Part 7.8, Div 3);
    - imposition of a youth supervision and support order, the objects of which include those of a probation order as well as to establish long-term support systems to reduce the likelihood of further offending (Part 7.8, Div 4);
    - imposition of a youth control order as an alternative to detention. The objects of such an order build upon those of a youth supervision and support order by providing a clear consequence for offending behaviour and intensive, targeted supervision to help the child to develop an ability to abide by the law, engaging the child with activities or services to help address the underlying causes of the child's behaviour, engaging the child in education, training or work, and giving the child an opportunity to demonstrate a desire to cease offending (cl 281) (Part 7.8, Div 5);
- sentences of detention (Part 7.13):
    - imposition of a youth justice custodial order, which, in relation to a child under 14 years cannot be imposed except in certain circumstances (cl 324), and in relation to all children, cannot be made unless, among other things, the Court is satisfied that no other sentence is appropriate (cl 325(2)(c)). If the child is an Aboriginal child, the Court must provide reasons outlining how it has had regard to the sentencing principles in the Bill

(cl 325(3)(e)). The objects of such an order are to provide a clear consequence for significant offending behaviour, protect the community from further significant offending, respond to the individual risks and needs and any underlying causes of the child's offending behaviour and to support the child to positively develop and to transition back to the community to assume a positive role in society (cl 326).

A child may also be required to make restitution, pay compensation or pay costs (cl 240(3)).

This sentencing hierarchy promotes children's rights in the Charter by creating a framework in which a court is empowered to impose the least restrictive order to match a child's offending behaviour, which is connected to the provision of relevant supports to address the drivers of the child's offending. Detention remains an option of last resort. This furthers the elements of children's rights that emphasise minimal intervention and rehabilitation, diversion from the criminal justice system and the modification of the criminal process to promote the positive development of the child and protect their particular vulnerability. For example, the requirement that a supervised community-based order or a good behaviour order not be made without the consent of the child promotes children's rights by requiring consideration of the views of the child.

Further, youth control orders, being the most severe of the supervised community-based orders and an alternative to detention, can only be ordered if a youth justice plan has been developed for the child. The aim of youth justice plans is to reduce the likelihood of re-offending and to provide opportunities to receive instruction, guidance, assistance and experiences that will assist develop the child's ability to abide by the law (cl 288). A youth justice plan is developed following a youth justice planning meeting, which may be attended by members of the child's family or other persons of significance in their community, which also promotes family and cultural rights (ss 17(1), 19) (cl 290, 291).

The Bill provides powers to impose a youth justice custodial order which will be relevant to a child's right to liberty. A person's liberty may legitimately be constrained in circumstances where the relevant arrest or detention is lawful, in that it is specifically authorised and sufficiently circumscribed by law, and not arbitrary, in that it must not be disproportionate or unjust. As discussed above, a youth justice custodial order can only be made when, among other things, the Court is satisfied that the circumstances and nature of the offence are sufficiently serious to warrant the making of the order and that no other sentence is appropriate (cl 325(2)(c)). Further, the sentencing principle promoting minimal intervention requires that custodial sentences only be imposed as a last resort and for the minimum period appropriate and necessary (cl 205). The objects of a youth justice custodial order referred to above, including the protection of the community from further significant offending, as well as supporting the child to positively develop and transition back into the community to assume a positive role in society, will help to guide the Court's consideration of when such an order is appropriate. Accordingly, I consider the above framework will ensure that the imposition of such an order will not be arbitrary, disproportionate or unjust, and thus the right to liberty will not be limited by these provisions.

Core conditions of supervised community-based orders

The core conditions of a number of the supervised community-based orders may engage the child's right to privacy (s 13) by, for example, requiring that the child notify the Secretary of any change in the child's residence, school or employment (probation orders (cl 271(1)(f), youth supervision and support orders (cl 276(1)(f), youth control orders (cl 283(1)(g)). The right may also be engaged if the Court causes a copy of a community-based order to be given to the child's parents (cl 322(1)(b)). Such a disclosure is not to occur if the Court considers it would pose an unacceptable risk to the safety, welfare or wellbeing of the child.

Any interference with privacy rights will be lawful and not arbitrary, as such information is necessary for the monitoring and enforcement of compliance with orders, and may only be used by the Secretary for limited, specific purposes provided for by law.

A number of the supervised community-based orders may engage the child's right to freedom of movement (s 12), freedom of association (s 16(2)) and/or freedom of expression, particularly the freedom to seek, receive and impart information (s 15(2)).

For example, core conditions of these orders can require a child to perform community service activities at particular places (cl 265); report to the Secretary; not leave Victoria without written permission of the Secretary (cl 271(1), cl 276(1), 283(1)) and attend the Children's Court as directed by the Court; and participate in education, training or work (cl 283(1), 294).

Any limitations on these rights will be justified, given the objects of the orders promote rehabilitation and positive development. Further, the hierarchy of sentencing options requires the Court to consider and prefer less severe options where they are appropriate and any restriction that may be imposed is to be for a certain purpose, such as reducing the likelihood of reoffending, providing a level of supervision less restrictive than detention and/or promoting public safety.

Special conditions of supervised community-based orders

Various special conditions may be imposed on certain community-based orders (Part 7.9), including:

- developmental conditions, such as those requiring health-related counselling or treatment, attendance at education or training programs, activities or support services or participation in community service activities that would support rehabilitation and positive development (cl 296);
- restrictive conditions, such as those imposing a curfew, requiring residence at a specified address or with specified persons and restricting access to certain places or areas (cl 296); and
- a restorative condition that requires a child to attend and participate in a group conference (in accordance with the group conference provisions discussed above) (cl 298).

These conditions engage a number of rights, including the rights to privacy, freedom of movement and freedom of expression. To the extent that rights are limited by these conditions, I am satisfied that any interference would be reasonably justified by reference to the Bill's framework and criteria for imposing such conditions. When attaching any special condition to an order, the Court must have regard to, among other things, the sentencing principles, the objects of the order to which the condition would attach, the need to address the underlying causes of offending and the safety of any victim of the child's offending. The Court must seek the child's views on their ability to comply and be satisfied that the child is capable of complying with the special condition (cl 301). The Court must include a statement of reasons for attaching each special condition to an order. The Bill includes powers to vary conditions, including powers to make an order less restrictive if the Court considers a child has satisfactorily complied with the order, or if doing so is in the interests of assisting their future compliance with the order.

Recording of convictions

The Bill increases the Court's powers to make orders without recording a conviction, which promotes the rehabilitative elements of children's rights. Recording a conviction against a child can have significant implications for their prospects for finding employment, rehabilitation and prospects for not re-offending.

The Bill provides that no convictions are to be recorded for unsupervised community-based orders (cl 242). A supervised community-based order may be made with or without a conviction recorded if the child is 15 years or older on the day of sentencing and must be made without a conviction recorded if the child is under 15 years of age on the day of sentence (cl 262(1)–(2)). Convictions must be recorded if a Court makes a youth justice custodial order (cl 325(3)(a)).

When determining whether to record a conviction, the Court must consider circumstances such as the child's age at the time of offending and sentencing, the personal characteristics of the child, the impact the recording of a conviction may have of the child's social wellbeing and prospects of finding or retaining employment and the child's prospects of rehabilitation, with the latter consideration to be given more weight than any other individual matter to be considered (cl 262(3)).

Chapter 8 – Appeals

Chapter 8 provides for the framework of appeals under the Bill and raises the following human rights issues.

Right of appeal against conviction and sentence

The Bill provides for the right of appeal against conviction and/or sentence of a child convicted of an offence by the Children's Court in a summary proceeding in the Criminal Division (cl 331) as well as a right to appeal against a sentence of detention imposed on appeal from Children's Court (cl 375). This gives effect to the criminal process right in s 25(4) of the Charter that provides any person convicted of a criminal offence has the right to have the conviction and any sentence imposed in respect of it reviewed by a higher court in accordance with law. The Bill provides that no costs are to be allowed to a party, other than a child, on an appeal or new hearing (cl 399). This differs from the approach in the adult system and recognises the undesirability of awarding costs against children, who may not have the financial resources to pay costs. In turn, this ensures they are able to fairly participate in the criminal justice process by exercising any right to appeal without the concern of having costs ordered against them.

The Bill also promotes the capacity of children to participate in the criminal process by requiring a court hearing an appeal to explain the meaning and effect of any order it makes as plainly and simply as possible in a way which it considers the parties to the appeal will understand (cl 398(1)). The Bill also promotes the criminal process right to obtain legal representation, by requiring a court hearing an appeal, if a child is not legally represented, to adjourn the hearing and not resume unless the child is legally represented (unless satisfied the child had been granted reasonable opportunity to obtain legal representation and had failed to do so) (cl 396(2)).

Limits on the right to appeal

The Bill also imposes some limits on the right to appeal, specifically limiting the Supreme Court's jurisdiction as well as precluding a party from appealing their matter further in certain circumstances (where they have appealed on a question of law (cl 374), or where the Children's Court proceeding was constituted by the Chief Magistrate who holds a dual commission as a Supreme Court Judge (cls 375, 381 and 387)). The purpose of cl 374 is to prevent a proliferation of lengthy proceedings in relation to decisions of the Children's Court, where it is clearly in the best interests of a child to have their matter dealt with expeditiously. The remaining clauses prevent scenarios arising where the Court of Appeal is required to essentially review its own decisions, which would be an unusual appellate process.

Element of double jeopardy not to be taken into account

The Bill provides for rights of the DPP to appeal a sentence imposed on a child:

- by the Children's Court in a summary proceeding in the Criminal Division if satisfied that an appeal should be brought in the public interest, to be filed by notice within 28 days (cl 334). On hearing an appeal against sentence, the appellate court must set aside the sentence of the Children's Court and impose any sentence the appellate court considers appropriate (which the Children's Court could have imposed).
- in respect of an indictable offence, where the sentence had been discounted because of an undertaking by the child to assist law enforcement authorities, after sentencing, in the investigation or prosecution of an offence, and the DPP considers that the child has failed to fulfil that undertaking (cl 337). Such an appeal can be made at any time. On such an appeal, if the appellate court considers that the child failed to, wholly or partly, fulfil that undertaking, the court may set aside the previous sentence and impose the sentence that it considers appropriate, having regard to the failure of the child to fulfil the undertaking (cl 339).

The Bill expressly provides that, in imposing a sentence with regards to the above appeals, the appellate court must not take into account the element of double jeopardy in order to impose a less severe sentence than the court would otherwise consider appropriate (cl 340). While this clause expressly precludes the common law sentencing principle of double jeopardy, and such, engages the right not to be tried or punished more than once (s 26), in my view the right is not limited as the scope of this right relates to punishment involving a person who has been 'finally convicted'. Proceedings for an appeal made within the statutory time period will not normally engage this right, and a person will only be considered 'finally' convicted or acquitted once the avenues for review and appeal are exhausted. Further, setting aside a sentence and imposing a new sentence in its place due to a failure to comply with the terms of a conditional discount applied to the original sentence would in my view not amount to double punishment to engage this right, even notwithstanding that there is no time limit within which such an appeal can be made.

Appeals in open court

The Bill also provides for all appeals to be heard in open court (cl 395), and empowers a court hearing an appeal to order the whole or any part of a proceeding to be heard in closed court. This balances the right of an accused to a public hearing (s 24 of the Charter), and related rights of a person to receive information from open court (s 15(2)), with rights to privacy (s 13) and the protection of a child's best interests, specifically from adverse publicity that may prejudice their rehabilitation and/or development (s 17). The Bill grants any interested person standing to support or oppose an application to close a proceeding, and the Court will be obliged under s 6(2)(b) of the Charter to balance relevant Charter rights relevant to court proceedings when exercising its discretion under this clause. Accordingly, I consider this provision strikes a compatible balance between competing rights under the Charter, and any resulting limits will be reasonably justified in the circumstances.

Part 8.4 – Reports and conferences (appeals)

The Bill provides for an appellate court to order the filing of a pre-sentence report, group conference report or youth justice planning meeting report (cls 355, 364, 356, 357, 358 and 368). The author of a pre-sentence report may be required to attend, to give evidence and be cross-examined (cl 353) and is guilty of contempt if they fail to do so without sufficient excuse. While this may engage the rights to freedom of movement (s 12) and freedom expression (s 15), the author has voluntarily assumed to undertake special duties and obligations that attach to preparing such a report, which includes the obligation to attend court to give evidence on that report. Accordingly, I do not consider their rights to be limited in this context.

These provisions are also relevant to fair hearing rights in the Charter (s 24) in a number of respects.

Firstly, the Bill provides safeguards that protect the equality of arms principle inherent to the right to fair hearing (s 24) and the right to examine witnesses (s 25(2)(h)). If a child the subject of a report disputes any matter in the report, the appellate court must not take that matter into account unless satisfied of its truth

beyond reasonable doubt. If a report is disputed and its author fails to attend, the appellate court must not take the report into account without consent (cl 354). This ensures that the appellate court does not give undue weight to disputed aspects of reports to avoid prejudice to a child's case.

Secondly, the Bill provides a discretion to an author of a pre-sentence report to not send copies to of the report to the child the subject of the report if of the opinion the report's content could prejudice that child's physical or mental health (cl 362). This provision is relevant to fair hearing by potentially preventing a defendant in a criminal proceeding from accessing relevant information that will be taken into account by the appellate court in sentencing, while at the same time protecting the best interests of that child (s 17 of the Charter) from any undue psychological or developmental harm. I am satisfied that such a provision strikes the appropriate balance. If the author adopts this position, it must notify the relevant appellate court, who retains the power to order disclosure of the report to the child concerned. The appellate court will be obliged under s 6(2)(b) of the Charter to uphold fair hearing rights (s 24) in exercising its discretion under this provision. Finally, the author remains obliged to provide a copy of the report to the legal practitioner representing the child and cannot withhold it.

Thirdly, the Bill provides the appellate court with discretion to not order the preparation of a pre-sentence report in certain circumstances, and if so, may take into account previous pre-sentence reports in determining a sentence (cls 356(2), 357(2) and 358). This provision is intended to avoid delay incurred through the preparation of unnecessary reports and thus gives effect to criminal process and children's rights to be tried without unreasonable delay (ss 25(2)(c) and 25(3)). It balances any prejudice resulting to an accused by requiring the consent of the child, or the appellate court to be satisfied that ordering a new pre-sentence report is either unnecessary or not in the interests of justice.

Confidentiality of reports

Reports provided to the court are likely to contain personal, sensitive or health information. In relation to the right to privacy (s 13), any interference will be lawful and not arbitrary for the following reasons. The collection and use of information are for the important purpose of assisting the appellate court to consider matters relevant to a child prior to sentencing, and are subject to various safeguards. The report author is obliged to inform the person being interviewed that any information they may give may be included in the report (cl 350). Any person who prepares or receives such reports is bound by a confidentiality provision and may not disclose the report to anyone not entitled to receive or access it without the consent of the subject of the report (cl 351). The Bill precisely sets out who is entitled to access pre-sentence reports (cl 362). The Bill specifies the information required to be addressed by each report (cl 359 and 360) and imposes requirements related to relevance of statements contained in the reports (cl 359(3)).

Any restriction on freedom of expression through the associated confidentiality provisions will be necessary to respect the rights and reputation of other parties, and the Bill provides for disclosure with consent of the subject of the reports. These provisions promote the protection of the child's best interests (s 17).

Chapter 9: Assistance and reports to the Children's Court

Part 9.1 – Assisting the Children's Court

The Bill imposes duties on the Secretary and the DFFH Secretary to assist the Children's Court in criminal proceedings involving children (cl 400–403). The Court may require the Secretary to give assistance or perform prescribed duties. If the Court makes such a request, the Secretary will have a duty to give the Court any assistance it requires (cl 402). The Secretary may also apply to the Court to be heard in a criminal proceeding involving a child, whether or not they are a party (cl 403).

The Court may also order the DFFH Secretary or the principal officer of an Aboriginal agency (if authorised under s 18 of the **Children, Youth and Families Act 2005**) to attend any criminal proceeding to give information or assistance to the Court, provide a report directly to the Court and parties, or to provide information to the Secretary (cl 401). This applies if the child is subject to a protection application or protection order.

These provisions provide the Court with express powers to direct the Secretary and DFFH Secretary to assist in criminal proceedings involving children (not just in relation to a child who has been found guilty of an offence, which is currently the case). Exercise of these powers may result in personal information relating to children being compulsorily disclosed to the Court, or shared between the DFFH Secretary and the Secretary (and their delegates), which would engage the right to privacy (s 13). However, any interference will be lawful and not arbitrary. The Court's power to make orders is discretionary and information must only be disclosed when orders are made. This provision facilitates the provision of timely, quality and holistic advice to the Court by the Secretary and DFFH Secretary, to assist with the prompt assessment and resolution of criminal matters involving children. I note that disclosure of information to a court necessary for the conduct of its

proceedings is generally a legitimate and reasonable ground for disclosure under comparative privacy principles.

Exercise of the Secretary's power to apply to be heard in proceedings also provides another mechanism to assist the Court by providing timely advice. A child's right to a fair trial is protected by the limit on the Secretary's right to be heard which prevents them from providing information on whether the child is guilty of an offence (for which they have not yet pleaded or been found guilty) (cl 403).

Altogether, these measures will promote the right of children to be brought to trial and for matters to be heard and resolved as quickly as possible under s 23(2) of the Charter.

Part 9.2 – Reports to the Court

Part 9.2 provides for various specialist reports relating to a child in a proceeding to be provided to the Court. The author of a report may be required to attend to give evidence in a proceeding on the giving of a notice by the child the subject of the report, the Secretary, or the Court (cl 407) and is guilty of contempt if they fail to do so without sufficient excuse. As above, while this may engage the rights to freedom of movement (s 12) and freedom expression (s 15), the author has voluntarily assumed the special duties and obligations that attach to preparing such a report to the Court, which includes the obligation to attend court to give evidence on that report. Accordingly, I do not consider their rights to be limited in this context.

These provisions are also relevant to fair hearing rights in the Charter (s 24) in a number of respects.

As above, the Bill provides safeguards that protect the equality of arms principle inherent to the right to fair hearing (s 24) and the right to examine witnesses (s 25(2)(h)). If a child the subject of a report disputes any matter in the report, the Court must not take that matter into account unless satisfied of its truth beyond reasonable doubt. If a report is disputed and its author fails to attend, the Court must not take the report into account without consent (cl 408). This ensures that the Court does not give undue weight to disputed aspects of reports to avoid prejudice to a child's case.

Secondly, the Court has powers to preclude parts of specialist assessment reports from being given to the child the subject of the report until a later time if the report's content could prejudice that child's mental health or development (cl 412). Additionally, the Bill provides a discretion to the Secretary to not give copies of a pre-sentence or supplementary pre-sentence report, or parts of that report, to the child the subject of the report if of the opinion the report's content could prejudice that child's physical or mental health (cl 420). These provisions are relevant to fair hearing and freedom of expression by potentially preventing a defendant in a criminal proceeding from accessing relevant information that will be taken into account by the Court in sentencing (and from giving proper instructions in relation to that material), while at the same time protecting the best interests of that child (s 17 of the Charter) from any undue psychological or developmental harm. I am satisfied that these provisions strike the appropriate balance. In relation to specialist reports, the Court can only make such an order after having regard to the views of the parties to the proceeding, and any statement by the author of the report that the information contained within it may be prejudicial to the physical or mental health of the subject of the report. In relation to pre-sentence reports, the Court retains discretion to order that the withheld report, or parts of the report, be provided to the relevant person. The Court will be obliged under s 6(2)(b) of the Charter to regard fair hearing rights (s 24) in exercising its discretion under these provisions. The legal practitioner representing the child is still entitled to receive all reports in full and there is no power to preclude the legal practitioner from accessing any of the reports.

Thirdly, the Bill provides the Court with discretion to not order the preparation of a pre-sentence report in certain circumstances, and if so, may take into account previous pre-sentence reports in determining a sentence (cl 414). This provision is intended to avoid delay incurred through preparation of unnecessary reports and thus gives effect to criminal process and children's rights to be tried without unreasonable delay (ss 25(2)(c) and 25(3). It balances any prejudice resulting to an accused by requiring the consent of the child, or the Court to be satisfied that ordering a new pre-sentence report is either unnecessary or not in the interests of justice.

Confidentiality of reports

The Bill provides for the Court to order preparation of specified reports during the pre-sentence stage after a child is found guilty, to assist the Court with determining a sentence. This includes a requirement for the Court to order a pre-sentence report if the child has a relevant impairment, or if it appears to the Court that the child has a relevant impairment (cl 415), which may include assessment records and information about the child's mental health and other health needs (cl 417). These provisions engage rights to privacy (s 13) and freedom of expression (s 15) insofar as the reports will involve the collection and disclosure of personal information to the Court and related parties and those parties will also be restricted in their use of that information by the confidentiality provisions that apply.

In relation to the right to privacy, any interference will be for the important purpose of assisting the Court to consider matters relevant to a child prior to their sentencing, and subject to various safeguards. The report author is obliged to inform the person being interviewed that any information they may give may be included in the report (cl 406). Any person who prepares or receives such a report is bound by a confidentiality provision and may not disclose the report to any one not entitled to receive or access it without the consent of the subject of the report (cl 409). The Bill precisely sets out who is entitled to receive each type of report (cls 412, 420, 427, 429, 431). The Bill specifies the information required to be addressed by each report and imposes requirements related to relevance of statements contained in the reports.

Any restriction on the freedom of expression through the associated confidentiality provisions will be necessary to respect the rights and reputation of other parties, and provides for disclosure with consent of the subject of the reports. These provisions promote the protection of the child's best interests (s 17).

Chapter 10: Youth Justice custody

Chapter 10 of the Bill provides the legal framework for youth justice custody, including guiding custodial principles, rights and responsibilities, legal custody and management, prohibited actions and restricted practices, offence provisions related to youth justice custody, and restrictions on change of name and acknowledgement of sex applications.

Parts 10.1 and 10.2 – Guiding custodial principles and rights

The rights of children and young persons in youth custody are protected and promoted through the Bill's inclusion of specific guiding custodial principles. Their purpose is to ensure that all acts and decisions made under the Bill are directed toward minimising and reducing offending involving children and young persons and that they are treated in a manner that supports their rehabilitation and positive development. The principles apply to the Secretary, the Commissioner, the Youth Parole Board, youth justice custodial officers and any other entity or person who exercises any power under this Bill, performs any function under this Bill, and engages with a child or young person detained or remanded in a youth justice custodial centre. They do not apply to any child or young person detained in a youth justice custodial centre, their parents, their legal representatives or any person engaging with the child or young person in a private or personal capacity (cl 437). The Bill provides that persons should take into account each guiding custodial principle to the fullest extent possible, to the extent each principle is relevant in the circumstances. The principles also set clear expectations for children and young persons.

Supporting the guiding custodial principles, the Bill enshrines a suite of custodial rights that a child or young person has while held in custody in a youth justice custodial centre (cl 445). These rights operate in addition to rights under other Acts, including the Charter, and the common law. They serve the important purpose of acknowledging that the placement of a child or young person in custody is a profound intervention in a child or young person's life, furthering the need for their protection. The responsibility to act in a way that is compatible with and promotes custodial rights applies to any person who interacts with a child or young person held in custody in a youth justice custodial centre (in addition to the Secretary and the Commissioner), and must be fulfilled to the fullest extent possible.

Safety, stability and security

The Bill provides for the guiding custodial principle (cl 438) and corresponding right cl (448) to safety, stability and security. The principle in summary requires that children and young persons be provided with a safe, stable and secure place of accommodation where they are protected from harm, are accommodated in a manner that is the least restrictive necessary in the circumstances, and are afforded a safe, stable and secure living environment that is founded on strong, consistent and respectful relations between youth justice custodial staff and children or young persons and their families. The principle also includes a prohibition on any punishment (beyond the confinement that results from an imposition of a sentence of detention) and that remanded children and young persons be presumed innocent and treated accordingly.

The custodial right expands on this with a right to specific standards including accommodation that is clean and sanitary and upholds privacy and dignity, nutritional food and drink that is compatible with religious or dietary requirements, clean and appropriate clothing that accords with gender identity and cultural and religious customs/requirements, and access to outdoor social, recreation and exercise.

This promotes children's rights in sections 17(2), 23 and 25(3) as well as the rights to privacy (s 15), freedom of religion (s 14), freedom of association (s 16), family (s 17(1)), humane treatment (s 22(1)) and cultural rights (s 19) by:

- prioritising that the child is detained in a safe environment that is stable and secure, where a child is accommodated in the least restrictive manner possible;
- protecting the right of the child to maintain contact with their family;

- providing minimum standards in relation to food, drink and clothing;
- requiring children's clothing accords with the child's cultural and religious customs, ensuring a child's right to enjoy their culture, to declare and practice their religion;
- promoting the right to associate by providing for minimum guarantees to socialising and recreation outdoors; and
- ensuring appropriate treatment of remanded children and young persons to reflect their status as unconvicted persons.

Positive development

The Bill provides for the guiding custodial principle concerning the promotion of rehabilitation and positive development of children and young persons detained in a youth justice custodial centre (cl 439) and corresponding custodial right of a detained or remanded child or young person (cl 447) to an individualised program of meaningful structured activities and support. This includes, in summary, programs incorporating evidence-based interventions that address any underlying causes of offending behaviour (or alleged offending behaviour) and encourage the child or young person to build insight into and take responsibility for their actions, education, training and skills development, recreation, and personal skills, including independent living skills (if applicable) to support the reintegration of the child or young person into the community.

This promotes children's rights in sections 17(2), 23 and 25(3) as well as cultural rights in section 19 by:

- ensuring that the primary focus of youth custody is on rehabilitation and development;
- recognising the particular vulnerability and individualised needs of children and requiring programs, structured activities and supports are in place to foster their education and skill development;
- providing children with suitable education and vocational training; and
- requiring programs to be tailored to the individual characteristics and needs of the child.

Individual responses

The Bill provides for a guiding custodial principle (cl 440) and corresponding right (cl 450) to individual responses. The principle in summary provides an entitlement for children and young persons to be cared for and supported in a manner that is appropriate for their age, maturity and stage of development, to have their individual risks and needs addressed, to have their abilities and strengths fostered, to be supported in a gender-responsive, inclusive and safe way, to be treated in a manner that values the unique cultural identities and faiths of diverse backgrounds, and to be acknowledge and supported in relation to their disability, health needs, mental illness or mental health needs (where applicable). The custodial right provides for related entitlements, including a right to receive a timely assessment and case plan (that is informed by information provided by other entities and service providers) that is appropriate for the age, maturity and stage of development of the child or young person, and fosters their ability and strengths. The custodial right also includes a right to gender responsive care and provision of sanitary products and maternity care.

These provisions promote the rights to equality (s 8), freedom of religion (s 14) cultural rights (s 19) and rights of children (ss 17 and 23) by:

- taking into account the child's age and the desirability of promoting their rehabilitation;
- requiring female children in custody to be supported in a gender-responsive way and given equitable access to supports, services and facilities;
- ensuring children in custody are supported in an inclusive and safe way and given equitable access to supports, services and facilities that reflect their gender identity, sex characteristics and sexual orientation;
- ensuring all children with a particular cultural, religious, racial or linguistic background are treated in a way that values, acknowledges and supports their identity; and
- supporting children and young persons to overcome systemic barriers of discrimination.

The provisions also give effect to United Nations Standard Minimum Rules for the Administration of Juvenile Justice regarding young female detainees in juvenile justice, who are deemed to deserve special attention as to their personal needs and fair treatment. It also gives effect to broader Victorian Government commitments to support LGBTIQ+ young persons, including embedding LGBTIQ+ awareness and inclusive practice into the custodial operating philosophy and practice framework.

Finally, this aligns with the interim report of the Royal Commission into Victoria's Mental Health System, which notes that people in contact with the justice system are disproportionately affected by poor mental health, that young persons recently in contact with the justice system are at greater risk of suicide, and that

connections between service design and Youth Justice are required to ensure a person's holistic recovery needs are met.

Aboriginal children and young persons

The Bill provides for an additional guiding custodial principle (cl 441) and corresponding right (cl 452) specific to Aboriginal children and young persons. These clauses provide, in addition to other guiding custodial principles and rights, Aboriginal-specific cultural support for Aboriginal children and young persons and provide guidance for those who have contact with Aboriginal children and young persons in youth justice custody. Their inclusion promotes children's rights (sections 17(2), 23 and 25), cultural rights (s 19), family (s 17) and equality rights (s 8) under the Charter by:

- providing statutory recognition of the over-representation of Aboriginal children and young persons in the youth justice system, and the structural exclusion of, and discrimination against, Aboriginal people and culture;
- promoting and protecting the right to self-determination;
- requiring regard to be had to the manner with which Aboriginal children and young persons are treated in custody; specifically, respect and acknowledgement of their cultural identity;
- valuing and centring Aboriginal culture, connection to family and kinship ties;
- ensuring that an Aboriginal child's or young person's history, culture and circumstances is recognised by those engaging with an Aboriginal child or young person in a youth justice custodial setting; and
- supporting Aboriginal children and young persons in maintaining connection to family, community, Elders and culture and actively supporting and maintaining these connections, recognising that these foundations are needed for Aboriginal children and young persons to thrive.

Children's and young persons' voices

The Bill provides for a guiding custodial principle (cl 442) and corresponding right (cl 454) to children's and young persons' participation in matters relating to their detention. It obliges genuine and regular engagement with children and young persons in youth justice custody. This promotes the rights of the child by ensuring children and young persons are respected as individuals and empowered to participate in decisions relating to their rehabilitation. The right also gives effect to international minimum standards concerning the right of detained persons to make complaints about their treatment, and have such complaints responded to.

Family, community, cultural and religious connections

The Bill provides for a guiding custodial principle concerning engagement with parents, families, guardians, carers and significant others of a child or young person in custody (cl 443) and a corresponding right protecting, amongst other things, the use of language, practice of religion, participation in culture and maintaining family, cultural and social connections whilst in custody (cl 451).

These provisions promote equality under the Charter (s 8) by requiring children and young persons in custody from culturally and linguistically diverse backgrounds to be treated in a manner that values their unique cultural identities, beliefs, faiths and languages and supports them to express and practice them accordingly. This overlaps with the Charter cultural right (s 19) that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right to enjoy their culture, to declare and practice their religion and to use their language.

These provisions also promote the best interests of the child and protection of the family (s 17) by requiring that families, guardians, carers, or persons of significance are to be supported in meaningfully participating in and contributing to matters relating to the child. It also requires the provision of regular access to the youth justice custodial centre at which the child is in custody. These measures are intended to maintain a child's connection with their family and community, recognising their value to a child's positive development and rehabilitation.

Collaboration

The final guiding custodial principle of 'collaboration' (cl 444) promotes partnership and mutual responsibility amongst all service systems, including Departments, public service bodies, Police and non-government organisations. A collaborative approach will encourage a targeted, whole-of-system effort to support young persons in custody and assist with their rehabilitation, furthering the rights of the child.

Further custodial rights

The Bill also provides for further specific custodial rights in addition to those above.

This includes a right that a child or young person in custody must be properly informed (cl 453). This includes being adequately advised of their custodial rights, human rights, complaints processes as well as having reasonable access to news and information. The right ensures children and young persons have adequate communication with the outside world, promoting the right to fair and humane treatment. The provision furthers a child's or young person's rehabilitation as they prepare for their return to the community, as well as empowering a child or young person to enforce the protection of their rights and entitlements.

The Bill provides a free-standing right to receive physical, disability and mental health support as required (cl 449), including access to a registered medical practitioner, dentist, nurse, psychologist or disability service provider. This gives effect to international human rights minimum standards regarding access to adequate medical care. It also recognises the structural issues that disproportionately affect children and young persons with a disability by ensuring access to disability service providers, promoting equal protection of the law without discrimination.

The Bill provides a right to receive confidential visits from the legal representative of the child or young person (cl 455) promoting the capacity of children and young persons to effectively participate in the legal process, furthering the criminal process right to communicate with a lawyer (s 25(2)(b)).

Finally, the Bill provides an express right to external support (cl 456), including, amongst other things, access to community engagement activities, education and training, work opportunities and transitional services upon leaving custody such as safe and stable housing and mental and physical healthcare. This promotes the rights of the child by:

- ensuring the child has access to health, education and work opportunities, acknowledging that children have a unique capacity for rehabilitation and positive development when properly supported; and
- acknowledging the particular vulnerabilities of children by requiring that the external support of Departments, public sector bodies, public sector entities and other service providers are in place to provide support both during custody and on transition into the community.

Division 2 – Responsibility of children and young persons in youth justice custodial centres

The Bill empowers the Commissioner to make custodial rules, to set out expectations and standards of behaviour that children must comply with in custody (cls 457, 458). While such rules may lead to limits on rights, the power to make rules must be exercised compatibly with the above guiding custodial principles and rights and a child or young person must be supported in complying with the custodial rules. Further the power to make rules is considered necessary to ensure the Commissioner is able to give effect to responsibilities to establish a safe, stable and secure custodial environment. As a safeguard, the Bill provides that a child will not be liable for an offence solely on the basis of breaching custodial rules (cl 459).

Part 10.3 – Legal custody and management and operation of youth justice custodial centres

Division 1 – Responsibility for youth justice custodial centres and legal custody

Division 1 provides a legal framework outlining the responsibility and management of children in youth custody. The Bill grants the Secretary legal custody and responsibility for the safety and wellbeing of children and young persons in custody (cl 460). The Bill also provides for legal custody of a child or young person when being transported to youth justice custody after the court has made an order to remand or detain the child or young person (cl 461). The Commissioner is vested responsibilities to determine the form of care, custody, accommodation, treatment and support of a child or young person in custody (cl 462(1)).

That the Bill provides the Commissioner with broad responsibilities to manage and determine the conditions of custody of the child is relevant to a child's right to humane treatment when deprived of liberty (s 22). Section 22 requires, as a starting point, that persons deprived of liberty not be subjected to any additional hardship or constraint other than that which results from the deprivation of liberty. While the scope of these powers is broad and may include measures that limit rights, I consider such powers to be necessary to carry out the proper operation of a youth justice custodial centre and necessary to maintain the safety, stability and security of such a facility, which includes protecting the rights of others. Further, the Bill provides guidance on what should be considered when determining the child's care and custody, requiring the Commissioner have regard to each child's individual risks, needs and best interests to the extent practicable in the circumstances (cl 462(2)). The Commissioner will also be bound to act compatibly with the custody principles and custodial rights when exercising the powers of management, as well as the Commissioner's obligation as a public authority under s 38 of the Charter to act compatibly with human rights and give proper consideration to human rights when making a decision.

Photographs and records of a child or young person

The Bill provides for the Commissioner to take photos of a child or young person upon their arrival into the youth justice custodial centre (cl 463), engaging the right to privacy (s 13) under the Charter. However, any interference will be lawful and not arbitrary, as such information is needed to identify and monitor the child or young person, as is required for proper management of the youth justice custodial centre. Further, that photos may only be used for these limited, specific purposes and will be subject to the general restrictions on use and disclosure of youth justice information.

Division 2 – Accommodation

The Bill aims to provide a strengthened framework for ensuring appropriate classification and placement of juveniles within the facility. The accommodation provisions are included for the purpose of assisting or advancing children in custody by requiring the Commissioner to separately accommodate children based on certain characteristics, taking into account their particular needs, status and special requirements. The Bill enshrines three presumptions upon which a child's placement is based:

1. Age-based separation presumption: The Bill provides that children who are under 18 years of age are to be accommodated separately from children and young persons who are 18 years of age or over who are at the same youth justice custodial centre, unless the Commissioner is satisfied that it is appropriate and safe to accommodate children and young persons of different ages together taking into account specified factors, including the safety, security and stability of the youth justice custodial centre (cls 464(1)(a) and 465(1)). This age-based separation presumption promotes the Charter right of a child detained or convicted to be segregated from adults in custody (s 23(1) and (3)). The need for a different response for this age cohort reflects their inherent youth, stage of development, vulnerability and impressionability. Separate accommodation on the basis of age also promotes children's rights by ensuring their protection from harmful influences and risk situations, as well as furthers the right to humane treatment by providing accommodation suited to the physical, mental and moral integrity and wellbeing of the child.

2. Status-based separation presumption: The Bill enshrines the presumption that children or young persons who are on remand are accommodated separately from those serving a custodial sentence (cl 464(b)). The presumption recognises that juveniles who are detained under arrest or awaiting trial are presumed innocent and shall be treated as such, promoting children's rights and the right to humane treatment.

3. Sex-based separation presumption: The presumption that children and young persons are separated according to sex ensures that a child or young person is safe and limits risks that a child or young person's rights will be limited (cl 464(c)). This facilitates a gender-responsive custodial system, reflected through a specific operating model for girls and young women and dedicated sub-precinct for this cohort, enabling equitable access to services and supports. This gives effect to a number of international standards, specifically, the *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)* that require that adult women and men be physically separate in order to protect them against sexual harassment and abuse.

These separation presumptions are directly relevant to the following Charter rights:

- an accused person who is detained or a person who is detained without charge must be segregated from persons who have been convicted of offences, except where reasonably necessary (section 22(2)).
- an accused child who is detained or a child detained without charge must be segregated from all detained adults (section 23(2)).
- a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age (section 23(3)) – although not strictly a separation requirement, this right could support the principle that a child should be kept separate from other children due to their age.

Treatment of children and young persons based on certain cohorts

While the above presumptions that require the Commissioner to provide separate accommodation for certain cohorts broadly promote rights, they may also engage the right to equality and non-discrimination in section 8(3) of the Charter through differential treatment on the basis of protected attributes that may be unfavourable to a particular person's circumstances. I consider any limits to be reasonably justified for the purpose of giving effect to the express separation rights in the Charter discussed above.

To protect against arbitrary outcomes, the Bill affords the Commissioner discretion (cl 465) to not apply the above presumptions if considered appropriate in specified circumstances, which require regard to the child or young person's views, best interests, individual risks and needs, and the likely impact on the safety, security and stability of the youth justice custodial centre, and the health, safety and wellbeing of all persons who would be accommodated with that child or young person. This also includes a discretion not to apply the sex-based separation presumption in relation to a child or young person whose gender identity is not the same as

their sex. This approach is consistent with the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules),* which state that the principal criterion for separation of categories of children should be based on the type of care best suited to their particular needs and the protection of their physical, mental and moral integrity and wellbeing.

Division 3 – Powers relating to visitors

To ensure the requisite safety, security and stability within the youth justice custodial centre, the Bill provides the Commissioner with powers to approve entry and give orders to visitors entering the youth justice custodial centre (cls 466 and 467). Visitors entering the facility will be required to provide the Commissioner with certain personal information, engaging the right to privacy under the Charter (cl 468). However, any interference will be lawful and not arbitrary, as the information required by the provision is necessary to establish the identity of and credibility of the visitor, which is required to uphold the security and safety of the youth justice custodial centre.

Powers under this provision will allow the Commissioner to refuse or terminate a person from entering the youth justice custodial centre as a visitor (cl 469). That a child may be denied a visit from their parent, carer or other significant person will interfere with the child's ability to maintain contact and preserve relationships with family, engaging children's rights, right to humane treatment and family rights (ss 17 and 22). On balance, I consider any limitations on personal visits will be reasonable and demonstrably justified, having regard to the fact that the Commissioner's powers to terminate a visit may only be used for the limited purpose of protecting the safety and security of children and other persons in the facility. Without the capacity to terminate or prevent visits, the Commissioner cannot effectively discharge their responsibility of providing a safe custodial environment. The power to refuse visits must be exercised compatibility with the guiding custodial principles and rights relating to visit entitlements, and human rights in the Charter. The interpretation of the relevant Charter rights will be informed by the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)*, which provides that children are entitled to receive regular and frequent visits, which is in principle a minimum of one visit per week, but no less than one visit per month.

Division 4 – Temporary leave

The Bill provides temporary leave permits to be issued to persons in youth justice facilities, for educational, vocational or other important reasons (cl 470). Allowing the child to leave detention facilities for such purposes promotes children's rights, cultural rights and the right to family by:

- supporting the child's transition into the community, promoting rehabilitation and reintegration;
- providing the child access to education and training;
- ensuring the child maintains contact with their family;
- facilitating frequent contact with the wider community; and
- enabling leave for the purpose of building or maintaining connection to culture.

Temporary leave applications will be subject to any conditions, limitations, restrictions or cancellations that the Secretary considers fit to impose (cl 469(4), 471). Conditions may include returning and reporting to the youth justice custodial centre at the time specified on the temporary leave permit.

Similar to the discussion on parole order conditions, a temporary leave permit generally grants a detained person greater liberty and reduces the extent of limits on their human rights that result from their sentence. In this regard, this framework for temporary leave would generally not result in any additional limits being imposed on rights. To the extent that it does, I am satisfied that any limits are reasonably justified in the context of a supervised temporary release scheme where the person is still under sentence and is being granted leave for a specific purpose, and serve important objectives of protecting the community, deterring re-offending and promoting the rehabilitation of the child or young person and reintegration into the community.

Presumption of innocence in cases of contravention of temporary leave permit

The Bill provides for an offence of contravention of temporary leave permit (cl 472). The offence provisions provide that it is not an offence if the child or young person fails to return or report to a youth justice custodial centre due to circumstances beyond that person's control (cl 472(2)).

The provision imposes an evidential onus on an accused when seeking to rely on the above exception. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence (s 25), as such an evidentiary onus falls short of imposing any burden of persuasion on an accused. The onus in these offence provisions require only that an accused point to evidence of the exception, upon which the burden falls on the prosecution to prove the absence of such an exception beyond a reasonable doubt. Accordingly, the right to presumption of innocence in the Charter is not limited by these offence provisions.

Part 10.4 – Prohibited actions and restricted practices

Division 1 – Prohibited actions

The Bill promotes a number of rights, including the right to equality (s 8), protection of children (s 17), the protection from cruel, inhuman or degrading treatment (s 10(b)), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23) by expressly prohibiting the following actions from being performed on children or young persons detained under the Bill, including:

- use of physical force for the purpose of discipline;
- corporal punishment;
- any form of psychological pressure intended to intimidate or humiliate;
- the use of any form of physical or emotional abuse;
- adoption of any kind of discriminatory treatment; and
- use of isolation for the purposes of punishment, discipline or behaviour management (cl 474).

Divisions 2 and 5 – Use of force and restraint

The Bill prohibits use of force except in certain circumstances (cl 475, 479 and 498). The use of force in any context raises many human rights including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23).

International human rights instruments and jurisprudence have developed basic principles for assessing the human rights compatibility of any legal framework regulating the use of force. This includes that any power to use force:

- be precisely prescribed and be aimed at achieving a legitimate objective;
- be necessary, in that the use of force must be necessary to achieve the legitimate objective (in lieu of alternative means which do not use force);
- be the minimum needed to be considered effective;
- must stop once the objective has been achieved or is no longer achievable;
- balance the benefits of the use of force against the possible consequences and harm caused by its use; and
- be accountable and subject to adequate training and governance.

In relation to use of force against children, the *United Nations Rules for the Protections of Juveniles Deprived of their Liberty (Havana Rules)* provides that instruments of restraint and force can only be used in exceptional cases, for the shortest possible period of time, where all other control methods have been exhausted and failed, and must not cause humiliation or degradation.

I am satisfied that the use of force provisions in this Bill are compatible with the above principles. Clause 475 sets out the primary purposes for which force may be used which is where an officer believes on reasonable grounds that force is necessary to prevent, or respond to an immediate threat of a child or young person harming themselves or any other person, damaging property, escaping or attempting to escape from custody, or engaging in conduct that would seriously threaten the safety, security or stability of the youth justice custodial centre. The provision expressly requires that all other reasonably practicable behavioural, relational or therapeutic measures have first been attempted. I note the provision also permits other use of force that is authorised under other law, such as common law self-defence. Reasonable force may also be used to place a child or young person in isolation (cl 485) and to conduct an unclothed search (cl 498), but only if authorised by the Commissioner as a last resort if it is necessary to prevent or prevent the continuation of a serious and immediate threat to the safety of the child or young person or any other person. The prohibited actions clause discussed above applies to the use of force meaning it cannot be used to punish, to discipline or intimidate.

This framework ensures that force is only used as a measure of last resort, and when used, is proportionate and necessary in the circumstances to achieve a safe and secure custodial environment for all children, young persons, staff and persons present in such environments. It employs preconditions with a high threshold requiring the identification of an 'immediate threat', and the belief on reasonable grounds that force is necessary to prevent or respond to that immediate threat. The Bill also limits the use of instruments of restraint to handcuffs, closeting chains and other instruments either permitted by law or prescribed, and prescribes the limited circumstances in which they can be used (cl 477).

In addition, the Bill includes further safeguards governing the use of force, including an absolute prohibition on the use of restraint techniques for the purpose of restricting or inhibiting a child or young person's

respiratory or digestive function, compelling compliance through the infliction of pain, hyperextension or pressure applied to joints and the use of any other technique to be prescribed by regulation (cl 476).

Division 5 provides further general requirements applying to the use of force by a youth justice custodial officer, including that:

- the use of force must be proportionate;
- the use of force must immediately cease once it is no longer necessary;
- force must be applied for the shortest possible time;
- the necessity and manner of force must be continually assessed;
- an officer must have regard to the child or young person's stage of development, physical stature and individual characteristics and background (including factors specified in the Bill such as age, gender, cultural background, physical and mental health, disability and history of trauma); and
- an oral warning must be given before force is used, and reasonable time afforded for the child or young person to comply with the warning.

A youth justice custodial officer must not use force unless the youth justice custodial officer is appropriately trained in relation to the use of physical intervention techniques on children and young persons (cl 505).

The Bill also provides that a child or young person is entitled to examination, medical attention and mental health care after being subject to any use of force (cl 506), their parents are to be notified (cl 506(4)) and an Aboriginal child or young person is entitled to cultural support (cl 506(5)). A child or young person is entitled to additional support as soon as practicable after being subjected to any use of force. The Bill also provides for a right to complain about the use of force (cl 507). All use of force must be reported (cl 521) and recorded with specified details in a Use of Force Register, which is subject to the inspection by the CCYP (cl 526).

Similar to cl 74 discussed above in relation to Part 3.2 in limited circumstances, cl 506 may engage the prohibition against medical or scientific experimentation or treatment of a person without their full, free and informed consent in section 10(c) and the protection of families in section 17 of the Charter. For the reasons outlined in respect of cl 74, my view is that the right in 10(c) is not limited.

Accordingly, I am satisfied the above framework accords with best practice and international standards for regulating the use of force in youth justice, and thus is compatible with human rights in the Charter.

Division 3 – Isolation

The Bill provides for a legal framework relating to the use of isolation in limited circumstances. Use of isolation raises many human rights including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right to humane treatment when deprived of liberty (s 22), the rights of children in the criminal process (s 23) and the right to equality (s 8). As noted above, reasonable force may also be used to place a child or young person in isolation.

International standards strictly prohibit the isolation of a child or young person for 22 hours or more in a 24 hour period without meaningful human contact. Harmful impacts of solitary confinement that have been reported include physiological effects, psychological effects, and a greater rate of self-harm and suicide. The United Nations Special Rapporteur on Torture has stated that the solitary confinement of juveniles constitutes cruel, inhuman and degrading treatment.

The Bill aims to provide a contemporary and strengthened legislative framework for the use of isolation, informed by best practice, human rights and international and domestic standards. This includes giving effect to recommendation made by the Victorian Ombudsman (*OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people* (2019)), the CCYP (*The Same Four Walls: inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system* (2017)) and the 2017 Youth Justice Review (*Youth Justice Review and Strategy*, Penny Armytage and Professor James Ogloff) to strengthen legislative safeguards, protections, accountability and reporting. The use of isolation is a valid behaviour management tool when used in appropriate circumstances to address violence or destructive behaviours that have continued despite all attempts to prevent them.

The Bill adopts a broad definition of isolation to ensure that a range of situations involving the separation of a child or young person will be regulated by these provisions (cl 478). The Bill includes an express prohibition against solitary confinement, meaning the physical isolation of a child or young person for 22 or more hours in a 24 hour period without meaningful human contact, consistent with international principles (cl 479). The Bill then provides that the use of isolation, being the placing of a child or young person (or a group or class of children or young persons) in a locked room or other separate contained area, separate from other children and young persons, and separate from normal routine, is also prohibited unless authorised by the Commissioner (cl 480).

The Bill establishes a framework for authorising the use of isolation, including the purposes for which isolation may be authorised. Isolation of a child or young person may be authorised when it is appropriate in the circumstances and necessary to prevent or respond to an immediate threat of harm or serious property damage, as part of a planned approach to support the stabilisation or moderation of the child's or young person's behaviour, to prevent, detect or mitigate serious risk to the health of a person in the youth justice custodial centre (in accordance with any relevant pandemic order under the **Public Health and Wellbeing Act 2008** relating to infectious disease), or if the isolation is in the interests of the security or safe operation of a youth justice custodial centre. Isolation of a group or class of children may be authorised where it is necessary in the interests of the security or safe operation of a youth justice custodial centre. The Commissioner must not authorise the use of isolation unless satisfied that all other reasonably practicable alternative measures have first been attempted.

In deciding whether the isolation of a child or young person is appropriate, the Commissioner is obliged to have regard to the child's or young person's stage of development and individual characteristics and background (including specified matters such as age, gender, cultural background, physical and mental health, disability and history of trauma), which is intended to promote and protect the right to equality. The duration of isolation must be specified in the authorisation, and be only for the shortest time necessary in the circumstances (cl 483), having regard to the individual factors discussed above. The Bill provides that reasonable force may be used to place the child or young person in isolation (cl 485), which is also subject to the general requirements in Division 5, discussed above, relating to use of force. The Bill requires close monitoring, review and supervision of a child or young person in isolation at regular intervals, to be prescribed by regulation (cl 486), including a requirement to end the isolation if it is no longer appropriate or necessary.

The Bill provides for various rights of a child or young person placed in isolation, including to be informed of the reasons for being placed in isolation, to be examined by an appropriate health professional and receive appropriate care if suspected of requiring medical attention, to request notification of their parents (subject to an exception), to be seen by a support person, support provider, family member or Aboriginal cultural support worker (if applicable), and to be notified about their above mentioned rights and their right to lodge a complaint (cls 491 and 492). The Bill provides for the Secretary to prepare minimum requirements for meaningful human contact during isolation (cl 487), which are to be published and made publicly available. Additionally, the Bill provides rights to access open air and outdoors for a minimum of one hour each day and timely information about the expected duration of their isolation, subject to specified and limited exceptions (cl 493).

As above, any use of isolation must be reported and specified details recorded in the Isolations Register, for inspection by the CCYP (cls 522 and 524).

Accordingly, I am satisfied the above framework accords with best practice and international standards for regulating the use of isolation in youth justice, and thus is compatible with human rights in the Charter.

Division 4 – Searches

The Bill provides for a range of search powers to be exercised in relation to a youth justice custodial centre. The range of search powers provided in the Bill are relevant to a person's right to privacy (s 13), as the powers involve an interference with a person's bodily integrity, and in some respects in relation to detained persons, their home. It is arguable that, in the absence of a requirement to seek a warrant, these searches have the potential to arbitrarily intrude into the private spheres of persons, which, even in relation to detained persons, are protected under this right. The prohibition on arbitrariness requires that any interference with privacy must be reasonable or proportionate to a law's legitimate purpose. I am of the view that the interferences with privacy provided by this power will be lawful and not arbitrary, for the reasons that will be outlined below.

Additionally, s 22 of the Charter relevantly provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. Section 22 requires, as a starting point, that persons deprived of liberty not be subjected to any additional hardship or constraint other than that which results from the deprivation of liberty. The *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)* require all searches to be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

Pat-down and screening searches of child or young person detained in a youth justice custodial centre

The Bill provides youth justice custodial officers with powers to conduct screening and pat-down searches in relation to a child or young person detained in a youth justice custodial centre. This includes the power to:

- search the child or young person on entering or leaving a youth justice custodial centre (cl 494); and

- search any part of, or child or young person detained within, a youth justice custodial centre if necessary for the safety, security or stability of a youth justice custodial centre or the children and young persons detained within (cl 495).

Searches form a key part of procedural security processes which serve the important purpose of ensuring the safety, security and stability of a youth justice custodial centre, primarily by preventing the introduction and proliferation of contraband into a youth justice custodial centre. Exclusion of contraband assists in maintaining the safety and security of children and young persons, staff and visitors and promotes the rehabilitation of children and young persons in detention.

The preconditions on conducting a search conform with the principles of legality and necessity. While the power to search upon entering or leaving (cl 494) can be exercised at an officer's discretion, this is necessary in order to maintain the security of a custodial facility. A person necessarily assumes a reduced expectation of privacy in relation to entering or leaving such a facility, and the type of search undertaken is similar to that which exists in relation to entering any public building where there are security concerns (being a screening or pat-down search). The clause prohibits unclothed or body cavity searches from being conducted under this power.

In relation to the general search power inside the centre (cl 495), this can only be exercised if considered necessary for the specified purposes outlined above, which are legitimate and pressing purposes necessary to discharge the statutory responsibilities to provide a secure and safe environment and uphold duties of care in relation to persons under legal custody. The clause expressly prohibits unclothed or body cavity searches from being conducted under this general power.

The Bill provides for a number of safeguards to ensure searches are conducted in a proportionate manner. The Bill provides safeguards governing the way a pat-down or screen search is conducted. The provisions expressly require that any search conducted must be the least intrusive kind of search that is necessary and reasonable in the circumstances (cl 499(2)). It stipulates that the officer must conduct the search expeditiously and sensitively, with regard to promoting the child or young person's decency, dignity and privacy and if the person is a child or young person, having regard to their stage of development, individual characteristics and background (including cultural background, mental health, disability and history of trauma) (cl 499(3)). Regard must also be had to the need to minimise causing trauma, distress or other harm to the child or young person being searched.

The Bill also provides that officers conducting the search must be appropriately trained (cl 499(7)) and, in relation to a pat-down search, must be of the same sex as the person, unless exceptional circumstances apply (cl 500). Persons whose gender identity does not correspond to their sex designated at birth must be treated respectfully and be allowed to nominate the sex or gender identity of the officer where possible (cl 500(2)).

The Bill also includes a safeguard to mitigate interference with a detained child or young person's bedroom (and by extension, their right to privacy of home), by requiring such searches to be conducted expeditiously, having regard to decency, dignity and privacy of the person whose rooms and belongings are being searched, and leaving such room and belongings as close as possible to the condition in which the room was found in (cl 496).

The Bill provides various rights of a person searched in a youth custody facility, including to be informed of the officer's authority to conduct the search and the reasons for the search (cl 499(4)). Officers must provide a person with an opportunity to produce any prohibited item before being searched, if safe to do so (cl 499(5)). Detained children and young persons must be informed of their right to complain to the Secretary (cl 499(4)(b)) or an oversight entity (cl 499(4)(c)) about the conduct of the search and informed of the process of making a complaint.

The Commissioner is obliged to keep a searches register which records the details of all searches conducted of a detained child or young person, for inspection by the CCYP (cls 525 and 526).

Accordingly, I am satisfied the above framework is appropriately prescribed and compatible with rights.

Unclothed searches of a child or young person in a youth justice custodial centre

The Bill prohibits unclothed searches of a child or young person detained in a youth justice custodial centre, except in certain circumstances (cl 497). Unclothed searches are the most intrusive search that can be carried out in a youth justice custodial centre. Accordingly, conducting an unclothed search of a child raises many human rights, including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right not to have privacy unlawfully or arbitrarily interfered with (s 13), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23). The Bill provides that reasonable force may also be used to conduct an unclothed search of a child or young person in detention in very limited circumstances (cl 498).

A number of reviews and inquiries across Australia and internationally have found the practice of unclothed searches to have the potential to re-traumatise children and young persons. The consensus is that routine unclothed searches are out of step with human rights and standards, and not the least intrusive types of search that could be conducted in the circumstances. Unclothed searches should only be conducted when reasonable, necessary and proportionate to a legitimate aim.

The *United Nations Minimum Rules for the Treatment of Prisoners (Mandela Rules)* further provide that intrusive searches, including strip and body cavity searches, should only be undertaken if absolutely necessary. The Bill explicitly prohibits searches of a person's body cavities, and further provides that unclothed searches should only be conducted in private and by trained staff of the same gender as the prisoner (cls 499- 501).

In addition to the safeguards discussed above (Div 5), the Bill includes provisions offering specific protections for unclothed searches. Clause 497 sets a precondition that the unclothed search of a child may only be used where the Commissioner believes on reasonable grounds that the child has concealed something on their body and that an unclothed search is necessary for the security of the youth justice custodial centre or the health, safety or wellbeing of the child or others. The Bill ensures that the unclothed search is only used where all other search methods have first been considered and used if safe to do so, having regard to the individual characteristics and background of the child (cls 497(2) and 497(3)). This includes, for example, using technology to conduct the search before resorting to an unclothed search.

In addition to the above requirement, that an officer conducting a search must be of the same sex (or nominated sex or gender identity as necessary) (cl 500), unclothed searches must take place in the presence of another youth justice custodial officer (cl 501(2)). In instances where a search is carried out on a child or young person whose gender identity does not correspond to their sex designated at birth, the additional youth justice officer must be of a sex or gender identity nominated by the child or young person, where possible (cl 500(2)).

Further safeguarding provisions that apply, unless exceptional circumstances arise, include that a child must not be fully unclothed at any time during the search, that it is conducted in a private place with privacy for the child, and that the child or young person is allowed to re-dress in private (cl 501).

The Bill also provides that, as soon as reasonably practicable but not more than 12 hours after the completion of an unclothed search, a child or young person is entitled to request medical attention, medical examination and mental health care(cl 502(1)(a)) with examination records to be kept by the health practitioner (cl 502(2)). Parents are to be notified upon request (cl 502(1)(b)) and an Aboriginal child or young person is entitled to cultural support (cl 502(1)(c)). A child or young person must be offered the opportunity to contact and be seen by a support person, support provider or family member. The Bill also provides that the child must be informed of the above mentioned entitlements (cl 503(c)) and of the right to complain about the conduct of the unclothed search (cls 503(a) and 503(b)).

In my view, these provisions are compatible with international standards for regulating the use of unclothed searches in youth justice.

Use of reasonable force for unclothed searches

As discussed above, the use of force in any context raises many human rights including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23).

The Bill recognises the compounding impact and potentially traumatic impact of both an unclothed search and the forcible removing of clothing on a child or young person. In addition to all other safeguards provided for under Division 5, clause 498 requires that the use of force by a custodial officer must first be authorised by the Commissioner. It sets out that the only purpose for which force may be used is where the Commissioner believes that it is necessary to prevent the continuation of a serious and immediate threat to the safety of the child or any other person. The provision ensures that force is only used as a measure of last resort, and when issued, is proportionate and necessary to conduct the unclothed search. As discussed above, the general requirements in Division 5 of Part 10.4 also apply to this type of use of force.

The Bill provides that all use of force for unclothed searches must be reported (cl 521) and recorded with specified details in a Use of Force Register, which is subject to the inspection by the CCYP (cl 526).

These powers serve important objectives, including protecting against a serious and immediate threat to the safety of the child or any other person. Accordingly, I am satisfied that any limits on these rights are reasonably justified.

Division 6 – Search of any other person in a youth justice custodial centre

The Bill also provides a search power in relation to non-detained persons entering or leaving a youth justice centre including custodial staff, visitors or any other person (with the exception of a judge or Magistrate) (cl 508). A further pat-down or screening search can be ordered by the Commissioner at any time in relation to a non-detained person in a youth justice custodial centre, if in the interests of the safety, security or stability of a youth justice custodial centre or the children and young persons detained within (cl 509). The clauses expressly prohibit unclothed or body cavity searches from being conducted under these powers.

As above, while the power to search upon entering or leaving can be exercised at an officer's discretion, this is necessary in order to maintain the security of a custodial facility. A person necessarily assumes a reduced expectation of privacy in relation to entering or leaving such a facility, and the type of search undertaken is similar to that which exists in relation to entering any public building where there are security concerns (being a screening or pat-down search). The power to order a search at any time is subject to the precondition of being necessary in the interests of safety, security and stability.

The conduct of such searches is subject to similar safeguards as described above in relation to Division 4, in summary requiring all searches to be conducted in a manner that is the least intrusive in the circumstances, expeditious, pays regard to rights, interests and individual characteristics of the person being searched, minimises trauma and complies with gender identity requirements. Importantly, non-detained persons are provided with an additional protection, being a right to refuse a search and an entitlement to be informed of this right prior to a search occurring. If a person refuses to be searched, they may be ordered to leave the centre immediately (cl 512) and be liable to a penalty if they do not do so. Accordingly, any search carried out under these provisions can only be conducted with the consent of the person being searched (albeit consent must be given if the person wishes to enter or remain in the centre).

Division 7 – Seizure

The Bill provides that an officer, in carrying out a search in accordance with the above powers in Division 4, may seize any prohibited item that is found in the person's possession (cl 514). Seizure of prohibited items under this provision is relevant to property rights (s 20), as it necessarily deprives a person of their personal property.

The types of items that can be seized are confined to 'prohibited' items, which are clearly defined in the Bill as things that are likely to jeopardise security of the youth justice custodial centre, such as weapons, money, alcohol and drugs or any other prescribed article or thing (cl 3). Given their inherent risk, providing officers with the power to seize such items is necessary to maintain physical security and safety and prevent the introduction of contraband or other prohibited items into the youth justice custodial centre. In this regard, it promotes the underlying purpose of the Bill, to provide a safe and stable environment that supports rehabilitation and positive development.

In addition, the Bill includes a number of clauses which clearly set out and properly circumscribe the manner in which seized property is to be dealt with, including:

- requiring seized money to be returned to the person from whom it was seized when leaving the youth justice custodial centre (cl 518);
- requiring seized items to be recorded on a register (cl 515);
- ensuring seized things that may be used in a legal proceeding are held securely until the end of the proceeding (cl 517).

The inclusion of the above provisions protects against any arbitrary deprivation of property, as well as creates accountability and transparency in how seizure powers are used. Accordingly, I am satisfied that these powers are appropriately circumscribed and do not limit rights.

Disposal of a seized article or item

Clause 520 engages property rights (s 20) by providing a process for disposing of items seized under the Bill. As explained above, items can only be seized if they are prohibited and likely to jeopardise the security of the youth justice custodial centre. Given that prohibited items include dangerous weapons and illegal contraband, the return of these items may not be appropriate in the circumstances and disposal may be necessary to maintain security and safety of the youth justice custodial centre. The Bill ensures that disposal of prohibited items is a proportionate action to take, by specifying that it can only occur in circumstances where it is deemed appropriate, having regard to the nature of the article.

In addition, the Bill includes safeguarding against misuse and ensuring accountability by requiring disposal to be carried out by two youth justice custodial officers, with details of the disposal to be recorded on the seizure register. Therefore, I consider that the above provisions do not limit rights.

Division 8 – Reporting and record keeping

Clauses 521 and 522 require a youth justice custodial officer who uses force against a child or young person or who places a child or young person in isolation, to report that action to the Commissioner as soon as possible after that action. These reporting requirements seek to further children's rights to humane treatment when deprived of liberty, by seeking to ensure that children are not subject to arbitrary use of force or isolation, and that there is a level of oversight and accountability over these coercive actions.

The Bill requires the Commissioner to establish and keep a Use of Force Register, an Isolations Register, and a Searches Register (cls 523–525), which must be made available to the CCYP for inspection at specified times (cl 526). The registers must include information about:

- the characteristics of the child or young person in relation to whom the action was taken;
- the circumstances of the use of force, physical restraint, isolation, or search;
- whether the child or young person was examined by a health practitioner and received medical attention and mental health care; and
- any prescribed particulars.

The recording of personal information and the requirement to provide this information to the CCYP will engage the right to privacy under section 13(a) of the Charter. However, any interference will be lawful (being clearly set out in Division 8 of Part 10.4 of the Bill) and not arbitrary, as the information shared is limited to specific purposes and for the overarching purpose of ensuring that children and young persons in a youth justice custodial centre receive humane treatment when deprived of liberty.

Division 9 – Exemption from liability

Clause 508 of the Bill provides that a youth justice custodial officer is not personally liable for anything done or omitted to be done (including injury or damage) in good faith and in accordance with the provisions of the Bill that permit, in certain circumstances: the use of reasonable force (cl 475); the use of an instrument of restraint (cl 477); the use of reasonable force to place a child or young person in isolation (cl 485); and the use of authorised reasonable force for unclothed searches (cl 498). Any liability resulting from an act or omission that would attach to a youth justice custodial officer attaches instead to the State (cl 527(3)).

This provision may limit the ability of a person to bring legal proceedings against such officers in certain circumstances, which may constitute a limit on that person's right to a fair hearing under section 24 of the Charter, by impeding their access to the courts of the State.

A legal right may also be considered to be property for the purposes of section 20 of the Charter, which has been interpreted as requiring that a person must not be deprived of property other than in accordance with clear, transparent and precise criteria. In this case the provisions meet this criteria, so any deprivation of property has occurred 'in accordance' with law.

However, to the extent that these immunities limit the right to fair hearing, I consider the limit to be reasonably justified under section 7(2) of the Charter. Cl 527 only removes personal liability of youth justice custodial officers, and any liability resulting from an act or omission of the youth justice custodial officer attaches instead to the State, and as such, in my view this does not result in the imposition of a bar to bringing a proceeding. Further, these immunities are designed to maintain the effectiveness of relevant officers under the Bill carrying out protective functions directed to ensuring a safe and secure environment for children, young persons, staff and visitors. It is essential that a relevant officer be able to use authorised reasonable force in good faith when necessary to exercise their lawful powers without fear of tort liability, which may be especially heightened when managing children and young persons with complex needs. Without at least some degree of protection from litigation, an officer may be reluctant to use reasonable force to conduct duties essential to the security and safety of the youth justice custodial centre, notwithstanding their statutory authorisation to do so. The immunities will ultimately facilitate the proper exercise of powers which are directed at upholding safety and security.

Further, these immunities only extend to cover use of reasonable force in accordance with the provisions specified in cl 527(2), and personal liability will still arise for any unreasonable or unnecessary use of force that has not been exercised in accordance with those provisions. Accordingly, officers will still remain accountable for any improper, unreasonable or unauthorised use of force.

Accordingly, I am satisfied that that the limitations of liability in these contexts are compatible with the Charter.

Part 10.5 – Offences relating to Youth justice custodial centres and Youth justice community service centres

Division 1 – Offences relating to operation or possession of remotely piloted aircraft or helicopter

The Bill provides for search and seizure powers outside a youth justice custodial centre in relation to the offence of operating of a remotely piloted aircraft or helicopter in a manner that threatens or is likely to threaten the good order or security of the youth justice custodial centre (cls 528 and 531). The Bill also provides for powers of a youth justice custodial officer to order a person to leave the public space adjoining a youth justice custodial centre if believed on reasonable grounds to be committing this offence (cl 529). These provisions engage the rights to privacy (s 13) and freedom of movement (s 12).

The public space adjoining a youth justice custodial centre is a regulated area and a person assumes a reduced expectation of their rights in relation to this area, which include having their freedom of movement limited by being asked to leave when believed to be committing the remote aircraft offence. I consider that the power to search a person reasonably believed of having committed an offence of this nature will not constitute an arbitrary or unlawful interference with privacy. The elements of the offence concern conduct that threatens or is likely to threaten the good order or security of a youth justice custodial centre. The search powers are directed at addressing this serious threat to the safe and secure custody of children and young persons and enforcing this offence provision. The limited circumstances in which a search may be conducted are clearly set out and are appropriately circumscribed. Before a search is conducted, an officer must inform the person of the officer's authority to conduct the search, and inform the person that they may refuse the search. Any items seized must be dealt with in accordance with the seizure provisions described above.

Division 2 – Escaping from youth justice custodial centre or other custody

The Bill contains a number of offences in relation to youth justice custodial centres. As these offences prohibit certain forms of conduct, the provisions necessarily engage human rights in the Charter, such as rights to liberty (s 9), freedom of movement (s 12) and privacy (s 13).

The offence provisions relate to prohibiting conduct to ensure the secure and safe custody of children and young persons lawfully deprived of liberty.

Escaping offences

The Bill includes the offence of escaping or attempting to escape from a youth justice custodial centre, which is a prohibition on conduct that is already necessarily constrained and intrinsic to the lawful loss of liberty, and accordingly, does not impose any additional limits on rights (cl 533). The same applies to cl 534 which provides the authority to apprehend without warrant a person found escaping from a youth justice custodial centre or other custody.

The Bill also prohibits accessory conduct such as harbouring or concealing an escaped child or young person (cl 537), knowingly preventing a child or young person from returning to a youth justice custodial centre (cl 538) and counselling or inducing a child or young person to escape (cl 540). These offences are consistent with long-established common-law principles relating to accessorial liability.

Division 3 – Other offences relating to youth justice custodial centres and youth justice community service centres

Offences against security, stability and safe operation of a youth justice custodial centre

The Bill then prohibits a range of conduct that undermines or threatens the security, stability and safe operation of youth justice custodial centres or safe custody of children and young persons. This includes the offences entering a youth justice custodial centre without lawful authority or excuse or refusing or failing to leave when required to do so (cl 541 and cl 548), lurking or loitering about a youth justice custodial centre (cl 547) and related property offences of delivering certain prohibited articles or things to a child or young person in a youth justice custodial centre (cl 544), taking or receiving articles or things from a child or young person (cl 545) and delivering or leaving contraband articles or things for introducing into a youth justice custodial centre (cl 546).

Prohibiting such conduct is necessary to maintain the physical security and safety of a youth justice custodial centre. The provision of effective rehabilitation is contingent on a safe environment for children, young persons and staff. The prohibited conduct relates to actions or behaviour relating to the regulated area of a youth justice custodial centre and persons residing within lawfully deprived of their liberty. In this regard, a person would have a diminished expectation in relation to the scope of their rights when entering or interacting with such a secure facility.

Communication offences

The Bill also includes offence provisions relating to communicating with a child or young person in a youth justice custodial centre, attending a youth justice community service centre or who is on temporary leave from a youth justice custodial centre, in contravention of a clear instruction from the Commissioner not to do so

(cls 542 and 543). These offence provisions raise additional rights of freedom of expression (s 15) and freedom of association (s 16), and may interfere with the right to protection of family (s 17).

There are a number of important purposes for which there may be a need to prohibit communication, including to further a child or young person's rehabilitation, prevent contact with anti-social peers or criminal associates, to protect a vulnerable child or young person from inappropriate or concerning correspondence or to prevent undermining of the security or safe environment of a youth justice custodial centre.

The power to issue an instruction to prohibit communication must be used for a proper purpose consistent with the Commissioner's statutory responsibilities (including the operational management, security, stability and safety of youth justice custodial centres), and compatibly with the custodial rights of children and young persons in youth justice custodial centres. This includes ensuring that a child or young persons' custodial rights to family, community, cultural and religious connections are fulfilled to the greatest extent possible (cl 446). Any such instruction must be served in writing. In relation to the offence of communicating with a child or young person who is on temporary leave contrary to an instruction, a person cannot not be charged with this offence unless they were first warned that their communication was prohibited, and despite the warning, continue to communicate or attempt to communicate with the child or young person on temporary leave.

Accordingly, I am satisfied that the framework for this offence is appropriately prescribed and compatible with human rights.

Lawful authority or reasonable excuse

The offence provisions described above include a defence of lawful authority or reasonable excuse. Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

As these offences are summary offences, section 72 of the **Criminal Procedure Act 2009** will apply to require an accused who wishes to rely on the 'lawful authority or excuse' defence to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse. In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused. The onus in these offence provisions requires only that an accused point to evidence of lawful authority or excuse, upon which the burden falls on the prosecution to prove the absence of such authority or excuse beyond a reasonable doubt. Accordingly, the right to presumption of innocence in the Charter is not limited by these offence provisions.

Part 10.6 – Change of name applications and acknowledgement of sex applications

The Bill includes restrictions on a child or young person serving a sentence of detention in a youth justice custodial centre from making an application with the Births Deaths and Marriages Register to change their name or acknowledgement of sex (cls 551 and 558). The provisions require a person seeking to make an application to obtain the written approval of the Secretary.

This will necessarily limit the rights to privacy of such a person (by way of interfering with the freedom of their personal and social sphere, their right to individual and sexual identity, and to psychological integrity and mental stability) and in some cases, their rights to equality and non-discrimination on the basis of a protected attribute (gender identity).

I am satisfied that any limits on these rights are reasonably justified. These restrictions serve important objectives, including protecting the interests of victims of crime and ensuring the sentencing purposes are upheld (such as responsibility for action and protection of the community), protecting against the risk that a proposed change of name can be used for unlawful or improper ends (including disguise or evasion) or may disrupt the routine or proper management, stability or security of a youth justice custodial centre.

To mitigate against arbitrary outcomes, the Secretary is provided discretion to approve an application if satisfied it is necessary or reasonable in all the circumstances (cls 553 and 560). This discretion must be exercised consistent with the custodial rights of children and young person to the greatest extent possible, including their rights to positive personal development, and to be supported in an inclusive and safe way that respects their gender identity (cls 447 and 450). The Secretary must not approve an application if satisfied that a change of name would be reasonably likely to threaten the security of a youth justice custodial centre, jeopardise the safe custody or welfare of any person in a youth justice custodial centre, be used to further an unlawful activity or purpose or be regarded as offensive by a victim of crime or an appreciable sector of the community.

Accordingly, I am satisfied this framework adopts an appropriate balance between a child or young person's rights and the important countervailing considerations at play.

Part 10.7 – Other provisions relating to youth justice custodial centres

Clause 566 provides for the secrecy of security arrangements and restricts a person holding (or who has held) a specified position from recording, disclosing, communicating or using confidential information except to the extent that is reasonably necessary to perform their duties or functions or exercise a power under the Bill or any other Act. The provision includes various exceptions relating to giving evidence or producing documents in court proceedings, disclosure pursuant to Ministerial authority, disclosures to specified oversight bodies or law enforcement agencies or where specifically authorised by another Act. Confidential information is defined as information given to the Youth Parole Board, court or tribunal that is not disclosed in a decision of that body, information concerning emergency procedures, security measures or management of a youth justice custodial centre, information about an investigation into a detainee or officer for contravention of the law, commercial information that if disclosed may threaten the security, good order or safe operation of a youth justice custodial centre, or information concerning an operational and security debrief regarding a violence or critical incident.

While this provision will limit a person's right to freedom of expression (including to receive or impart information), any limits will fall within the internal limitation in s 15(3) of the Charter, which is as a necessary protection of national security, public order and public health. Additionally, a person holding a position under the Bill will voluntarily assume the duties and obligations that attach to that position, including the requirement to only use and disclose confidential information as provided.

Chapter 11 – Children and young persons held in police gaols or in police custody under transfer authority

Chapter 11 provides for police powers in relation to children detained in police gaols or a child or young person in police custody under transfer authority.

Part 11.1 – Rights of children in police gaols

The Bill incorporates rights specifically related to children held in a police goal. As discussed above, while the Bill generally requires a child to be placed in a youth justice custodial centre when subject to detention, it is not always possible to do so and there are instances where a child must be detained in police custody pending being brought before the Court or to facilitate transport to and from a youth justice custodial centre.

Accordingly, the Bill provides for rights of children when detained in police gaols, to be given effect by the Chief Commissioner of Police (cl 568). This broadly promotes children's rights and equality by providing for the greatest possible consistency between how children are treated and managed across all places of detention, aligning the thresholds and safeguards that apply across youth justice facilities and police gaols. As above, these rights are additional to those provided by the Charter, and other Acts and the common law (cl 567).

The Bill provides that a child who is remanded, held or detained in a police gaol has a right to be accommodated separately from adults and according to the child's sex (unless the officer in charge of the police goal is satisfied that the child's gender identity differs from the child's sex and that it is appropriate and safe for the child to be kept with children other than children of the same sex) (cl 569). The purpose of these provisions is to provide protections to ensure that the environment is safe, that the child is protected and that the treatment of the child is age-appropriate, furthering the child's criminal process right in the Charter (s 23).

The Bill enshrines a right to communication for children in custody in police gaol (cl 570), furthering children's rights and the criminal process right by requiring that children must:

- have all reasonable efforts made to be communicated with in a language which the child can understand; and
- receive visits from parents, relatives, carers, legal practitioners, and Aboriginal elders in the case of an Aboriginal child.

The Bill provides for an individual needs and environment right in police gaol for reasonable effort to be made to meet the child's specific needs, including cultural, mental health and disability support needs (cl 571). It also requires a safe and secure place where the child is protected from harm, a clean and sanitary environment with access to appropriate clothing and nutritious foods and beverages (appropriate to religious and dietary needs). These measures uphold the dignity of the child, as well as promoting children's and cultural rights.

The Bill includes a right to make a confidential complaint about the standard of care and to receive support to make that complaint (cl 572). The opportunity for a child to provide their views on matters affecting them and to have their complaints adequately addressed is relevant to children's rights, by ensuring children are responded to as vulnerable individuals by way of their age, supported in an inclusive and safe way and given

equitable access to supports. It also gives effect to international minimum standards regarding accountability and oversight.

The Bill includes a right that the child be advised of their entitlements and rights while in custody (cl 573). Establishing procedures that inform children offer further protection in a child's best interests.

Part 11.2 – Children and young persons detained in police gaols or in custody of transfer officer under transfer authority

Division 2 – Prohibited actions

As with the discussion in relation to Division 1 of Part 10.4, the Bill promotes a number of rights, including the right to equality (s 8), protection of children (s 17), the protection from cruel, inhuman or degrading treatment (s 10(b)), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23) by expressly prohibiting the following actions from being performed on children detained in police gaols or children or young persons in the custody of a transfer officer under transfer authority under the Bill, including:

- use of physical force for the purpose of discipline;
- corporal punishment;
- any form of psychological pressure intended to intimidate or humiliate;
- the use of any form of physical or emotional abuse; and
- adoption of any kind of discriminatory treatment (cl 577).

Divisions 3 and 5 – Use of force and restraint

The Bill provides for similar powers for use of force in a police gaol or while in the custody of a transfer officer under transfer authority. Following the above discussion regarding use of force relating to Divisions 2 and 5 of Part 10.4, these provisions engage many human rights including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23).

As above, I am satisfied the use of force provisions in these Divisions are compatible with the above rights. Clause 578 set out the primary purposes for which force may be used which is where the police or transfer officer believes on reasonable grounds that force is necessary to prevent, or respond to, an immediate threat of harm, damaging property, escaping or attempting to escape from custody, or engaging in conduct that would seriously threaten the security or good order of the police gaol. The provision expressly requires that all other reasonably practicable de-escalation measures have first been attempted. I note the provision also permits other use of force that is authorised under other law, such as common law self-defence. The prohibited actions clause discussed above applies to the use of force meaning it cannot be used to punish, to discipline or intimidate.

This framework ensures that force is only used as a measure of last resort, and when used, is proportionate and necessary in the circumstances to achieve a safe and secure custodial environment for all children, young persons, and persons present in such environments. It employs preconditions with a high threshold requiring the identification of an 'immediate threat', and the belief on reasonable grounds that force is necessary to prevent or respond to that immediate threat. The Bill also limits the use of instruments of restraint to handcuffs, closeting chains and other instruments either permitted by law or prescribed (cl 580).

In addition, the Bill includes further safeguards governing the use of force, including an absolute prohibition on the use of restraint techniques for the purpose of restricting or inhibiting a child or young person's respiratory or digestive function, compelling compliance through the infliction of pain, hyperextension or pressure applied to joints and any other technique to be prescribed by regulation (cl 579).

Division 5 provides further general requirements applying to the use of force in a police gaol or while in the custody of a transfer officer under a transfer authority, including that:

- the use of force must be proportionate;
- the use of force must immediately cease once it is no longer necessary;
- force must be applied for the shortest possible time;
- a police or transfer officer must, to the extent known and reasonably practicable, have regard to the child or young person's stage of development, physical stature and individual characteristics and background (including factors specified in the Bill such as age, gender, cultural background, physical and mental health, disability and history of trauma);
- an oral warning must be given before force is used, and reasonable time afforded for the child or young person to comply with the warning; and

- in the case of use of an instrument of restraint, the child or young person must be closely supervised while subject to restraint (cl 588).

A police or transfer officer must not use force unless the person is appropriately trained in relation to the use of physical intervention techniques (cl 588(2)).

The Bill provides for actions which must be taken after a child is subject to use of force (cls 589 and 590), including, if reasonably suspected of being injured or otherwise by request, examination by a health practitioner as soon as reasonably practicable, the provision of medical attention, mental health care or psychological support that the child requires, the notification of the child's parents and entitlement of an Aboriginal child to cultural support. The child is also entitled to additional support as soon as practicable after being subjected to any use of force, including to contact and be seen by a support person, support provider or family member. The Bill also provides for a right to complain about the use of force (cl 591).

Similar to cl 74 discussed above in relation to Part 3.2, in limited circumstances, cls 589 and 590 may engage the prohibition against medical or scientific experimentation or treatment of a person without their full, free and informed consent in section 10(c) and the protection of families in section 17 of the Charter. For the reasons outlined in respect of cl 74, my view is that the right in 10(c) is not limited.

Accordingly, I am satisfied the above framework accords with best practice and international standards for regulating the use of force, and thus is compatible with human rights in the Charter.

Division 4 – Unclothed searches

Following on from the discussion above about unclothed searches in a youth justice custodial centre, the Bill provides for similar powers in relation to a child detained in a police gaol. As discussed above, unclothed searches engage many human rights, including the protection against cruel, inhuman or degrading treatment (s 10), the protection of children (s 17), the right not to have privacy unlawfully or arbitrarily interfered with (s 13), the right to humane treatment when deprived of liberty (s 22) and the rights of children in the criminal process (s 23).

Clause 581 prohibits unclothed searches from being carried out unless in accordance with the terms of the provision. The clause sets a precondition that the unclothed search of a child may only be used where the officer in charge believes on reasonable grounds that an unclothed search is necessary in the interests of the security of the police gaol or the health or safety or wellbeing of the child or any person in the police gaol. The Bill requires that the unclothed search is only used as a last resort, having regard to the individual characteristics and background of the child, and only once satisfied that less intrusive measures such as a screening search or pat down search have first been considered.

The use of reasonable force in carrying out an unclothed search must be authorised by the officer in charge, and only where the use of force is a last resort and necessary to prevent the continuation of a serious and immediate threat to the safety of the child or any other person in the police gaol. The officer may only use as much force as is reasonably necessary to conduct the unclothed search (cl 582).

The Bill also provides for requirements that must be complied with before conducting unclothed searches, including informing the child of the authority and reasons for conducting the search, their right to complain and the process for doing so, and providing the child an opportunity (if safe to do so) to produce any prohibited item before being searched (cl 583).

The Bill also provides for standards of conduct during the unclothed search, including an obligation to conduct the search expeditiously and sensitively with regard to promoting the child's decency, dignity and privacy and, having regard to their level stage of development, individual characteristics and background (including cultural background, mental health, disability and history of trauma) (cl 584). Regard must also be had to the need to minimise causing trauma, distress or other harm to the child being searched. Officers conducting the search must be appropriately trained to conduct an unclothed search of a child. An officer conducting a search must be of the same sex (or nominated sex or gender identity as necessary), and unclothed searches must take place in the presence of another officer (cls 584 and 585). In instances where a search is carried out on a child whose gender identity does not correspond to their sex designated at birth, the additional officer must be of a sex or gender identity nominated by the child where safe and reasonably practicable (cl 585).

Further safeguarding provisions that apply, unless exceptional circumstances arise, include that a child must not be fully unclothed at any time during the search, that the search is conducted in a private place with privacy for the child, and that the child is allowed to re-dress in private (cl 584).

The Bill also provides that, as soon as reasonably practicable, a police gaol officer must make all reasonable efforts to ensure a child is provided access to medical attention, medical examination and mental health care (cl 586) with examination records to be kept by the health practitioner. Parents are to be notified upon request and an Aboriginal child or is entitled to cultural support. A child or must be offered the opportunity to contact and be seen by a support person, support provider or family member. The Bill also provides that, not more

than 12 hours after the completion of an unclothed search, the child must be informed of the above mentioned entitlements and of the right to complain about the conduct of the unclothed search (cl 587).

In my view, these provisions are compatible with international standards for regulating the use of unclothed searches in youth justice.

Chapter 12 – Youth parole

Part 12.1 – The Youth Parole Board

Membership of the Youth Parole Board

The Bill promotes cultural rights (s 19(2)) and special measures for members of a group with a particular attribute (s 8(4)), being race and sex, through providing for the inclusion of women and Aboriginal persons on the Youth Parole Board and their presence at meetings considering female or Aboriginal children and young persons (cls 592(3), (4),(5), (6) and (7), 596(2) and (3), and 597(3)). Of the Chair positions, one must be a woman and one must be an Aboriginal person, and there are also requirements that community member positions are filled by women and at least one Aboriginal person.

Immunities and protections

The Bill contains provisions which affect the circumstances in which a person may bring legal proceedings in relation to particular matters or against certain people.

Clause 617 provides for various protections and immunities for Board members. The protection and immunity granted is akin to that which would be granted to a similar role in a proceeding before the Supreme Court.

Clause 603 provides that a member of the Board or the secretary of the Board is not personally liable for any action or suit in respect of any thing done or omitted to be done in good faith in relation to any function conferred on the Board or on any members or on the secretary of the Youth Parole Board by or under this Bill or any other Act.

Section 24(1) of the Charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal. In other jurisdictions, it has been found that a broad statutory immunity from liability which imposes a bar to access to the courts for persons seeking redress against those who enjoy the immunity may breach the fair hearing right.

In relation to cl 603, I note that this provision only removes personal liability of members, and any liability resulting from an act or omission of a member of the Youth Parole Board attaches instead to the Crown, and as such, in my view this does not result in the imposition of a bar to bringing a proceeding.

While clause 617 may impose a bar on bringing legal action against participants at a Board meeting, the implied right of access to the courts is not an absolute right, and can be subject to reasonably justified limits under section 7(2) of the Charter. The relevant immunities and protections are appropriately granted in these circumstances, with regard to the Board's important role in administering the parole and transfer schemes, the need for finality of decisions and the maintenance of the Board's independence. The decisions of members in discharge of the Board's functions will affect the rights of children and young persons, and it is essential that members may make decisions and conduct meetings without fear of legal retribution.

I note that the Board will be subject to judicial review (other than on the grounds of denial of natural justice) and will be required to comply with reporting obligations. Finally, the Youth Parole Board is to act compatibly with the guiding youth justice principles and guiding custodial principles to the fullest extent possible (cl 17 and 437) to the extent each principle is relevant in the circumstances.

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

Power to compel production of documents and attendance of witnesses

Division 2 of Part 12.1 of the Bill provides the Youth Parole Board with the power to, by written notice:

- compel the production of documents and/or information (cl 607);
- direct a person to attend a meeting of the Youth Parole Board at a specified time or place (cl 607), including immediately (cl 609); and
- require a person to give evidence or answer questions under oath or affirmation (cl 613).

The provisions are enforced by making it an offence to fail to comply with a notice without reasonable excuse, or fail to take oath, make affirmation or answer questions without reasonable excuse (cls 614 and 615).

These provisions are relevant to a number of rights including the rights to freedom of movement (s 12), privacy (s 13), not to be compelled to testify against oneself or to confess guilt (s 25(2)(k), and the presumption of innocence (s 25(1)).

I am satisfied that the right to freedom of movement is not limited, and any interference with privacy will be lawful and not arbitrary, for the following reasons. A person can only be compelled to attend a meeting of the Board or produce documents subject to written notice. The notice must be served in accordance with specified procedural steps and must clearly outline how a person may object to the notice, including giving reasonable excuse for failing to comply. A person required to attend may request to appear by audio visual link (cl 611) instead of attending the place where the meeting is to be heard. A person has the right to claim that a document or other thing specified in the notice is not relevant to the subject matter of the meeting (cl 608). In relation to the Board's discretion to direct a person to attend immediately, this can only be done by consent or in limited and emergency circumstances, where the Board considers on reasonable grounds that delay is likely to result in evidence being lost or destroyed, the commission or continuation of an offence, the person absconding or evading attending, or serious prejudice to the conduct of the meeting.

A person may make a claim to the Board that they have a reasonable excuse for failing to comply with the notice. A 'reasonable excuse' includes the information being subject to various privileges, including self-incrimination, parliamentary privilege, legal professional privilege, public interest immunity, closed court order or statutory prohibition. Accordingly, the protection against self-incrimination is not interfered with by these provisions.

Finally, in relation to any prosecution under these provisions, an accused who wishes to rely on the 'reasonable excuse' defence will, by way of application of section 72 of the **Criminal Procedure Act 2009**, be required to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse. In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence. The Court of Appeal has held that an evidential onus imposed on establishing an excuse exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused. The onus in these offence provisions require only that an accused point to evidence of their reasonable excuse (which will be within their knowledge and means to produce), upon which the burden falls on the prosecution to prove the absence of such excuse beyond a reasonable doubt. Accordingly, the right to presumption of innocence in the Charter is not limited by these offence provisions.

Exclusion of natural justice

I note that the Youth Parole Board, as a prescribed entity under the *Charter of Human Rights and Responsibilities (Public Authorities) Regulations 2013*, is not a public authority for the purposes of the Charter and thus not bound to act compatibly with human rights or give consideration to human rights when making a decision.

The Bill further provides that the Youth Parole Board is not bound by the rules of natural justice (cl 606). Notwithstanding that the Board is not subject to the public authority obligation in the Charter, this provision is still relevant to the fair hearing right in the Charter (s 24) as it abrogates the common law duty to afford a person procedural fairness when a decision is made that affects the person's rights or interests.

As discussed above, section 24 of the Charter provides that a party to a civil proceeding has the right to have that proceeding determined by a competent, independent and impartial court or tribunal after a fair and public hearing. While the authorities have interpreted 'civil proceeding' in section 24(1) broadly, in my view it does not extend to the kind of administrative decision-making undertaken by the Board. Accordingly, I do not consider that the fair hearing right will be limited by the exclusion of natural justice in this context. However, the exclusion of natural justice may have implications for other rights protected by the Charter. A number of Charter rights include a protection against arbitrary treatment, and according natural justice is an effective way of avoiding arbitrariness.

However, any limitations that may result are in my view reasonably justified. The exclusion of natural justice serves the important aim of facilitating the Board to respond quickly and effectively when performing its functions, which relate to the management of children and young persons serving a sentence, many of whom may have dynamic and complex needs and pose associated risks. This includes facilitating the expeditious management of the Board's case load to ensure that grants of parole are considered without delay and at the earliest opportunity. This also includes flexibility to make prompt decisions in response to a child or young person's sudden change in circumstances or elevated level of risk (particularly in relation to cancellation of parole, variation of conditions or transfer decisions), without being required to provide an opportunity to be heard or consider submissions.

It is critical that the Board is able to make prompt decisions that have an immediate effect, as delay in determining certain matters may expose a person to a risk of harm (such as the cancellation of parole due to new terrorism risk information, or the transfer of a child to prison who cannot be safely accommodated in a youth justice custodial centre). It is also important that the Board is able to discharge its functions without being impaired or frustrated by challenges to its procedures.

The Board is still obliged to act compatibly with the guiding youth justice principles and guiding custodial principles to the fullest extent possible, which include principles intended to promote the engagement and participation of the child and young person in their rehabilitation, which would include, where appropriate and possible, permitting a child or young person to attend a Board meeting and providing them with an opportunity to comment on information to be considered by the Board. Additionally, as part of the Secretary's obligation to notify the Board about specified threatening conduct or incidents in custody concerning a detained child or young person, the Board is obliged to give the child or young person an opportunity to comment on their involvement in an incident or conduct (cl 619). Accordingly, I am satisfied that any limit on fair hearings rights is reasonably justified in the circumstances.

Part 12.2 – Release on parole from youth justice custodial centre and cancelling parole

The Bill establishes a framework for release on parole from a youth justice custodial centre.

The Bill largely provides for a flexible discretionary parole system (cl 627). In addition to a general discretion to grant parole, the Bill outlines the following limited circumstances where the Youth Parole Board may not release a young person on parole:

- where a young person has been sentenced to a term of imprisonment of over 12 months or with a non-parole period by a higher court and has subsequently been transferred to a youth justice custodial centre (cl 677) and that non-parole period has not expired; or
- where a young person is subject to a mandatory minimum youth justice custodial order imposed by a higher court for an assault against an emergency or custodial worker (cl 628) and that minimum term has not expired.

In addition, special provisions apply in relation to a child or young person with a terrorism record, who has been charged with a terrorism or foreign incursion offence or the Youth Parole Board has determined that there is a risk that they will commit a terrorism or foreign incursion offence (cl 629). This raises additional and distinct human rights issues and will be discussed below in relation to 'Part 15.2 – Sharing of terrorism risk information'.

The Youth Parole Board may cancel the parole of a child or young person at any time before the end of the parole period (cl 636(1)). If parole is cancelled, a warrant may be issued for the apprehension of the child or young person (cl 640).

The Bill also provides obligations for the Board to consider cancelling parole in relation to a child or young person in respect of charges for specified terrorism offences while on parole, gaining a terrorism record while on parole or if new terrorism risk information is provided, which, as above, raises distinct issues to be discussed below in Part 15.2 (cl 637, 638 and 639).

In relation to the substantive human rights implications of the above framework for granting and cancelling parole, I note that a person serving a sentence of detention has been lawfully deprived of liberty under the Charter for the duration of their head sentence. The Charter does not provide any right or entitlement to be released on parole, and the High Court has held that the power to order a detainee's release on parole may be constrained by statute (or even abolished entirely). These provisions only affect the circumstances in which the Board may order release on parole during the currency of a person's sentence, and does not alter the position that the child or young person has been deprived of liberty and lawfully detained for the duration of the head sentence. As such, any statutory constraints on the granting or cancelling of parole do not limit rights under the Charter, as any existing limits on rights, which are maintained by a person not being granted parole and remaining in detention, result from the imposition of the sentence.

That said, parole will be relevant to the procedural rights of children in the criminal process to a procedure that takes account of their age and the desirability of promoting their rehabilitation. The 'appropriate treatment' component of the children's criminal process right (s 23) includes preserving opportunities where appropriate to facilitate a child's rehabilitation, avoiding unnecessary stigma, strengthening their relationship with their family, and minimising disruptions to their education, training or employment – all of which may be furthered by granting a child parole. With regards to any limits on this right effected by the framework for denying or cancelling parole, I am satisfied that any limits are reasonably justified, for the following reasons.

While the Bill does not provide for express decision-making factors in the granting of parole (which could be said to give rise to a concern of arbitrariness or lack of certainty), this structure is designed to facilitate flexibility of parole decisions, and follows the A&Os of the Sentencing Advisory Council's *Review of the Adult Parole System* (2012). Maintaining flexibility and enabling individualised responses are particularly important when dealing with children and young persons, especially in relation to those with mental illness or disability, and will enable the Youth Parole Board to adopt a broad, inquisitorial and multi-disciplinary approach. The Youth Parole Board must still have regard to the youth justice guiding custodial principles when exercising its powers under the Bill (Part 12.1), and will be required to publish in its annual report a

statement of the purposes of parole and the general principles and factors the Board takes into account when making decisions in relation to youth parole (cl 604). The Bill also requires the Youth Parole Board to explain, in a way that accounts for the level of development of the child or young person, the purpose and effect of a youth parole order, the potential consequences of contravention and the criteria applied by the Board when determining whether to make an order (cl 621). Further, a decision to cancel parole does not preclude a child or young person from being granted parole again during the same term of detention (cl 643). Accordingly, I am satisfied that the framework for granting and cancelling parole is compatible with human rights in the Charter.

Parole conditions

A parole order may be subject to the standard parole conditions, any additional conditions and any special conditions (cl 631). Standard parole conditions include reporting to the Secretary, advising the Secretary of a change of address within two days after the change and not leaving Victoria without written permission of the Youth Parole Board (cl 632).

The Bill provides for additional parole conditions to be imposed in relation to a child or young person detained in respect of specified serious offences, including any condition considered necessary to protect a victim of a certain offence, restricting access to certain places or areas, restricting contact with specified persons or classes of persons, requiring the child or young person to undergo rehabilitation and treatment and/or requiring attendance at a day program (cl 633). The Bill requires the Board to impose any of these conditions considered appropriate, with regard to the circumstances of the offending. The Bill permits the Youth Parole Board to not impose standard or additional conditions if it considers that the child or young person had demonstrated a history of good behaviour and positive engagement with rehabilitation programs throughout the period of detention.

The Bill provides a further discretion to the Board to impose any special parole conditions it considers reasonable and appropriate in the circumstances. The Board must have regard to the youth justice principles and the statement of purpose of youth parole published in the annual report when exercising this discretion (cl 634).

These conditions engage a number of rights, including the rights to privacy, freedom of movement and freedom of expression. Being subject to a grant of parole, depending on the conditions, generally grants a detained person greater liberty and reduces the extent of limits on their human rights resulting from their sentence. In this regard, parole conditions generally would not result in any additional limits being imposed on rights. To the extent that it does, I am satisfied that any limits are reasonably justified in the context of a supervised release scheme such as parole where the person is still under sentence, and that they serve important objectives of protecting the community and promoting the rehabilitation of the child or young person through supported reintegration into the community. The standard conditions are those considered necessary to ensure that compliance with parole orders is able to be monitored and enforced. The imposition of additional and special conditions requires satisfaction of tests of reasonableness and appropriateness which ensure any resulting limits on rights are the least restrictive necessary in the circumstances. Finally, additional and special conditions may be amended and varied (cl 633(4) and 634(2)) to ensure they remain appropriate to the circumstances.

Part 12.3 – Parole stage group conference

The Bill provides for the availability of group conferences at the parole stage, to provide additional opportunities for restorative justice approaches to reduce reoffending and support reintegration.

The child or young person may be assessed to determine whether it is appropriate that they participate in a parole stage group conference and, if the conference proceeds, the convenor must prepare a report for the Youth Parole Board (cl 652). The conference may only proceed if the child or young person consents to participation (cl 647). If the assessment is that the conference is not appropriate or consent is not provided, this will not be relevant for determining eligibility for parole (cl 646). Attendees of the conference may include family members of the child or young person and a victim of the offence for which the sentence is being served (cl 649), all of whom will be subject to confidentiality obligations (cl 653).

The objects of a parole stage group conference support children's and family rights (ss 17, 23(3), 25(3)) by seeking to support reintegration into the community and/or reduce further contact with the criminal justice system, provide a safe, supported and solution-focussed process to repair harm, self-reflect and restore and strengthen relationships between the child or young person and their family and/or community members (cl 650).

Rights to privacy (s 13) and freedom of expression (s 15) are engaged by this Part, insofar as participation in the conference and preparation of the report are likely to involve the collection and disclosure of personal information to the Youth Parole Board and related parties and those parties will also be restricted in their use

of information gained through involvement in the conference. In relation to the right to privacy, any interference will be lawful and not arbitrary for the following reasons. The collection and use of personal information serve an important beneficial purpose of facilitating the transition of the child or young person from custody and their reintegration into the community, which ultimately promotes their rehabilitation. A parole stage group conference cannot proceed in respect of a child or young person without their consent (cl 647) and a refusal to participate is deemed not relevant to the purposes of making a determination about eligibility for parole. Information from a group conference is subject to a confidentiality offence provision and may only be disclosed for specific purposes, which includes the consent of the parties, for the purposes of preparing a report to the Board, or to the child or young person's legal representatives (cl 653).

Any restriction on the freedom of expression through the confidentiality provision and limits on disclosure will be necessary to respect the rights and reputation of participating persons, including victims and their representatives, and provides for disclosure with consent of the parties to the group conference. These provisions promote the protection of privacy and in many cases, the child's best interests (s 17).

Accordingly, I am satisfied that these provisions relating to parole group conferences, which are largely beneficial in nature, are compatible with the Charter.

Part 12.4 – Youth Justice Victims Register

The Youth Justice Victims Register will record the details of those entitled to:

- give the Youth Parole Board information that may be considered when the Board determines a child's or young person's conditions of parole (cls 654 and 664); and
- receive certain information, such as that the child or young person is to be considered for parole. They may also be informed of the date on which the child or young person is likely to be released from custody and certain conditions of their parole, if the Secretary considers the disclosure appropriate in all the circumstances (cl 654, 659).

A person may be included on the Youth Justice Victims Register in certain circumstances, such as if they are the victim of a criminal act of violence, a family member of a victim in certain circumstances or a person who can demonstrate a documented history of family violence being committed against them by the child or young person (cls 656 and 657). The applicant may also appoint a nominee to whom information is disclosed instead of the information being disclosed directly to the applicant (cl 658). The Secretary may refuse to include details of a nominee on the register in certain circumstances, including where it may endanger the safety or welfare of a person (cl 658).

Rights to privacy (s 13) and freedom of expression (s 15) are engaged by this Part, given that inclusion on the Youth Justice Victims Register involves disclosure of personal information of the child or young person to be considered for parole to persons included on the Register, coupled with the confidentiality provisions that protect the privacy of the child or young person about whom the information relates (cls 658(2)(d), 660 and 622).

In relation to the right to privacy, any interference will be lawful and not arbitrary for the following reasons. The disclosure of information to victims or their nominees promotes participation in the criminal justice system by victims, with safeguards that promote the protection of the child's best interests (s 17) by seeking to minimise stigma against children involved in criminal proceedings. The scheme expressly limits the personal information that can be provided, being the date and circumstances in which a child or young person is likely to be released from custody and the details of any parole conditions relevant to the safety of the person on the Register and the offence committed by the child or young person. The Secretary must not disclose any information unless satisfied that disclosure is appropriate in all the circumstances, following consideration of any risk of harm that may result (cl 659). The Secretary may also refuse to register a nominee if in doing so it may endanger the security of a youth justice custodial centre or the safety of any person. Any information disclosed under this scheme is subject to confidentiality and a non-publication offence provision (cls 660 and 661).

Any restriction on the freedom of expression through the confidentiality and non-publication provisions will be necessary to respect the rights and reputation of other parties, including privacy and protection of children.

Chapter 13 – Transfers

The Bill provides for the transfers of children (aged 16 years and over) and young persons from youth justice custodial centres to prison. This necessarily interferes with, and limits, core components of children's rights, including to be provided with a physical environment that is separate from adult facilities. I note that the rights of children in the criminal process in the Charter to segregation from detained adults expressly do not apply to children serving custodial sentences.

These provisions are consistent with the recommendation from the 2017 Youth Justice Review for the need for clear provisions to provide for the transfer of a young person to a prison, if the young person engages in behaviour that poses an unacceptable risk of serious harm to others or is repeatedly disruptive to the security or stability of the youth justice custodial centre. The underlying purpose of the transfer regime is to provide a safer, more stable custodial environment for children and young persons and staff, and recognises that children and young persons can mature and develop at different rates and pose different management needs. While a child generally attracts special protection at law and enjoys a lesser standard of culpability for criminal behaviour, depending upon their development, they may still be capable of exhibiting behaviours of, and posing similar custody management requirements of an adult prisoner, including the potential to commit violent acts that can cause serious harm to other children, young persons and staff in a youth justice custodial centre. This also recognises that, in order to provide a safe and stable place of accommodation that supports the rehabilitation and positive development of children and young persons, there are some behaviours that cannot be safely and appropriately accommodated or supported in a youth justice custodial centre without compromising the centre's capability to deliver that positive rehabilitative environment.

Clauses 667 and 668 provide that the Secretary may apply to the Youth Parole Board for a direction that a child 16 years of age or over or young person who is serving a sentence of detention in a youth justice custodial centre be transferred to a prison to serve the unexpired portion of their sentence as imprisonment. In respect of a child under the age of 18 years, an application must be accompanied by a report setting out the steps that have been taken to avoid the need to transfer the child to prison. Further, the Secretary must provide the child or young person with an opportunity to obtain legal advice in respect of an application (cl 666).

The Youth Parole Board is empowered to make the direction provided the following preconditions are established:

- it has had regard to the antecedents and behaviour of the child or young person; and
- it has had regard to the age, maturity, and stage of development of the child or young person; and
- it is satisfied that the child or young person has engaged in conduct that either a) threatened the security or stability of the youth justice custodial centre, or b) caused serious harm to, or posed a risk of serious harm to, the health, wellbeing or safety of any other person in a youth justice custodial centre or when otherwise in the custody of the Secretary; and
- the child or young person cannot reasonably be safely and appropriately accommodated and supported in a youth justice custodial centre.

In the case of a child 18 years of age or over, or a young person, at the time of engaging in the conduct referred to above, the Youth Parole Board must consider and give primary weight to alleviating future risks of serious harm to, and risks to the health and safety of, all persons in a youth justice custodial centre, and promoting the security and stability of the youth justice custodial centre (cl 667).

The Bill also includes provision to transfer a child aged 16 years or over, or a young person, upon their own application, if the Youth Parole Board considers it appropriate (cl 669). In the case of a child aged 16 years or over, or a young person, who requests to be transferred to prison, the Youth Parole Board must, amongst other factors, consider the child or young person's reasons for the request and the child or young person's capacity to make the request and understand its implications prior to a transfer decision being made (cl 669(4)). This allows the Youth Parole Board to consider a comprehensive range of factors and make a decision in the child or young person's best interest.

The Bill provides for other transfers, including requiring a child over the age of 16 years, or a young person, who is serving a sentence of detention in a youth justice custodial centre, and is subsequently sentenced to a term of imprisonment for any offence, to be transferred to prison unless the Board considers there are exceptional circumstances or the Secretary advises the Board that the Secretary does not oppose the child or young person serving the unexpired portion of the period of detention in youth justice custodial centre (cl 679). Clause 680 concerns the scenario where a child or young person is serving a sentence of imprisonment in prison and is sentenced to a period of detention in a youth justice custodial centre, and empowers the Youth Parole Board, upon application of the Secretary, to give a direction that the person serves the subsequent sentence of detention as imprisonment if appropriate to do so and having regard to the antecedents and behaviour of the child or young person.

Finally, the Bill provides for transfers from prison to a youth justice custodial centre for a child or young person who is under 21 years of age and serving a sentence of imprisonment in a prison. To give such a direction, the Adult Parole Board must be satisfied that such a transfer is appropriate in the interests of the child or young person, that the child or young person is suitable for detention in a youth justice custodial centre, that there is a place available and that the child and young person can reasonably be safely and

appropriately accommodated in a youth justice custodial centre. The Board must consider a report from the Secretary regarding these matters before making such a direction (cl 674).

I am satisfied the above provisions strike an appropriate balance between protecting the best interests of children and young persons to be accommodated in a youth justice custodial centre to the greatest extent possible, while ensuring that those that engage in serious harmful behaviour, which creates an unstable or unsafe environment for other young persons and staff, are able to be transferred to a more appropriate custodial environment better equipped to managing their complex behaviour. The framework employs prescribed criteria which must be satisfied for a transfer to occur, which involves regard to the personal circumstances of an affected person. Accordingly, I am satisfied this Chapter is compatible with the Charter.

Chapter 14: Multi-agency panels and high risk panel

Chapter 14 provides for the establishment of multi-agency panels and a high risk panel to oversee and coordinate service delivery and targeted case management interventions for children and young persons at high risk of engaging in serious offending or causing serious harm. The purpose of such panels is to support the rehabilitation and positive development of the child or young person to reduce their risk of reoffending and to promote community safety.

The focus of such panels on identifying individual service needs, addressing gaps in service delivery and coordinating treatment promotes the right of children to such protection as is in their best interests and is needed by them by reason of being a child. Coordinated service plans will be tailored to the individual child or young person and may include access to education, training or work, as well as access to health, mental health, disability and housing services. Ensuring appropriate delivery of treatment and disengagement interventions delivered to children or young persons at very high risk of serious offending promotes children's rights by attempting to reduce the likelihood of the child or young person returning to the youth justice system.

Panel meetings are confidential, however, members may discuss a meeting or information obtained during a meeting with any other panel member or person from that member's organisation for the purposes of performing a function or exercising a power of the panel or, in the case of multi-agency panels, delivering services to a child or young person under a coordinated service plan (cls 692 and 699). The sharing of personal information between panel members will engage the right to privacy and reputation under the Charter. However, any interference will be lawful and not arbitrary, as information may only be shared between panel members for limited, specific purposes provided for by law. Accordingly, the right to privacy and reputation will not be limited by these provisions.

Chapter 15 – Sharing of confidential information

Part 15.1 – Sharing of confidential information

Chapter 15 provides a framework that enables the collection, use and disclosure of information that is necessary for the performance of youth justice related functions. It provides for the disclosure of confidential information (defined as any health information, personal information or sensitive information within the meanings of the **Health Records Act 2001** and the **Privacy and Data Protection Act 2014** respectively), between various bodies, including official persons as defined in the Bill, information holders as defined in the Bill, interstate and Commonwealth youth justice agencies and multi-agency panels. The information sharing authorised under this Chapter does not require the consent of the person to whom confidential information relates (cl 711) and provides protection against liability for disclosure made in good faith in accordance with the Bill (cl 710).

Sharing personal, health and sensitive information about a person without consent interferes with their right to privacy (s 15), however any interference will be lawful and not arbitrary for the following reasons. Effective information sharing is critical to supporting children and young persons to rehabilitate, develop positively and not re-offend, through assessing a young person's level of risks and needs, planning and providing treatment, services and support, informing case management, supporting referral processes, and preventing harm to the young person and others. Information sharing is particularly important in the youth justice system, in which children and young persons often have multiple and complex needs and many are involved with child protection, other government service systems and non-government agencies. It also gives effect to the recommendations of the 2017 Youth Justice Review on the importance of information sharing and multi-agency service delivery, including providing for multi-agency care planning models to focus on the broader health and wellbeing needs of children and young persons, information-sharing between child protection and Youth Justice, and identifying and meeting the needs of young offenders relating to mental health and disability.

The framework provides clear and appropriately circumscribed criteria requiring that the use and disclosure of confidential information be reasonably necessary for the performance of various specified functions and duties (cls 704–709). This aims to ensure that any information shared under the Bill is necessary and

appropriate, and proportionate to the objective of delivering effective services to children and young persons involved in the youth justice system. This includes official duties under the Bill, but also extends to third party service providers. The framework allows information sharing to occur both voluntarily and in response to a request (cls 704 and 705). This permits proactive sharing of information, provided it meets the threshold of being reasonably necessary for the performance of statutory functions, which is particularly important to supporting the proactive and ongoing case management of a child or young person between various service and care providers.

While the information authorised to be shared is broad, and potentially highly sensitive and private (being personal, health or sensitive information), these categories of information are critical to enable effective service provision in a youth justice context, including to promote rehabilitation and positive development, and community safety.

The Bill provides a number of safeguards to mitigate against arbitrary interferences with privacy, including providing offences for unauthorised use or disclosure of confidential information (cl 713 and 714). Further, individuals and entities sharing information under the Bill will be required to do so in a manner that is consistent with the youth justice principles, which include that entities should act in a way that minimises stigma to the child or young person, and that the youth justice system should provide children and young persons with opportunities to participate in decision-making processes that affect them, which would include seeking children and young persons' views where it is appropriate and safe to discuss information sharing with them.

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

Part 15.2 – Sharing of terrorism risk information

The Bill provides for a framework concerning the use and disclosure of terrorism risk information.

Terrorism risk information means:

- an assessment made by a specified entity, such as Victoria Police or the Australian Crime Commission, that there is a risk that the person will commit a terrorism or foreign incursion offence; and
- the information relied on in making that assessment (cl 716).

Terrorism risk information may be disclosed for the purpose of informing a decision relating to:

- parole of the child or young person;
- bail of the child or young person; or
- the care, control or management of the child or young person while they are remanded in custody or subject to a sentence (cl 715).

The Secretary or an employee of the Department may disclose terrorism risk information to a risk assessment entity or the Youth Parole Board (cls 716 and 626) and members of the Youth Parole Board or the Board's secretariat may disclose terrorism risk information to the Secretary (cl 717).

The Bill provides for the sharing of 'terrorism risk information'. It recognises that a person may pose a terrorism risk regardless of whether they have been convicted of terrorism offences. The risk information may include information regarding a person having expressed support for a terrorist organisation, for doing a terrorist act or for providing resources to a terrorist organisation. It may also include information regarding the person having, or having had, an association with a terrorist organisation or another person or group that has engaged in the above, or directly or indirectly engaged in the preparation, planning, assisting or fostering of a terrorist act.

The Bill gives the Secretary discretion to provide the Board with terrorism risk information in respect of a person (cls 716 and 629), which will preclude the Board from determining to release that person on parole until the Board has determined whether or not there is a risk the person will commit a terrorism or foreign incursion offence. Where a person has a terrorism record or the Board has determined that there is a risk the person will commit a terrorism or foreign incursion offence, the presumption against parole in cl 630 will apply. The Bill requires that the Board must not release such a person on parole unless the granting of parole is justified by exceptional circumstances (in the case of a person convicted of a terrorism or foreign incursion offence) or compelling reasons (in any other case). The Bill also provides similar obligations for the Board in relation to cancelling parole (cls 637, 638 and 639) and making transfer decisions (cl 665).

In addition to the discussion above about granting and cancelling parole and the interaction with the right to liberty, these provisions also engage the rights to privacy (s 13) expression (s 15) and freedom of association (s 16). The Bill employs a broad concept of 'terrorism risk' to include associating with terrorists or expressing support for terrorist offenders, organisations or, potentially, terrorist ideas. This means that a person's

associations and expressions of support may potentially form the grounds of an assessment that they pose a terrorism risk, and as a consequence, are presumed to be denied parole without 'compelling reasons' or 'exceptional circumstances' to justify parole, whichever is applicable. This may have a chilling effect on a person's rights to freedom of expression and association, making a person less likely to associate with certain others or express certain ideas for fear that it will impact on their grant of parole or lead to a cancellation of an existing grant of parole.

In my view, any such limitations will be reasonably justified. The criteria of 'terrorism risk' is appropriately confined to expressions of support for terrorist acts or organisations (rather than support for mere persons, ideas or beliefs) or associations with persons who have expressed such support, engaged directly or indirectly in a terrorist act, or associated with a terrorist organisation (rather than a mere person of concern). Further, the Bill includes a safeguard to prevent inadvertent associations from being a relevant consideration, by requiring the Board to be satisfied that the child or young person in question knew that they were associating with a person or organisation who posed a 'terrorism risk'. If the Board is not satisfied that the person had the requisite knowledge, the Board is precluded from having regard to that information about such associations when assessing risk or determining whether to grant or cancel parole. Finally, even if a person is found to have such associations and requisite knowledge, the Board must still determine that the person is at risk of committing a terrorism or foreign incursion offence for the presumption to apply. This ensures that persons who may have incidental associations with terrorist offenders or groups (such as a family member of a terrorist offender with no involvement in their offending) will not be captured by the presumption. Accordingly, I am satisfied that any limits on these rights are reasonably justified in this context.

In relation to the specific application of this scheme to children and the effect on children's rights (s 17 and 23), I note these provisions implement a number of the recommendations of the Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers, which observed that children are a particular target for radicalisation. While a child may have a lesser status or culpability at law, they may still pose the same level of risk to the community as an adult offender and the same potential to commit terrorist acts that cause serious and catastrophic harm. In order to ensure the community is adequately protected from the threat of terrorism, it is necessary and appropriate that a presumption against parole for those that pose a terrorist risk apply to children without modification, and that children be deterred and prevented from becoming a terrorist risk to the greatest extent possible.

Accordingly, I am satisfied that these provisions are compatible with human rights in the Charter.

Chapter 16 – System planning, performance, collaboration and accountability

The Bill creates an obligation on the Secretary to prepare a strategic plan for the youth justice system, which must include a performance management framework that sets out the outcomes against which the performance of the youth justice system in meeting its objectives and fulfilling its key actions can be measured (cl 718). The Secretary is required to publish on the Department's website details about how it has achieved the outcomes specified in the performance management framework set out in the strategic plan (cl 719), and particularise the steps taken to improve outcomes for Aboriginal children and young persons, and whether those outcomes are being achieved (cl 721).

It also places obligations on services in the youth justice system to deliver services to the child that will support the child or young person to rehabilitate, develop positively, not commit further offending, and transition effectively from custody into the community, and work to identify and resolve any issues that impact the delivery of services to the child or young person (cl 720).

These requirements ensure that there is a level of accountability for the Secretary in managing Victoria's youth justice system, and will promote the rights of children and young persons. Accordingly, I am satisfied the above framework is compatible with human rights in the Charter.

Chapter 17 – Children and Young Persons Infringement Notice System (CAYPINS)

The Bill provides for a process for resolving infringement notices issued in relation to children and young persons. This process takes into account the considerations around children being financially unable to personally pay an infringement penalty, and seeks to balance the need to enforce such penalties against the rights of the child to protection by way of their vulnerability as children. CAYPINS enforcement promotes the rehabilitation and diversionary elements of the criminal process rights of children by seeking to avoid a child or young person being drawn further into the justice system for relatively lower level infractions.

The Bill provides a presumption that all infringements will proceed via CAYPINS unless the enforcement agency considers that in the interests of the administration of justice or the interests of the child, it is more appropriate to have the matter heard by the Children's Court. The Children's Court is also provided with the power to refer summary proceedings for infringement offences to CAYPINS, unless it is in the interests of

justice or the child for the matter to be heard by the Children's Court or the child objects (cls 722 and 724). This is intended to limit the number of child infringements taken to court to only those that are appropriate.

The Bill also requires that, when an infringement penalty is lodged with the registrar, the registrar must confirm whether there are other infringement penalties registered in CAYPINS in respect of that child, and have those CAYPINS matters heard together to the extent reasonably practicable (cls 726 and 727), ensuring that multiple infringement penalties do not exceed the maximum fine that may be imposed by the Children's Court. This facilitates efficient resolution of CAYPINS matters, minimises circumstances where a child is facing concurrent infringement processes in court and in CAYPINS and minimises the number of times a child is required to attend a hearing. This is consistent with the Bill's overall focus on diverting children from court attendances where possible and appropriate.

The Bill provides that the registrar must notify the child of a date by which the child must request a hearing (cl 730) and set out their options regarding responding to the infringement. In the absence of a request for a hearing, the registrar will make their decision on the papers (including any written materials provided by the child, which includes a right to provide information relating to a child's employment, school attendance, personal and financial circumstances and special circumstances). This is intended to minimise the attendance of children at court, limit their exposure to the criminal justice system and reduce the impact on court resources where a CAYPINS hearing is scheduled but the child does not attend.

In a similar way to the operation of the sentencing hierarchy, and consistent with the sentencing principle of minimum intervention, CAYPINS orders must be imposed at the lowest appropriate amount (cl 733). This is intended to ensure consistency of approach between the court and CAYPINS in considering the suitability of imposing a fine.

As referred to above, the Bill allows for a child to provide information prior to the registrar making their decision (whether in writing or at the hearing, in the event that the child requests a hearing) concerning the existence of any special circumstances as defined in the **Infringements Act 2006**. The registrar will be required to have regard to any information provided. This is intended to ensure that a child with special circumstances is not disadvantaged by having the matter proceed via CAYPINS rather than through Fines Victoria.

Finally, the youth justice principles also apply to CAYPINS, and registrars will be required to have regard to the youth justice principles in making any decisions under CAYPINS.

Accordingly, I am satisfied the above framework is compatible with human rights in the Charter.

Chapter 18 – Additional safeguards

Part 18.1 – Additional safeguards

The Bill provides that statements made by a child or young person participating in treatment, rehabilitation or restorative justice programs are not admissible in criminal proceedings unless the child or young person consents to its use or disclosure (cls 745 and 747). Similarly, any risk rating derived from an assessment of a child's risk of re-offending is not admissible prior to the child being found guilty of the offence (cl 746).

These safeguards promote rights such as the presumption of innocence (s 25) or privilege against self-incrimination (s 25(2)(k)). The provisions also indirectly promote the rehabilitative elements of the children's rights by allowing a child to participate in treatment, rehabilitation or restorative justice programs during the criminal process without fear of adverse consequences for any pending charges. They also facilitate more frank and candid disclosures during participation in risk assessments, which determine suitability for intervention and diversion programs, without such information prejudicing any findings of guilt. The safeguards implement the recommendations of both the 2017 Youth Justice Review and the Harper Lay Review to strengthen the efficacy of pre-trial interventions that will promote rehabilitation, reduce offending and promote community safety.

Part 18.2 – Powers in relation to medical services

Powers to order medical examination

The Bill provides the Secretary powers to order a child or young person in legal custody to be examined to determine their medical, physical, intellectual or mental condition and obliges the Secretary to order an examination to determine if the child or young person has an impairment where it appears to the Secretary that they have one and such an examination would assist in supporting their positive development and rehabilitation. The Bill also empowers the Minister to make arrangements for the provision of necessary treatment (including the admission to hospital) of any child or young person in the Secretary's legal custody (cl 748).

These powers are relevant to the right to privacy (s 13) through the collection of health information, and the protection against medical treatment without consent (s 10(c)). While it remains an open question as to

whether 'treatment' extends to a mere medical examination, I acknowledge that the meaning of the word 'treatment' is to be interpreted broadly. Nevertheless, I consider any interferences with privacy to be lawful and not arbitrary, and any interference with the protection against medical treatment without consent to be reasonably justified. These provisions are necessary for the Secretary to be able to effectively discharge their duty of care over a child or young person in legal custody. In order to provide for the safe accommodation of a child or young person, it is necessary to understand the special needs and vulnerabilities of that person. Additionally, the collection of such information facilitates giving effect to the guiding custodial principles and rights by assisting the youth justice system to support that child or young person, regulate their behaviours in custody and facilitate them to better engage with their rehabilitation and schooling. These provisions only authorise the examination and provision of treatment, and do not oblige the child or young person to participate or consent to any treatment. Accordingly, I am satisfied that these powers are compatible with the Charter.

Substituted consent to treatment

The Bill empowers specified persons to consent to the provision of medical treatment or hospital admission in relation to a child in the legal custody of the Secretary (even if the child's parent refuses to give consent) if a registered medical practitioner advises that such conduct is necessary (cl 748(4)).

This provision is relevant to the protection of families (s 17), in that it empowers a specified person to overrule a child's parent who has refused to give consent to medical treatment. However, I am satisfied that this provision is compatible on the grounds that it concerns a child who is in the legal custody of the Secretary and can only be enlivened in circumstances where a registered medical practitioner advises that such treatment is necessary, which is a high threshold.

Importantly, the provision does not allow consent to be substituted if the child is 18 years of age or over, or in the case of a young person.

Part 18.3 – Cultural support plans for Aboriginal children and young persons

The Bill introduces a requirement that the Secretary must offer each Aboriginal child or young person who is subject to a custodial sentence or supervised community-based sentence an individualised cultural support plan (cl 750), and, if requested, provide assistance to develop one. This promotes cultural rights of Aboriginal people by facilitating connections with family, kin, community, culture, Country and Elders and providing that Aboriginal children and young persons who commit offences should be dealt with in a way that upholds their cultural rights and sustains such ties.

The Bill also provides privacy safeguards by requiring the consent of the child or young person in order to use or share a cultural support plan, and specifies the limited purposes to which such a plan may be used (cl 753).

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

Chapter 19 – Transitional provisions and consequential amendments relating to minimum age of criminal responsibility

Part 19.1 – Transitional provisions

To give effect to the new minimum age of criminal responsibility of 12 years of age, the Bill sets out how a child will be treated in circumstances where the child has engaged in conduct that may constitute a criminal offence prior to the commencement of this Chapter. The Bill provides that irrespective of whether the conduct is alleged to have occurred, or the offence is alleged to have been committed, before, on or after the commencement day:

- a child cannot be held criminally responsible for conduct alleged to have occurred when the child was 10 or 11 years of age (cl 769(2));
- a police officer must not charge a child for an offence allegedly committed when a child was 10 or 11 years of age (cl 769(3)); and
- a criminal proceeding must not be commenced for an offence allegedly committed when a child was 10 or 11 years of age (cl 769(4)).

The Bill also sets out what will happen to existing court orders and ongoing criminal proceedings on commencement of this Chapter, including that:

- where a criminal proceeding is on foot for an offence allegedly committed by a child at 10 or 11 years of age immediately before the commencement day, the child is taken to be not guilty of the alleged offence (cl 771(1)(a)); and
- where a sentencing order is in force immediately before the commencement day, any conviction or finding of guilt imposed on a child for an offence committed at 10 or 11 years of age is taken to be set aside, with the effect that a child is released from any obligations under a sentence (cl 773).

To give effect to these settings for children who may be in custody on the commencement of this Chapter, the Bill provides for the immediate release of any children in police custody, on remand or in custody (cls 770, 771(1)(b) and 773(1)(c)).

Similar to cl 769, cl 774 provides that, irrespective of whether the conduct is alleged to have occurred, or the offence is alleged to have been committed, before, on or after the commencement day:

- the presumption of *doli incapax* applies to a child in relation to any conduct alleged to have occurred when the child was 12 or 13 years of age (cl 774(1));
- a police officer must have regard to whether it appears there is admissible evidence to prove the child's knowledge beyond reasonable doubt before commencing proceedings for an offence allegedly committed when a child was 12 or 13 years of age when commencing proceedings on or after the commencement day (cl 774(2)); and
- police prosecutors must review charges for any indictable offence tried summarily in the Children's Court against children who were 12 or 13 years of age at the time of the alleged commission of the offence, when commencing proceedings on or after the commencement day (cl 774(3)).

These provisions seek to minimise any potential interference with the sentencing jurisdiction of a court and to avoid the exercise of a judicial power by the legislature, whilst ensuring the new minimum age applies beneficially to as many children as possible. If any difficulty arises because of the operation of these provisions, the Bill enables a court to make any appropriate order to resolve the difficulty and to give effect to the transitional arrangements (cl 775).

These transitional provisions support children aged 10 or 11 years who may already be in the criminal justice system on commencement of this Chapter to benefit from the raise in minimum age, recognising that children aged 10 and 11 lack the capacity to be held criminally responsible for their actions. These provisions promote the right of children to such protection as is in their best interests (s 17(2)) and the right of children charged with a criminal offence to a procedure that takes account of their age (s 25(3)), in a manner consistent with the purposes of the Bill.

Further, the Bill provides that the fact that a proceeding has been discontinued under clause 1702 does not of itself entitle the child to be awarded costs (cl 777). The Bill also provides that a person released from custody, taken to be not guilty, or whose conviction or finding of guilt has been set aside is not entitled to compensation as a result of any past lawful criminal justice or law enforcement process (cl 778), as well as providing an immunity for any person who exercised a power or performed a duty in good faith (cl 778(2)). The provisions will otherwise preserve a child's capacity to make a claim in respect of any improper or unlawful conduct that the child may have experienced while being subject to any past legal processes (cl 778(3)).

Clauses 777 and 778 engage property rights in section 20 of the Charter and the fair hearing right in section 24. As noted above, a legal right (including a legal action for compensation) may be considered property for the purposes of section 20. Section 20 does not itself provide a right to compensation. As clauses 777 and 778 are clear and certain, will be publicly accessible and are unlikely to operate arbitrarily, any deprivation of property effected by them will likely be done in accordance with law, as required by section 20. Accordingly, I do not consider that section 20 of the Charter will be limited.

Clause 778 may abolish or limit a person's right to bring legal proceedings which may constitute a limit on that person's right to a fair hearing under section 24 of the Charter. The right includes the common law right to unimpeded access to the courts. In my view, any resulting limits would be reasonably justified in this context as the application of these amendments is limited to conduct or processes that occurred under lawful authority pursuant to the superseded legislation, or in relation to persons who were exercising powers or performing duties that at that time were pursuant to lawful authority. The amendments are appropriately tailored in that they do not extend to bar proceedings in relation to unlawful or improper acts, or conduct done without good faith. Raising the age of criminal responsibility reflects developments in medical and scientific evidence, as well as international norms, since the longstanding historical minimum of 10 years was established. Accordingly, I consider it is an appropriate balance that prior actions or legal outcomes which occurred lawfully do not attract liability, noting that the transitional provisions of the Bill ensure that the any child aged 10 or 11 years who may already be in the criminal justice system on commencement of these provisions, will receive the benefit of these amendments.

Part 19.3 – Amendment of Children, Youth and Families Act 2005

This Part makes consequential amendments to the **Children, Youth and Families Act 2005** to account for the changes to the minimum age of criminal responsibility. Changes include repealing the previous minimum age of criminal responsibility section in the Act (cl 782) and amending provisions to reflect the new minimum age, such as ensuring that the court can only make youth residential centre orders for children 12 years of age

or over (cl 786). In doing so, this Part broadly promotes children's rights under the Charter in line with the policy intent of the minimum age reforms.

Part 19.5 – Amendment of Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

Part 19.5 sets out transitional provisions for children who are subject to supervision orders under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997** in respect of conduct that occurred when they were 10 or 11 years of age. Upon commencement of Part 1.2 of this Bill, a declaration that a child is liable to supervision has no effect and is taken to be set aside (cl 795). Consistent with the approach to sentences imposed following a finding of guilt in Part 19.1, the practical effect of these measures is that a child is to be released from any obligation to comply with the conditions of an order, and if the child is in custody, the child must be released. As with Parts 19.1 and 19.3, this Part also broadly promotes children's rights under the Charter by enacting consequential amendments giving effect to the new minimum age of criminal responsibility.

Part 19.6 – Amendment of Crimes Act 1958

The Bill makes amendments to ensure that existing conspiracy, incitement, recruitment and complicity offences will apply to those who seek to exploit children who do not have criminal capacity, either because they are under the new raised minimum age of criminal responsibility or are subject to the presumption of *doli incapax* (cls 797–799, 803). This includes lowering the age threshold of the recruitment offence in section 321LB of the **Crimes Act 1958** from 21 to 18 years old to avoid any unintended gaps (cls 799–800). The purpose of these provisions is to ensure that adults do not take advantage of children who are incapable of forming criminal intent in order to commit crimes and those adults are able to be held accountable for their actions if they do so.

The Bill promotes the right to privacy (s 13(a)) and right to protection in a child's best interests (s 17(2)) by prohibiting police officers from obtaining fingerprints from and conducting forensic procedures on children who are under the minimum age of criminal responsibility (cls 805 and 807). The Bill also orders the destruction of fingerprints and of samples and other identifying information for children under 12 years of age previously obtained in relation to an offence allegedly committed when a child was under the new minimum age and makes it an offence for a person to use or caused to be used, or fail to destroy, fingerprints or forensic samples that are required to be destroyed (cl 810). These provisions align with the reform to raise the minimum age as they limit a child's exposure to further criminal investigation and recognise neurobiological evidence that children under the age of 12 should be regarded as incapable of forming the intent necessary to commit a crime.

Part 19.7 – Amendment of Criminal Procedure Act 2009

The Bill introduces provisions to allow the issue of whether the presumption of *doli incapax* is rebutted to be determined pre-trial by a judge alone in the County Court or Supreme Court (cl 823). As with the reforms in Part 1.2 of the Bill, the purpose of these provisions is to expedite consideration of whether a child aged 12 or 13 has the capacity to be held criminally responsible to reduce any unnecessary ongoing and harmful exposure to the criminal justice system.

As provided for in the new Division 5 of Part 5.5 of the **Criminal Procedure Act 2009** (as inserted by cl 823), at a pre-trial hearing, there are two possible outcomes. First, the judge may determine the presumption is not rebutted and direct that a not guilty finding be recorded (new s 206E(1)(a)), which has the effect that the child cannot be held criminally responsible. Or, second, the court may determine that the presumption has been rebutted beyond reasonable doubt and order that the matter proceed to trial or to the determination of other pre-trial issues (as the case requires), which has the effect that the child has the requisite capacity to be held criminally responsible at trial (new s 206E(1)(b)). This will be an interlocutory decision (see the definition in cl 811(2)). This decision can be appealed (see cl 825). Subject to an appeal, the matter will proceed to trial by a jury on the elements of the offence, with *doli incapax* treated as finally determined.

A pre-trial determination made by a judge alone serves legitimate objectives of avoiding the costs associated with having a jury present to understand complex medico-legal evidence, and reducing hearing time and resources required for court proceedings. Ultimately, a pre-trial determination can only proceed if the court is satisfied that it is in the interests of justice to make such an order (new s 206A(1)(d)). Safeguards are in place, including that a child must apply to have the issue of their criminal responsibility determined by a judge alone (new s 206A(2)) and the court must be satisfied the child has obtained legal advice on the effect of the issue being determined by a judge alone, without a jury, before the trial (new s 206A(1)(c)). This recognises that an accused child has a fundamental criminal procedural right to have their criminal proceeding determined by a jury, and therefore only the accused child should be able to waive that right. Further, any reasons for judgment or decision by a judge alone must provide the principles of law applied by the court and the facts on which the court relied (new s 206G), promoting transparency in the criminal process. I am satisfied that

these safeguards are sufficient to ensure there are no resulting limits on the fair hearing right in section 24 of the Charter or the rights in criminal proceedings in section 25.

The pre-trial framework also considers the needs of children by permitting a child to be absent from the pre-trial hearing if the court considers it is in the interests of justice, which recognises that the evidence led to rebut the presumption often concerns a child's intellectual and moral capacity which may be harmful for a child to witness (new s 206C(2)). Although a child may apply to not attend the hearing, because cl 823 does not amend a child's entitlement under section 25(2)(d) to be tried in person, I do not consider that right to be limited.

The Bill also allows a court to make a suppression order to prevent certain material used in a pre-trial determination from being published if the court is satisfied it is in the public interest to do so (new s 206H). This is intended to prevent the release of information that could prejudice any subsequent trial of an accused child or impact a child's rehabilitation. Although there is capacity for a suppression order to be granted, as noted above, any reasons for judgment or decision by a judge alone must nevertheless provide the principles of law applied by the court and the facts on which the court relied upon (new s 206G), promoting fairness and transparency in the criminal process.

Though the making of a suppression order, depending on its terms and scope, may limit an accused's right to a public hearing (s 24) and/or the rights of others to seek and receive information (s 15(2)), the court is required to be satisfied that it is in the public interest to do so. Further, such an order protects a child's right to privacy (s 13(a)), given that information that might enable an accused to be identified may be prevented from being published.

Having regard to these factors, in my view, these limitations are reasonably justified given the safeguards and benefits.

Part 19.8 – Amendment of Family Violence Protection Act 2008

The Bill ensures that the existing approach to age-settings and family violence intervention orders will continue once the minimum age is raised to 12. This means that children under the minimum age may still be subject to family violence intervention orders, however, they will not be subject to any criminal consequences for breaching such an order. This recognises that intervention orders can be a useful tool in appropriate cases to manage family violence risk, and maintains existing practice in that historically, there has been no minimum age for respondents in family violence proceedings that restricts the application of family violence intervention orders to children.

The Bill also makes minor amendments to clarify in sections relating to contraventions of orders that a child under the age of 12 cannot commit an offence (cls 827–829), and to implement gender-neutral language in the amended provisions (cl 828).

These provisions broadly promote children's rights (ss 17(2) and 25(3)) under the Charter in a manner that is consistent with the policy intent of the overall Bill and raising the minimum age of criminal responsibility.

Part 19.14 – Amendment of Personal Safety Intervention Orders Act 2010

In contrast to family violence intervention orders in Part 19.8, the Bill makes amendments to raise the minimum age for respondents to personal safety intervention orders from 10 years to 12 years, in line with the raised minimum age of criminal responsibility (cl 837). The differentiated approach is appropriate as the age settings for personal safety intervention orders are currently tied to the minimum age of criminal responsibility, unlike family violence intervention orders which currently have no minimum age requirements.

Upon commencement of Part 1.2 of the Bill:

- an application for a personal safety intervention order cannot be made against a child under the age of 12 (cl 837);
- a personal safety intervention order that is in force against a respondent who at the time of application was 10 or 11 years of age is taken to be set aside (cl 839; new s 200(1));
- where an application is set aside, the respondent is released from any obligation to comply with the order (cl 839; new s 200(2));
- an application to make, vary, revoke or extend a personal safety intervention order against a child who was 10 or 11 years at the time of application must be dismissed by the court (cl 839; new s 201); and
- if any difficulty arises because of the operation of these provisions in relation to the dismissal of an application or the setting aside of a personal safety intervention order, the court may make any order it considers appropriate to resolve the difficulty (cl 839; new s 202).

As with family violence intervention orders, these settings broadly promote children's rights (ss 17(2) and 25(3)) under the Charter.

Part 19.16 – Amendment of Spent Convictions Act 2021

To support raising the minimum age of criminal responsibility from 10 to 12 years, the Bill introduces an information management scheme for convictions imposed when a child was under 12 years of age. The minimum age of criminal responsibility reforms recognise that a child under 12 years of age should never have been convicted of a criminal offence because they were incapable of forming criminal intent. Therefore, people who received criminal convictions when they were aged 10 or 11 should not be subject to longer-term adverse consequences.

Currently, the *Spent Convictions Act 2021* has the effect that a conviction that was received at age 10 or 11 is immediately spent after the sentence is completed.

Once a conviction is spent, it no longer forms part of a person's criminal record, and a person is not required to, and cannot be, requested to disclose the existence of the spent conviction or related information. However, the Spent Convictions Act 2021 contains an information management framework that authorises a range of entities to collect, access, disclose, and use spent conviction information.

The proposed amendments to the *Spent Convictions Act 2021* will:

- introduce safeguard provisions that prevent spent conviction information relating to criminal convictions received by a person when aged 10 or 11 ('spent childhood conviction') from being used for a law enforcement function, by a court or tribunal to make adverse character assessments in legal proceedings, or to refuse, revoke or terminate the registration, accreditation, licence or employment, or appointment, status or privilege of a person (cl 844; new ss 24B, 24C and 24D);
- require persons or bodies that disclose spent convictions to take reasonable steps to determine whether a conviction is a spent childhood conviction and to notify the recipient that a conviction being disclosed is a spent childhood conviction, with limitations on its use (cl 844; new ss 24A); and
- introduce a new offence for a person to use a spent childhood conviction contrary to the safeguards prohibiting their use for a law enforcement function, or to refuse, revoke or terminate the registration, accreditation, licence or employment, or appointment, status or privilege of a person, to encourage compliance (cl 844; new s 24E).

The amendments to the information management framework contained in the *Spent Convictions Act 2021* will not affect the existing purposes for which spent convictions may be collected, accessed or disclosed under Division 2 of Part 3 of the *Spent Convictions Act 2021*. The intent of the amendments is to limit the lawful use of a spent childhood conviction through the introduced measures.

The safeguards will not apply to the use of a spent childhood conviction for the purpose of child protection matters, the Family Violence Information Sharing Scheme (FVISS) or Child Information Sharing Scheme (CISS), the Therapeutic Treatment Order (TTO) scheme, court administration or research purposes and data analysis (see, e.g., sections 22A–22E *Spent Convictions Act 2021*, cl 844; new ss 24B(2), 24C(2) and 24D(2)).

The use of spent childhood conviction information for child protection matters and the FVISS, CISS and TTO schemes serve legitimate purposes that are not intended to have an adverse criminal consequence for the child. For example, use of this information may provide relevant context for case management purposes (e.g. in a child protection matter) or provide critical information that serves a rehabilitation purpose and supports the child's participation in a therapeutic program (e.g. for the purposes of a TTO). Enabling relevant information to be shared through the FVISS and CISS, with a targeted focus on the use of the information for safety, health and wellbeing purposes, is critical for the effective operation of these schemes.

Permitting the use of a spent childhood conviction for the purposes of court administration will ensure that the courts and court administrators are not inhibited from using this information as required to perform the administrative functions required by the courts, which will not have a detrimental impact on the person about whom the information relates. Similarly, allowing the use of a spent childhood conviction for research and data analysis purposes ensures that such information can continue to be used to inform important research and policy development. Consistent with the right to privacy (s 13(a)), existing data handling practices and procedures for these purposes, such as the de-identification of statistics, mitigate the risk of disclosures that could have a detrimental consequence for a person about whom the information relates.

Restricting the use of information related to spent childhood convictions recognises the desirability of promoting the rehabilitation of a child who was previously convicted of an offence at an age when it is now recognised the child did not have the capacity to form criminal intent. In doing so, the provisions promote the

protection of children generally (s 17(2)) and the rights of children in the criminal process to be treated in a way that is appropriate for their age (s 25(3)) by accounting for the special vulnerability of children.

By restricting the sharing and use of spent conviction information relating to convictions received by a person aged 10 or 11, the Bill also engages the right to equality and non-discrimination in section 8(3) of the Charter because, as noted above, age is a protected attribute. For the reasons outlined above, I am satisfied that any limits on the right to equality and non-discrimination are reasonably justified. To the extent that these provisions engage the right to privacy (s 13(a)) under the Charter by continuing to provide for the disclosure and use of spent childhood convictions, I am satisfied that any interference with a child's privacy is neither unlawful nor arbitrary. The *Spent Convictions Act 2021* clearly sets out the circumstances in which a spent childhood conviction may be disclosed and the use of that information is targeted towards appropriate aims, as outlined above.

Part 19.17 – Amendment of Victims' Charter Act 2006

The Bill makes amendments to the definitions of 'person adversely affected by crime' and 'victim' to ensure that victims' rights under the **Victims' Charter Act 2006** extend to cases where a victim is affected by the conduct of a child who is under the minimum age of criminal responsibility or a child to whom the *doli incapax* presumption applies (cls 846–848).

Despite these reforms, once the minimum age of criminal responsibility is raised, children under 12 will no longer be charged and prosecuted for alleged offences, meaning any victims' rights that relate to criminal processes will no longer apply, which is consistent with a child under the minimum age of criminal responsibility's right to privacy and reputation (s 13).

This approach is intended to safeguard victims' rights and entitlements as far as possible, whilst balancing the need to protect and promote children's rights (s 17(2)) under the Charter in accordance with neurobiological evidence that children under the age of 12 should be regarded as incapable of forming the intent necessary to commit a crime.

Chapter 20 – Additional amendments to the Children, Youth and Families Act 2005

Chapter 20 makes amendments to the **Children, Youth and Families Act 2005** in advance of the commencement of those parts of the Youth Justice Bill not covered by clause 2(2). Equivalent clauses are contained in Part 10.7 and Part 18.1 of the Bill and covered in the analysis in respect of those parts.

Chapter 21 – Transitional Provisions

Part 21.6 provides that an order made under the ***Children, Youth and Families Act 2005*** (**CYF Act**) will continue to operate on foot in accordance with the provisions of the CYF Act, and any orders made after the operative commencement of this Bill will be made under this Bill.

However, to promote the rehabilitation and positive development of children and young persons, the Bill provides for various sentencing elements implemented by this Bill, which are beneficial to children and young persons, to be able to be applied to those on existing orders under the CYF Act. This is the same approach that is applied to existing parole orders. This includes requiring that, in summary, upon the operative commencement of the Bill:

- in relation to imposing a fine for breach of an undertaking, the Court must be satisfied that a child has the means and capacity to pay a fine, and cannot impose a fine for breach of an accountable undertaking by a child aged 10 to 14 years of age (cl 875);
- where a person breaches a good behaviour bond, if the Court proceeds with further hearing and determination of the charge the Court must impose an order from the sentencing hierarchy under this Bill (cl 876);
- that a person is taken not to have breached a probation order or youth supervision order by committing an offence unless the offence is one punishable by imprisonment (cls 877 and 880);
- in relation to revoking a probation order for a breach, the court cannot impose a more severe sentence in the sentencing hierarchy unless the person commits an offence punishable on first conviction with imprisonment of five years or more; or the conditions of the contravened order, or the support or assistance offered to the person during the remaining of the order, cannot be varied in a way that would make the order suitable for that person (cl 878);
- when varying, adding or substituting specified special conditions of probation orders, youth supervision orders, youth attendance orders and youth control orders, the Court must instead impose analogous specified conditions provided by this Bill, must not impose certain specified restrictive conditions under the CYF Act, must consider imposing additional special conditions that will support the rehabilitation and positive development of the person, and must take into account factors provided by the Bill in relation to specified determinations (cls 879, 881, 883 and 884);

- when hearing an application to vary a youth supervision order on contravention, the Court be empowered to impose judicial monitoring (cl 882); and
- where a person breaches a youth control order, the Court may vary or revoke the youth control order in accordance with the framework for variation or revocation of a community-based order for contravention under this Bill, and the presumptions of revocation under s 409Q and of detention on revocation under s 409R of the CYF Act do not apply (cl 885).

These provisions promote the children's right (s 17) by supporting their rehabilitation and positive development and ensuring that a broader cohort of children currently subject to youth justice orders are able to benefit from the reforms provided by this Bill.

Chapter 22 – Trial of electronic monitoring of children on bail in certain circumstances

The Bill amends the ***Bail Act 1977*** (**Bail Act**) to provide for a two-year trial of electronically monitored bail for children. Under the trial, specified venues of the Children's Court and the Supreme Court will be empowered to order that a child's compliance with a curfew or geographic exclusion zone condition be electronically monitored. These amendments are intended to promote a child's compliance with their bail conditions and provide an additional tool for bail decision makers to mitigate the risks that a child may pose if released on bail.

Electronic monitoring will require a GPS-enabled device to be fitted to an accused child's body (usually the ankle) that will enable Youth Justice to monitor remotely the child's location. An accused child will not be actively monitored in real-time, but the electronic monitoring system will generate an alert if the wearer is not complying with a curfew or geographic exclusion zone conduct condition. Electronic monitoring alerts will show whether the accused is not at their residence when their bail conditions require it, or whether they are at a prohibited location such as the alleged victim's suburb.

The provisions include safeguards to ensure that electronic monitoring is only imposed where it is appropriate to monitor compliance with a curfew or geographic exclusion zone, and where electronic monitoring is appropriate and no more onerous than required to address a specified risk.

Provisions underpinning the trial of electronic monitoring promote children's rights by increasing opportunities for some young people to be released on bail. The provisions balance the community's right to security with the promotion of familial relationships, education and employment, and connection to ongoing social supports for children by allowing children to be released on bail in a more rigorous supervised and monitored fashion than present mechanisms allow.

Part 22.1 – Amendment of Bail Act 1977

Clause 903 of the Bill inserts a new Part 2A into the Bail Act, which sets out the trial of electronic monitoring of children on bail. Clauses 899 to 902 make necessary amendments to the Bail Act to support the trial of electronic monitoring provided for in Part 2A.

When electronic monitoring conditions can be imposed

The Bill empowers the Supreme Court and prescribed Children's Court venues to impose electronic monitoring conditions when granting or varying bail for an accused child and provides specific criteria to limit the circumstances in which such conditions can be imposed. The electronic monitoring conditions are listed at new section 17E. They require the accused to wear an electronic monitoring device for 24 hours each day, to not tamper with or remove that device, and to comply with any necessary direction of the Secretary of the Department of Justice and Community Safety (the Secretary) to ensure that the accused is electronically monitored.

The Bill limits the circumstances in which electronic monitoring conditions can be imposed on an accused child. New sections 17D and 17G provide that electronic monitoring can only be imposed if:

- the accused is 14 to 18 years of age, but was under 18 years of age at the time of alleged offending;
- the bail decision maker is either a prescribed venue of the Children's Court or the Supreme Court;
- the child is to be bailed to reside at an address in a prescribed region of the State;
- the Court is considering imposing a curfew and/or a geographic exclusion zone as conduct conditions, and believes it is appropriate to impose the electronic monitoring conditions to monitor compliance with these conduct conditions;
- the Court has received a suitability report prepared by Youth Justice and is of the opinion that the child is suitable to be electronically monitored and that there are adequate resources and equipment available.

The electronic monitoring trial will operate within the existing legal framework for making bail determinations. For example, in all bail determinations, section 4E of the Bail Act requires an accused to be refused bail where the bail decision maker determines that the accused on bail would endanger the safety and welfare of the community (including through further offending), interfere with a witness or obstruct the course of justice, or fail to surrender into custody. The availability of electronic monitoring conditions provide an additional tool for bail decision makers that can, along with a suite of other conduct conditions, be used to mitigate these risks to an acceptable level, enabling an accused child to be released into the community on bail.

Clause 902 of the Bill provides that section 5AAA(2) of the Bail Act applies in relation to electronic monitoring conditions in the same way that it applies to other bail conditions. This ensures that electronic monitoring conditions, both as individual conditions and in combination with the child's other conduct conditions, are no more onerous than required to reduce an identified risk; and are reasonable, having regard to the nature of the allegations and the child's circumstances.

The limitations ensure that if a child's risk in the community can be effectively addressed through less onerous means, such as engaging with bail support services or other less-restrictive bail conditions, electronic monitoring conditions should not be imposed. The Bill therefore confines the electronic monitoring trial's scope so that it is aimed at those accused of serious or prolific youth offending who may have demonstrated previous non-compliance with their bail conditions.

Right to privacy

Electronic monitoring conditions require that an accused child continuously wear an electronic monitoring device, which will allow for remote surveillance of that child's location (new section 17E). The electronic monitoring conditions also require a child to comply with any direction given by the Secretary to ensure that the accused is electronically monitored, which may involve Youth Justice visiting the child's residence to install or maintain electronic monitoring equipment (such as chargers). As such, the electronic monitoring trial engages section 13(a) of the Charter, the right not to have a person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Sections 17D and 17G of the Bill introduce strict criteria to ensure that the interference with a child's privacy and home is neither unlawful nor arbitrary. Electronic monitoring conditions can only be imposed by the Children's Court and the Supreme Court in limited circumstances, which means that bail decision makers such as police officers and bail justices cannot order that a child be electronically monitored. Limiting the power to impose electronic monitoring to the courts will ensure that these decisions are transparent, and that alternatives such as bail support programs or less restrictive bail conditions are thoroughly explored. Further, electronic monitoring conditions can only be imposed by a court after it has considered the information received in a suitability report prepared by Youth Justice, which will include information about the child's personal circumstances and home environment.

The Bill also inserts new section 17N into the Bail Act, making it an offence to use or disclose personal or confidential information derived from electronic monitoring for any unauthorised purposes. By legislating limits on the use of information gathered through electronic monitoring to bail applications, law enforcement and legal proceedings, the Bill ensures that a child's privacy is not interfered in a way that is unlawful or arbitrary. That is, any use of the information acquired through electronic monitoring is proportionate to a legitimate aim of the Bill (being increased opportunities for some young people to be released on bail and community safety). For these reasons, it is my opinion the Bill does not unreasonably limit the right to privacy.

Freedom of movement

As electronic monitoring devices allow for remote monitoring of a child's location and are used to monitor a child's compliance with a curfew or exclusion zone condition, the Bill potentially engages section 12 of the Charter, a person's right to move freely within Victoria. If the Bill's interferes with this right, such interference is minimal. That is, while electronic monitoring allows a child's compliance with these conditions to be more easily monitored, it does not restrict the child's movement – that is provided by the bail conditions that are imposed under existing legislation. The curfew or geographic exclusion zone will continue to be the condition that restricts the accused's freedom of movement, while electronic monitoring will provide a mechanism to detect non-compliance. In my opinion, any limitation of the right to freedom of movement is justified considering the purpose of the limitation is to promote a child's compliance with their bail conditions while in the community and the benefits to community safety that this facilitates. It also promotes rights by allowing more children to be considered appropriate for release on bail.

Suitability reports

Section 17G of the Bill requires the bail decision maker to receive and consider a suitability report before imposing the electronic monitoring conditions. Sections 17F and 17H(2) require the Secretary to cause the

preparation and distribution of the suitability report, and in practice, this will be done by Youth Justice staff. Having had regard to the suitability report, the bail decision maker must be of the opinion that the child is suitable to be electronically monitored and that adequate resources and equipment are available to enable the child to be electronically monitored on bail.

New section 17F(1) provides that a suitability report must include the report author's opinion on:

- whether the child is suitable to be electronically monitored on bail, and
- whether there are adequate resources and equipment to electronically monitor the child.

The suitability report must also explain the basis for the report author's opinions, including by identifying and describing the information that informed those opinions.

Right to have a charge or proceeding decided by an independent and impartial court

Since a suitability report is a mandatory step before electronic monitoring can be imposed, the Bill involves the executive branch of government in a bail determination. This may engage section 24(1) of the Charter, specifically the right to have a charge or proceeding decided by an independent and impartial court. However, while a suitability report enables the court to obtain detailed and logistical information that will assist its determination, the discretion to impose electronic monitoring ultimately rests with the judiciary alone, regardless of Youth Justice's opinion.

The suitability report may include a detailed assessment of a child's attitudes towards electronic monitoring, their family or guardians' willingness to assist, as well as resourcing and implementation considerations. This is also important logistically, as there are limited electronic monitoring resources that are available for the trial, and therefore a limited number of children can be monitored at one time.

The information contained in a suitability report will ultimately assist the Court in ensuring a child is able and willing to comply before electronic monitoring conditions are imposed, and that there are sufficient resources available to enable this. Youth Justice is an appropriate body for providing this advice as it will be responsible for overseeing the electronic monitoring (if it is ordered). Youth Justice is also already responsible for the statutory supervision of young people in the Victorian criminal justice system and plays a complementary role in bail proceedings by providing impartial advice to the courts regarding a child's suitability for supervised bail services. As the provision of a suitability report does not fetter the court's ultimate discretion in whether or not to grant bail, it is my opinion that the Bill does not limit the right in section 24 of the Charter.

Right to liberty and to not be arbitrarily arrested or detained

Due to the detail required in the suitability report, it is not expected that a suitability report will be completed the same day it is ordered by a court. Therefore, the Bill makes provision for the court to adjourn the bail hearing to a later date and allows remand of the child in custody until that time (new section 17H(2)).

This provision may engage section 21 of the Charter, particularly a person's right to liberty and not to be subject to arbitrary arrest or detention. While the Bill does allow the Court to remand a child while awaiting a suitability report, this is not an unreasonable or arbitrary decision. In ordering a suitability report, the court would have necessarily received evidence and heard submissions demonstrating the risk the child presents on bail. Before ordering a suitability report, and adjourning the bail hearing, the court must first be of the opinion that it is appropriate to impose electronic monitoring conditions in order to monitor bail compliance (new section 17H(1)(c)). This will ensure that courts properly consider whether the electronic monitoring conditions are appropriate at an early stage in the bail hearing and will limit the circumstances in which bail hearings are adjourned for the preparation of suitability reports.

A suitability report ensures that tailored consideration is given to such high-risk children and promotes children's rights by potentially enabling them to be released into the community sooner, with electronic monitoring conditions in place to promote bail compliance. By requiring the provision of details about the accused child be included in suitability reports (new section 17F), the Bill balances both the rights of the community and the rights of the child by ensuring that electronic monitoring is not imposed where unlikely to be effective, or in situations where electronic monitoring conditions are impractical or unnecessary given the child's circumstances.

Removal of electronic monitoring devices and equipment

In situations where electronic monitoring ceases (for example, where the child's charges have been finally determined or the electronic monitoring conditions are revoked) section 17L(5) of the Bill allows authorised officers to enter the child's residence and use reasonable force to remove the electronic monitoring device or equipment if the child does not consent to removal. Similarly, section 17M of the Bill allows a police officer or police custody officer to use reasonable force to remove a child's electronic monitoring device where the child is arrested and does not consent to its removal. These provisions engage section 13 of the Charter, the

right not to have a person's home unlawfully or arbitrarily interfered with; section 21(1), a person's right to liberty and security; and section 17(2), a child's right to such protection as is in their best interests.

The powers allowing entry and use of reasonable force are required to ensure that electronic monitoring devices and equipment can be retrieved. Removal of the device and equipment will remove a burden on the child, rather than impose an additional one. New sections 17L(4) and 17M(2) of the Bill require that, if practicable, the authorised officer must first inform the accused that the removal is to occur, that the accused may consent to the removal, and if consent is not given, then reasonable force may be used. Therefore, the power would only be exercised where reasonably required. Therefore, in my view, any limitation is reasonably justified.

Electronic monitoring is only available to certain children

The trial of electronic monitoring is limited to accused persons aged 14 to 18 who were under 18 at the time of the alleged offending. There is no equivalent scheme in the Bail Act for the electronic monitoring of adults. As such, the Bill engages section 8 of the Charter, the right to equality before the law.

The Bill provides an additional tool for bail decision makers to promote a child's bail compliance and mitigate the risk they may pose to an acceptable level. During the trial of electronic monitoring, this additional tool will not be available to adults who apply for bail, even if electronic monitoring may be a useful risk-mitigation tool. In my view, providing this additional tool that may assist a child to access bail is appropriate as it recognises the vulnerability of children and the detrimental impact of remand for children.

By imposing strict limitations on when electronic monitoring conditions can be imposed and requiring suitability reports to be prepared, the Bill also ensures that special consideration is given to a child's circumstances. In this way, the Bill recognises the unique vulnerabilities of children in custody, balancing the right of equality before the law with the rights of children. Section 25(3) of the Charter relevantly provides for the right to procedures accounting for a child's age, the desirability of promoting their rehabilitation, and the right to protection as is in their best interests by reason of being a child.

The Bill also sets an age minimum for electronic monitoring of 14 years (new section 17D(3)(a)). This broadly accounts for children's rights by recognising a child's age is relevant to an electronic monitoring decision. Given other considerations in this Bill and the Bail Act that recognise that children under 14 have reduced criminal capacity, this provision reinforces that it is appropriate to treat children under 14 years old differently. Bail determinations for this group may be more appropriately subject to less restrictive bail conditions or services. Any limitation of the right to equality is reasonably justified in all the circumstances.

The Bill only empowers the Supreme Court and Children's Court venues prescribed in regulations to impose electronic monitoring conditions (new section 17D(2)), and requires that the child must be bailed to reside at an address in a prescribed region (new section 17G(c)). This means that some children may not have access to the electronic monitoring because of where they reside or where their alleged offending occurred. This also engages the right to equality before the law.

It is expected that the venues prescribed in regulations will largely be metropolitan Children's Court venues, which means that some accused children applying for bail at regional courts may not be considered for electronic monitoring conditions. The Bill introduces electronically monitored bail as a trial, with limited electronic monitoring resources available for Youth Justice. There are also practical limits on the number of Youth Justice employees who will be available to monitor and support those on bail and practically implement the scheme.

In order to ensure that implementation is manageable, the Bill confines electronic monitoring to the Supreme Court and specified Children's Court venues where resources and support services are more readily available and where bail decision makers hear a higher number of bail applications for children. The effectiveness of the trial will be used as an evidence base when determining whether to continue electronically monitored bail and adapt it to other cohorts such as children applying for bail at any Victorian court. For this reason, it is my opinion that the Bill does not unreasonably limit the right to equality before the law.

Chapter 23 – Amendment of other Acts

Chapter 23 of the Bill makes amendments to various pieces of legislation consequential on the enactment of the Youth Justice Bill. While the majority of the clauses in Chapter 23 make technical amendments to ensure consistency of terminology across the Victorian statute book, the provisions identified below are of a substantive policy nature.

The Bill amends the ***Bail Act 1977***, ***Criminal Procedure Act 2009*** and ***Sentencing Act 1991*** in relation to persons who are 18 years of age or over, to require a bail decision maker or court to consider their behaviour, the offence they have been charged with and their operational suitability for youth justice custody (cls 911, 912, 1048 and 1128). This seeks to ensure that the youth justice system is able to prioritise the safety and

rehabilitation of children and operate as a genuinely low-security environment. On this basis I consider that these provisions promote the rights of children in the criminal process (s 23).

Clauses 1025, 1026, 1028, 1030, 1033 and 1034 amend the ***Crimes Act 1958*** to provide protections for children who participate in the new diversionary responses introduced by the Youth Justice Bill, being youth warnings, youth cautions and early diversion group conferences. These clauses require the Chief Commissioner of Police to destroy any fingerprints, records, DNA samples and identifying information within a specified timeframe, if these are taken from children in connection with an offence for which a child is given a youth warning, youth caution or if the child successfully participates in an early diversion group conference (i.e. the child has an early diversion outcome plan finalised, or the child is discharged following participation in an early diversion group conference), or they have not been charged with a relevant offence within a certain time period or, if they have been charged, they have not been found guilty. These provisions provide legal protections for a child who receives the above-mentioned diversionary responses, by ensuring that identifying material is destroyed and cannot be used against the child for any subsequent investigations. For this reason, I consider that these provisions promote the child's right to privacy (s 13(a)).

The Hon. Anthony Carbines MP
Minister for Police
Minister for Crime Prevention
Minister for Racing

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:22): I move:

That this bill be now read a second time.

I ask that my second-reading speech, except for the section 85 statement, be incorporated into *Hansard*.

Incorporated speech as follows, except for statement under section 85(5) of the Constitution Act 1975:

Continuing the transformation of Youth Justice in Victoria

Victoria needs clear and strong governing legislation to increase the effectiveness of its Youth Justice system to keep the community safe. The current youth justice legislative framework has not been systematically reviewed since 1989, nor has it moved with the times.

The Bill creates a new standalone Youth Justice Act, a modern framework which responds to the evolving landscape of youth offending in Victoria. It enhances the best aspects of the current system while providing a broader and more effective range of responses to both ends of the offending spectrum.

Victoria gets a lot of things right when it comes to addressing youth offending.

We have undertaken significant reform since 2017, guided by the landmark *Youth Justice Review and Strategy*, conducted by Penny Armytage Professor James Ogloff AM, the *Youth Justice Youth Justice Strategic Plan 2020–2030*, the *Youth Diversion Statement* and *Wirkara Kulpa*, Victoria's first Aboriginal Youth Justice Strategy.

As reported by the Australian Institute of Health and Welfare, in 2022–23:

- Victoria had the lowest rate of young people aged 10 to 17 under youth justice supervision on an average day (4.7 per 10,000) – almost three times lower than the national rate (13.3 per 10,000)
- Victoria also had the lowest rate of young people aged 10 to 17 under community supervision (3.7 per 10,000) and in custody (1.1 per 10,000)
- Victoria had the lowest rate of Aboriginal young people aged 10 to 17 under supervision on an average day (41.5 per 10,000) – more than three times lower than the national rate (131.9 per 10,000).

The evidence shows that the vast majority of Victorian children and young people do not offend, and the rate of offending has trended downwards over the last 15 years, despite some recent increases. Efforts to reduce the over-representation of Aboriginal young people under youth justice supervision has seen that cohort more than halved since 2016–17, exceeding a key milestone in the Aboriginal Justice Agreement 4. Youth justice custodial facilities have stabilised too – for example, over the past four financial years, from 2018–19 to 2022–23, category one assault incidents have declined 54 per cent.

Most children and young people who offend respond well to diversion and rehabilitation services, grow out of their offending, and turn their lives around. However, recent trends have shown there remains a small but high-impact cohort of children and young people who offend more seriously, and re-offend more often. For example, in 2023, only a small proportion of children and young people (5.6 per cent) were high volume recidivist offenders recorded with 10 or more alleged incidents.

This Bill is built on a sound evidence base to respond to youth offending across the continuum and the evidence is clear. We know that disproportionate criminal justice interventions actually increase rather than decrease the risk of offending for children and young people. Community safety is best served through prioritising diversion wherever possible and appropriate, and targeting intensive interventions to children and young people who are most likely to offend seriously and repeatedly. Lasting results are only achieved by addressing the underlying causes of offending and tailoring interventions based on risks and needs.

Of course, the Youth Justice system must also support all children and young people to take responsibility for their behaviour and the harm they have caused to victims. But this must be done in an age-appropriate way to be truly effective. Children and young people are at a unique point in their maturation and development. They have a greater capacity for rehabilitation and change, as long as they receive the proper support.

The Bill provides a robust framework for all this to occur – because at its heart, this Bill is about making the community safer.

The Bill will raise the minimum age of criminal responsibility from 10 to 12 years old

With this Bill, Victoria will become the first Australian state to raise the minimum age of criminal responsibility to 12 without exceptions.

The current minimum age of criminal responsibility in Victoria is too low. It has been forty years since the minimum age was set at 10 in Victoria, and we have learned so much about child and adolescent brain development and what works to stop youth offending since then. It is clear that 10- and 11-year-olds belong in school, not in prison. It is time for the law to change.

For any individual to be found guilty of a crime, they must be able to form criminal intent. This is a foundational pillar of our justice system. Accepted medical evidence clearly shows that very young children lack the cognitive maturity to form criminal intent. The data tells the same story – in recent years, only around 2 per cent of children aged 10 or 11 charged with an offence have had their criminal intent proven in court. In 2022–23, there were no 10- and 11-year-olds under youth justice supervision (either community or custody) and none remanded into custody.

By raising the minimum age of criminal responsibility, we are making sure that these children receive the supports they need to turn their lives around without relying on formal contact with the criminal justice system, which fails to deliver meaningful outcomes for this cohort.

A new transport-based police power will be introduced for 10- and 11-year-old children

Rest assured, however, that raising the minimum age of criminal responsibility does not mean we leave the community unprotected from harmful behaviours.

Children in this age group only make up a very small proportion of alleged offenders and are rarely engaged in serious offending. But when needed, police will continue to be able to rely on a range of existing legal and operational tools to help them respond to dynamic situations involving harmful or unsafe behaviour by children.

This includes common law powers and statutory powers under mental health or child protection frameworks. Police will also be able to take proactive, practical steps to engage with children aged 10 or 11 on an informal basis, including discussing the consequences of their actions, and take practical steps such as directing a child to return home where it is safe to do so.

The Bill also introduces new powers for police to safely transport a 10- or 11-year-old child to a suitable person or appropriate health or welfare agency. This power will be available where police have concerns that a child's behaviour poses a risk of serious harm to themselves or another person.

Protective safeguards are in place to ensure that these new transport powers are only used as a measure of last resort. These include stringent preconditions to exercising the transport power, as well as restrictions on the circumstances and ways in which force may be used and searches conducted.

Measures will be taken to prevent criminals from exploiting 10- and 11-year-old children

We know that there are criminals who use children to do their dirty work. Amendments will be made to the Crimes Act to close off loopholes that might otherwise allow such people to exploit children precisely because they lack the capacity for criminal intent. These people will continue to be prosecuted for offences like recruitment, incitement, conspiracy and offending that involves complicity.

Victims of harmful conduct by children who cannot be held criminally responsible will still be able to exercise rights under the Victims' Charter Act

Raising the minimum age is in no way intended to downplay the real and harmful impacts the antisocial behaviour of children can have on victims. A child may not understand the consequences of their actions, but the victim lives with those consequences either way.

This is why the Bill expands the scope of the Victims' Charter Act to ensure it applies to victims impacted by harmful behaviour by children who cannot be held criminally responsible. This means that victims will continue to have access to relevant information, supports and financial assistance like any other victim of crime.

Use of past convictions when a person was 10 or 11 years old will be limited

At the same time as we revisit our laws around criminal responsibility to bring them into the twenty-first century, it is appropriate that we revisit past convictions. People previously convicted of crimes committed when they were 10 or 11 years old prior to these reforms should not be left with the enduring stigma and consequences.

For this reason, the Bill introduces new safeguards to prevent the use of spent childhood convictions for law enforcement, character assessments in civil or criminal proceedings or registrations, accreditations and other credentials or opportunities.

The operation of the doli incapax *presumption will be strengthened for 12- and 13-year-olds*

Children above the new minimum age of criminal responsibility are not automatically capable of forming criminal intent. As any parent will know, a child does not start high school and suddenly become a fully-formed person with the maturity to understand the consequences of all their actions.

This is why we have the *doli incapax* presumption – a longstanding and vital safeguard in our criminal justice system – which operates at common law but is not currently codified in legislation. The presumption ensures that a child under 14 cannot be criminally responsible unless the prosecution proves beyond reasonable doubt that the child has the requisite mental capacity.

The Bill does not fundamentally alter the presumption or give children a free pass to commit offences. The legislation provides a clear statement of the presumption so that all justice system actors understand it and apply it more consistently at different points including when police decide to charge or prosecute a 12 or 13 year old child.

Making the presumption front of mind should also reduce the number of lengthy prosecutions that come to nothing because the child lacks the necessary understanding of their actions. Such prosecutions waste court and police time, and subject victims to frustration when the charges are dropped or the prosecution is discontinued. The focus should instead be on how to support the child to understand the consequences of their actions, and avoid them becoming entrenched in the criminal justice system.

The Bill will amend the *Bail Act 1977* (Vic) to support young people to comply with their bail conditions and improve community safety

While overall rates of offending are low, there is a small cohort of young people responsible for repeat offending, including while on bail. Trends over the past decade show that this subset of young people has become increasingly persistent in their offending behaviour, with higher rates of disengagement from education and community-based support services.

This is why we are introducing a trial of electronically monitored bail for children aged 14 and over, where a prescribed court considers it appropriate. Electronic monitoring is an additional option to help young people comply with their bail conditions. It is not intended to be used as another form of punishment or to further disadvantage already vulnerable children. However, compliance with bail conditions is not optional and should be taken extremely seriously.

The Bill allows Youth Justice to electronically monitor a child's compliance with specific conduct conditions – thereby mitigating risk and promoting compliance with those conditions. When a young person does not comply with their electronic monitoring condition, it will be detected more quickly, and Youth Justice can respond appropriately. This can include referring the breach to police, who may seek to have bail revoked or varied.

The trial of electronic monitoring of bail will be implemented alongside more intensive bail supervision by Youth Justice to help keep young people engaged in education, employment programs and other initiatives that address the underlying causes of alleged offending. By providing this intensive supervision to the small cohort of young people on bail for alleged persistent and serious offending, we can ensure they are receiving the tailored support they need while improving community safety.

Electronic monitoring will only be available to children aged 14 years or older at the time of the bail application, and it can only be imposed by prescribed venues of the Children's Court and the Supreme Court. Other bail decision makers such as Victoria Police and Bail Justices will not be able to order electronic monitoring as part of a bail undertaking.

A court can only impose an electronic monitoring condition where it is appropriate having regard to all the conditions that could be imposed and the need for conditions to be no more onerous than necessary. This targets the reform at children who are charged with serious offending, and who require additional support and supervision to comply with their bail conditions. Before imposing an electronic monitoring condition, a court must consider a suitability report prepared by Youth Justice.

The trial will run in locations in metropolitan Melbourne for two years and will be evaluated. The findings will inform decisions about the scheme and whether it should be expanded or refined. Government has allocated funding to support the trial and is establishing an Enhanced Youth Justice Bail Supervision Service to further support young people on bail.

A modern, fit-for-purpose legislative framework for Victoria's youth justice system

The existing legislative framework for youth justice is set out in the *Children, Youth and Families Act 2005* (CYFA), and does not sufficiently prioritise the need to reduce youth offending. The 2017 Armytage & Ogloff Review found that the CYFA does not adequately deal with the 'justice' part of Youth Justice.

The Bill before Parliament addresses the shortcomings of the existing legislation. It enshrines a genuinely distinct child and adolescent focused youth justice framework squarely targeted at making the community safer. The Bill achieves this by holding all children and young people accountable for their actions in ways that are evidence-based, developmentally appropriate and proportionate to their level of risks and needs. Fundamentally, the Bill prioritises community safety by preventing crime and diverting children from the justice system. For those children who do have contact with the justice system, the Bill targets the drivers of their offending behaviours and responds to their individual risks and needs.

A more balanced range of responses across the spectrum

The Bill recognises and responds to the evidence of what works to address youth offending. We know that community safety is best served by focusing on diversion and prevention, and by genuinely addressing the reasons why children and young people offend through a clear focus on providing quality treatment and rehabilitation.

Most children only engage in low-level antisocial behaviour that they naturally grow out of as they mature, making diversion the most effective pathway for these kids. This is why the Bill increases the range of genuine 'pre charge' diversionary options. Most notably, it establishes a tiered diversionary framework of youth warnings, youth cautions and Early Diversion Group Conferences (EDGCs). Even at this lower end of the spectrum, the Bill maximises opportunities to build on a child's empathy for victims and accountability. For example, youth cautions may include an apology to the victim, while all young people who participate in an EDGC will have an outcome plan developed.

At the same time, the Bill provides a better graduated and purposeful sentencing hierarchy, and more robust responses to the small minority of young people who cause the most harm in our community. Existing mechanisms to deal with high harm offending will continue to operate including retention of the serious offence categorisation scheme that will attract tougher sentencing consequences. Emergency worker protections such as the presumption of longer sentences for those who assault Youth Justice staff will also be preserved. In addition, Youth Control Orders will continue to be available as the most intensive supervised community-based order but adjusted to improve its operation, including a new requirement for victim safety to be considered when the court is attaching conditions.

A range of new accountability mechanisms will also be introduced to enhance the effectiveness of criminogenic interventions. Critical changes in the Bill mean that young people on supervised bail and remand will be permitted to participate in offence-specific rehabilitation programs to ensure no opportunities to rehabilitation are wasted. Other accountability measures embedded throughout the Bill include making judicial monitoring of a young person available earlier in the sentencing hierarchy, enabling group conferencing to take place at the parole stage as part of a young person's transition back to community and embedding Multi-Agency Panels and the High Risk Panel in the legislation. These Panels provide a robust and enduring legal model to deliver intensive oversight of high risk offenders, foster agency collaboration and ensure services are joined up to target the underlying causes of offending behaviour.

A more robust custodial framework to keep our Youth Justice workforce safe and support stable *custodial environments*

Safe and stable custodial environments with a safe and stable workforce are pre-requisites for children and young people to rehabilitate and turn their lives around.

To this end, the Bill makes several improvements to the gateway into and out of Youth Justice custody, particularly for young people aged 18 or over who engage in seriously disruptive behaviour. For young adults being considered for a youth detention sentence via Victoria's 'dual track' system, the Bill will introduce additional operational suitability criteria that the court must consider, which will ensure only appropriate young adults can serve their custodial sentence in youth justice.

The Bill will also strengthen the YPB's power to make transfer determinations where a young person's harmful or disruptive behaviour has adversely affected the safety and stability of a Youth Justice custodial facility or caused serious harm to the health, wellbeing and safety of any other person including staff. Further, the Bill introduces new mechanisms that limit the ability of young people aged 18 or over who have engaged in serious violence in youth detention to 'bounce back' (for example, once a transfer to adult prison determination has been made).

Together, these changes establish a new custodial framework that promotes a more stable and effective Youth Justice custodial environment that supports rehabilitation and will better enable our Youth Justice staff to do their jobs safely.

Better recognition of impacts of youth offending on victims

The Bill recognises the importance of building a child or young person's empathy for victims when supporting them to take responsibility for harm they cause. Existing youth justice legislation contains very few measures that recognise the impact of youth offending on victims. For example, there are no victim-specific principles and only limited legislated opportunities for victim participation in the justice process.

The Bill adopts a more victim-inclusive approach by establishing victim-focussed guiding principles and specific mechanisms for victim participation across all stages of the youth justice continuum. Victims will have opportunities to participate in pre-charge diversion mechanisms, as well as during the sentencing process and at the parole stage through restorative justice conferences. The Bill also diversifies YPB membership to allow for the appointment of community representatives who have relevant experience, knowledge or skills, such as a victim of youth offending, and establishes a Victims Register so victims can provide information to the Board to inform decisions around parole conditions.

Addressing over-representation and progressing towards a self-determined, Aboriginal-controlled youth justice system

The Aboriginal Justice Caucus has worked closely with the Victorian Government on the Bill and has been instrumental in shaping key aspects designed to improve outcomes for Aboriginal children and young people. The Bill has a dedicated focus on supporting Aboriginal self-determination and reducing Aboriginal over-representation in youth justice.

This commitment is not merely aspirational. The Bill takes concrete practical steps towards self-determination. For example, the Bill not only enshrines Aboriginal-specific guiding youth justice principles, the Bill also introduces a positive obligation on the Secretary of the Department of Justice and Community Safety to develop strategic partnerships with Aboriginal communities. Importantly, the Bill provides the building blocks for establishing an Aboriginal-controlled youth justice system in the future by allowing for the progressive transfer of the Secretary's youth justice functions and responsibilities. To ensure that these measures do not pre-empt the work of Treaty, the Bill takes an enabling and flexible approach that does not close off future possibilities. We will continue to work with the Aboriginal Justice Caucus as the reforms are implemented.

Section 85(5) of the Constitution Act 1975

Anthony CARBINES: Finally, I make the following statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section in this bill.

Clause 765 of the bill provides that it is the intention of clauses 374, 375(2), 381(2) and 387(2) of the bill to alter or vary section 85 of the Constitution Act.

Clause 374 provides that if a person appeals to the Supreme Court on a question of law the person abandons any right under the act or any other act to appeal to the Supreme Court. This clause largely re-enacts section 430Q the Children, Youth and Families Act 2005. The reason for limiting the jurisdiction of the Supreme Court under clause 374 is to prevent a proliferation of lengthy proceedings in relation to decisions of the Children's Court under the act. The act provides for a clear process for appeals and it is clearly to the benefit of a child to have matters relating to them dealt with expeditiously.

Clause 375(2) of the bill provides that a person sentenced to a term of detention by an appellate court under clauses 333, 336 or 339 will not be able to appeal under clause 374 if, in the proceeding that is the subject of the appeal, the Children's Court was constituted by the Chief Magistrate who holds a Supreme Court dual commission.

Clause 381(2) of the bill provides that questions of law arising on the hearing of an appeal from a decision of the Chief Magistrate who is a dual commission holder are not able to be reserved for determination by the Court of Appeal.

Clause 387(2) of the bill provides that the DPP cannot refer a point of law that has arisen on appeal from a decision of the Chief Magistrate who is a Supreme Court dual commission holder, to the Court of Appeal. These clauses mirror sections 430R(3), 430VA(2) and 430W(1A) of the Children, Youth and Families Act 2005, which are provisions that were inserted by the Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022 for which a statement pursuant to section 85 of the Constitution Act was also given.

The reason for limiting the jurisdiction of the Supreme Court under clauses 375(2), 381(2) and 387(2) is to prevent a scenario arising where the Court of Appeal has to review its own decisions, or consider a question of law in a proceeding it is already hearing on appeal, which would be an unusual appellate process.

James NEWBURY (Brighton) (11:25): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 3 July.

Local Government Amendment (Governance and Integrity) Bill 2024

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 2, line 13, omit "changes;" and insert "changes.".
2. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.
3. Clause 2, lines 19 to 20, omit "and Part 4".
4. Clause 2, line 22, omit "and Part 4 come" and insert "comes".
5. Clause 6, lines 11 to 28, omit all words and expressions on these lines and insert –

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

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

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

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

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

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

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

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

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

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

6. Clause 7, page 6, line 9, omit 'meeting.".' and insert "meeting.".

7. Clause 7, page 6, after line 9 insert –

'(6) An Order made under subsection (1) –

(a) must be laid before both Houses of Parliament –

(i) if Parliament is then sitting, within 7 days after its making; or

(ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and

(b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.".'.

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

9. Clause 19, page 12, line 8, before "client legal privilege" insert "legal professional privilege or".

10. Clause 19, page 12, line 10, omit "client legal" and insert "that".

11. Clause 19, page 12, line 14, before "client legal privilege" insert "legal professional privilege or".

12. Clause 19, page 12, line 19, before "client legal privilege" insert "legal professional privilege or".

13. Clause 24, page 19, line 5, before "client legal privilege" insert "legal professional privilege or".

14. Clause 24, page 19, line 17, before "client legal privilege" insert "legal professional privilege or".

15. Clause 24, page 19, line 19, omit "client legal" and insert "that".

16. Clause 31, lines 10 to 33 and page 25, lines 1 to 25, omit all words and expressions on these lines and insert –

"(1) On the recommendation of the Minister, the Governor in Council, by Order, may suspend a Councillor for a period not exceeding 12 months.

(2) The Minister must not make a recommendation under subsection (1) unless –

(a) a Municipal Monitor or a Commission of Inquiry has provided a report to the Minister stating that the Councillor –

(i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or

(ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or

(iii) is preventing the Council from performing its functions; and

(b) the Minister is satisfied that the Councillor –

(i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or

(ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or

(iii) is preventing the Council from performing its functions; and

(c) the Minister is satisfied that –

(i) the Councillor has not been the subject of a determination under section 167 in respect of conduct specified in the report; and

(ii) no Councillor Conduct Panel is considering a matter that is dealt with in the report; and

(d) the Minister has notified the Councillor in writing that –

(i) the Minister intends to make the recommendation; and

(ii) the Councillor may provide a response to the Minister within 10 business days; and

(e) the Minister has considered any response provided by the Councillor within 10 business days after the notification.

(3) If an Order is made under subsection (1), the Minister must provide a copy of the Order to the Councillor and to the Council.

(4) A copy of an Order given to a Council under subsection (3) must be tabled at and recorded in the minutes of the next Council meeting.

(5) An Order made under subsection (1) –

(a) must be laid before both Houses of Parliament –

(i) if Parliament is then sitting, within 7 sitting days after its making; or

(ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and

(b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.

(6) If an Order made under subsection (1) is disallowed by a resolution of either House of Parliament, the Councillor resumes office on that disallowance.".

17. Clause 31, page 25, line 27, omit "A Councillor suspended under section 229A" and insert "Unless an Order made under section 229A is disallowed by a resolution of either House of Parliament, a Councillor suspended by that Order".

18. Clause 66, omit this clause.

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

20. Clause 70, omit this clause.

21. Clause 72, omit this clause.

22. Part heading preceding clause 74, omit this heading.

23. Clause 74, omit this clause.

24. Clause 75, omit this clause.

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

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (11:26): I move:

That the amendments be agreed to.

Motion agreed to.

The ACTING SPEAKER (Alison Marchant): A message will now be sent to the Legislative Council informing them of the house's decision.

Motions

Budget papers 2024–25

Debate resumed on motion of Steve Dimopoulos:

That this house takes note of the 2024–25 budget papers.

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (11:26): I rise to speak on the take-note motion for the 2024–25 Victorian state budget. This budget is absolutely focused on supporting families with the cost of living, in particular in the electorate of St Albans, including the $400 school saving bonus, which is again helping families with the essentials – for instance, school uniforms, glasses, camps and sports – and really easing some of that pressure on families. We know that our government understands and really supports Victorian families to be able to support their families and children, in particular where we are seeing such challenges in our local communities. As I said, as the member for St Albans I am very proud of the record of our government, whether it is investing in our local schools or removing –

James Newbury: On a point of order, Acting Speaker, if I may, I believe the member for Thomastown was in continuation on the debate on this motion and has not been given the opportunity to continue.

The ACTING SPEAKER (Alison Marchant): The member did not take the call, so the minister was called to start her contribution.

James Newbury: Further to the point of order, Acting Speaker, I understand because of the motion that is before the house now the member will not have the opportunity to finish their speech, because they do not get a second opportunity.

The ACTING SPEAKER (Alison Marchant): The minister has the call.

Natalie SULEYMAN: As I was saying, I am really proud. The first level crossings to be removed by our government were the Main Road level crossing and Ginifer Station being rebuilt, which saw the removal of the Furlong Road level crossing. These were two level crossings that had taken too many lives in the past, so it was really important and also had an impact on our community to see these level crossings removed for good by our government.

Another accomplishment was of course building the new Joan Kirner Women's and Children's Hospital, which I must say is one of the best hospitals that we have when it comes to supporting women and children. The hospital provides a range of dedicated world-class health services, and I do want to make a shout-out to all the nurses, who do such a fantastic job, and the healthcare providers at Western Health, Sunshine Hospital and Joan Kirner Women's and Children's Hospital. They do really provide excellent care and service to women and children and also to general constituents across my electorate.

When it comes to building and investing in health, we also built and expanded the new Sunshine Hospital emergency department, again addressing some of the capacity issues and making it much more comfortable, with an area specifically designed for children. It was really important to have an emergency department that is able to facilitate treatment for adults but also for children and babies.

Of course there is so much more that I could talk about, from transformative upgrades to local schools to delivering free TAFE in particular for Victoria University's St Albans campus. I was recently out at the campus in St Albans seeing the cyber hub, which again is a fantastic investment, and meeting with some of the students who have been taking up the free TAFE opportunity. Whether it is students that are able to continue on from secondary college or mature students coming back into studying or those who are transitioning into other roles, free TAFE has really made meaningful impacts on people's lives. As I said, the Victoria University TAFE campus at St Albans and Sunshine really do speak volumes when it comes to transitioning and supporting young people into secure jobs.

There is so much more. This budget continues to invest in supporting young people, with our $5 million investment to deliver wraparound support for young people who need it most through the Living Learning program. We have seen the change that the Living Learning program makes, whether it is in the south-east or the west, when it comes to also funding the continuation of support for Aboriginal young people. Additionally, there is an overall investment of $30.6 million in the youth portfolio to support young people. We know that we are focused on supporting all young people regardless of their background or their postcode or their circumstances or their locations. We really are supporting young people – for instance, our investment and partnership with Hester Hornbrook Academy. I have had the opportunity, together with the member for Albert Park, to actually see firsthand the work that Hester Hornbrook college does for young people. They do really make a difference. They have tailored support and practical support, I should add, for young people, again allowing young people to be able to study and more importantly receive those wraparound services as well that transition into a healthy, secure pathway for young people.

Another one is the mammoth work that we have done in the veterans portfolio. I am really proud that we are continuing to lead when it comes to supporting our veterans and their families, including by

rolling out Australia's first Victorian veterans card, which has helped over 15,000 veterans in the last 12 months. In a short period of time it has had a fantastic response from veterans who are signing up to the Victorian veterans card. We also know that this is a very small way of thanking and acknowledging our veterans for their service not only to the state but also to this nation. We owe it to our veterans to give back in a small way and, as I said, recognise their sacrifice and service to our community. In the last four years the Allan Labor government has allocated more than $65 million to the veterans portfolio. We are the first state government to create a veterans portfolio, and we have been consistently leading on initiatives when it comes to supporting our veterans.

We are continuing to commit to and recognise the importance of commemoration services throughout Victoria, but we are also supporting our current and former ADF personnel when they need support. That is why in this budget we will deliver $2 million for veterans capital works programs. As I said, this program provides integral funding to organisations that support veterans and their families to make sure that their facilities are fit for purpose. Veterans have buildings that are used not only by the veterans and their families but also by local communities, which is important. I have had the opportunity to meet many stakeholders and see firsthand, for instance, some of the work that the RSL does in this space. We have been able to work in partnership with RSL Victoria in continuing to make sure that they have our support and, in particular, support for their facilities as well. I do also want to thank the volunteers at the many RSLs across Victoria, who work each and every day to support veterans and their families.

We also have had some pretty exciting news in the last week, and that is that the National Vietnam Veterans Museum has finally been provided with a permit to progress its project. As many would know, there has been a commitment by our government to support and assist in building a new National Vietnam Veterans Museum at Phillip Island. I am looking forward to continuing to progress this project. This is a very significant project for the Vietnam veteran community. We are really looking forward to finalising the project and making it a reality.

We all know that small businesses are the backbone of this state. We have over 700,000 small businesses, who create local jobs and growth and absolutely, positively contribute to their local communities. We have been working very hard in the last 12 months on delivering the $17 million multicultural small business package. This, again, was an election commitment, a commitment that will deliver $10 million to upgrade local cultural precincts – for instance, Chinatown, Oakleigh, Springvale and many other areas which have cultural significance. This is also really important for small businesses within those precincts. We will also provide $5 million to upskill current staff within small businesses by providing 500 $10,000 scholarships. We are on track to be able to support trader and commerce groups, because we know that trader and commerce groups do valuable work on behalf of businesses. We will be investing $2 million towards multicultural traders organisations.

As I said, Victoria is a place with a rich and diverse cultural fabric. This is one of our greatest strengths. Not only are we the foodie capital and the events capital, but quite frankly there is so much on offer when we talk about Victoria. The investment that we are making in small businesses is about backing our small businesses so that they can grow. More importantly, we continue to support diverse small businesses who share their cultures and make a strong contribution to our state's economy.

This budget also delivers an investment to continue our programs and services through Business Victoria online. We know that businesses struggle with time; they are time poor. They really do need to be able to access correct, evidence-based resources whenever these are available. That is why I am proud to say that there are over 140,000 subscribers to our Victorian small business newsletter, which is sent out every fortnight.

I could continue on and on about our investment when it comes to small businesses, but we are absolutely investing in programs, whether it is the Business Victoria newsletter and webpage or our business bus, which is in its 14th year of service and goes out to every single local government area and provides information, mentoring programs and support so that our businesses in Victoria can

continue to grow and continue to be supported throughout their precincts. Only a Labor government will make tough decisions and also make strong investments. Whether it is in our local communities or within Victoria, we are making the right investments, supporting families and most importantly supporting young people, small business and of course our veterans. I am very proud to be delivering across all portfolios and supporting hardworking Victorians and their families when they need it most. I recommend this motion to the house.

Tim McCURDY (Ovens Valley) (11:41): I am delighted to rise and make a contribution to this reply to the budget. Those of us on this side of the house for many years, in fact decades, have been saying that Labor cannot manage money and they cannot manage major projects. This budget has proved conclusively that they cannot manage money, and haven't the chickens come home to roost this time around? It is a disgraceful example of waste and mismanagement. This is Labor. Ten years of debt and deception, 10 years of waste and mismanagement, 10 years of spin, and it all comes down to this. But Victoria is not broke; let us be clear about that. This is out of poor decision-making from a tired, lazy government, and Victorians are paying the price.

In 1970 Victoria's debt was around about $6 billion. In 2014, when we left government, it was about $20 billion. That was 44 years to go from $6 billion to $20 billion, and in 12 short years this government will turn $20 billion into $190 billion worth of debt. Forty billion dollars of that is blowouts – Labor blowouts. That is not projects, that is just blowouts. And you have got the Treasurer, like the former Premier, about to do the midnight flip – adios, amigos. He is about to disappear and leave us holding the baby. That baby will only ever know tax on education, tax on health and higher energy prices – higher than any other state – all because Labor cannot manage money and Victorians are paying the price. These two, the Treasurer and the former Premier, must be rounded up and brought to justice.

Alongside these two, a significant partner in crime, is the blowout queen, the member for Bendigo East, the current Premier, the only woman in Victoria who can turn the North East Link from a $5 billion cost to $26 billion and can also turn the West Gate Tunnel from a half-a-billion-dollar cost to $5 billion. As a drive-by she can systematically rip millions from cancer research and shut down the Victorian tourism industry in a single bound. Meet Wonder Woman. No wonder she is the Premier, because nobody else can match that skill set. Nobody else can come close. Labor cannot manage money and they cannot manage major projects. Victorians are paying the price, and regional Victorians even more so because we do not even get the benefit of these Melbourne-centric projects. We are all going to share in that debt and we will all pay that price, but we do not get the benefits of the spend that is happening here in Melbourne.

This year's budget was called 'Helping families'. Well, it is helping them get further into debt, helping them to pay higher energy prices, helping them to pay school tax and helping them to pay a health tax. This budget is not helping families. It is not about fair outcomes. It is not about better access to services. It is not helping families at all. It is hurting families. And this cost-of-living crisis is something we have never seen before at this level. A decade of debt and deceit has finally caught up with this Labor government, and when the music stops there will not be enough chairs to sit on. In 2026 we might find that there just will not be enough chairs to sit on. There will be a rush from those in the backbench, who did not cause this mess. I admit they did not cause this mess, but they are certainly going to pay for it in seat losses in 2026. It is all because they would not stand up and they would not speak up, and they will pay that price.

At Wangaratta High School in 2014 we finished stage 2. We are very proud of that achievement – we got stage 2 finished. Then Wangaratta High School waited 10 years to get a commitment from this government, and they finally, at the 2022 election, got $11.7 million for the final stage. It would have been the first significant investment in our region in 10 years, but that just turned out to be a cruel hoax, because that got pushed back. They found another school, other places to invest. They told Wangaratta, 'We're no longer going to upgrade your school this year. Sorry, we've changed our mind.

We thought you deserved an upgrade, but we've changed our mind.' It is the old story: say one thing before an election and do something different after an election.

Let us look at the roads maintenance budget, another underfunded area – four years in a row. But I do not need to tell you or my constituents, because they are telling me. They are telling me they are the worst roads on record. They have never seen them so bad. Instead of fixing roads, we get temporary speed restrictions or we get patching. Patchwork is not a road network. I look at the Wangaratta-Whitfield Road, the Great Alpine Road or the Murray Valley Highway. Ninety-one per cent of Victoria's major roads do not meet current standards. Lives are at risk every day, and Labor will blame COVID or interest rates, but they will never blame themselves.

The Liberal–Nationals in 2014 were ankle-deep in debt, as I said – $20 billion. The former Premier put us up to our neck, and now our current Premier has a bloody-minded approach around the Suburban Rail Loop and the $216 billion with which they will build a train line from nowhere to nowhere. Well, our debt will be well and truly over our heads. And if you think we are drowning now, think again, because you ain't seen nothing yet. Still the backbenchers sit quietly, too scared to speak. We have seen what happened to the member for Mordialloc, or the minister for Mordialloc. Do not speak up or you will pay the price. Instead Victorians are paying the price. Labor cannot manage money and Labor cannot manage major projects, and Victorians are paying the price.

We are now being warned we will pay a price for the hospital mergers. In my electorate Cobram have already cut out their theatre. It was only 1½ days a week, but they had to make savings and they have cut out their 1½ days a week of theatre. People have to go elsewhere; they have to travel further. Yarrawonga, GV Health, Alpine Health, Wangaratta – local health will not remain local. The Minister for Health only weeks ago said it would be irresponsible if we did not look at mergers. I think that is just code for saying, 'The deal's been done; we just haven't told you exactly how it's going to roll out.' I am sending a warning to all in the Ovens Valley and all regional Victorians: merging hospitals will be a disaster. Waitlists will get longer, health outcomes will be worse and communities will pay a massive price. Those backbenchers often say, 'Well, what would you do?' We would keep local health local, we would stop the health taxes and we would give the community choices, not ultimatums.

Youth crime is escalating in Victoria. We see it every night on TV. Instead of investing, this government is cutting services to police and other services. How can we expect improvement with cuts like we have seen in these budgets? Youth crime will go up and personal safety will go down. What else would we do? Well, we would improve bail laws and we would crack down on repeat offenders, and we know that jail means jail.

On top of the cost-of-living crisis affecting many families, there is also a housing crisis, and this crisis is home-grown. There are 55 new or increased taxes, and 27 of those are levied against the housing sector. Building a new home should be affordable, but it is not. Building houses for tenants should be affordable, but it is not. The majority of housing providers – those who provide housing to renters – are mums and dads. It used to be a win-win. Investing in a house puts a roof over somebody's head, and at the same time it is an investment for their retirement into the future. Well, mums and dads are now worried about their own home. They are worried about their own cost of living, and that is why we are seeing this lack of investment.

And the Premier says, 'My goodness, how did we get here?' Well, it is you, Premier. It is your decisions. That is how we got here. They will blame COVID and they will blame interest rates and climate change and anything they can, but they will not take responsibility for themselves. They will never admit that they got it wrong, nor will they ever apologise. So Victorians will need to make tough decisions for families into the future.

Labor does not deserve the privilege of running Victoria's finances. They cannot manage money and they cannot manage major projects, and all Victorians are paying the price. As I said, that is Victorians

in regional Victoria and metropolitan Victorians; across the board we will all have to live with the debt for many years to come. This budget handed down by the Treasurer, who has got one foot out the door, is woeful – poor choices. The former Premier and other former ministers have retired comfortably, unaware of the cost-of-living crisis. This was no vision for a budget for Victoria. This was no plan for the future. What was handed down was a dead weight, a burden, a stain our families.

When given the chance, Liberal–Nationals will roll out the red carpet for small business, not red tape. We will prioritise families and we will prioritise communities, not overpriced infrastructure. With the $9 billion per year we are paying in interest, that is $25 million a day. Member for Croydon, I ask you: what could you do with $25 million a day? In my electorate we could do up Wangaratta-Whitfield Road. That is just one day's worth of interest. Yarrawonga and Wangaratta schools would get their final stages with one day of interest. We would improve health services at Alpine Health. We could upgrade 10 local football–netball communities, make life better for them and give them better services.

We know that Labor cannot manage money. Victorians deserve better. We have had 10 years of waste and deception, and the current Premier has her fingerprints all over it. This ship is taking on water – a lot of water. They have even got two former MPs that do not even turn up to the house anymore. They do not even show up, the member for Ringwood and the member for South Barwon. In fact the member for Ringwood would often say of one of the Liberal members who had extended leave recently, 'I hope he's not getting paid; he hasn't turned up.' Well, I reckon the constituents of Ringwood would also be saying, 'I hope he's not getting paid.'

For those who think it cannot get worse, think again: 55 new and increased taxes, business going broke, businesses leaving Victoria. Victorians are paying the price. We have already seen that. I saw an example the other day where a business was charging a dollar to heat a muffin in a bakery. It was national news. But that is an example of what business has to do to stay afloat. They cannot keep up with the costs, the constant punishment they are getting from this government, whether it is energy prices, interest rate rises or the cost-of-living pressure. Businesses are really feeling the pain.

We are also passionate about the timber industry. We have seen what Labor and the Greens did to that industry. They shut down a perfectly sustainable industry, and Labor betrayed their workers, the native hardwood industry. You could see that in the house. Those in government who spoke on this bill were very meek, very quiet and very short, because they knew they had let down their co-workers – people who vote for them. They have let them down; they have betrayed them. The irony of this is they have done this to protect inner-city seats. Jump in bed with the Greens and that is what is going to happen. 15,000 workers lost their jobs – and they lost livelihoods, not just their jobs. What is next? Will it be the fishing industry, the hunting industry or the four-wheel driving industry? What is going to be next?

Victoria is being run by financial terrorists. Twenty-five per cent of Victorians live in regional Victoria, and we get 2 per cent of the budget. Thirty years ago we were saying Labor cannot manage money. Twenty years ago we were saying Labor cannot manage money. Ten years ago we were saying Labor cannot manage money, and again not only are we saying Labor cannot manage money, they still cannot manage it today. This has been a disgraceful budget, and Victorians will get to make a choice in 2026. All those on the back bench are very chirpy right now; we look forward to how you go in 2026, because people in your electorate will make decisions.

Clearly people on the backbench – there are about 17 or 19 of you in that back row – are all starting to get a bit nervy. Why don't you step up? Why don't you talk to the ministers? Talk to the Premier. Try and get something before it is too late. Do not just sit quietly. Do not just yap in this place. Go and see the Premier and the Treasurer and say, 'Let's put our hand out. Let's help our constituents.' But, no, staying quiet is not going to help you in 2026, and you will find out what it is like to be in a regional seat when you get neglected and the government for Melbourne will not hand out money in the regions. They just continue to pour it down holes in Melbourne. I commend this budget to the house.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:55): I am pleased to talk on the 2024–25 Victorian budget, which is not only helping families but is doing a lot to help communities more broadly across my Ivanhoe electorate, which I have had the great privilege to represent since 2010. Much has changed since that first term in this place. We have been able to provide significant investments in the Ivanhoe electorate. One of those particularly in this budget was $14 million for Heidelberg Primary School. There are some 600 students there at Heidelberg Primary. Can I just say they have been very patient, and their families, as we work through this investment that will make significant changes at Heidelberg Primary. It has also got some heritage overlays. It has been a fixture of the community there for well over a century. That program will see modernisation of the school, including a new gymnasium and learning centre – really significant projects – and I am pleased that I was able to attend with the Deputy Premier and Minister for Education recently to give that good news to Heidelberg Primary.

I also wanted to touch on a broader government program of $5 million for the *Victorian African Communities Action Plan*, VACAP, as a past chair of VACAP. The work is done locally in my community with Himilo Community Connect, auspiced by Banyule Community Health in West Heidelberg. The community health service was rebuilt by the Bracks Labor government. The work that is done around this financial initiative from the government in the budget of $5 million for the *Victorian African Communities Action Plan* around homework clubs and those grants is really significant. They provide support and a safe place for young people who want to continue their education and do their studies after school to do that in a collaborative environment in local communities. Those homework clubs provide hundreds of students in my local community and in others in the north with great support to continue their studies and support after school hours. That funding for the homework clubs I am hopeful will also see funding flow to Himilo community programs in my electorate.

Can I say also that a very significant announcement was made with regard to the Austin Hospital around the new expanded emergency department. The emergency department at the Austin treats some 90,000 patients a year. It is only built to treat some 45,000. We are going to be able to not only cater for that 90,000, which we see every year at the Austin emergency department, but we are also going to boost its capacity by some 30,000 emergency patients every year, with 29 additional emergency treatment spaces. That is all part of a $275 million investment in the Austin Hospital emergency department.

It builds on what the Labor government did under both Premier Bracks and Premier Brumby, which was not only to save the Austin Hospital from privatisation under the Kennett government but to then rebuild two hospitals on one site, the new Austin Hospital as well as the Mercy Hospital for Women in Heidelberg. Not only did we do that, but we were then able to build on those successes with the investment in the Olivia Newton-John Cancer Wellness & Research Centre. It is a fantastic hub out there that has been built on by successive Labor governments, and this $275 million investment at the Austin is very significant for my community and one that will support communities right through the northern suburbs. Both my colleagues the member for Bundoora and the member for Eltham, and others, will make sure that their communities benefit from the great support and the professional commitment and dedication of our healthcare workers at Austin Health.

Just going back to education, I thought I would touch on a few of the significant investments around education we have made in the Ivanhoe electorate in past Labor budgets. Can I just touch on a few of those. We will be opening the new redevelopment at Banyule Primary School with some $12.3 million there. We did open the $5 million school hall a couple of years ago, and we will be back there soon on that $12.3 million capital investment at Banyule Primary, which has nearly concluded.

At Viewbank Primary we will be going out there to open the $6.9 million redevelopment of the administration and classroom buildings. That builds on the $3.8 million investment that we have made for new, modern classrooms previously, so they are really significant investments that will be opening

soon at Viewbank Primary. Already the students in the beehive and the tree house at Ivanhoe Primary are benefiting from some $6.5 million in capital investments.

At my old school, Viewbank College, which used to be Rosanna East High School, there is some $11.5 million for their new performing arts centre, which has been getting great use, built under a Labor government here in Victoria. A brand new Olympic Village Primary School in West Heidelberg for $6 million has also been built and invested in by our government, and a $5 million new science block at Macleod College is providing great service to students in the electorate. At Waratah Special Developmental School over in Bellfield the construction of a $6.8 million redevelopment is underway, and I look forward to going out there to kick the tyres and see how that is going very soon. We drive past regularly on our way in to this place.

At my daughter's school – she is in grade 6 this year at Rosanna Golf Links Primary School – we have seen a very significant redevelopment in past years. It is also a regional deaf school in my community, servicing the northern suburbs. It does a fantastic job. We have seen well over $6 million in investment there that has seen modern classrooms, the redevelopment of the school hall and modern facilities outside as well. It has been very, very effective. They are just some of what I wanted to touch on around the investments for schools in my electorate.

It would not perhaps take too much time to mention the level crossing removal at Rosanna and the brand new station. The duplication of some 1.5 kilometres of track between Heidelberg and Rosanna and the additional tunnels that we have built there to connect services provide capacity for additional train services there on the Hurstbridge line, and to break open a bottleneck that has been there for over a century has been quite significant.

The North East Link will take trucks and traffic off roads in my electorate and particularly off Rosanna Road. It is really significant, and it is significant for another reason: that virtually the whole project in my electorate is underground in the tunnel. It does pop up there just to the north, where we link up with Watsonia north of Yallambie Road. Not only is it a very significant project for jobs, but it will transform the local community in terms of moving trucks and traffic that are trying to get to and from the ring road, to and from the Eastern Freeway. We are not going to have them doing that driving through the middle of residential streets in the Ivanhoe electorate. That is a very significant project. There are a few more years to go, but you cannot miss it, and the local community are very supportive of that project.

It is also an opportunity to be mindful that many people are doing it tough at the moment, with high interest rates and cost of living around inflation and the like. That is why our government has invested some $400 in the school saving bonus and has invested in free kinder. I was out doing the sod turn at a $3.6 million redevelopment at East Ivanhoe Preschool on King Street just last week, which will cater for 110 preschool students. The old kinder was quaint, but we have knocked it over and we are building a new one for many young families in East Ivanhoe. There are our free zoo visits and Melbourne Museum entry for kids under 16, half-price camping fees at bookable campgrounds, $200 Get Active Kids vouchers, projects around early parenting centres, baby bundles, prep bags, kinder kits and the Smile Squad, which was out at Heidelberg Primary School just recently. And capped V/Line fares at metro rates really do provide so many dollars back into the pockets of our regional commuters, whether you are from Geelong, Gippsland, Bendigo or other places. Can I say also we could go to school camps or on school excursions, and we have funded the school breakfast club program. But I do want to return to a couple of elements that relate to my portfolios that I have the privilege to drive for the Allan Labor government.

Particularly in the racing portfolio, our $72 million Victorian Racing Industry Fund has been very significant in providing partnership upgrades across so many community facilities. We have seen across our racetracks and across our racing clubs some 650 community not-for-profit organisations share in racing club facilities. Particularly in our regions, if we can upgrade and update those facilities, they get used for so many other community activities. We need to remember too that there is economic

activity of some 34,500 full-time equivalent jobs in the racing industry and $4.7 billion in economic activity. It is huge, particularly in our regions. It generates some 9000 full-time jobs in regional Victoria. As Acting Speaker Addison would know, across the Ballarat region it is the home, really, of regional horseracing, and so many people are engaged in the industry there and the sport across the Ballarat region. Not only have we done that, but our Major Racing Events Fund, MREF, which is about promoting innovative new events across Victoria, has been a very significant program, and I am very keen to see that we can expand that and the work that it is doing to provide support to new and innovative racing products across the state – that is a $15 million program.

I also want to take the opportunity to again thank the work of Victoria Police. As Minister for Police I get to meet people across many stations with my colleagues and see the hard work that continues every day and every night. Regardless of the weather, regardless of whether it might be holidays for some at different times, police are always there. They are often the first port of call for people when the chips are down. When we are under pressure, when we are not feeling safe, the first people we call are Victoria Police. They are always there, and I want to thank them for the work that they do every day. There has been $4.5 billion in investment from our government in Victoria Police. We have delivered 502 additional new police officers, and 50 protective services officers come out of the academy every fortnight. We have double squads graduating to continue to provide the services that we need from Victoria Police. We have also introduced significant legislation in this Parliament to back the Chief Commissioner of Police and his team with the additional powers and support that they need under law in this state.

What we also need to be mindful of is that our offence rate here in Victoria remains below 2019, pre-COVID, levels. That is pretty significant when you bear in mind a lot of people were not out in the community through the COVID pandemic, although our police certainly were. Our offence rate, whilst always challenging, still remains lower than prepandemic levels, and that is a very significant element that goes to the hard work and the investment in Victoria Police. We have also seen a range of operations that police are engaged in, whether that be Operation Alliance around youth gangs, Operation Trinity around aggravated burglaries, the work that the Lunar taskforce is doing around organised crime and illicit tobacco products or the work of Operation Park around the protests that we see with regard to the Middle East and to keep people safe. This work is ongoing. It is very significant work. I want to take the opportunity again to note the $215 million investment from our government for new tasers for Victoria Police so they have another tool in their armoury to keep communities safe and also to deal with those who seek to cause harm not only to them but to other members of the community.

We have seen $1 billion in investment for new and upgraded police stations. We will be out there in South Melbourne with the member for Albert Park shortly. We are knocking down what is there, and we will be doing a bit of a sod turn on what is to come. I also note the member here with regard to Point Cook, where we have got continued, progressive work happening there on planning works, and we are on track with our new build there out at Point Cook to support the community with a new station. I look forward to getting back out there to check on our work with the local member. There are other significant developments at Clyde North and also at Narre Warren. If you are in Benalla any time soon, you should see the slabs being poured and the works underway on the new Benalla police station, which will also provide a very substantial hub for emergency management right through the fantastic north-east. Always for the north but particularly for the outer north-east around Benalla and surrounds, it is very significant that there is a new development there on the Benalla police station site.

I think it is really important to also note some of the work that is so important that Victoria Police do, such as to understand our Made for More campaign, which seeks to recruit additional police to serve our community. I again say to all Victorians, if you want a job that provides great rewards and a great opportunity to serve your community, the doors are open at the police academy. I would encourage people to give it great consideration; there are many opportunities. When you have a government that is investing in health services there are opportunities to provide careers in nursing. From our

investment in education there are plenty of people that want to go and teach our kids. And there are also opportunities to join Victoria Police and serve as first responders. There are a vast variety of opportunities there for young people, but also our average age at the academy is 29. Many people have career changes and come in with a depth and breadth of experience in the community and then seek to serve their community to keep people safe. Those opportunities are there too.

I did want to circle back to my local community in the Ivanhoe electorate. I want to thank them for their advocacy and the work that they do together. With Banyule City Council – not everyone thanks their council – I am fortunate to have a very strong working relationship with the mayor Cr Tom Melican from our time together on Banyule council and through his continued work as the mayor there. We work very closely to combine our efforts and to combine the community's resources to make sure that we can build so many new projects, including the Macleod pavilion for the junior team at Macleod Park, which is coming along very nicely. There is the work that we have done on new netball courts out there at Macleod and just recently the opening of the redevelopment of the Ivanhoe golf course clubrooms.

Wherever you go across our electorate, in partnership we are doing so much work together. There is the new Ivanhoe library. We are turning the sod on the brand new Rosanna Library opposite the newly removed level crossing and new station at Rosanna, a joint project between Banyule council and the Allan Labor government. There is so much going on across my electorate and so much work that we are doing together, but it does not happen without the support of the local community and the people of Ivanhoe. I want to thank them again for always working very hard and keeping me accountable but also working in partnership to make sure we get the best results for our community. I commend the budget to the house.

David HODGETT (Croydon) (12:10): I rise to speak on the budget papers, and I will state at the outset that I want to confine my comments to a number of important local projects in my electorate of Croydon, ones that I have raised many times in the past and continue to fight for funding for and ones that I will continue to advocate for, because they are worthwhile. They are important, they contribute to the local community and they are in need of funding. They should be prioritised, and so I wish to make a number of comments on a handful of those. It is not an exhaustive list, but they are probably the main priorities that we are working on at the moment to advocate for to the government, to prosecute the case for funding towards these worthwhile local projects, which will make an immense difference in my electorate. Then, time permitting, I do wish to make a few comments on funding for the critical stroke programs and the important work of the Stroke Foundation. Again, time permitting, I want to make a number of comments towards the end of my contribution on some feedback and comments I have received on housing. We know there is a housing crisis, and I want to comment on a local project in Croydon and some further feedback for the government to focus on to deliver better outcomes there.

I will commence with the Mooroolbark footy club. We need to create equal sporting opportunities at the Mooroolbark Heights Reserve. This is the home of the Mooroolbark Football Club and the Mooroolbark Cricket Club – both great local clubs and organisations in my electorate. The pavilion was built in 1970, so it is in much need of an upgrade and investment. Today the clubrooms are too small for the demands of the club as well as the growing participation in women's teams. I think at my last count, and there could be more this season, in terms of the women's teams we have four junior teams and one senior team, who incidentally were the 2023 premiers – the Mooroolbark Football Club senior women's team – and we now of course have got a vets team, coached by Alison 'Fitzy' Fitzgerald, a terrific person and a great member of the Mooroolbark footy club who makes an enormous contribution to the team there. So I give Alison a quick shout-out there.

But the facilities need investment. Over the years they have had upgrades to the local toilets, a lick of paint and a few things like that, and the club indeed have invested their own money and their own labour into improvements at the club – the outside verandah and a few things like that. But we need local government, the Shire of Yarra Ranges, the federal government and the state government to

come on board to do these clubs, do them once and do them properly. There are plenty of examples in and around the place where clubs have been done with contributions from all levels of government, and they did them, they did them properly and they did them well. And then they will do the area for the next 50 years. So rather than a bandaid solution or a quick fix here and there, we need investment in those local facilities. I know Aaron Violi, the federal member for Casey, is working hard to try and turn the federal focus to funding for the Mooroolbark Heights Reserve redevelopment, and I too will continue to advocate and prosecute the case for them.

While I am talking about the football club, given it is football season I will give a shout-out to Trent Georgiou, who had his milestone 200th game at the club recently. I think in the same match we had the senior debuts of Jack Campbell and Harrison Chilver. We are investing in our youth at the local club there, and hopefully they will go on to have long and successful careers at the Mooroolbark Mustangs. I should declare my conflict of interest: I did play with the club many years ago at Mooroolbark. So yes, I have fond memories of running around the field there many years ago. But I cannot emphasise the importance of this level of sport and investment in this level of sport and the benefits to the local community. So I will continue to advocate for funding for the Mooroolbark Heights Reserve.

I want to mention Melba College, which is a great local school. It has had funding commitments in the last couple of elections from both sides of the house. I fought hard for stages 1 and 2 funding, and we now need stage 3 funding for this terrific local school. You cannot leave a school unfinished. It has been promised, been promised and been promised. They had the funding and then it was withdrawn in one budget. Again, they had funding for stage 3, which will invest in a new performing arts centre, a new college oval and improved parking. The old school buildings that contain asbestos would be removed as part of those works. We need that stage 3 upgrade for Melba College to replace the current outdated facilities at the school. It is a victim of the current budget. The funding was promised, and it has been pulled from this year's budget. The government's language is that it has been deferred, but we all know what that means – it will be cancelled; it is not going to be done. It has been earmarked as one of the schools that is not going to be finished. It is so important if you are going to invest in the redevelopment of a school that you finish the job. Please, stage 3 funding needs to be considered. It was not in this budget, disappointingly. I know the school community is bitterly disappointed, but we will continue to advocate for that stage 3 funding.

Maroondah Hospital I need to mention. It is an important facility in the east. Communities across Melbourne's growing east deserve great healthcare facilities and investment in their hospitals. Maroondah Hospital is in Ringwood East. It is one of several major public hospitals that continue to experience regular ambulance ramping and elective surgery delays as existing infrastructure fails to keep up. On top of that, we know that Eastern Health's primary catchment area population is expected to grow by about 13 per cent between now and 2031, with an ageing population across several local communities. In 2018 the Labor government promised a brand new emergency department. If you rocked up and had a look at what they delivered, it was a tent and two portaloos. Then in the 2022 election the Labor government promised over a billion dollars to rebuild and rename the hospital, again mentioning that it would have a brand new emergency department, which had also been promised back in 2018. If you go back and look at that promise, the government said it was in the planning stages. Four years later, it was still in the planning stages. We have had two promises – in 2018 and 2022. We have had two budgets, and we are wondering when construction will begin. The Premier at the time said construction would commence in 2025. Well, here we are nearly halfway through 2024. The government has had 10 years to do something – two budgets, two election promises. When will construction commence on the brand new Maroondah Hospital in Melbourne's east that delivers healthcare services for so many people in our local community?

I wanted to mention the Eastfield Eagles. The Eastfield BMX club needs $40,000 towards upgrading its starting gate. This is a fantastic local club. It is utilised by approximately 100 people in the local community that visit the BMX track every week. It has 55 members across all ages, with 60 per cent

of them being juniors, or 12 and under. The club also has a strong female membership. It has produced a Commonwealth Games participant and an Olympian. Other sports, like your cricket, your netball, your tennis and your footy, always get the focus, but let us not forget some of these other clubs that have great membership. They are great contributors to the local community. Nick McGowan in the other place has been a strong advocate for funding for this club, and I have been a strong advocate for funding for this club. They need substantial funding for their brand new starting gate so people can continue to race and participate. Again, I have asked the minister on several occasions to have a look at that funding, and I will continue to prosecute that.

I did, again, want to mention Sport and Life Training and the fantastic work done by founder David Burt and his team. Sport and Life Training – SALT, as they are known – do so much work with many sporting clubs across Victoria, including in regional areas, delivering mental health and wellbeing courses. They need about a million dollars. This sounds like a lot of money, but in the scheme of things of the state budget and the scheme of things of cost blowouts on major projects, a million dollars would be a great way to allow SALT to deliver their fantastic programs, which do so much in terms of mental health and wellbeing right across the state. They would be able to develop programs with their facilitators. They would focus on regional areas, where people and clubs often struggle and need that support. Again, I would advocate for funding of up to a million dollars, or more if the government is of a mind to give more, to SALT.

I have a work experience student with me at the moment, Alastair Lowrie, who is from Luther College. He was in yesterday, and he will be in again tomorrow. He is a great young man who knows the importance of investing in local schools. We have had the opportunity to visit two local primary schools this week, and Alistair saw firsthand the importance of investing in local schools. So I want to put on record in my contribution to the budget papers here a question on the Yarra Road Primary School. We want to know: when will that school get the much-needed funding to enable them to replace portables that are no longer fit for purpose? It is a terrific local school with a great school community and a great principal, but they need to be supported with funding. As I said, they are a few of the important new priorities in my electorate. It is not an exhaustive list, but they are certainly the ones that I will continue to prosecute to the government for funding.

I did want to talk briefly about the work of the Stroke Foundation. The Stroke Foundation did give us all a prebudget submission, and it was very disappointing that their submission for funding went unheard by the Victorian government. The Premier and Minister for Mental Health need to reverse their decision not to fund the critical stroke programs and have a look at the important work that the Stroke Foundation do. They were calling for funding on the much-needed FAST – face, arms, speech, time – community education campaign and StrokeLine navigator program, but as I said, those calls for funding for those important programs have gone unheard by the Victorian government. I implore people to have a look at the prebudget submission and the important work that the Stroke Foundation do.

I will just mention a few things from the government relations adviser, who provided this information to all members of the house:

> Stroke is the **third leading cause of death in Victoria** and a leading cause of disability, yet Stroke Foundation receives **no funding** from the Victorian Government. Stroke is a time-critical emergency, where every minute matters. When a stroke strikes, it attacks up to 1.9 million brain cells every minute!
>
> In Victoria, around 7,000 residents experience a stroke for the first time every year, and 2,200 lose their lives. More than 113,000 survivors of stroke reside in our state, highlighting the need for ongoing and urgent investment in prevention, treatment, and recovery supports.
>
> Right now, **only 1 in 3 Victorians** …
>
> - experiencing a stroke get to hospital *within the recommended 4.5-hour window* for treatment.
> - *know the signs* and risk factors of a stroke happening to seek urgent medical help.
> - are discharged from hospital after stroke *without* appropriate knowledge and advice for preventing secondary stroke and this can be remedied by investing in our *StrokeLine Navigator Program*.

The Stroke Foundation delivers impactful campaigns and programs in other jurisdictions. They have done so for over a decade. But Victoria has failed to invest for many years, so we need the Victorian government step up to support the work of the Stroke Foundation. We urge the government to support the Stroke Foundation's call for the much-needed Stroke Foundation programs in Victoria. As I said, the Stroke Foundation did provide information to each and every member of Parliament in this place and indeed the other place by region and by their electorate, so it is important to have a look at the great work that they do and look at funding them.

I am going to run out of time to give full justification to some of the comments I have received, so perhaps I will touch on this and I will come back in other opportunities in this house to raise matters on housing. We know we have got a housing crisis. Certainly in terms of maintenance services to do with public housing, I continually hear from organisations that do disability maintenance works or modification works, like shower handles and ramps, that most of their business is rectifying houses when people move out and they need to be rectified before they can be reallocated to another family or another person. The houses of course get a fair bit of damage, as you could well imagine. I am informed that hundreds of houses sit empty. They are not getting fixed because they are told that there is no money in the budget for rectifying these houses, so they sit idle. And this has been going on for over 12 months. So I ask: how many houses are sitting unallocated during this housing crisis? There is an opportunity for the minister to address this and turn this around so that more public housing is available to allocate to those in need.

As I said, the minister, Harriet Shing in the other place, came out and launched a brand new apartment block in Lusher Road – 137 new units of beautiful brand new public housing in my electorate of Croydon. Tick, that is all great. It met the KPI; that is fantastic. But I would implore the minister to do follow-up action around some issues there in terms of safety concerns, antisocial behaviour, the living conditions and the management of that building at Lusher Road. It is one thing to build 137 brand new units and meet the KPI and put on a media event and say all is well: 'Tick, tick, tick – we've met this.' But what about follow-up? What about the management? There are many examples from concerned locals about that. I will use the opportunity to talk about that more in this place on another occasion, because we need investment and housing in Croydon.

Emma VULIN (Pakenham) (12:26): I rise to speak on the 2024–25 state budget, and I want to congratulate the Treasurer and his team and acknowledge that this is his 10th budget. I also want to talk about the difference that this budget will make to the people in my community who live in the Pakenham district. There has been a lot happening locally. We have seen the opening of not one but two new train stations, East Pakenham and Pakenham, which opened on 3 June. Now our trains travel over the new rail bridge and 7.8 kilometres of new track. Passengers have been able to board the services at East Pakenham station, adding a new stop on the Pakenham line, and I joined a large crowd catching the first ever train from East Pakenham with an early start of 4:05 am on the Monday that it opened. As Melbourne's newest station, East Pakenham station will provide access to the metropolitan network for the 7200 new homes being built in the coming years with the infrastructure that residents need ready before they move in. The new station also improves reliability, allowing metro and regional trains to bypass each other, reducing congestion and delays.

I also want to mention that Brunt Road level crossing on the edge of my electorate in Officer was removed in April, one year ahead of schedule, with a new road bridge constructed over the rail line which is now open. I saw the first traffic drive over the bridge and saw the pedestrians and dogs also make use of the new path as the crew and I took a stroll at dusk to inspect the beautiful views and admire the new build. Now three more level crossings are gone for good. They have been removed from McGregor Road, Main Street and Racecourse Road. With these removals we have now brought the total to 80 level crossing removals through the level crossing removal project across the state. That is 80 new locations across Melbourne where it is safer and easier for everyone to get around.

The new Pakenham station itself is a wonder. The state-of-the-art roof canopy shines out over Pakenham, over our local township, and the new 2.5-kilometre rail bridge in Pakenham creates more

than six MCGs worth of open space for the local community to enjoy. It will have a new playground, parkland, seating area and half a basketball court once we see the completion of this part of the project. The new forecourt, complete with seating and landscaping, is next for completion. 219 parking spaces are available in the north car park, with 450 new spaces to come on the south side. I visited the site more than 10 times over the course of construction, and every time so much more had happened. I want to give a shout-out to the team who have been working so hard on this project.

With the old station at Pakenham now demolished, work has begun on the new bus interchange. The project is part of the $29.74 million package for upgrades to bus infrastructure. Passengers will be able to easily transfer from the train to a local bus to get home, reducing the need to drive to get to the station, or even walk for that matter. Speaking of buses, more than $22.6 million has been provided through the Growth Areas Public Transport Fund as part of the 2023–24 growth areas infrastructure contribution (GAIC) funding round to support local bus improvements. This funding will see routes 925 and 928 expanded in Officer and Pakenham, with more details to come. This is really needed in my community. I was advocating for this even as a candidate. For some time I have been talking to my community and found out that there is actually quite a lack of buses and that the routes needed to be extended, so I am really happy. It was a positive surprise for me and my community.

Pakenham will benefit from more than $45 million worth of projects funded through the GAIC funding, supporting Victorian families in our fastest growing suburbs. The Pakenham projects include $22.6 million for new and extended bus services, which I just talked about; $8.4 million to improve pedestrian access to the Pakenham Community Hospital; $6 million to improve traffic at the McGregor Road corridor, duplicating the new rail bridge underneath and adding traffic lights to Henty Street; $4.3 million to extend John Street near Pakenham Community Hospital; $2.8 million to upgrade the intersection of Princes Highway and Arena Parade in Pakenham; and $1.3 million for road and other upgrades for our new SES in Officer. While I am talking about that, I also want to encourage anyone in the Officer area who has thought about joining a local emergency service to contact the SES and find out what it is like to be a volunteer for your community. This is a massive investment which will make a huge difference, particularly in the Pakenham township.

The state budget also delivers for community sport. The Pakenham Pumas Baseball Club will receive $100,000 in funding from the Victorian state budget to improve club facilities. The Toomuc Recreation Reserve in Pakenham is a hub for local sporting activity, so I am thrilled that they will get $175,000 to be shared by some clubs for facility improvements – firstly, the fantastic Pakenham Lions Netball Club, where I was so happy to pop in and tell them the wonderful news that they were going to get $14,000 from the 2024–25 budget to go towards improved lighting so they can safely use both of the courts at night. Secondly, Pakenham Football Club will get $120,000 from the state budget to go towards improved lighting of their footy field. This is another significant cost that they have been working towards. Lastly, the Pakenham Cricket Club will receive $20,000 from the budget to assist with some finishing touches for their club.

Community sporting clubs in my electorate have also benefited from the sporting clubs grants program. The program helps grassroots clubs and organisations to address barriers to participation, develop safe and sustainable practices and build social and active local communities. They have benefited from new uniforms for new clubs and training and support for club officials. While I am talking about sporting clubs, it is important that everyone can access opportunities to participate in community and sporting activities. The Allan government has again invested in our young kids through expanding our Get Active Kids vouchers, providing $200 to help eligible families with the costs of sporting club registrations, uniforms and equipment.

When you have a growing community like mine it is vital that families have great places to play. The Officer District Park is an example of how our state government is helping make that happen. Works have started on the 10-hectare Officer District Park. Stage 1 includes a multilevel adventure play space, a fitness zone and stairs, a dry creek bed with nature play and water play and a dedicated dog off-leash area. Macy, my dog, is hanging out for this completion, and to be honest so am I. This government's

contribution has been $2.2 million towards the $7.23 million project by Cardinia Shire Council, and they have already installed two 20-metre-long slides, which look amazing. You can see them. I was watching the football game at Officer on Saturday, and in the background you could see these two really long slides up on the hill. It is all in the one district park, so you can see them from afar.

Let us talk about education. Helping our community to learn and grow and having the facilities that support them is just so important. This government has continued its commitment to providing state-of-the-art facilities and learning spaces for students in my district. Yet another primary school is underway and under construction in my electorate as we speak. Pakenham North West primary school will be the ninth new school in the Pakenham district from the Allan–Andrews government. It will be for students from prep to grade 6 and will be able to enrol 525 students when the first stage of the school is complete. When open in term 1 2025 the school will include an administration building, a learning neighbourhood, hardcourts, a car park and a sports field, and a community hub will follow later. A shout-out to Zania Cope, who has been appointed principal of the new Pakenham North West primary school.

But education does not start at prep, so next door a kindergarten is under construction too. I recently visited the Thewlis integrated child and family centre construction with the Minister for Children in the other place. This centre is funded through the Building Blocks capacity-building grants. Our state government is partnering with Cardinia Shire Council to build this early learning centre. It will have four kindergarten rooms, additional spaces for maternal and child health services, playgroups and community programs.

This will allow the centre to offer 132 new kinder places for local three- and four-year-olds. Speaking of our three- and four-year-olds, we are continuing our delivery of free three- and four-year-old kinder. This budget invests $129 million to continue our free kinder and the statewide rollout of our three-year-old kinder. This is saving families up to $2500 per child per year. It was interesting to see that 140,000 families benefited from this initiative last year. The Thewlis integrated child and family centre is taking shape and scheduled to open in early 2025, as I said, right next door to Pakenham North West primary school. This is not something new for our government; this is what we do. In February Kurmile Primary School opened in Officer, and right next door is Toun-nun integrated child and family centre. There is a definite pattern here which is helping achieve great early learning outcomes for our local families and saving parents from the double drop-off.

I had the privilege of recently opening new learning spaces at St Brigid's in Officer. The funding provided by this government assisted with the refurbishment of additional general learning areas, including internal breakout spaces complete with landscaping and a connected covered walkway from the main school building to learning areas. On the environmental front Pakenham Lakeside Primary had solar panels installed through the greener government school buildings program. This government has set a goal of net zero greenhouse emissions by 2045, and to support this goal the government established this program to help schools become more sustainable. Pakenham Lakeside school has taken up the challenge to make a difference, so well done to Pakenham Lakeside on taking this positive step.

Cost-of-living pressures are real in my electorate, and one of my favourite programs in schools has received a boost. Our popular school breakfast program is being expanded to every government school across Victoria, which is something that I am personally really happy about. School breakfast clubs provide free healthy breakfasts for students as well as lunches, snacks and take-home food packs for students experiencing disadvantage or financial strain. The program has been running in most state schools in my district for several years. Up till last September, in 2023, more than 630,000 meals had been delivered in my district alone through the program. Its expansion is a great addition to support local families and students. We know that kids cannot learn on an empty stomach, so that is why this government will make sure that no student starts the day hungry.

We also announced our $400 school saving bonus. This is a one-off payment to assist families at government schools or eligible students at non-government schools with the cost of school essentials and extracurricular activities that make school fun – things like uniforms, camps and excursions, although uniforms are not that much fun.

We are tripling the size of our free Glasses for Kids program. Our free Glasses for Kids program is already helping 34,000 students across Victoria see more clearly in the classroom, and funding of $6.8 million in the Victorian budget will expand the program to reach a further 74,000 prep to grade 3 students at 473 government schools across the state. By providing free screenings and glasses for students who need them we can help identify vision issues early and stop them holding young learners back. I remember when I was in grade 1, I think, that was when our school actually did eye tests, and they found out that I was 90 per cent blind in my left eye, so for a couple of years in primary school I used to have to walk around with a pirate patch and I was teased a lot. But I am glad we are rolling this out in schools so other families will discover when –

A member interjected.

Emma VULIN: Go pirates! The other thing that I love is that our Smile Squad school dental program is being rolled out to busy families. I know that it is hard to remember every six months to go back for your dental check-up, so it is good they are providing them at schools and making it easier for parents.

As the Education State, the government will continue funding to the value of $5.13 million for our Victorian African communities via the 14 African homework clubs available across the state, and I know the member for Cranbourne and I are both very grateful for that. We have some fantastic African homework clubs in our electorates, and they do wonderful work for some of our most beautiful African communities in our electorates.

In Pakenham the living and learning centre continues to provide and empower this service on a Tuesday and Thursday. It is a safe and encouraging environment for our young kids. I also want to give a quick shout-out to Miriam and Glenda, who run my living and learning centre in Pakenham and do a wonderful job.

We are committed to health. In the most recent state budget the investment includes $8.8 billion to fund our hospitals over the long term, giving them certainty in planning for their future ahead. Another thing that we saw was one of 12 women's health organisations is set to receive funding. I was very delighted to get a phone call from Kit McMahon, the CEO of Women's Health in the South East, who was very pleased with this announcement. I am really grateful for the work that they do in her team.

John PESUTTO (Hawthorn – Leader of the Opposition) (12:41): I rise to speak on the 2024–25 budget. It was the Premier's 10th budget as a member of this tired, exhausted and out-of-ideas government. It was her first as Premier. It was her opportunity to set a new course. It was her opportunity to correct the mistakes of the last 10 years. It was her opportunity to demonstrate what leadership she will bring to this state and how she will overcome the challenges that our state faces, which are more acute than any our neighbouring states and territories face in this country. But she botched it and so did the Treasurer. They had a chance. As a new Premier but an old minister, she had a chance to set a new course – fluffed it. We have a budget that instead of providing cost-of-living relief and instead of providing a green light to investment from across the country and across the world, miraculously and at once lifts debt, lifts taxes and sees interest on that debt increase. It actually sees unemployment increase from 4 per cent this year to 4.75 per cent – nearly 5 per cent – and it sees growth in our state, gross state product, actually taper down.

It was a budget not just of failed opportunities. It is hard to know how best to characterise this budget. It is almost as if we might call this budget a 'That'll do' budget for a Treasurer who is just about to walk out the door. We hear speculation about what he is doing. We can read his body language. His head is not in the game. It has not been in the game for a long time. But let me just talk about a few of

the key issues in this budget. Debt – let us just look at the absolute dollar value of debt. We have it going up from $156 billion next financial year to nearly $190 billion. On average over the forward estimates the dollar value of our debt – if we are to believe those figures, by the way – will increase by somewhere between 8 and 10 per cent. It could be more. We know that as a proportion of GSP net debt actually increases. So much for last year's four-point debt reduction plan, which has been replaced, because it failed, with a five-point debt reduction plan in this budget. Debt as a proportion of GSP rises from 22.3 per cent to over 25.2 per cent, and you know what, it does not add up. This is what we call in the business 'Labor economics'. They have a debt reduction plan that sees debt go up over the forward estimates.

Let us just look at the government's own numbers. It says that average revenue growth over the forward estimates is 3.6 per cent, but I have just read you the percentage net debt to GSP figures, which show that net debt continues to rise, and it rises by the order of about eight to 10 per cent. So how do you reduce debt if your revenue is less than the absolute figure on the debt? It does not add up. But it is consistent with the story of this government, and the rot set in a long time ago. I went back and looked at tables 1.1 and 1.2 in recent budgets, and you can see the rot set in in Labor's fifth budget in 2019–20, where in the space of the forward estimates it doubled – more than doubled – debt, not only as a proportion of GSP but in terms of absolute dollars, from $20 billion in the 2017–18 year to $55 billion in the 2022–23 year. From then on the story has just got worse. Yes, COVID added a little bit, but the debt train left the station way back earlier in this government's term. What it means is that there is no real plan to cut debt.

Let us just talk about a matter related to our debt, our credit rating. We have a AA credit rating; it is one of the worst in the country. But the figure I quoted before of $156 billion is not what Standard & Poor's and Moody's actually look at. They actually look at a different figure in budget paper (BP) 5, which has our debt this year at $160 billion when you look at the non-financial public sector. So when you look at the real stats – what Moody's and S&P are looking at – our debt is a lot worse. And it will be a lot worse than $190 billion in four years time; it will actually be closer to $230 billion, and that is on current forecasts in the budget. So in terms of debt, not only is it a paradox, it is a complete white flag to reducing debt.

The five-point debt reduction plan, I should say, evokes laughter for another reason. They predicted in last year's budget the debt would be 25.1 per cent of GSP in the 2026–27 year, and we know that six months ago it had already blown out to a higher figure. So the fifth element of their debt reduction plan was to get that back to where it was six months ago. I mean, this is a circus, this government, and there is no plan that reassures Victorian households or businesses that this government knows at all what it is doing.

The problem gets worse when you look at tax. We know that payroll tax will rise under the budget by about $11 billion in this next financial year, an increase of 5 per cent. We know that land tax will increase by about 8 per cent and stamp duty by even more than that. And yet the government says, 'Well, revenue growth is only going up by 3.6 per cent.' It is a lie. The burden of the government's financial mismanagement is falling on Victorian households and businesses, and we might as well just call out the property policy of this government for what it is. When you boil it all down, with such punitive land taxes and punitive stamp duty, what they are really saying is, 'You ought to own only one property.' If you are somebody who has an ethic of aspiration, an enterprising spirit, if you want to exercise choice, this government says, 'We will demonise you with punitive taxes.'

It is no wonder that employers are looking for the exit – they do not want to invest in this state. They do not want to invest in this state because WorkCover alone will rip about $5 billion out of employers because of this mob's total mismanagement. That is $5 billion in extra WorkCover premiums over the four years and nearly $18 billion over the next 10 years. That is on top of the increases to payroll tax that they introduced last year as part of their COVID debt repayment plan, remembering that COVID actually constitutes a relatively small proportion of overall debt. But because average revenue growth is only 3.6 per cent and those figures I quoted before about growth in payroll tax, land tax and stamp

duty are much higher, they are punishing aspiration; they are punishing the drivers of growth in this state – totally the wrong thing to do. While they are at it, by punishing people who have worked hard and invested in more than one property, they are saying to parents who have worked hard to send their kids to an independent school, 'We're coming after you too. We're whacking a payroll tax on your school.' So after all of the sacrifices that you have made as a family to give your children a values-based education or an independent-based education, this government is saying, 'To hell with that. We need your money. We're going to shake you down for cash because our debt is out of control.'

Investors in property have the same deal. We saw the April ABS figures that show that only 30.6 per cent of new loans were procured by investors. That is the worst number in the country. It is well down on previous years. What is it saying? t is saying, 'Under you lot we don't have the confidence to invest. There's no point, there's no return, there's no purpose.' And who pays the price? As always under this lot, the most vulnerable pay the price. Rental bonds for the year were down 15,600 – 10,400 for the last three months. So what is that telling you – it tells you that our most vulnerable in society cannot get a roof over their head because this mob cannot manage the Victorian economy or the budget. They are driving out investors, as I said.

Despite all of that, like it did with its debt reduction plan, the government says, 'Don't worry. By the end of this year we're going to release an economic growth statement.' There it is in BP2 – an economic growth statement. Based on what – higher taxes? Supply of housing stock crashing? People not investing in property? Business firms collapsing because the price of procuring labour and materials is going through the roof? Economic growth statement – are you kidding us? We cannot wait to see what your economic growth statement is. You have committed to it in BP2. Let us see what it actually says.

Then we come to infrastructure – the biggest part of the fraud in this budget. They say, 'Oh, we're bringing the infrastructure down from $24 billion this financial year, and it will go down year-on-year till we get to about $15.5 billion in 2027–28.' But what they do not tell us – and they think we would not pick it up – is they have not put the Suburban Rail Loop (SRL) in that. So concerned was I that I actually wrote to the Victorian Auditor-General. I wrote to the Auditor-General.

Lauren Kathage: On a point of order, Acting Speaker, I know that the Leader of the Opposition likes to have a crowd. The members for Mornington, Warrandyte and Eildon were speaking and interjecting out of their seats.

The ACTING SPEAKER (Juliana Addison): I remind all members to be in their seat if they wish to call out, which we do not encourage.

John PESUTTO: I was concerned about this fraud. We saw it last year with the Commonwealth Games when on 20 April cabinet met. They increased the envelope for the Commonwealth Games from $2.6 billion to $3.6 billion and confirmed it in the budget but buried it in contingency. We saw that trick; we had seen how that show ended. So I actually wrote to the Victorian Auditor-General on 23 May about this. Here is the point: buried in BP5 are the asset contingencies, about $33 billion of them, right, for asset commitments that the government has made but is not telling us about. They have made commitments, they have made decisions, but they are not telling us about them. Then you reconcile all of this. BP4 then says that the cost over the forward estimates for the SRL is – wait for it – TBC. So we have got a massive pool of $33 billion of the $37 billion in BP5, they are not telling us what the year-on-year costs committed to the SRL are in BP4 and then we have butter fingers Minister Pearson tell this Parliament in February that all contracts are going to be signed. When you take all of that together, how can you say you are going to commit to upwards of $41 billion in contracts before this term is out, have a pool of money in BP5, then deny the Victorian people information about what those year-on-year financial commitments to the SRL are going to be and think you are going to get away with it? It is a fraud, like everything else in this government. They do not have a plan for delivering it, and we expect that the federal coalition will confirm the position that there is no money from them, so where are they going to get the $12 billion from the Commonwealth?

Brad Rowswell interjected.

John PESUTTO: Oh, Albo is going to commit it. Albo has got $12 billion to throw around, has he? There is no plan.

John Setka, the leader of the CFMEU in Victoria, is one of the most irresponsible, reckless and abusive leaders. Let us be clear who is running infrastructure in this state – it is John Setka and the CFMEU, it is not this government. They are beholden to him, they are craven and they are cowardly, and the next time anyone in this government gets up and lectures anybody else about male behaviour, let us see what they are going to do about Mr Setka. Is what he says what you believe? Do you believe that what Mr Setka says is correct and acceptable in our community? Let us see what he does.

I can only say at a personal level and a local level that all of this affects all Victorians, and in particular my people in Hawthorn, the people I am very honoured and privileged to represent. But we have schools that are crumbling. I have been to my local schools, as all members tend to do. I see plaster falling from the walls at Camberwell Primary. I see kids at Canterbury Primary who tell me that they do not like going into certain classrooms because they are too hot in summer and too cold in winter. That is not a conducive learning environment. Auburn Primary has not got any money from this government for as long as anyone can remember. Auburn South needs money. Auburn High needs money. No-one is getting it. There is no work on local infrastructure. This government boasts an infrastructure program, but it is actually not delivering. It is focusing on big projects that will take even more time than we ever anticipated to conclude, and Victorians right across our great state are suffering. It may not be the time for an election, but it is time for change in this state and we are prosecuting that. We have outlined an agenda to boost productivity, to attract investment and to make our tax regime the most competitive in the country and the most attractive in the country, because unlike those opposite it is only through that investment that we will get the jobs, the housing and the services – *(Time expired)*

Eden FOSTER (Mulgrave) (12:56): I take great pleasure in following that performance by the Leader of the Opposition. The performance was so great that I question the concerns, maybe, behind the leadership there. A wonderful performance, but I am not too sure about the substance of it all given that those opposite when they were in government previously sold schools, closed schools and cut hospitals. We are having to rebuild schools to make up for that. Let us reminisce on the past Kennett era, shall we? It traumatises me a little bit. I am old enough to remember those days.

I am happy to stand here in support of the 2024–25 budget in this take-note debate and what it is doing for families across my electorate of Mulgrave. Unlike what those opposite have suggested today and in the past, this budget is responsible and it tackles the biggest challenges that our communities face. This year's budget is all about helping families with the cost of living. We know that meeting the fortnightly, monthly and quarterly bills is becoming harder, and we are determined to pitch in and take away as much of the pressure as possible that is currently on families.

I would like to begin by providing some context about the areas that I represent and their needs and priorities. My office has been running a community survey for the last few months and we have been out and about doorknocking and having street stalls on a regular basis to talk to members of the community. We are talking to members of the community about their needs not only for the budget but also for the future beyond the next 12 months. We have talked to hundreds of people across Wheelers Hill, Springvale, Noble Park North, Dandenong North, Noble Park – you name it, we have been there in the electorate. It is the priorities of our community that the Allan government is focusing on it this year's budget: cost of living, health and education.

As I am sure everyone in this chamber is aware, the cost of living is the number one concern for people across the state. That is why the Allan government is working hard to relieve the cost-of-living burden on many families. The $400 school saving bonus is going to make a massive difference for families across my electorate. The vouchers go towards school camps, uniforms, stationery and any other

school-related costs that come up for families. The bonus will be provided during term 4 of this year, making sure families have time to plan and budget for the 2025 school year. A child should not be left behind and unable to participate in the school events that build relationships and memories because of the rising cost of living, and we are doing what we can to ensure that no child is left behind. As I am doorknocking and telling families about the $400 school bonus in my electorate, they are so pleased to hear about this. They see that they will benefit greatly from this and are so delighted. $21.1 million is being invested to make sure that no child at a government school goes hungry. The school breakfast club is being expanded to include every government school for the first time. I recently went to Silverton Primary School to share in their school breakfast club. I had breakfast beforehand, but –

The ACTING SPEAKER (Juliana Addison): At this point, talking about breakfast, we are going to break for lunch. We will continue after question time.

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

Business interrupted under sessional orders.

The SPEAKER: Before we commence questions, I acknowledge in the gallery today the Honourable Theonila Roka Matbob, who is a minister in the Bougainville House of Representatives.

Questions without notice and ministers statements

John Setka

Jess WILSON (Kew) (14:02): My question is to the Premier. Former Labor Premier John Cain passed the Builders Labourers Federation derecognition act in 1985. John Cain was willing to take on this militant and thuggish union, the precursor to today's CFMEU. When will the Premier introduce similar laws to rein in the militant CFMEU?

Jacinta ALLAN (Bendigo East – Premier) (14:02): I thank the member for Kew for her question. We on this side of the house are very proud of the legacy of the Cain government – very proud.

Lily D'Ambrosio interjected.

Jacinta ALLAN: My good friend the minister for energy reminds me of course that it was the Cain government that introduced the prohibition on nuclear for the state of Victoria.

Members interjecting.

The SPEAKER: Members will come to order while the Premier is on her feet, without interjections.

Jacinta ALLAN: Again I repeat that the Cain government drove significant reform on behalf of the people of Victoria. What also followed of course – doing a bit of a history lesson here – is that after the Cain–Kirner governments came the Kennett government. One of the actions of the Kennett government of course was to refer industrial relations powers –

Members interjecting.

The SPEAKER: Members will be removed from the chamber without warning. There is too much noise and interjecting.

James Newbury: On a point of order, Speaker, the Premier is debating the question. The question asked specifically about when the Premier will introduce laws around a militant union, and the question was very specific to that. The Premier is now debating the question.

Mary-Anne Thomas: On the point of order, Speaker, there is no point of order. The Premier was being directly relevant to the question, which asked about the union movement and the Cain government.

Danny O'Brien interjected.

The SPEAKER: Order! The member for Gippsland South can leave the chamber for half an hour.

Member for Gippsland South withdrew from chamber.

The SPEAKER: The Premier was being relevant, but I do ask the Premier to be mindful of the question that was asked.

Jacinta ALLAN: I was, and I was asked about the ability of the state government to take action on a particular issue. I point out to the member for Kew that the registration of unions is a responsibility that sits with the federal government, not with the state government.

Jess WILSON (Kew) (14:05): The Labor prime minister has said that John Setka's behaviour contributed to the decision to expel him from the Labor Party. Will the Premier ban thuggish union boss and her friend John Setka from Victoria's Big Build sites?

Jacinta ALLAN (Bendigo East – Premier) (14:05): As I said yesterday –

A member interjected.

Jacinta ALLAN: Yes, they are our sites, because there is no federal Liberal money in any of our building sites. No federal Liberal money – I will tell you that for nothing.

Members interjecting.

The SPEAKER: Order! The member for Nepean can leave the chamber for half an hour.

Member for Nepean withdrew from chamber.

Jacinta ALLAN: As I said yesterday, everyone deserves the right to a safe and respectful workplace. Everyone deserves that right. Certainly every leader of any organisation should drive a culture of respect, and that particularly includes and is especially so for union leaders. We do not want to see union leaders acting like boofheads; we want them supporting safe and respectful workplaces right across the state.

Members interjecting.

The SPEAKER: Order! Member for Ripon, you can leave the chamber for half an hour. Member for Wendouree, you can also leave the chamber for half an hour.

Members for Ripon and Wendouree withdrew from chamber.

James Newbury: On a point of order, Speaker, on relevance, the question asked whether the Premier would ban John Setka from government sites, and the Premier has not answered the question.

The SPEAKER: The Premier has concluded her answer.

Members interjecting.

The SPEAKER: Member for Kew, would you like to leave the chamber also?

Ministers statements: child sexual abuse

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (14:07): I rise to update the house on the government's response to the board of inquiry report into historical child sex abuse at Beaumaris Primary School. An inquiry is far more than its final report; it is a unique opportunity to hear and acknowledge pain, validate experiences, promote accountability and support healing and closure. Today the Premier and I announced that the government will accept each and every one of the recommendations of the board of inquiry. In making this clear and simple acknowledgement, we acknowledge that we failed. We failed to keep children safe. We failed to listen when they spoke out. We failed to act to ensure that it did not happen again. Both the action and inaction of the Department of Education constituted a gross systemic failure.

I say to Glen Fearnett, Rick Turner and Tim Courtney, who joined the Premier and me this morning: as children you experienced a system that sought to silence you. Now as adults you have refused to be silent anymore. To their partners and other victim-survivors we say thank you for showing the most incredible courage and a determination to protect others in a way that you were not. I would also like to acknowledge the advocacy of the member for Sandringham as well as a former member in the other place, Mr Grimley.

The government has accepted all nine recommendations, which are supported by an investment of $48.29 million. We know the victim-survivors of the Beaumaris cluster are not an isolated group. That is why we will establish a statewide independent truth-telling process designed to ensure victim-survivors from all over the state have their experiences heard and validated and to help contribute to individual and collective healing. We will also do a holistic review of child sexual abuse matters that were treated and responded to across the Victorian government system. This work is not over; rather, it is just the next step towards healing. At the conclusion of all our processes we will put on public record an apology in the Parliament in consultation with victim-survivors.

Industrial relations

Emma KEALY (Lowan) (14:09): My question is to the Minister for Health. Under the CFMEU's new pay deal, a traffic controller on a government Big Build project will be paid about $150,000 per year, plus superannuation, and could be paid far more with allowances. A registered nurse with eight years experience is paid $95,000 a year under the government's own enterprise agreement. Why does this Labor government preference CFMEU workers over Victorian nurses?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:10): I thank the member for her question. I might say this: I reject the premise of the question. No government values the nursing and midwifery workforce more than the Allan Labor government, and it is why right now, through the Victorian Hospitals Industrial Association, negotiations in good faith continue with the ANMF. I might put on the record that when it comes to negotiating with workers the ANMF have been very, very clear. In fact I unfortunately cannot use the words in this place as they would be unparliamentary to describe the thoughts and views of the ANMF in relation to those on the other side of the chamber, because the last time they were in power they showed absolute disrespect to our nursing workforce.

Emma Kealy: On a point of order, Speaker, the minister must be factual. The numbers themselves indicate that the government is happy to pay $150,000 for somebody to hold a stop–go sign but only $95,000 for Victorian nurses, and I ask you to bring her back to address that and be factual in her response.

The SPEAKER: The minister was being relevant to the question.

Mary-Anne THOMAS: While negotiations continue on the enterprise agreement, we will continue as a government to do all that we can to support the hard work of our nurses and midwives. It is why our government introduced nurse–patient ratios, which were opposed by those on the other side of the house. They opposed it. Nurse–patient ratios go to one of the key issues that nurses raise with us. It is a key strategy to ensure that we manage and support the workload of nurses, and it has patient care at its centre. I might also say it is one of the reasons why Victoria is such an attractive place for international nurses, who go to great lengths to try and secure work here in Victoria because they want to be focused on delivering the very best patient care and they know that here in Victoria they can do that.

Emma Kealy: On a further point of order, Speaker, the minister is now debating the question. The question was specifically around Victorian nurses being paid substantially less than people who hold a stop–go sign. I ask you to bring the minister back to this important point.

The SPEAKER: The minister was being relevant to the question.

Mary-Anne THOMAS: Further, I welcome the opportunity to inform the member for Lowan about work that she may be unaware of, once again, in the federal jurisdiction, because it is the Commonwealth government that has responsibility for industrial relations and the work value case that is underway, where the Fair Work Commission is looking at the gendered impacts on pay here in Australia. We have one of the most gendered workforces in the world, and as a consequence of this the Fair Work Commission is looking at resetting the award rates for nurses and personal care workers, recognising that the work of nurses in our hospitals and in aged care has not always been valued, particularly by Liberal–National party governments.

Emma KEALY (Lowan) (14:14): Has the CFMEU's new pay deal been factored into further cost blowouts of hospital building projects?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:14): I welcome the opportunity to talk about our $15 billion pipeline of health infrastructure, and I certainly will not be taking lectures from those on the other side, who have never managed a major project ever – not one. It has been fabulous. I was out recently with members of our caucus at the Angliss Hospital to see the redevelopment of that hospital site as well. I was recently down at Frankston Hospital and of course Latrobe Regional Hospital, where we have delivered stage 1, stage 2 and stage 3 of the redevelopments of those hospitals –

Emma Kealy: On a point of order, Speaker, the minister is now debating the question. I ask you to bring her back to the question put: have the CFMEU pay increases been factored into these projects?

The SPEAKER: I remind members that a point of order is not an opportunity to repeat the question. The minister was being relevant to the question.

Mary-Anne THOMAS: Our government is really proud to be investing more than $15 billion into much-needed health infrastructure in this state and, not only that, creating really great jobs in the construction industry along the way, creating quality jobs for the people of Victoria, making sure that we are prioritising social procurement and creating opportunities – *(Time expired)*

Ministers statements: energy policy

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:16): It is electric in here today – not nuclear electricity, by the way. I am delighted to update the house on how our government is delivering more cheap, reliable renewable energy right across the state. Last week I got to open the brand new Glenrowan solar farm, the first project from our second Victorian renewable energy target auction – a 102-megawatt solar farm that has created 90 jobs for people in the local community and is producing cheap renewable energy as we speak. While I was in sunny Glenrowan, the Premier was in windy Mortlake South to visit the Mortlake South wind farm, another project built in our VRET auction. It is thanks to projects like these ones that Victoria consistently has the lowest wholesale electricity prices in the country. Queensland is almost 100 per cent higher and New South Wales nearly 50 per cent higher than Victoria. That is why our households on the Victorian default offer pay an average of $322 less than those on the default market offer in other states.

But there are some who would rather see Victoria's power prices go through the roof. The most expensive form of new electricity that you can build is nuclear, and that is exactly what people would get on their power bills – toxic, expensive nuclear power right here at Loy Yang in Victoria. We on this side of the house under an Allan Labor government can absolutely, unequivocally rule out ever allowing nuclear reactors to be built here in Victoria. So if Mr Dutton were ever to become prime minister, one question is really clear that has failed to be answered today: would the opposition seek to overturn Victoria's legislation to prohibit nuclear activities in this state? It is a simple question that has failed to be answered even today. This whole nuclear message is reckless. We would all be better off, frankly, if Peter Dutton was obsessed with the *Barbie* movie, like normal people, and not *Oppenheimer*.

John Setka

Cindy McLEISH (Eildon) (14:18): My question is to the Minister for Women. Thuggish CFMEU boss and friend of the Premier John Setka was convicted of using a carriage service to harass his wife. The minister has presided –

Members interjecting.

The SPEAKER: Order! The member for Eildon will be heard.

Cindy McLEISH: I will start again. Thuggish CFMEU boss and friend of the Premier John Setka was convicted of using a carriage service to harass his wife. The minister has presided over the Call It Out advertising campaign. In line with the government's Call It Out campaign, will the minister now call out Mr Setka's use of threats and bullying language?

Members interjecting.

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

Member for Tarneit withdrew from chamber.

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (14:19): Thank you for the question. I welcome the opportunity to talk about women's policy in this house and receiving my first question in this space since becoming minister at the last election. Our priorities around gender equality in this state are second to none in comparison to every other state, and I welcome the federal government actually stepping up in this space in recent months. And that is the release of a gender equality strategy that is underpinned by 110 recommendations which go to the heart of making our state more equal. When it comes to union leadership –

Cindy McLeish: On a point of order, Speaker, on relevance, it was about the specific Call It Out campaign, not a general strategy.

The SPEAKER: The minister was just into her answer. I will give her the opportunity to respond.

Natalie HUTCHINS: When it comes to union leadership, when it comes to business leadership and when it comes to school leadership and leadership in hospitals, we expect that women are going to be respected and treated well across this state. That is the standard that we are putting in place with the gender equality strategy and so many of our government policies. The member opposite asked me about the Call It Out campaign – a fantastic campaign actually not in my remit but in the remit of the minister for family violence prevention. I am very proud of that campaign. It is something that we are trying to embed across our community to make sure that leaders in our community and leaders in our union movement are being respectful of women, and of course this government is leading the work when it comes to challenging the norms that have been in place for many decades.

Peter WALSH: On a point of order, Speaker, on the issue of relevance, I would ask you to bring the minister back to answering whether she will call out John Setka for his behaviour.

Members interjecting.

The SPEAKER: Order! Member for Thomastown, you are not the Speaker. The Minister for Women was being relevant.

Natalie HUTCHINS: We have gender equality targets that we have put in place across our boards to make sure that we have more women in leadership roles. I strongly encourage the union movement to do the same. And as I was saying, we are doing world-leading work in changing male-dominated industries, giving pathways to women in those industries and making sure that there are certainly ways that women can move up the ranks into leadership roles in those male-dominated industries, whether that is the technology industry, where women are greatly under-represented and this government is

stepping up with its digital jobs program, or whether it is manufacturing, where we are in the processes of putting together a strategy to get more women into that sector. In clean energy we are also doing the same, and I am working with the minister. Also we have had a successful program in the construction sector and in the transport sector, where we are changing the game on the job, in the union movements and in the employer associations by putting more women into industries and changing behaviour.

Cindy McLEISH (Eildon) (14:23): Given the minister will not call it out, last month the minister outlined that the government was expanding the Modelling Respect and Equality, MORE, program to ensure that young men have positive role models. Is John Setka – CFMEU boss, friend of the Premier and a man convicted of harassing women – eligible to be a MORE champion?

Members interjecting.

The SPEAKER: Order! The Minister for Women to respond to the question as it relates to government business.

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (14:24): I think in the current environment of this state, seeing some of the worst stats around the murder of women and record numbers of sexual harassment of women in workplaces in our community, the opposition could lift their game when it comes to this issue instead of trying to attack individuals in this place.

James Newbury: On a point of order, Speaker, the minister is outrageously debating the issue. This was a very simple question. I understand why the government does not want to answer the question. The question was whether or not Mr Setka, a thug, is entitled to be a MORE champion, and the minister can simply answer that question.

The SPEAKER: I ask members, if you are raising a point of order, to not repeat the question. The Minister for Women was being relevant. I do ask her to remember that the question is responded to as it relates to government business.

Natalie HUTCHINS: I was asked about the MORE program, which actually sits within the purview of responsibility of the minister for family violence prevention. But as the Minister for Women, I absolutely encourage these sorts of programs that are rolled out, that are changing our young boys' behaviours and that are embedding respectful relationships. I absolutely support those, as I know the Minister for Education and the Premier do. We want to see more of these programs rolled out in the future.

Ministers statements: environment

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:26): I rise to update the house on the Allan Labor government's commitment to protecting and enhancing Victoria's natural environment. Our most recent budget puts our money where our mouth is. We are delivering $609 million for environment-related issues, which takes our total investment since 2015–16 to $4.8 billion.

Through the container deposit scheme, we have lifted nearly 600 million containers from our streets, waterways and parks. By the time I finish this statement, it will probably be another million. Through BushBank, community landowners and the government are restoring 20,000 hectares of habitat and vegetation. By establishing the Great Outdoors Taskforce and providing a budget of $115 million for our forests, we are looking for ways to fund more recreational, tourism and environmental opportunities for the community and future generations of Victorians. We have also put 10 million fish back into our waterways just this year.

What is the next logical step? Most people would expect us to do more of what we are currently doing, but not the Liberal–National coalition – not that one-trick pony. They would have us install nuclear

reactors right through Victoria. Nuclear is nothing but a threat to Victoria's energy security and environment. Nuclear energy is too slow to keep the lights on, too expensive to build and too risky for Australia's future energy needs. It will also result in higher power bills.

This topic reminds me of Blinky. Do you know Blinky in *The Simpsons*, the three-eyed fish? Imagine little Blinkys swimming right through Victoria's rivers and waterways. Imagine little Blinkys, disfigured because of the nuclear reactor. That will not happen under an Allan Labor government, but we can never be sure under a government the Liberal–National coalition lead, with their secret plans with their federal counterparts for nuclear reactors. You can never guarantee there will not be Blinkys populating Victorian waterways.

John Setka

Bridget VALLENCE (Evelyn) (14:28): My question is to the Minister for Industrial Relations. When called upon to do so, the Premier, Deputy Premier and Assistant Treasurer all refused to call out the thuggish CFMEU boss John Setka's threats to delay taxpayer-funded projects. The minister has been silent on this topic. Has illegal or coercive action taken by the –

Members interjecting.

The SPEAKER: Order! The member for Evelyn will be heard in silence.

Bridget VALLENCE: Has illegal or coercive action taken by the CFMEU increased the cost of government projects?

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (14:29): I thank the member for her question, and I also thank her for the opportunity for my silence to finally be broken. I feel like I have been constrained in this place by those opposite never asking me questions. But here is my opportunity now, so I will wax lyrical. Let me be very clear: the Premier has always stood up for the right of people to have a workplace free of intimidation. She has consistently stated this and, quite frankly, it is something that we as a government have lived large by in terms of how we see people dealing with each other in their day-to-day arrangements.

On the secondary part of the question, which went effectively to the impact of arrangements that might have sought to delay projects, can I be very clear that, at the time that the state of Victoria get private sector operators to deliver our projects, they also sign up to assume the risk. They also sign up to deliver the cost of those projects within this. Those opposite of course might want to talk about the cost. We know the cost of our $208 billion infrastructure projects.

John Pesutto: On order a point of order, Speaker, on relevance, the question was about illegal and coercive CFMEU action driving up costs, so I would ask you to draw the Treasurer back to that question.

The SPEAKER: The minister was being relevant to the question. I cannot tell the minister how to answer the question, but he was being relevant.

Tim PALLAS: The cost of our project in this year's budget came to 3.9 per cent. That is the increase in those costs on that $208 billion project. That was below the inflation rate at the time. Might I also say that if you go back to the preceding year you will find that the cost on our capital works program was less than 1 per cent over the time, so I do not think that we could say that is anything disproportionate to what has been happening in the broader economy. If you go back and look at the increase in commodities for the building and construction industry over the past two years having grown by over 20 per cent, I think it is reasonably fair to say that these projects have been responsibly managed and have demonstrated –

Members interjecting.

Tim PALLAS: Those opposite need some light relief because their life has been so tormented by their own disregard for each other. But let us be clear: the projects that we are delivering are the ones that Victorians voted for, and we are proud of the work that the Victorian corporate sector, the construction industry and the workforce have been able to deliver. Let us remember when we are opening Melbourne Metro that those opposite sought to – well, they did not seek to; they stopped Melbourne Metro. Let us remember that the West Gate Tunnel would have never happened without this government and 75 level crossings would not have been removed without it –

Members interjecting.

Tim PALLAS: Eighty.

Members interjecting.

The SPEAKER: The member for Rowville will come to order during question time.

Members interjecting.

The SPEAKER: No, it was not. It was the member for Rowville. Do not point to the member for Narracan. It was you, member for Rowville. This is your warning.

Members interjecting.

The SPEAKER: Order! The member for Yan Yean can leave the chamber for half an hour.

Member for Yan Yean withdrew from chamber.

Bridget VALLENCE (Evelyn) (14:33): The minister once asked:

> When will people in Victoria hear members of this government stand up for the rights of workers?

When will the minister stand up for the rights of workers at the AFL, such as the head of umpiring, against the threats and intimidation of the Premier's friend and CFMEU boss John Setka?

The SPEAKER: I ask the minister to respond to the question as it relates to government business.

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (14:34): I will try. Can I be very clear that this government stands for respectful workplaces. We recognise the legitimate right of the union movement to represent those within its coverage, and this government will continue to support and to assist businesses in being able to provide respectful and appropriate workplaces.

Bridget Vallence: On a point of order, Speaker, on relevance, if you stood up for respectful workplaces and the rights of workers, you would call John Setka out.

The SPEAKER: Member for Evelyn, you have been here long enough to know how to raise a point of order, and you know very well that is not a way to raise a point of order.

Tim PALLAS: I remind the member that I spent almost 20 years representing workers. I was on occasion described as a union thug, but I have got better over the years since then of course. But what I will remind those opposite is that respectful workplaces are things that ultimately only come as a consequence of respect being shown across our society. This place is where it starts from, and the verballing of the Premier and the attempt to pejoratively describe the Premier in the way she has is inappropriate.

Ministers statements: health infrastructure

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:35): I rise to update the house on the Allan Labor government's commitment to act on climate change through and for our healthcare system. We know that hospitals are big users of energy, including gas. That is why we are making sure that our new

hospitals take advantage of cheap renewables as they come online – cheap renewables, not expensive nuclear – because we know that climate change is having a real impact on the health and wellbeing of Victorians. It is why we are building Victoria's first all-electric hospital at Melton. It is why we are building all-electric redevelopments at the Frankston and the Angliss hospitals. These all-electric buildings will make sure our hospitals are not contributing to climate change and the health impacts that that has, which is much more than the leader of the federal opposition can claim, a member I might say who doctors voted as the worst health minister in 35 years.

While our government is busy building health infrastructure across Victoria, including as I have already detailed all of that work that we have done at Latrobe, that we are doing at the Angliss and Frankston, you name it, the only thing that those on the other side of the house, the Liberals, are building in Victoria is a nuclear reactor in the Latrobe Valley. The real question now is for the member for Hawthorn. Where does the member for Hawthorn stand on this matter? While Peter Dutton plans to split atoms in Loy Yang, the member for Hawthorn is busy thinking about the splits in his own party, not the health of Victorians.

James Newbury: On a point of order, Speaker, ministers statements cannot be used to attack the opposition, and four-year-olds cannot get ambulances.

The SPEAKER: Order! Didn't I just say that members should know by now how to raise a point of order? The minister has concluded her statement.

John Setka

Roma BRITNELL (South-West Coast) (14:38): My question is to the Minister for Ports and Freight. Federal Court Judge Geoffrey Flick found in 2017 that the Construction, Forestry and Maritime Employees Union repeatedly sought to place itself above the law. Should all employees and organisations that operate at Victoria's port obey the law?

Melissa HORNE (Williamstown – Minister for Casino, Gaming and Liquor Regulation, Minister for Local Government, Minister for Ports and Freight, Minister for Roads and Road Safety) (14:39): Speaker, if I can seek your indulgence before answering the member for South-West Coast's question, can I just shout out to the three young men from Williamstown electorate who are in the gallery today doing work experience. But I do feel – and I love a question about ports and freight – a little bit like I am in a *Seinfeld* episode where –

Members interjecting.

The SPEAKER: The member for Point Cook can leave the chamber for an hour.

Member for Point Cook withdrew from chamber.

The SPEAKER: All these comparisons with TV shows are kind of getting to me.

John Pesutto: On a point of order, Speaker, on relevance, we have given the minister more than enough time. Can she address the question about whether employees should obey the law?

Members interjecting.

The SPEAKER: Order! Minister for Environment! The Minister for Ports and Freight will come back to the question that was asked.

Melissa HORNE: As you can appreciate, we work in a highly industrialised place down on the ports, and of course we work very closely with the Port of Melbourne Authority but also with our union comrades down there.

Roma BRITNELL (South-West Coast) (14:41): Given John Setka's criminal conviction, will the minister take steps to ban the thuggish union boss and friend of the Premier from Victoria's ports?

Jacinta Allan: On a point of order, Speaker, this is an egregious disregard for the standing orders and the requirement for questions to bear some resemblance to the minister's portfolio responsibilities. I ask that you rule the supplementary question out of order.

John Pesutto: On the point of order, Speaker, the question is within order. The minister, despite appearances, is the minister for ports. This is about whether a thuggish union leader, who is a friend of this government and is enabled by this government, is to be banned from ports.

Members interjecting.

The SPEAKER: Order! The Minister for Police will come to order. I remind members that a point of order is not an opportunity to repeat the question. The minister can answer the question as it relates to her portfolio and government business.

Melissa HORNE (Williamstown – Minister for Casino, Gaming and Liquor Regulation, Minister for Local Government, Minister for Ports and Freight, Minister for Roads and Road Safety) (14:42): If I can explain the way that our ports operate, firstly, we have got the Port of Melbourne Corporation, which is down there operating the Port of Melbourne. We then have a number of stevedores that operate. They are private companies. They have agreements with the MUA, which is actually there with their workforce, and they do that wharfside work. There are then a number of other providers down there. This is not about the CFMEU.

James Newbury: On a point of order, Speaker, on relevance, the minister was asked whether she would ban John Setka from the ports.

The SPEAKER: The minister was being relevant to the question.

Melissa HORNE: In conclusion, it is clearly apparent that the member for South-West Coast completely does not understand the way the Victorian port system operates.

Members interjecting.

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

Cindy McLeish interjected.

The SPEAKER: Make that an hour.

Member for Eildon withdrew from chamber.

Ministers statements: energy policy

Jacinta ALLAN (Bendigo East – Premier) (14:43): I rise to update the house on what action our government will take to stand with the Gippsland community. Gippsland is one of the most beautiful regions across our state. Not only that, it also produces some of the finest produce that you will find anywhere around the world: good milk, cheese, award-winning wine and some of the best beef and lamb you will find. But this morning we heard that there is something else that is potentially going to be added to the list of things that are produced in Gippsland, and that is nuclear waste. When the evidence is before you, when we are already on the path of transition to renewable energy and when there are projects across the state in wind, in solar and in battery storage, you would have thought that that would be something you could get on board with and get behind and partner with the Victorian government on, but no. There are some that not only want to dump toxic and risky nuclear sites into Gippsland; they also want to see the results that will affect households and businesses across the state with prices skyrocketing. That is why we will stand up for the Gippsland community and say no to the federal Liberal–National party's plan to bring toxic, risky, expensive nuclear power to Gippsland. But there are some who are refusing to rule out building a nuclear plant in our state. There are some who we know have a secret plan, although after reading Steve Price's article, perhaps it is not so secret after all. There are those who have a plan to join arm in arm with their federal Liberal–National colleagues to support this nuclear plan. Well, we will stand with Gippsland.

Constituency questions

Kew electorate

Jess WILSON (Kew) (14:47): (690) My question is to the Minister for Environment. Parks Victoria have, without consultation with a single local resident, removed the playground at Dickinson reserve in Kew. Parks Victoria have pointed to a recent upgrade to a playground at Andrews Reserve as compensation for the loss of play equipment at Dickinson reserve. Had they bothered to talk to the local community, they might have given themselves the opportunity to understand that the Andrews Reserve playground, which is over a 1-kilometre walk away along a busy main road, does not make up for the loss of play equipment at Dickinson reserve. I have spoken to the minister about this issue on many occasions. I understand he has directed Parks Victoria to replace the playground at Dickinson reserve, and I thank him for that. He understands that local young families want and need this playground. He understands that this playground is needed, and he is not requiring Parks Victoria to now undertake belated and elongated consultation. So I ask: will the minister ask Parks Victoria why they are delaying this decision to immediately replace the playground at Dickinson reserve in Kew?

Laverton electorate

Sarah CONNOLLY (Laverton) (14:48): (691) My question is for the Deputy Premier as Minister for Education. One of the cornerstone features of this year's budget is the $400 school saving bonus, which will be made available to all students at government schools and those at non-government schools who have a concession card. This payment is going to help families with some of those pesky schooling costs: things like school uniforms, which is something I believe we are looking at how to make cheaper for families, as well as things like excursions, camps and sporting equipment. We know that families are struggling with the cost of living at the moment, and this is especially the case for families with school-age kids. As someone with school-age kids, I know all too well how these costs can add up, and that is why I know this bonus of $400 per child is going to help so many families. So my question for the minister is this: how many families in my electorate of Laverton are expected to receive this bonus?

Shepparton electorate

Kim O'KEEFFE (Shepparton) (14:49): (692) My question is to the Minister for Health. The minister has stated there will be a decrease in the funding that will be paid in relation to future health service budgets. Given GV Health is already millions in deficit, the information I seek is what health services will be cut in my community following your budget cuts. I have been contacted by a local nurse, who also raised her concerns regarding the funding cuts to health services and the services that will be impacted.

Tarneit electorate

Dylan WIGHT (Tarneit) (14:49): (693) My question is to the Minister for Health. How will the recently announced funding for women's health services benefit my community of Tarneit? In the most recent budget the Allan Labor government invested $18 million across 12 women's health organisations. These organisations include Women with Disabilities Victoria, Women's Health Victoria, the Multicultural Centre for Women's Health and of course GenWest and more. GenWest work directly with women in areas like Tarneit to provide aid to those facing family violence. Their work includes developing safety plans and providing counselling resources to those in need. Victoria has a proud track record of investing in women's health, from establishing Victoria's first clinic for women's heart health to delivering 14 sexual and reproductive health hubs and launching the state's first ever sexual and reproductive health phone line. I am proud to be part of a government that is prioritising women's health and safety, because everyone deserves to be able to live a happy and healthy life.

Sandringham electorate

Brad ROWSWELL (Sandringham) (14:50): (694) My constituency question is for the Minister for Roads and Road Safety. Imagine a typical morning in Cheltenham: families hustling to get children to school, workers commuting to their jobs, cyclists on their morning ride, local businesses gearing up for the day. Bay Road is the lifeline that connects my community, and yet this government proposes to reduce the lanes on Bay Road to just a single lane under the Frankston line railway bridge, which threatens to disrupt that lifeline, creating a bottleneck in my community. Residents are concerned. Parents fear longer, more stressful commutes. Business owners are worrying about customers avoiding the area due to increased traffic. Therefore I ask the minister: could the minister please outline the rationale for the reduction of lanes on Bay Road to one lane and provide details of how this change will impact congestion in Cheltenham? Our community deserves a transparent explanation. We need to understand the planning considerations and the anticipated impacts of this decision. Our daily lives, our safety and the vibrancy of our local community and businesses depend on that.

Thomastown electorate

Bronwyn HALFPENNY (Thomastown) (14:51): (695) My question is for the Minister for Transport Infrastructure, and the question I ask is: can the minister tell us the timing of the Wollert rail feasibility study? During the 2022 federal election it was announced that an elected Albanese Labor government would fund the feasibility study into Wollert rail. This study would be undertaken in collaboration with the Victorian government. The suburbs of Wollert and North Epping are growing quickly, with new homes, shopping centres, schools, early education centres and community facilities being built by the Allan Labor government to create a wonderful place to work, live and raise a family. Now that we have a genuine partner in Canberra, my community would welcome an update on the progress of the study.

Nepean electorate

Sam GROTH (Nepean) (14:52): (696) My constituency question is to the Minister for Education. Prior to this year, School Sport Australia and Athletics Australia hosted joint national championships for cross-country as well as other sports, and due to this arrangement School Sport Victoria abrogated their responsibility to select secondary students for the competition to Athletics Victoria. However, a decision has now been taken to create a separate championship run by School Sport Australia focusing on primary and secondary school students, and this year it will be hosted in Yarra Glen. The regular Athletics Australia event will follow a week later in Tasmania. Despite School Sport Australia conducting their own competition this year, School Sport Victoria have indicated they will not select any secondary students for competition from their upcoming trials. This means there will be no Victorian secondary school representation at the School Sport Australia competition held here in Victoria. Will the minister make representation to School Sport Victoria and ensure they change their policy and select secondary students to compete in the upcoming School Sport Australia competition?

Melton electorate

Steve McGHIE (Melton) (14:53): (697) My question is for the Minister for Local Government, and I ask: Minister, are there any mechanisms to ensure that Melton council can be held accountable to the residents of Silverdale Estate, who face unbearable traffic noise after council rescinded funding to build a sound wall to protect the residents? This occurred after council inadequately granted planning approval for the estate without ensuring provision of noise mitigation. The residents have continued to suffer due to the failings of council to ensure planning and not delivering on earlier commitments before construction price increases. Surely councils have a duty to their residents, and if mistakes were made then they should do the right thing for Silverdale Estate residents who face this atrocious noise pollution through no fault of their own.

Gippsland East electorate

Tim BULL (Gippsland East) (14:54): (698) My constituency question is to the Minister for Housing in the other place. The information I am seeking is what she is going to do to address an exorbitant 55 per cent increase in rent at a public housing complex in Heyfield. A group of tenants living in very small 40-year-old one-bedroom units are in shock at being told that their rents are going up $64 a week, from $116 to $180, leaving many of these pensioners unable to pay. Gary Kennedy, one resident, has undergone a kidney transplant. He has regular trips to Melbourne. He has to take 20 medications a week. I have been contacted by other residents in that complex who are saying they are going to have to choose between heat and food on the table. Government correspondence says that the rental adjustment is due to market value, but whether it fits within the threshold or not, this is the government pinching money to pay for its state debt, and I want to know what the minister is going to do about it.

Eureka electorate

Michaela SETTLE (Eureka) (14:55): (699) My question is for the Minister for Prevention of Family Violence. The minister joined the Premier in Ballarat on 31 May to announce that Ballarat will lead the way in family violence prevention thanks to a brand new project to saturate anti-violence awareness and action. This is a world-leading pilot that brings together new and expanded programs, policies and services with a singular focus to drive down the rates of family violence and men's violence against women. Respect Victoria, the nation's first primary prevention agency, will work with the community to develop and deliver initiatives that are tailored to local needs. I recently attended a student forum of all schools in Ballarat on gendered violence. The students had great insight and thoughts on this issue. My question for the minister is: will Respect Victoria work with local schools and, importantly, local students to develop the saturation model?

Rulings from the Chair

Constituency questions

The SPEAKER (14:56): The time for constituency questions has ended. However, I have reviewed the constituency questions from yesterday. The member for Berwick asked for information possessed by the Premier but did not ask a question during his contribution. I rule the member's question out of order. The member for Mildura asked two questions of the Minister for Environment. *Rulings from the Chair* notes that a constituency question should ask only one question, so I rule the member's question out of order. Sadly, the member for Northcote and the member for Richmond also asked broad policy questions but did not link their questions to their electorates or constituents, and I therefore rule those members' questions out of order.

Motions

Budget papers 2024–25

Debate resumed.

Eden FOSTER (Mulgrave) (14:57): I was talking earlier on the take-note motion on the budget, and I was talking before lunchtime about my visit to Silverton Primary School and their school breakfast club, given that the Allan government has committed to expanding the school breakfast club program across all government schools. This means that it is an expansion that will see 150 additional schools invited to join the program at the beginning of next year. It is expected to support up to 200,000 students before rolling out to remaining schools from June 2025. One thousand schools already participate in the program, which provides healthy breakfasts for students as well as lunches, snacks and take-home food packs for students experiencing disadvantage or financial strain.

I also look forward to visiting Springvale Rise Primary School in the coming week to participate in, observe and be part of their school breakfast club. It is really exciting to see young people actually look forward to having breakfast at school. We know it is really important for their mental health, for

their attention and for their learning, so I really credit the government for expanding the school breakfast club.

But not only are we providing breakfast, we are also expanding the Glasses for Kids program, with more than 400 extra schools providing free vision screening to children in prep to year 3 and free glasses for students who need them. This is so important and again another initiative that helps with students learning. We know that many students perhaps have some visual impairment and do not have the finances to buy glasses, and this will help them to read the screen. I was going to say the blackboard, but we do not have blackboards anymore. I have been out of school for a while.

We also know that energy bills make up a substantial part of expenses for many families, and that is why we are helping Victorians access the Solar Homes program with an additional $37.7 million from this year's budget, adding to the $624 million in rebates approved since 2018. This has delivered more than 330,000 systems across our state, helping Victorians run their homes more efficiently and put downward pressure on power bills. I know that my office has seen many constituents who are seeking assistance in accessing this.

We are also investing a further $3.4 million in the energy assistance program, helping families access free one-on-one advice on saving energy, understanding bills and accessing hardship programs and concessions. This is especially important in my electorate, because a large number of people speak English as a second or additional language. Accessing government programs is hard enough for someone who is fluent in English, let alone someone who perhaps has English as a second language, so this additional funding is going to make a massive difference for my electorate. This all relieves substantial pressure on working families across both my electorate and the state and explains why the crux of the budget has been helping families significantly.

Health is a big issue that people care about; they care about it across our community. Residents want to see good funding for hospitals, ambulance services and other health measures, and unlike those opposite, who when they have been in government have cut funding to help in hospitals, we are putting the funding into it. One of our local medical centres, the wonderful Monash Medical Centre, is receiving a massive $535 million expansion, which includes a new seven-storey tower above the newly expanded emergency department with new operating suites, birthing suites and pre- and post-op beds. The upgrade will allow for an extra 7500 surgeries every year. Monash Medical Centre is just a 10-minute drive away from Mulgrave, so this is going to be a big difference for not only those in the community of Clayton and the surrounding suburbs but those in the suburbs of Mulgrave and Glen Waverley.

Beyond just my electorate the state government is spending an immense $13 billion on health care. In fact this budget includes the single biggest multi-year investment in Victoria's healthcare system in our history. This budget will also support our ambulance service to deliver timely care closer to home with a $146.3 million investment to provide the level of care people need when they need it by relieving pressure on our paramedic workforce, backing Ambulance Victoria's secondary triage service and the medium-acuity transport service.

We are also providing a significant $31 million investment into vital tailored services and treatment options for Victorians with eating disorders. Eating disorders are close to my heart, given my professional background as a psychologist, and working in schools I have seen way too many young people suffering with eating disorders. So this funding injection is going to be significant. It comes following the unprecedented global pandemic and the pervasive impact of social media, which have both caused a significant rise in new eating disorders and relapses, a statistic that is sadly replicated worldwide. The package includes $6.4 million to deliver 10 dedicated early intervention professionals in the communities that need them most through area mental health and wellbeing services. These professionals will support consumers to improve the speed of recovery, reduce symptoms and improve the likelihood of long-term recovery. We will also provide $5.8 million to support the work of Eating Disorders Victoria, helping to continue its critical role in supporting Victorians experiencing eating

disorders and their families and carers with services such as wellbeing checks and telehealth services and delivering life-changing initiatives like their unique peer mentoring program. Eating disorders are particularly pervasive among young people, and this funding is incredibly important to not only counter the health issues that arise from the disorders but also help people recover to the extent that hopefully it is no longer an issue.

Another passion of mine is education, and as someone who has worked in a high school I understand the value of education and the role it plays in providing opportunities to people. That is why having a strong education system is a key priority for this government, and the Allan Labor government has worked hard to make sure that the education we provide in this state is world class. We are not shutting down schools. In fact we are building schools, and we are building lots of them. I am proud to say that the 2024–25 budget provides $6 million towards Mulgrave Primary School in my electorate to upgrade their facilities, including turning their school hall into a brand new library and STEM centre. These resources will massively help our local community and provide new opportunities for children to get engaged in school in ways that previously were not possible.

We understand that in order to have the best schools possible you need the best teachers, and we are making that a reality with more than $1.6 billion to recruit and support teachers, with scholarships to make studying secondary teaching free, incentives to work in hard-to-staff schools and upskilling education support staff to become teachers in communities they know. We are also making an incredibly important $63.8 million investment to give our hardworking school staff more mental health and wellbeing support, helping to bolster recruitment, increase retention and support those returning to the workforce. We value our workers, our teachers and our school staff, and we are putting money into that.

When it comes to early childhood education, the policies of the Allan Labor government are nation leading. We are investing $14 billion to expand three-year-old kinder to every child and, better yet, make three- and four-year-old kinder free. This budget continues these investments, with a further $129 million to kickstart our kids' education with two years of play-based learning while also saving families up to $2500 for every child, every year. We know that children learning earlier in life is really important for brain development, social development and emotional development.

I do also want to commend the Allan government on its gender-responsive budgeting. Women make up 51 per cent of the Victorian population, but for many years the needs of women have not been a primary concern for governments, despite the fact that they make up such a large part of our state. In 2021 we became the first state to introduce gender-responsive budgeting, so I want to commend the Allan Labor government on its gender responsive budgeting this year.

I will summarise here, as I know I am running short of time. I know the benefits for families that come from this year's budget are obvious and clear, and I am so proud that the responses I have received from my community are so positive about the variety of things that this budget has put in place. I commend the motion to the house.

Tim READ (Brunswick) (15:08): I rise to speak on the Victorian state budget 2024–25. In many ways this is a difficult speech, as I always try to avoid those political clichés favoured by oppositions when describing the government – expressions like 'a kick in the guts to hardworking Victorians'. You know the sorts of things. But when preparing this response to the recent state budget, I have to say the Allan Labor government has been making it really hard for me to avoid such clichés, because by any fair analysis the last few months have been pretty disappointing from the state government. According to analysis from the *Age* newspaper, more than a hundred promised projects have been delayed, many no doubt indefinitely. There are often good reasons for a government to back away from promises. Indeed changing your mind when circumstances change is an admirable trait, as John Maynard Keynes pointed out. But one of the most upsetting aspects of this is how there seems to be so much deception about how these promises were made and then broken.

Take for example making Brunswick level crossing free by 2027. This was announced with enormous fanfare, hi-vis and hard hats by the former Premier and a Labor candidate in my own seat during the 2022 election campaign. It certainly was a huge announcement for the people of Brunswick, with many constituents contacting my office supporting the project, as I do, mainly because of the open space that would be opened up to create separate bike and pedestrian paths. Many had other ideas for the open space. All of us wanted to know how the construction disturbance would be managed when removing the level crossings in such a narrow and densely built-up area. I had residents considering whether to move away to avoid working from home during construction. Merri-bek council conducted extensive consultation, hearing from people wanting to protect native vegetation and historic structures along the Upfield line, and I worked with local disability advocates who were figuring out how they were going to get around when the train line closed. It really was a big deal for the community.

And then a year after the announcement constituents started to come to me asking me to confirm rumours that the level crossing removals were delayed or cancelled, so I asked the ministers to confirm or deny this, and they simply refused to give a straight answer. This was over a year ago. I was not going to run a particularly partisan campaign on this; I was just trying to relay some clear information on what was happening to those affected in the community I represent. Now we have an opaque reference hidden in this budget about removing level crossings by 2030, which apparently confirms that the Brunswick level crossings will no longer be removed by 2027 as promised. Around the same time as the budget, the website was quietly changed to say 'gone by 2030'. The minister further expanded in estimates that the delay was due to the density of the urban environment and the narrowness of the rail corridor, which, if that is the true reason, raises serious questions about how they were not aware of such obvious facts before they made the announcement. The local community were certainly aware. And it raises another question: should we place any more faith in a 2030 completion date than we did for 2027?

This brings me to Labor's announcement that it is shelving the Arden hospital project, spruiked in a Premier's press release just before the 2022 state election as:

> … the biggest hospital project in Australia's history, with massive upgrades to the Royal Melbourne Hospital and the Royal Women's Hospital and the construction of a new Arden medical precinct …

which would have given those hospitals new premises in North Melbourne. It certainly gave the Premier lots to talk about in the lead-up to the election. But it has been scrapped, allegedly because of electromagnetic interference from the nearby Melbourne Metro tunnel. My former colleagues at the Royal Melbourne Hospital have been telling me for years about how they have been moving their MRI machines for the same reason. This is hardly a surprise. It appears health department officials were aware of this issue in in 2021, so it is hard not to wonder whether there is incompetence or deception at play here. So the next time this government promises a hospital, or even a sick bay, what are we to think?

We have got new million-dollar court precincts that are being mothballed before they are even opened. My personal favourite is the $1.1 billion, 1248-bed capacity Western Plains prison north of Lara, which has been sitting empty for almost two years. Well, it is not actually empty; we spend almost $30 million a year on corrections officers to guard this empty prison, presumably tasked with keeping the thousands of people who currently need a roof over their heads out of it to keep it pristine and empty. As Sir Humphrey Appleby would say, 'We can't close it. It's the best run prison in the state.'

So how much of this infrastructure is just for hard hat photo-ops? As I have said, often changing your mind is the right move, as the government has done many times this year, but the initial inadequately costed promises, the hoopla of the announcements and the final whispered abandonment all amount to a degree of dishonesty, because while these announcements win votes and allow ministers to engage in a bit of construction cosplay, people in places like Brunswick make often difficult decisions about their lives based on what is promised.

In the interest of balance I have tried to find some positives in this budget, and there are record amounts of service expenditure on our health system, which is a credit to the Minister for Health. There is also new health funding for something that I have long campaigned for, which is covering the cost of HIV treatment for those who do not have access to Medicare. There are a surprising number of people who do not have access to Medicare in Australia, and some of them require expensive medical treatment. This means treating doctors will no longer have to waste time finding funding or sourcing older generic medicines from overseas manufacturers. But there is not a lot to be optimistic about in this budget, and I am especially concerned about how little there is for young Victorians.

The budget strategy paper talks about rents in Melbourne increasing 23 per cent since late 2021. The strategy paper talks about home ownership becoming impossible but then effectively shrugs its shoulders and says, 'Well, good luck with that, renters and millennials.' I recently spoke about a young constituent facing a 30 per cent rent increase. Inflation does not explain an increase of this magnitude in the cost of renting an unrenovated mouldy apartment. How could any landlord justify increasing rent by 10, 20 or 30 per cent in a year? And more pertinently, how could a Labor government with the power to stop such blatant profiteering just stand back and allow it? Instead we are told that allowing these supersized profits for landlord rent-seekers is the very market mechanism which will increase housing supply and eventually reduce rental prices. Effectively Labor is telling us that this landlord greed is good, landlord greed is right, landlord greed works, landlord greed clarifies and that ultimately it is the very greed of property investors and landlords that will solve the housing crisis.

I can see why these dismal theories of Gordon Gekko might appeal to Labor and Liberal MPs who have drunk the neoliberal Kool Aid, but the rest of us recognise the absurdity in the government's belief that the very let-it-rip approach towards landlords' investment properties which led us to this housing catastrophe will miraculously also deliver us from it. Instead we must commit to the concept of housing as a human right, commit to no longer using housing as a means of exploiting other people to grow individual wealth and commit to legislating against unlimited rent increases. Alongside these commitments, the Victorian government must commit to building more public housing, just like they did 70-odd years ago, rather than demolishing it only for private developers to rebuild it and fill every bit of open space with private apartments.

I started this contribution talking about these white elephant infrastructure objects, like the $1.1 billion prison that has already racked up almost $60 million in operating costs despite sitting empty. The real tragedy of this project in particular is what the Greens have been saying: if you want to make the community safer and improve cohesion and economic mobility, build public housing for thousands of disadvantaged families and remove them from poverty and do not take the US approach of creating a prison industrial complex that entrenches the crime and the disadvantage. But this is a government that will literally build anything to win elections – empty court buildings, empty prisons and $100 million transport projects based on something drawn up on Luke Sayers's napkin – but at the same time are completely averse to building the thing that Victoria needs most, and that is lots of new genuinely public housing.

Alan Kohler, writing in the *Quarterly Essay*, stated that between 1945 and 1955 state governments nationally built 14.4 per cent of all houses, whereas now that figure hovers around 1 to 2 per cent, with Victoria among the worst performers, if not the worst. Housing aside, the broader budget shows no signs of any of the hard decisions, vision and ambition needed to build a better future for young Victorians and those that follow. It has cancelled its innovative nation-leading program providing sick leave for casual workers, many of whom are young people struggling with the cost of living. In terms of minimising the climate impact on future generations, the signature election promises regarding the SEC appear also to be being slowly wound back, with the budget confirming that the nascent SEC organisation remains massively underfunded to play any more than a token role in our energy transition.

Cutting emissions means investing in decarbonising our entire economy. A simple local example is, for example, helping councils convert gas-heated pools to electric heat pumps, like the Collingwood

pool, which would need $5 million or $6 million to achieve this, an amount that would be more than saved in future gas bills and averted climate impacts. Gas for pool heating is one of the largest sources of emissions from local government and one of their biggest bills, and this should be a priority for state government support. I would add the Brunswick Baths could do with it as well. Instead we are seeing too much cost-shifting from the state, such as leaving Yarra council to spend half a million dollars annually cleaning up syringes around the supervised injecting room.

The budget has also cut funding for biodiversity environmental protection at a time when feral animals and weeds, suburban sprawl and climate change are threatening most of our wild ecosystems. This is a budget that seems intent on building a vision of Melbourne for the 1950s, not the 2050s. It is winding back many public transport projects. It is not funding active or disability-accessible transport infrastructure while pouring seemingly endless billions into toll road projects and the suburban rail crescent, which seems about as likely to ever become a loop around metropolitan Melbourne as the Brunswick street I live on. Consider the fact that Victorian Labor has only committed to eight new disability tram stops in its last three budgets, leaving roughly 1150 tram stops still inaccessible to up to 20 per cent of the population with disability or mobility issues. At the current rate Melbourne's famous tram network will be fully accessible for people with disabilities by the 2455–56 state budget, which tells you all you need to know about how much of a priority this is for Labor. Upholding the rights in the UN charter on the rights of people with disability, which Australia ratified in 2008, must have polled badly in Qdos focus groups, I guess.

In some places it appears the government really has not thought through the effect of its budget on young people, such as where it is withdrawing the relatively small amount of funding it provides to the Melbourne Youth Orchestras, ending almost 60 years of bipartisan funding support from Victorian state governments to this youth program. Melbourne's live music scene is under enormous pressure, with venues, musicians and revellers alike feeling the heat of rising rents, insurance rates and the cost of living. The state government could do more by, for example, helping Yarra City Council fund their Leaps and Bounds music festival, which gives grants to small live music venues to ensure a diverse and exciting line-up of local acts.

As I said when I started this contribution, I do not want to be so critical of the government, and I recognise that in many ways the Premier has been handed a very difficult task by her predecessor. So while recognising that there are many challenges Victoria currently faces, I will end my contribution by urging the Allan government not to lose its nerve – not to lurch to the right and lose its progressive vision for this state. I remind the government that if it stays true to its stated values, there will be a progressive majority in both houses of Parliament that will support positive government policies which will work for young people, for renters, for our environment and climate and for our First Nations community. The Victorian Greens have always been prepared to work with progressive governments to do better on these things, and we remain ready to work with this government should it get back on track, so we can truly make Victoria the most progressive state in the Commonwealth.

Chris COUZENS (Geelong) (15:22): I am delighted to rise to talk on the take-note motion about the state budget and the outcomes for my electorate of Geelong. I want to start by thanking the Treasurer and his team for their fantastic work in putting this budget together. We know that there are challenges, but from my perspective and I know in my community we value the work that the Treasurer has done in terms of our budget.

This is a sensible budget. It is about supporting families, and my constituents certainly understand that. They did not expect anything else. This is a well-thought-out budget that continues to support the people of Geelong and our economy in Geelong. Our local economy is strong thanks to the infrastructure investments over the past nine years, and we continue to deliver the important infrastructure and services Geelong needs. Geelong is in a good place because of our government's unprecedented investment over many budgets in school redevelopments, the culinary school at the Gordon TAFE, the redeveloped arts centre, the convention and exhibition centre, the duplication of the rail line at Waurn Ponds to South Geelong, the new station at South Geelong, the early parenting

centre and the soon-to-start women's and children's hospital, just to name a few. These infrastructure projects have created thousands of jobs in construction and on completion and world-class facilities for the region of Geelong.

We know the cost of living for Geelong families has been a focus in this budget as well, with the $400 payment to families to cover education costs, uniforms, camps and excursions. We will also triple free Glasses for Kids, and this sits alongside many other concessions and supports that will continue as a result of this budget. Just on free Glasses for Kids, they have already started rolling out that program in my electorate. It has been fantastic to hear that they are in our schools measuring up those kids for their glasses. That will make a huge difference, not only to those kids but to their families, not having to pay the cost for that to happen.

I also want to raise regional rail fares remaining at $10.60, free rego for tradies, free kinder, $200 Get Active Kids vouchers and free pads and tampons. I could go on and on, but I am not going to have enough time. But these make a huge difference to people in my electorate. For those families that are struggling with the cost of living, for individuals and for young people it is making a huge difference, and I hear as I move around my electorate that we are making a big difference for them in terms of cost of living.

Of course we will continue the success of Solar Victoria with an extra 35,000 energy-efficient hot-water rebates, saving people up to $400 a year on their electricity bills. Again, when I am talking to people in my electorate, they are just so rapt at the fact that they are able to access these through the rebates but are also saving themselves money every year on energy costs.

This budget also delivered funding for the Geelong Food Relief Centre. This is a really important program that provides food relief to families that are struggling. We know the demand has increased, and in recognition of that we have continued to fund that program in Geelong. I know there are families that rely on that every week, and we have been able to provide that support. And the amazing volunteers that are there – the centre is run so well. It is like going to a supermarket, and people really appreciate that support that they are given when they go in there. So again, that was another big one for us in my community of Geelong, but also the surrounding electorates of Lara, South Barwon and Bellarine all supported this initiative.

We are looking at a basketball high-performance hub, which is fantastic for my community. The Geelong Project, a place-based education and wellbeing program that is evidence-based, is proving to work for young people in my community.

Further funding support went to the Outpost. The Outpost provide meals and support to the most vulnerable in our community, homeless people who rely on the Outpost to provide them with evening meals and other forms of support, and they do an incredible job – Amy, the coordinator there, and the volunteers. I cannot tell you what an amazing group of people they are, and they are out there every night providing those meals to homeless people. As a government we have continued to support their work. We are assisting them in a relocation to a more suitable venue but also providing them with funding to be able to provide the supports that they need to, as I said, help some of the most vulnerable people in our community.

We also provided funding to Kardinia Park trust. I know there has been a lot of controversy about the scoreboard and the funding of that, but without that scoreboard we cannot have those major sporting events at Kardinia Park. It is a simple as that. You have to have a scoreboard, and this one is on its way out. It desperately needs replacing. It has got nothing to do with the Geelong Cats. It is the Kardinia Park trust that manage that stadium, and it is their responsibility to provide the new scoreboard. But not only has the funding gone to the scoreboard, it has gone to the drainage that is desperately required there, so it is covering off quite a bit of work. It is not just a scoreboard, but as I said, we cannot continue to provide world-class sporting events there if we do not have a scoreboard

that can actually give people the scores of whatever game is being played, so it is a really important one.

We also have continued to fund Strong Brother Strong Sister, which is an Aboriginal suicide prevention program. This was initiated by the Strong Brother Strong Sister Aboriginal support organisation to young people right across the Geelong region. There were a cluster of suicides about four years ago, and with the work from Strong Brother Strong Sister, me and the advocacy of others, we were able to get a program established that works with Aboriginal young people who are at risk of suicide. That has been an incredible program. It has been highly successful. It continues to operate, so I was delighted to hear that they had received another round of funding to continue that valuable work. We know how important this work is, along with the youth crime prevention and early intervention program, which has been running in Geelong now for probably six or seven years, which is an evidence-based program. Really it is about working with those young people who are repeat offenders fronting up to the courts. That intensive support that they are provided with has been highly successful, which is why it is been funded again. Again it is really important for our community to know what is going on, that there are those intensive supports, that we are addressing youth crime, and we have heard a lot about that this week with the announcement of the Youth Justice Bill 2024. So I think there is a lot to be proud of there.

We are also upgrading the 150-year-old rail tunnel between Geelong and South Geelong, and this is really challenging because that tunnel has a school sitting over the top of it. There are real challenges for the engineers to work out the best approach to that, so I am really pleased that there will be some upgrade funding provided to ensure that it can continue to be a safe environment.

In previous budgets we have set up Geelong with major infrastructure, which I have mentioned earlier, but there are things that we have continued to fund, such as the ongoing free TAFE, which is really important in my community. I move around my community and hear from people that are in those free TAFE courses and about the benefits that they are getting from that and the fact that they would not be in them if it was not free. To continue to provide free TAFE is fantastic from my perspective in my community but also, I am sure, for others around the state. It is really important that we see the connection from poverty to education and jobs and just how that connection is there, and the fact is that we are making that connection and ensuring that people have the opportunity to get an education, to have a pathway through the TAFE system, whether they go on to a new career or on to university, whatever their choice is. Those provisions are there now, and as I said, I hear from many in my community that are so excited at the fact that they have been given that opportunity, so that is really exciting.

The other one I want to mention is the budget investment of $165 million for the redress of those Victorians who were subjected to physical, psychological and emotional abuse in care. We did have the apology in this place earlier this year, and the fact that that allocation has been made I think gives those people confidence that this government has acted on what it said it was going to do. I know there was lots of advocacy and there were lots of discussions around that which led to the apology and then to the commitment, so I am really proud to be part of a government that has met that commitment.

The other one is women's health – all the programs that we have been funding around women's health but also the health and wellbeing support for 12 women's health organisations to provide for preventative programs. That is so exciting, and I know when we first announced it there were so many women that made contact with me about how excited they were that we were going to do this. It is really important, and we know the evidence is there that women's health has been under-represented for so long. The changes that we are making as a government are really having significant impacts for women in our communities.

Alongside that there is the women's pain inquiry, looking at dealing with these issues and the information that has been provided throughout our community. I know we had a community forum with the Parliamentary Secretary for Women's Health the member for Northcote only recently, and

long before the time it was booked out completely. Women do want to have these conversations. They want to have a say, and they wanted to be able to hear about how to make a submission and what it was all about. It was fantastic to have a hundred women sitting there listening to other women talk about their experiences but also to hear from the member for Northcote, the Parliamentary Secretary for Women's Health, on how we were progressing this pain inquiry. That was very exciting for my community as well.

We also have invested quite a bit of money into First Peoples' self-determination and support and building on the existing $1.9 billion commitment. I just want to run through some of those areas. There is $51 million to support the future of Aboriginal and Torres Strait Islander students in Victoria, increasing Aboriginal-led decision-making in education and increasing knowledge and understanding of our state's history. This is a really important one. I talked about education in our TAFEs a minute ago. For many in the Aboriginal community this is the only way – through our TAFEs – that they can access education and feel confident and safe to do that. I know at the Gordon TAFE in Geelong there is a program, the Mumgu-dhal course, which is run for young people to get a foot in the door at the TAFE. Those pathways are created for them. Then of course there is the Aboriginal culinary school that will be established; it is going through a research process at the moment. It will be the first in this country and potentially the first in the world. It is pretty amazing what is happening there. That will attract Aboriginal students back into the education system.

There will be $42 million to protect Aboriginal cultural heritage, including funding for registered Aboriginal parties and the Victorian Aboriginal Heritage Council, and $16 million to support Aboriginal community controlled organisations to reduce First Nations people's interaction with the justice system and to support Aboriginal women and families experiencing family violence. Again, we know how important these issues are. The Aboriginal community knows best how to deal with those issues, so providing that support and funding is really important to those communities. There is $11 million for the Victorian Aboriginal Community Controlled Health Organisation to deliver an expanded statewide cultural and kinship program and better support for their clients and $8.6 million for programs to address economic disparity for Aboriginal communities, including supporting our commitment to Closing the Gap. Of course we all know how important Closing the Gap is, as is trying to meet those targets.

Cindy McLEISH (Eildon) (15:37): What a con this year's budget is – 'Helping families'. Well, it does not help families at all; in fact it hits them time and time again. If they can keep their heads above water, that is a good thing. At the time of year around the budget sometimes it can be exciting to see where the money is being invested and what the government is doing with their large Consolidated Fund. Where are they putting it? Who is going to get it? What is in it for me and my electorate? We also like to see where the money is coming from and how much taxpayers are being slugged. I tell you: we are absolutely being slugged left, right and centre here. The other thing we like to have a look at is the debt, and the debt is just growing astronomically. What this budget confirms is that Labor cannot manage money and they cannot be trusted to put forward a good budget. We can see that this current budget is making life harder for Victorians and not helping families.

I am going to touch on the debt to start with. Victoria is broke. Everybody knows that, and everybody can see the nonsense of putting all of our eggs in one basket with the Suburban Rail Loop when there is so little money to go around. It is not being directed into the northern suburbs, into the western suburbs or into regional Victoria. People are very edgy about this. It is interesting to have a look at the projected debt, which again has increased from last year. We were horrified to see the level of debt last year, but we can see that it has gone up again – the projected debt – to nearly $188 billion by 2028. We heard earlier that when Moody's or S&P – the ratings agencies – dig into the detail, they actually get a different figure. They get a $230 billion projected debt. I want to take you back to when the member for Malvern was the Treasurer in 2014. The debt at the time – Victoria's debt – was $21.8 billion. Now we are heading to $230 billion. That is $200 billion extra in debt.

I do not know how the Treasurer or any member of cabinet can sleep at night knowing they have signed Victoria up for decades and decades – generations – of not being able to invest and having to pay back this money. At the end of the day it is borrowed, and that means you have to pay it back. The Treasurer used to boast about the cost of interest, that it was hardly anything. 'We keep borrowing because interest repayments are so little' – until they are not, until you need to start paying it back. This is going to hit the government where it really hurts. The interest repayments on Victorian debt are projected to be $25 million-plus a day in 2028 – $25 million a day. I know that some of the investments in my electorate could be met with one day of debt. The tax revenue is $17.8 billion; in 2028 it is expected to be $45 billion. This is the equivalent of every Victorian owing $5834, grandparents and grandchildren alike.

At the same time as we have got this escalating debt and projects are being overrun like you would not believe, public sector wages for 2027–28 are $40 billion per year, and this is mostly at the senior executive level. So you have got to ask who we are looking after here and really what is happening, because it just does not ring true to me. We have had major funding cuts. One that was described as 'exceptionally callous' was a 70 per cent cut to cancer research funding. At the same time people were comparing it to the scoreboard at the stadium in Geelong. I heard the member for Geelong talking it up, but I am sure that if they need cancer services, the research to be undertaken is so vital because that moves us ahead. And we have had an excellent medical research culture; we have had that happening in Victoria for quite some time.

Wellbeing supports for schoolkids have been cut by $34 million. Who is that helping? That is not helping families at all. Kids that need support are not going to get it. The early childhood sector supports and regulations have been cut by $79 million. Just those two things alone are $110 million. Child protection is in a very sorry state in Victoria, and like many other members in this place, I am sure, I get a number of people who come to talk to me. There are horrific outcomes, and we need to do a lot more to turn that around. But at the same time they have cut the money allotted by $141 million. That is an extraordinary amount.

We saw the Public Accounts and Estimates Committee in June this year confirm that $77 million worth of cuts were made in the courts: $19.1 million in 2024–25 followed by another whopping $58 million in 2027–28. These court services are particularly important. I want to link this back to family violence, because we have a number of family violence courts that have been established and they are also subject to these cuts. This is at a time when the domestic violence and family violence stats are all heading in the wrong direction. It is not getting better; we are not turning the ship around despite a large investment in that area. I think having delays for people going to court to get intervention orders in place is not going to help anyone; it puts people at risk.

Other cuts include the expansion of free kinder for four-year-olds to 30 hours a week. Well, that is delayed up to four years, from 2032 to 2036. Is this helping families? No, it is not. Labor cannot manage money and they cannot manage the budget, and Victorians are paying the price.

Let us have a look at the tax grab. The property sector has been whacked $21.5 billion, and that really cripples this sector – $7.8 billion in land tax, $10.1 billion in land transfer duties, $1.49 billion in COVID debt levy on landholdings. If you own a property, if you are trying to get ahead – and remember, the reason people try and get ahead is to set themselves up for retirement, because we want superannuation, we want people to be able to rely on their own resources, not the federally funded pension scheme. There is $1 billion in the fire services property levy, and I will go into detail on that in a minute; $127 million in the congestion levy; $221 million in the metropolitan improvement levy; $125 million in the windfall gains tax; $25 million in the metropolitan planning levy – this goes on and on; $278 million in the financial accommodation levy; and $250 million in the growth area infrastructure contribution levy.

At the same time we have some pretty ordinary inefficiencies within the State Revenue Office. I will give a personal example. A couple of weeks ago I got three letters from the SRO on the one day. I

thought, 'Gosh, they're all going to be the same letter.' Well, no, there were three lots of land tax that they said they had not charged me over the last three years. They could have put it in one envelope but did not. They had sent me an email alerting me to the fact. A week later I get four letters with the same information. I received seven letters at a cost of $10.50 when it could have been $1.50. Nine dollars they have overspent on that. This is just one person. Imagine if it was 100,000 people; we are nearly up to $1 million. Imagine if it was 200,000 people. This just flies off – somebody else's money. They treat the taxpayer funds with such contempt. There has been a 23 per cent increase in the property services levy. We see that farmers have had a huge whack, an almost 60 per cent increase in what they are having to pay.

On small businesses, the Minister for Small Business talks about the importance of small businesses and says they are the backbone of the state. We have got some 710,000 small businesses, and yes, they are, but they need to be supported and they are not being supported at all. You are absolutely screwed if you need dispute resolution, because the number of staff in the Victorian Small Business Commission has gone from 21 to 10, so if you have got a dispute, you are going to be pushed out for quite a time. It could be years before your dispute gets heard, and that could be the difference between survival and not survival.

I have mentioned in health the 70 per cent cut to cancer research funding. The Eltham community hospital is flagged for Diamond Creek. We know in 2018, six years ago, there were election commitments made about this – 10 new community hospitals. Five are under construction, none have opened, and the Eltham one, in Diamond Creek, looks as though it has well and truly been parked. I think the members for Eltham and Yan Yean have really let their communities down here.

I want to touch on roads and road funding. There is 16 per cent less funding invested in roads since 2020 and a 75 per cent reduction next year in the area that will be repaired. This year it is reduced to 96 per cent and then to 75 per cent. This is what we see. We see the state of the roads all around the state. The Melba Highway has had so many repairs, and the guys doing the repairs tell me that they are not given enough money to do a proper job. The government says, 'You've got this much,' and they say, 'Well, we can't do it for that much.' It is like, 'Bad luck. You better make it work.' What happens? It fails very quickly. On the Goulburn Valley Highway at Cathkin there are some horrendous sections of road where the road has just broken down – and on the Maroondah Highway closer to Mansfield. Pedestrian safety needs addressing in Hurstbridge. There is a lot that can be done, and these are not big projects. The Heidelberg-Kinglake Road, which is an extremely windy, steep, narrow road, needs safety improvements. These are not multimillion-dollar projects – they could be upwards of a million – but they need to be done.

There are a couple of other roads that people come and talk to me about all the time. Yan Yean Road, promised at the 2018 and 2022 elections, carries 20,000 cars a day or more than that. The former Premier and the former member for Yan Yean would make a lot of noise about this. There are traffic jams on this road daily, routinely stretching 2 to 5 kilometres – cars making their way to and from the M80 and the city. But since 2018 all contracts have lapsed, the project seems to be mothballed and contractors have been stood down. This is despite the current member for Yan Yean telling locals that this is going to be addressed. They have been let down again. We have got the Wallan interchange, which has been around for quite a long time. People in that area have been let down again. We have got the seats of Kalkallo and Yan Yean either side of Wallan. We need ramps onto the Hume Highway. It is a $130 million project. The $50 million pledged by the federal government is not going to go anywhere, because the state Labor government have not put in. They are broke. They cannot put in the $80 million that is needed. The residents in the northern suburbs have been completely let down by the members of Parliament who will say one thing but cannot deliver on it because they know that the government is broke and has let them down as well.

Closer to home, locally emergency services have been let down. We have got the Mansfield SES station and the ambulance station, which are both well past their use-by dates. The council have identified the area for the emergency services precinct. Everybody is waiting for this to happen. Both

of these projects have been in the top few for easily the last six years, and we have had no action. Yarck CFA continue to be located in the middle of the shops on the main street, despite land being purchased maybe seven years ago around the corner to get them off that busy little tourist destination. Hoddles Creek CFA told me the other day it looks as though any plans that they had to have their station rebuilt – which there were; they had seen plans – have been mothballed. This government is letting down so many.

The sporting clubs in my area need upgrading. At Wesburn junior footy club Wayne, the president there, does so much to advocate to council and to me and to the federal member Aaron Violi. At Healesville, Queens Park and the Don Road precinct need doing. Panton Hill's footy ground needs doing – the whole lot needs bulldozing – and the council are looking at plans, but the plans do not go anywhere if the Growing Suburbs Fund has been axed or reduced significantly.

Poor old Wesburn Primary School on the busy Warburton Highway – it is foggy; it is on a big sweeping curve – have wanted electronic speed signs for the best part of seven or eight years, and the government has not delivered. It is one that we pledged time and time again for the safety of the schoolkids in Wesburn. The school have worked so hard to push for this, but it has fallen on deaf ears. The former Deputy Premier managed to put three in his electorate through his pork-barrelling, but one that was really needed on a main road was overlooked, and that is not good enough.

Belinda WILSON (Narre Warren North) (15:52): Acting Speaker Kathage, what a great member you are for Yan Yean, and I am very pleased to have you in the Speaker's chair. You do incredible stuff for your community, and that is why you are an incredible member. You are not creating – what do we call them – nuclear focus groups, which other members in other chambers are doing, which is extraordinary, but anyway.

Danny O'Brien: Nuclear.

Belinda WILSON: Boom! Nuclear is what we are talking about. Anyway –

Danny O'Brien interjected.

Belinda WILSON: Did I not say that? Nuclear. Is that better?

Danny O'Brien interjected.

Belinda WILSON: I am having an elocution lesson in the chamber; thank you for that. I love talking about the budget, because with the Allan Labor government we deliver for our communities. I am sitting with a great array of my colleagues here who have continuously delivered for their communities around Victoria, and we continue to do that, and that is something that I am very, very proud of.

I love schools, like the member for Bentleigh. I know that he is an avid school lover, as am I. Schools are a very, very important part of what we do, and I think that the $400 that we are giving to the students in each of our government schools next year is going to be an absolute game changer for so many people that cannot afford camp and that cannot afford books and pencils to use during their class time. I am really excited. I have spoken to many of my state schools, which are also very excited about this $400 that students in each of our schools are getting. For many at my schools in my community, going to camp is the first holiday or the first trip they have ever been on, and I know how much of a difference that $400 is really going to make for them, so it is a very, very exciting budget announcement for us.

When I look at what my community received during this time, we are really excited about the $9 million for James Cook Primary. I know how excited everyone is in the community to receive this money for the upgrade to the school. In fact I took the minister out for a visit to James Cook Primary recently, and it was so exciting to see the kids, the teachers and the principal and to see how they have gone through the planning process and are getting ready to turn the first sod, which will not be that far

away. We are really looking forward to that and seeing that project all the way through. I know how much of a difference it is going to make for that school.

The other thing is kinder. I have over 50 childcare centres or kinders in my electorate, which is a lot. The free kinder program has been incredible. I know for me as a parent – as a mum of three kids who are a long way past kinder – I was very surprised, when my daughter had to go to kinder, to be hit with a $2500 bill. I was not aware that kinder was so expensive. For so many parents to be able to get free kinder for three- and four-year-olds, $2500 is a lot of money when you have got your first child going to kinder, your second child, your third child or even more children. It is a huge saving to lots and lots of families. I am really excited to have that program continue in my electorate and have such incredible feedback about that as well.

The other great thing in Narre Warren North that we are doing is upgrading Hallam Secondary College. Hallam Secondary College is one of three high schools in my electorate. Simon and the team there have an incredible staff of teachers. But we all know that some schools do get tired over time, and Hallam is one of those. They also have just gone through the planning process and are getting ready to turn the sod on their incredible project. We have committed $25 million to Hallam Secondary College, and we are really excited about that.

I cannot wait to see both these projects go through their building stage and then of course be finished. I think that is one of the most exciting things. I know the member for Bentleigh enjoys projects going from zero to completion.

Nick Staikos interjected.

Belinda WILSON: Every post a winner. He is very well known for doing incredible stuff at schools, and I know how important our schools are to everybody.

I am just trying to see what I have missed in my program. I was so thrown by my elocution lesson.

Danny O'Brien interjected.

Belinda WILSON: No, I have got many, many things to keep on talking about. This is one of my very favourites, and I am so pleased that the member for Ripon has just walked into the chamber. There is $28.8 million to support child and maternity health. Now, on child and maternity health, the person who becomes your child and maternal health nurse will change your life. They are your lifeline to everything when you have your first child. I remember mine very, very well and how much of a difference she made to my life when I was crying, the baby would not sleep and I needed assistance. She was there for me with all three of my children. They really are an incredible benefit to our community. I know that she picked up a number of things in my kids that I was not aware of, and one of them in particular was life-changing for my son. If she had not picked that up, it would have been a very different outcome. For me, that investment that we are making in maternal and child health is absolutely critical, and I am very, very proud to talk about that.

We are also committing to community legal services with a $28.8 million allocation to community legal centres and specialist legal services, including South-East Monash Legal Services. Again, they are another incredible community organisation who are really dedicated to what they do.

We are also dedicating $1.35 million to support community hubs for migrants and refugees. I have two of these community hubs in my electorate, which again I am really proud of – one at Fleetwood Primary School and one at Fountain Gate Primary School, both great primary schools. These hubs bring our multicultural community together. They get them to have a cup of tea, to learn new skills and to learn what is happening in the area where they may be just newly arrived. They help them to embrace the community and assist them with absolutely anything. The people who lead those community hubs are absolutely amazing. They do such a great job. These are really great initiatives. I know how excited they are about being able to continue those two programs at those primary schools.

I also understand the critical role of our healthcare workers. I am very close to, although they are not directly in my electorate, Dandenong Hospital and Casey Hospital. These are both great services –

The SPEAKER: Order! The time has come for me to interrupt business for the matter of public importance. The member will have the call when the matter is next before the house.

Business interrupted under sessional orders.

Matters of public importance

Privatisation policy

The SPEAKER (16:01): I have received a statement from the member for Prahran proposing the following matter of public importance for discussion:

> That this house calls on the Victorian Labor government to end its privatisation agenda.

Sam HIBBINS (Prahran) (16:01): The Greens have proposed this MPI, matter of public importance, debate calling on the Victorian Labor government to end its privatisation agenda because the Victorian Labor government has got a problem. It has got a problem with privatisation, and it is time, I reckon, for an intervention. The Greens believe that public services should be delivered in the public interest. We believe that public assets should be used for the public good. But the Victorian Labor government is embarking on a massive privatisation agenda, arguably bigger than what the Liberals did. The government are privatising parts of government that one would not have thought possible in the past, and now they have reviewed every single Victorian government asset for privatisation.

Let us go through the evidence of what we have seen under this government: the privatisation of public housing estates, the Port of Melbourne, the land titles office, VicRoads licensing and registration functions and public land sales. They have continued on with the privatisation of the train and tram network, continued on with the privatisation of toll roads, continued on with the privatisation of prisons – private prisons – and continued on with and expanded the privatisation of infrastructure. We are now seeing construction and basic maintenance of roads, schools and hospitals all under public–private partnerships. We see the privatisation of policy advice – around $100 million going to the big four consultancies for policy advice; they are basically a privatised government department. Looking towards the future, we have now heard that they are looking to privatise Births, Deaths and Marriages Victoria. That is extraordinary. And now we find out the fact that they have got an investment bank to review all of the state's public assets for privatisation. That means that every single government department, every single government agency and every function of government that requires a transaction can be outsourced to a private company. They are on a hit list to the point where we could just have a shell of a government.

This is a neoliberal dream, no doubt, but this will be a nightmare, an absolute nightmare, for Victorians, who will have had their government hand over control of critical functions of governments for decades to come. It is Victorians who are going to pay higher prices for lower quality services, and it is going to be workers who will have less jobs, get paid less and have worse conditions. This policy of this government to underfund public services and to run down public assets and then sell them off to the highest bidder is neoliberal economics at its worst, and it is all being undertaken by the Andrews–Allan Labor government here in Victoria.

The Greens want to see an end to privatisation here in Victoria and put an end to a state completely controlled by the interests of corporate profits and not being run for the public good. The privatisations that Labor are undertaking now will have consequences for decades and for generations to come. This government is handing over control of public housing land, essential services, tolling rights on major roads and public assets for a decade. They are creating massive private monopolies for investment funds and for private asset managers to profiteer from. How much more do we have to hear of the damaging consequences of privatisation before this government stops handing over government assets

and services to private corporations trying to make a profit off essential services? These are supposed to be delivered for everyone in our society.

Labor are creating what has been described by economists as a rentier capitalist state where the government, and ultimately the Victorian public, are bankrolling private companies to extract profits from public assets and public services, instead of being focused on delivering public services for the public good and making sure that everyone gets access to the services they need. Why is this government doing it? What are the so-called benefits, the reasons why they might be privatising nearly our entire state? Is it for the benefit of competition – putting things out to the private market to lower the cost or deliver services better or more efficiently? Well, no, because the government are handing over public monopolies where there is no competition. They are creating a private monopoly where there is still no competition. There is no competition on the port and no competition on VicRoads. There will not be any competition for births, deaths and marriages or on the train or tram network. There is no motivation to improve services, no motivation to lower prices and no motivation to increase efficiency. The only incentive for these private companies is to extract profit. We have seen what the supermarkets are doing with a duopoly – what they are doing with prices. Now the government is literally creating a private monopoly.

The Essential Services Commission found that the privatised Port of Melbourne overstated the revenue it needed to operate by as much as $650 million and warned consumers could be forced to pay prices that are higher than they should be for imported products because the private operator has run the port in a way that is not consistent with prudent or efficient service provision.

It is extraordinary that just recently we had the Minister for Transport Infrastructure out there, without a hint of irony, complaining loudly that a private operator of Melbourne Airport was blocking airport rail. You would have thought that that might have just provided a hint – a bit of a hint – as to why handing over massively important strategic assets and services to private companies for decades would be problematic. But this government is going full steam ahead, potentially privatising every single government agency in Victoria. Is this because of financial management – getting the billions of dollars up-front? Again, no, it means that the government's financial position is worse off, because once the asset goes into private hands, the revenue and the dividend no longer go to government. On top of that, we have got the increasingly large subsidies the government and the public pay to private operators. This is what makes these sorts of privatisations bad financial deals all round.

Is it about the private company taking the risk while the community gets the benefit? Well, in fact, the reverse is true. Whether it is an essential service or a major infrastructure project, it is always the government that bears the risk. It is always the public that is on the hook if things go wrong, and private companies know this. Just look at what happened with the public–private partnership under the West Gate Tunnel or the North East Link, where the government is taking over the tolling before it sells it off because the private companies will not bear the risk that the traffic modelling just does not stack up. We are told that under PPPs risk will now be shared. Well, if that is the case, why on earth are we continuing on with these generous availability payments that are far more expensive than taking on extra debt? Look what happened when the public transport operator walked away. The same thing would happen if a private company walked away from VicRoads or births, deaths and marriages or whatever agency the government wants to privatise. It is always the public that takes the risk while the profits are privatised.

Is it because this government believes that private companies run essential services better than government? We have heard this from Labor before. They have said that the state is a terrible housing manager, to justify their public housing policies. We heard the Premier say it was common sense to have private services involved in running government across a wide range of government areas. What an extraordinary right-wing ideological position to take. If they genuinely believe that, I tell you what, Margaret Thatcher and Milton Friedman I am sure could not agree more. I was quite bemused actually when I read a recent article that mentioned that privatisation was once an article of faith for Labor, as if this was some sort of recent thing. Well, I can tell you that was a very, very long time ago. That ship

sailed the best part of 30 years ago. Labor is now well and truly a pro-privatisation party. The debate now between the Labor and Liberal parties is not whether or not to privatise but rather how to privatise public services: should the asset be sold, or should it be leased for decades? These are two wings on the same plane when it comes to privatisation, and it is only the Greens who are standing up against privatisation. It is only the Greens who are on the side of public services being run in the public interest for the public good.

Labor understands the politics of privatisation. They know it is unpopular. I have heard them rail against energy privatisation. They had the former Premier out there with the SEC logo on his hat and on his clothes. Well, that promise was not going to be the old SEC, which controlled and owned all the energy generation it had. Suddenly it shrank to a 51 per cent share in them. Then they realised, no, the private investors were not going to cop that. Now they have shrunk it to around a third of the project that they are investing in. We have heard that they also claim that just because they are not selling assets, they are only leasing them, it is not privatisation. It is a joint venture or it is asset recycling or it is the ground lease model – all these new terms they have come up with for what is part and parcel privatisation. Private companies running, operating, leasing and profiting from public assets and public services is privatisation every step of the way, and from economists to workers, everyone knows it. If you honestly think that is not the case, well, you are drinking the Kool Aid, and if you stand up in this place and actually say that it is not privatisation, you are mixing the Kool Aid as well.

Just to give you an idea of where Labor's ideology now sits when it comes to privatisation, I will take you back to 30 years ago. Yes, they had already started privatisations at the state and federal level, but when Kennett got in, there was a flicker of hope. There was a rush by the Kennett government to rush through the State Owned Enterprises Act 1992, which would give the government unfettered powers to privatise public assets. Labor railed against the bill. The shadow minister called it a disgraceful example of Parliament being asked to surrender its position as the custodian of state-owned assets. They went on in that debate to list a number of bodies that potentially could be privatised under the bill, one of which was the Port of Melbourne. Does that sound familiar? Another one of them was the roads corporation, aka VicRoads. Now some decades later, not only did this government privatise the Port of Melbourne, but they threatened to use the provisions in that very act to bypass Parliament if Parliament did not vote in favour of privatising the port. Then of course later on they did privatise VicRoads, the roads corporation, something that they warned about in 1992, but it came to fruition under a Victorian Labor government. Labor has well and truly adopted and is implementing the neoliberal economic policies of the Liberal Party. It is well and truly a neoliberal pro-privatisation party.

Just look at their treatment of public housing estates. This is a prime example: abandoning the principle that it is the government's job to provide housing for people, underfunding existing public housing estates from basic maintenance upgrades to security, claiming then that the only way to actually fix the problem is to privatise estates, and then to cap it all off an edict from the top, from the Premier, that all estates had to be demolished – a gift to the property industry. There are clear alternatives to this. We could be retaining, reinvesting in and renewing the estates without the need to displace communities – not some sort of convoluted privatisation deal but actual direct investment in public housing.

This extraordinary far-reaching right-wing privatisation agenda will impact the lives of Victorians for generations to come. Every time someone in a public housing estate pays the rent; every time you need a birth certificate, death certificate or marriage certificate; every time you catch a train or tram; every time you drive on a toll road; every time you pay your car rego; every time you need to register a property or search for property information; and every time there is a need for maintenance at a school, a hospital or on a road a private company is extracting profit. When the government needs policy advice, when someone enters the justice system or when a ship comes into port, a private company is extracting a profit. When there is excess public land, it is being sold on the private market, not being

used for public housing. The government even tried to sell off parts of Federation Square. Nothing is sacred under this government.

There is an alternative: a government with strong public services it invests in, not privatises, that keeps its natural monopolies in public hands, runs them for the public good and invests in them to make them better. The Greens are the only party standing on the side of people, the only party to stand against privatisation – corporate profiteering from people's daily lives and essential government services – and stand for public services being run in the public interest and for the public good. It is time to turn the page on the error of neoliberalism and end Labor and the Liberals' privatisation agenda once and for all.

Daniela DE MARTINO (Monbulk) (16:16): I thank the member for Prahran for what could almost be considered a bit of a Dorothy Dixer. Far from delivering some perceived blow against the Allan Labor government, this question actually affords us multiple opportunities to extol the many – indeed the countless – ways in which our government supports Victorians through public spending.

This side of the house completely rejects the assertions of the Greens political party, and I do wonder if sometimes there may be some confusion as well as to what is public and what is private, noting that the member for Richmond was befuddled by the status of the iconic Puffing Billy railway, which lies completely within my electorate of Monbulk. I do note that the member for Richmond on social media complained that the Victorian government actually covers the insurance costs for Puffing Billy – may I say the beloved Puffing Billy – but that we were not doing the same for privately owned live music venues. The member had actually stated that it was 'a private coal-fired tourist train'. Well, I know that the member for Richmond did have many, many train enthusiasts let her know quite strongly that it is a statutory authority that the state of Victoria proudly supports. It is incredibly loved. That is the reason why the Victorian Managed Insurance Authority actually covers Puffing Billy, because it is a statutory authority that runs it. I just thought I would clarify that in terms of private and public and let the good people of Monbulk know that I have corrected the record here for them.

It is a prime example of the Greens political party not doing their homework properly sometimes – shooting from the hip and using social media platforms to make inaccurate claims. Having listened to today's contribution from the member for Prahran, I would also like to make it very clear that when it comes to V/Line it was actually during the time of the Andrews Labor government that we brought V/Line back into public hands. I know that our regional colleagues in this room on many sides of the chamber would be quite pleased to hear that – and the fact too that we have even dropped the cost of train travel to make it equitable for people living in the regions to access V/Line without having to fork out countless amounts of money. It used to be incredibly expensive to travel along V/Line, and now you pay the same on those trains as you do on Metro Trains. We can thank our government for doing that, and I am really proud to be able to stand up here and say that we have done it.

There is a holier-than-thou attitude that comes from those sitting in the Greens corner of the chamber, and you know what, from a political party that famously set back our country's climate targets by 15 years by failing to support federal Labor's carbon pollution reduction scheme in 2009. What an abject failure by a party that consistently lets perfect get in the way of good and prides its ideology as reigning supreme above practical and pragmatic policies which actually work in the interests of people. It was the one time that they could truly have had a positive tangible impact on the country, and it was squandered – absolutely squandered.

There is a lot for me to say here, and I will go on. I do actually think if we are going to talk about privatisation, dare I say it, those concerns are probably best aimed at the opposition, the Liberal–Nationals, when it comes to privatisation. We will revisit Kennett and the time of Kennett, because the privatisation was widespread and profound. We do have to go back there, because not much happened between 2010 and 2014. That was a wasteland of decisions. Not much happened in that time, so we have got to go back a bit in the time machine. But let us have a look at what happened during those times.

Under Jeff Kennett's leadership the then state Liberal government between 1992 and 1999 privatised a record number of services, including our public transport network and electricity, gas and water distribution. The Kennett government also privatised a number of essential human services, like prisons, hospitals and the ambulance service. When we look at the Latrobe, Austin and Mildura hospitals, the Kennett government, as it stated back then, planned to privatise 3000 public beds throughout the state and had tendered off 485 beds before it lost power. Thank heavens they did lose power; all those beds would have been gone.

Do you know what we have done in this term of government? We bought two private hospitals, one of which is connected to Eastern Health, and that is Bellbird in Blackburn. That is delivering surgery for people on waiting lists, and those waiting lists are falling. They are falling because we have invested. We bought those hospitals, making sure that we are doing something positive. We are actually undoing some of the terrible work which had been done by previous governments. I am really proud to speak about that here. I think some facts being introduced into the chamber is always a very helpful thing.

If we look at Latrobe Regional Hospital and Mildura base hospital, the Latrobe privatisation was one of the clearest examples of the failure of Kennett's privatisation policies. Australian Hospital Care rapidly turned its $1.2 million operating surplus into a $1.6 million deficit. What an abject failure that was, which in turn resulted in cuts to services and staffing. So here we are buying back some private hospitals to make sure that we can deal with surgery. We have got those opposite claiming that we are just the worst party in the world, pretty much, and that they are the only party that puts people first – talk about hyperbolic. It is a bit disappointing to hear, to be quite honest.

If we go on, we can have a look too at electricity, gas and water under Kennett's privatisation. We have spoken in here many times about the SEC and why it is so well received amongst the public that we are bringing it back. It will not be the same iteration it was, because that has gone. We have to innovate, and we have to see a new future for it, and that is exactly what we are doing in the renewable space, which I also note we do not get credit for from those opposite either, sitting in the Greens corner of the room. There is no credit given where it is due. It is really, really hard to extract positive things. It always comes couched in terms where there is a negative barb that accompanies it. If we look at what happened during the Kennett era, the SEC generated and sold power to consumers from 1926 to 1998 – that was 72 proud years – and in every single year it reduced the real price of power to customers. Since privatisation, however, electricity prices to the consumer have gone up 50 per cent; this is taken from an article in 'Economic affairs'. We lost 8000 jobs overnight when that happened. We do not want to see that, and we are not going to see that. That is not what we are doing here. Let me make that incredibly clear.

When we look at public transport and what happened under the Kennett government, even the IPA – their friends in the Institute of Public Affairs – in their 2007 report *Victoria's Public Transport: Assessing the Results of Privatisation* found that:

> For taxpayers it has not delivered the expected gains, instead producing a break-even outcome.

So even they had to begrudgingly admit that it was not the raging success that the Kennett government hoped it would be.

An analysis by the *Age* using government figures revealed that taxpayers handed over more than $7.5 billion – this is in 2010 dollars – in quarterly payments to commercial train and tram operators after Kennett's government privatised the system in 1999. That is extraordinary. They had forecast that it would be $169 million, and it ended up being $7.5 billion.

We saw savage cuts during the Kennett era. It destroyed our health, education and public transport systems in Victoria, it cut thousands of jobs and it ruined the state. It is a bit galling to stand here and be lectured by the Greens party about privatisation when really we have got a long and proud list of where we have been investing in areas where state government has never had to go into.

Look at our priority primary care centres. That is GP land. That is federal government territory. We stepped in, and they have actually been a great success. They are taking pressure off emergency departments, and that is helping tangibly. State government never had to worry about GPs, but because bulk-billing is so hard to come by after quite a long time of federal coalition governments basically neglecting Medicare and hoping it would reduce itself to nothing and eventually just fall apart, we stepped in because we saw the need for Victorians. Even though, really, we could have said, 'Federal government issue – not our problem,' and wiped our hands of it, we did not. We took it on. We opened these PPCCs. They have been a wonderful success. I know because I have been speaking with our local health provider, who attested that they are really helpful. So I do encourage people to use them. If you do not need lights and sirens, go to a priority primary care centre if you have one by you, and hopefully you do, because they make a real difference. I took my daughter there when she broke her arm. They were fabulous. We did not wait 4 hours, 6 hours, in emergency, to be triaged; we went straight in. Her arm was secured. First thing in the morning we went off for the X-ray – we had a script for that – and she was sorted. It was wonderful, and we did not have to sit there for hours and hours at midnight.

Lauren Kathage interjected.

Daniela DE MARTINO: An absolutely wonderful outcome, member for Yan Yean, thank you. And I know that other members here have also had firsthand experience of how good they are. So that is just one example of many where we have stepped in.

We are providing free dental health checks for kids at school. Again, this is an area that the state government is not required to go into and has not traditionally been in, but we are doing it. We are providing free glasses for children as well. We are providing free TAFE. We are providing free kinder for three- to four-year-olds. Free kinder is incredible. What a wonderful start to life for kids.

I can tell you now that I was at three kinders the other week, which may probably explain why I have a cold, but it was a delight to go and visit them anyway. I was at three kinders, and I spoke with one of the parents there, who said to me, 'We've just had three new enrolments in the middle of the year.' And I said, 'Oh, is that usual?' And she said no, they had not realised that free kinder was available. They could not have afforded it otherwise. As soon as they found out that their children could attend at no cost to themselves, they enrolled them. These are three children of many who would have otherwise not been experiencing critical and crucial early childhood education, which prepares them best for primary school. There is nothing like kinder kids who walk in on their first day of prep – or foundation as some call it, but I am a bit old school – and have some confidence because they know what it feels like to be in that kind of area. Their kinder has done great work connecting them with their school, and off they go. That has been this government's investment, again ensuring that Victorians get tangible, real results that matter for them. It is about practical solutions to support people.

I just want to really clarify too, and I am going to go to this, the difference between privatisation and joint ventures. I would like to put it here, so hopefully the member Prahran will be listening with an open mind. A joint venture with a private enterprise has been proved to improve service delivery for local communities. It is not the same as privatisation. Under a joint venture model we retain ownership. We, the state, retain ownership of the asset and control over regulatory and policy functions. We retain ownership and control over the regulation of data and the pricing of fees for customers. In true privatisation that has gone. They are pretty much doing whatever they want; they are running with it on their own. But, for example, when the government reached the deal to modernise VicRoads in 2021, we retained ownership of all registration and licence data, and as we continue to own VicRoads we also ensure we retain control over regulation and policy, as I say, data and privacy provisions and pricing of essential fees, with the information remaining secure and stored here in Australia. It is not going offshore; it is not going somewhere where it is not under our jurisdiction. That is really critical. Under a joint venture arrangement the assets are returned at the end of the service concession arrangement, which maintains our long-term ownership of that asset. They come back to us once it is

over. It is a 40-year concession agreement, and it will come back to the state at the end of that. Do you know, it has actually been quite successful.

I note the member for Prahran claimed that prices go up and services go down, but with joint ventures we can actually attest that we have now got free licensing for P-platers and L-platers. They can sit their tests for free. My daughter is so excited; that is her in two months. And my son got his Ps for free as well, so they are both lucky recipients of this. I promise it was not organised that way. Probationary drivers are saving up to $133.30 in probationary licence and online hazard perception testing fees, so prices are coming down there.

I have to say I know the clock is running down and I do not want to be caught in the middle of a sentence, but I do want to reiterate one more time that this is not privatisation. Joint ventures are not privatisation; they are vastly different. There is nuance in these things. I know the Greens like to see things in black and white, but there is nuance in a lot of this and I would recommend that they turn their attention to that.

Matthew GUY (Bulleen) (16:31): Well, well – a bit of left-on-left political violence. I was not sure where to go. I really was not. I like the member for Prahran; I think he is not a bad bloke. I like the member for Monbulk; I think she is very good. So I cannot come up and start yelling at anyone. I thought: well, what am I going to say? What am I going to say, except that this motion kind of reminds me of the 2003 movie *Good Bye, Lenin!*, where they are living in East Germany in the DDR –

A member interjected.

Matthew GUY: It is very worthwhile; you listen. The mother unfortunately has a stroke and goes into a coma. She is a committed socialist. By the time she wakes up the wall is down, but they have to kind of convince her that the DDR still exists by buying her the same pickles and replacing the curtains and explaining the Coca-Cola adverts are not real. And sometimes I wonder if that is where the Greens are, if they are caught in the movie *Good Bye, Lenin!*, if they are caught pre-1989. And I can say that. My mum's family is from the Soviet Union. They are not 'maybe'; they are from the Soviet Union. We used to send food parcels back to the Soviet Union. We used to write letters to the Soviet Union.

Danny O'Brien interjected.

Matthew GUY: The member for Gippsland South is quite right. I bizarrely can sing the Greens the Soviet national anthem, if they would like, гимн Союза Советских:

Союз нерушимый …

I can sing it for you if you like. You can learn it. And I can tell you, socialism does not work. There is a reason you can involve the private sector: because in many aspects of government they do it better, cheaper and more efficiently. On this side of the house – and it is apt I am standing next to the member for Kew, who is pregnant, and we are looking forward to her and her husband's imminent new family arrival – we are not half pregnant when it comes to privatisation. Labor might be. The Greens are not. But we support it. We think that it is a useful act for government to consider the involvement of the private sector, and we do not demonise it.

But I do wonder, and I say it again: where are the Greens nowadays to bring this motion into this Parliament? I watched on Netflix the other night the series *The Giants*. Actually it was not a series, it was an episode. It was very good, and it was about Bob Brown and the environmental movement. I did think to myself: how could such a dedicated and focused environmental movement morph into these – and I am sorry to use this term – rabid socialists? They are replete, they are just full of artists and councillors and all these types that have never been outside governance. And I thought to myself: how can this be? They go to branch meetings and they talk about privatisation. They usually have an image of a politician, a Liberal one, usually with big eyes, possibly me, saying 'Privatisation' – you know, the evils and how awful it is. And they probably put their kids to bed and go and get an Ovaltine and shut the windows and worry about it.

But it is not privatisation; it is involving the private sector in the way of doing government. It is not a bad thing to do. I hear the member for Essendon come in here, and he talks about greedy companies and greedy power companies. I think to myself: this is the guy that invests in these companies; doesn't he have shares in these companies? Ironically, I think one is CommBank, which the Labor government sold off. That is quite fascinating.

We believe that the involvement of the private sector in operations of government can be a very good thing. Rail freight, for example, in my portfolio – are the Greens or even those in Labor seriously suggesting that rail freight, the movement of freight across our country, could possibly be done by a government department better than by Qube, than by SCT, than by Linfox? I mean, come on. What a ridiculous concept. Of course it cannot, and that is why we support their involvement in rail freight.

On one hand, you cannot boast about saying, 'Oh, well, we didn't sell off V/Line,' but you sold off the trains. Joan Kirner sold off the actual trains. We leased them back from a Japanese consortium in the late 1980s. That was part of the apparently socialist Kirner government. You cannot be, dare I use the term again, half pregnant on this. You either do it or you do not; you either are or you are not. We think the involvement of private firms and the private sector in the delivery of a service when it is indeed regulated is a good thing, and we encourage it. It is not for every part of government, but we believe on a case-by-case basis on this side of the house that it should be considered.

If all these things that members and the former Premier and others come in and say are so awful are terrible, well, you can wind them back. Not you personally, Speaker – the government can. Maybe the party or the government that before your term as impartial Speaker you were part of could have. But you can do all these things from government. We constantly hear this: 'Oh, we never waste a minute.' Well, if you do not waste a minute, why don't you go and wind it back? You can. You can pass a bill. If you come and demonise it, well, come and wind it back. We do not think you should wind it back, because we think a lot of those changes have been very good for Victoria – exceptionally good. I would argue the privatisation of Qantas has been very good. I would argue so has the Commonwealth Bank been very good. They were done by Labor governments. The ultimate was the privatisation of Australia's currency, the floating of the dollar in the early 1980s – that was the ultimate privatisation. I think it was a great idea. I think Paul Keating did a tremendous thing for the economy. It should have been done earlier by the Fraser government, but it was done in I think 1983, and it was done for the right reasons. It has been very good for Australia and very good for our export industries. Are we honestly saying we want to go back to a regulated economy which controls the means of production? I cannot believe I am saying this in 2024. I feel like I am back in student politics in university talking about controlling the means of production, talking about government delivering housing.

A member interjected.

Matthew GUY: You reckon the government is going to build 80,000 houses, mate? I have got a newsflash for you. Go to Eastern Europe. Have a look at the variety of houses beyond the nice, lovely UNESCO-listed old cities, and that is what you get when you ask governments to deliver mass housing. There is a reason that a lot of Western European cities are UNESCO-listed and Kharkiv is not. I am sorry, my mum is from there, but it is not a very attractive city. They are concrete blocks. They live in these apartments because they were delivered en masse by a government, a socialist one, that used to buy means of production as cheap as they could. But when you open up to the private sector and you say, 'These are the targets; we'll lower tax, we'll provide incentives,' then you actually get a better product and a better outcome and it looks better. And the state benefits – the state being the people that actually benefit from it. In fact when you put more competitors into a private market, like we did when we were last in government, in the development sector, you stabilise price, because then they compete against each other. You cannot do that when the government regulates, pays the lowest – if they pay at all – and actually you get a lower quality of product for the consumer. I mean, it is economics 101. Here we are back in the chamber, but this is it. This is where we have got to in 2024 with the left in Australian politics, who are obsessed with wars of the past.

I find it stunning again for the current government to talk about greedy corporates and privatisation, yet the single biggest privatisation in Victorian history was the sale of the Port of Melbourne. That was not by the Brumby government or the Bracks government, it was not even by Kennett – it was not even Kennett. The single biggest privatisation was by the socialist Andrews government. I cannot believe it. And now apparently privatisation is something that is, you know, maybe this, maybe that; maybe it is good, maybe it is bad. Well, we would say it can be very useful when properly regulated and done well and can provide great benefit for the people of Victoria. Nothing is perfect – of course it is not – but if you regulate it well it can be much better than what the government can deliver, particularly in housing, particularly in rail transport – that is, freight transport – particularly in mining and particularly in the delivery of some roads. I mean, the state does not have the money to pay for some of these projects. If you empower the private sector, they can.

In short, this side of the house does not have a problem with the concept of privatisation done well and done in a regulated environment. We believe, unlike the government, that you do not have a foot either side of the barbed wire fence – you actually embrace something and you do it properly. And we certainly do not believe the Greens' argument on socialism – and I will teach them the Soviet national anthem.

Dylan WIGHT (Tarneit) (16:41): It is always an absolute pleasure to follow the member for Bulleen in any contribution, and it is an absolute pleasure to be able to do so this evening. There is no doubt he is still the best that they have got; there is no doubt about that. We have gone on a bit of a journey with the member for Bulleen. We now know his Netflix preferences – thanks for that; we know what we are going to see pop up when we go into his Netflix account. What we did not need education on from the member for Bulleen was that the Liberal Party and the member for Bulleen absolutely – lock, stock and barrel – support privatisation. They support privatisation of our commercial rail and they support privatisation of our energy systems, and we have seen that time and time and time again from Liberal governments in this state.

Members interjecting.

Dylan WIGHT: I will get to that. What I would also like to address today and to firmly reject are the assertions made by the political sideshow over in the corner, the Greens political party here in Victoria, that the Labor government is pursuing a privatisation agenda. I think these claims are not only unfounded but also in stark contrast to the actions and commitments of this government. We will go through that a little bit throughout this debate and clarify our stance. We will talk about public transport and we will talk about energy policy, and if we have got time we will talk about worker protections within those industries as well, which is incredibly important.

The Greens sort of preen themselves, I guess, on what they think are their economic and environmental credentials. It will come as no surprise to anyone, certainly on this side of the house, that there is only one party in this state that has made significant investment in social and affordable homes for those that most need them, and that is the Victorian Labor Party – and that is the Victorian Labor Party in the most recent of times through the Allan Labor government. There is only one party in this state that has made significant investment as well as changed policy settings within the environmental and renewable sector to drive investment in renewables in this state, and not just drive investment in renewables but also own a piece of each of those projects – and that is the Victorian Labor Party. Our track record on investment in both housing and renewable energy and public housing and public renewable energy is unmatched in this state.

As I said, following the member for Bulleen is always a pleasure. It was a fantastic contribution. He went through all the different policy settings and all the different areas where he believes and the Victorian Liberal Party believes that privatisation has been fantastic for this state. I think everybody during this debate is going to talk about Jeff Kennett and his privatisation agenda from 1992 to 1999. During that period we saw the public transport network in this state privatised, so the selling off of V/Line and the selling off of that sector and those assets.

We also saw the privatisation of electricity and gas – the privatisation of Victoria's energy and energy sector. Water distribution was also heavily privatised. I do not disagree that at certain times in certain parts of the economy the private sector can play a role. That is very different to privatisation, and we can point to VicRoads and to public–private partnerships in housing et cetera as to where the private sector can play a role. That does not mean that it is privatisation, it just means you are using the private sector to play a role.

The impact of Kennett's privatisation agenda was absolutely devastating. It was devastating to this state, and it is something that Victorians continue to pay the price for to this day. Taxpayers ended up subsidising private operators in public transport to the tune of over $7.5 billion while the promised efficiency gains never materialised. Let us look at electricity prices. Within a period of less than 20 years from 1995 electricity prices had outpaced CPI with an increase of 170 per cent as opposed to a 60 per cent increase in CPI. As I said, I do not think it takes Einstein to really know and to understand that the Liberals under Jeff Kennett, under the member for Bulleen and indeed under the member for Hawthorn support privatisation and will continue to pursue a privatisation agenda.

I think this member probably disproportionately gets spoken about on the side of the house during contributions, but the member for Brighton, funnily enough, is one of Jeff Kennett's biggest cheerleaders in the chamber today. In 2020 the member for Brighton said:

> The Liberal Party is the party of responsible economic management –

we can pick that apart –

> the party of Jeff Kennett …

I think it is a pretty bold move to sit here and say you are the party of the person that has cost millions and millions of Victorians millions and millions of dollars since his privatisation agenda in the early to mid 1990s.

We look at his track record and we can agree that Kennett is not the gold standard for effective economic management – I think anybody can agree with that – but we on this side of the house learned from the mistakes of the Kennett government and we take a more balanced approach to the economic management of this state to deliver better outcomes for the Victorian public. Our government transformed relationships within the public sector in 2021. We established joint ventures, not privatisations, which maintain state ownership whilst leveraging private sector efficiencies. That is the most important part of those partnerships. We can lean on some of those private sector efficiencies whilst continuing to own the asset, and that is something that is incredibly important to this government.

I spoke about VicRoads very briefly earlier in my contribution. The VicRoads modernisation is testament to that approach. They are an example of a 40-year concession agreement which will be returned to the state at the end of the agreement. It is not privatisation, it is not selling the asset. You do not lose the asset – you keep it. We retain ownership of all registration and licensing data, ensuring regulatory control and data privacy, and the results have been fantastic. There are enhanced services for Victorians and significant financial gains reinvested into the state's future. Furthermore, this partnership generated a financial gain of $7.9 billion in up-front proceeds, which have been invested into the Victorian Future Fund to help manage pandemic-related debts. This has resulted in better financial outcomes not only for the state but for families too as this process has meant not only that existing VicRoads jobs were protected but that 120 new jobs have been created and added to VicRoads to oversee the partnership, support the IT modernisation process and bolster the government's road safety role.

Indeed another fantastic example of this government's commitment to public assets and to public–private partnerships is of course the SEC. We know back in the 1990s – 1994 – Jeff Kennett privatised the SEC. We have spoken about that a fair bit. During the 2022 election we brought it back, and if those opposite have not realised yet, it was pretty popular with the Victorian electorate, which is why

we take up half your side of the Parliament. That is a testament to public–private partnerships. We have started construction on the very first of those projects, a big battery out near Tarneit, out near Melton, which will be able to power 200,000 homes with renewable energy. This government does not have a privatisation agenda, but we know that those opposite in the Liberals do and always will.

Danny O'BRIEN (Gippsland South) (16:51): I am pleased to rise on this matter of public importance, because I have said before that I love a bit of argy-bargy here, and there is no better argy-bargy than Labor versus the Greens, the brother and the sister, the two brothers, the sisters, whoever you want to call it, the family members, the siblings – they love each other and they hate each other, and it is really good. I am actually disappointed, with due respect to the member for Monbulk and the member for Tarneit, but I hope someone over there is actually going to get up and have a crack. The member for Mordialloc, I hope he is next on the agenda because he might actually have a good go at the Greens.

I am pleased to have this debate, because it actually is a genuine philosophical, ideological debate. Sometimes people say that the political parties are all the same – they are not. As the member for Bulleen has pointed out, we know where we stand on this side when it comes to privatisation. We are not afraid of it. We support it in some areas. There are some areas we would not go to, but we are not afraid of it. We know where the Greens stand. We think they are wrong, but we know where they stand at least: they are just dead against it. But the government, the Labor Party, are just the biggest hypocrites when it comes to privatisation. They will be standing up here now, but they actually do not know how to handle this matter of public importance, because they were apparently told that they have got a privatisation agenda according to this MPI. Are they going to argue against it or are they going to argue that they would like a little bit of privatisation but not a lot? We heard the member for Tarneit turning himself in circles, saying that even though we went into a joint arrangement with the private sector and they now run it, that is not privatisation. I have had great pleasure in hearing this over the years, particularly from the member for Essendon, the Minister for Transport Infrastructure, because we like to mention it whenever those opposite – and the member for Tarneit went there again – talk about how Jeff Kennett privatised the SEC. Now, does anyone remember who actually began the privatisation?

Members interjecting.

The SPEAKER: Members on the front bench who are not in their seats will cease interjecting.

Danny O'BRIEN: I will ask the question again: does anyone remember who began the privatisation of the SEC? Wayne Farnham, the member for Narracan, is not allowed to talk, according to the Speaker, so I will not invite an interjection from him. But for the benefit of the house it was Joan Kirner, and we have got the media release from the government of the time in 1991 celebrating the decision of the Parliament under a Labor government to pass legislation for the partial privatisation of Loy Yang B. We have the Minister for Transport Infrastructure constantly – and I am really disappointed he is not in here for this – trying to tell us that that was a 'co-investment'. So that is another word that they use to avoid 'privatisation' – it was a co-investment, even though the private company owns 51 per cent of Loy Yang B, and it is astounding. We could go on. So there is Joan Kirner and the Treasurer at the time and David White with Loy Yang B. With this government we have had the Port of Melbourne, the Land Titles Office, the VicRoads licensing division. Now, apparently, we are going to do Births, Deaths and Marriages Victoria. Well, I have some issues and some support for that, because births, deaths and marriages is absolutely horrible at the moment in terms of providing a public service, and the private sector might do better, but at the same time it is pretty sensitive information so I hope that the Treasurer and his colleagues have a good, hard think about that and put some serious fences around it if they do do it.

We can talk about the federal government; the member for Bulleen did that. It was of course Paul Keating that actually privatised Qantas. It was Paul Keating and Bob Hawke that began the privatisation and completed the privatisation of the Commonwealth Bank. There are a few others. I

know that those opposite are not responsible for their interstate colleagues, but you could go to Queensland, where it was the Bligh government that privatised Queensland Motorways, the Port of Brisbane, Forestry Plantations Queensland, the Abbot Point coal terminal and coal rail lines owned by Queensland Rail. In New South Wales it was Kristina Keneally that began the privatisation of the electricity system.

The Labor Party, as the member for Bulleen said, is completely trying to be half pregnant on this issue. They say one thing and they do another. More particularly, what they say is privatisation done by the Liberals and Nationals is bad; privatisation done by them is not privatisation at all. Co-investment, joint venture, joint partnership – anything other than to say privatisation, because they know if they accept that what they are doing is privatisation, they are going to get whacked by their mates the Greens, just like they are today.

I think this is where I need to turn my attention to the Greens. Unlike the member for Bulleen, I am not able to sing the Soviet Union national anthem, but I think it is important that the Greens understand that some of the things that they promote in this place go very close to communism. We have actually had some evidence of that in the last century. Some of the members of the Parliament these days are pretty young and they probably do not remember what happened last century, but communism did not actually work out that well. I hear laughter from behind me, but the Greens not only want price caps on rentals and all those sorts of things but actually now want us to regulate prices of groceries. That is what happens under communism. You might have worked out that it has not worked.

That goes to my next point, which is about the extremes of this debate. You can go from one extreme to the other. One extreme is complete laissez-faire – no government, no regulation, no laws – which would be ridiculous. No-one supports that. At the other extreme is total socialist government control of all the means of production, the operation of society and everything. That is the bit that actually did not work. For the record and for the Greens who might not have picked up on it, the communists themselves actually said, 'Hey, this hasn't worked, so we're going to wind it all back.' That is how the Berlin Wall fell and that is how the Soviet Union fell. There are a few places that have not worked it out. The Chinese have got a very good model. It is complete capitalism, but they still call it communism. They just do not let anyone vote for the government, but that is how that works.

This brings me to a point. I do not want to get into the current geopolitical issues, but I did find it quite ironic a couple of weeks ago when our colleagues in the Greens came into this place wearing watermelon badges. I thought at first they were taking the mickey out of themselves of being green on the outside and red on the inside, but it turned out it was not actually about that at all. It was something altogether different, and I am not going to go there. I do not know whether they might have picked up the irony of that, but I will let them know about it.

The reality is, when it comes to the private sector, government does not get it all right. Private sector does not get it all right. Capitalism does not work ad infinitum, but certainly the government sector does not. I hate to get technical like the member for Essendon, but you can go back to Adam Smith and *The Wealth of Nations*. He introduced the concept of the invisible hand, and basically the invisible hand is that the self-interest of humans will drive the needs of society. That is exactly what happens in the private sector.

I know that the Labor government loves to talk about the SEC. I grew up in the valley, as did the member for Narracan and the member for Morwell. We remember what happened to the SEC, and I know it is not particularly popular in some quarters. Indeed I have got a brother-in-law that says that privatisation was terrible and essential services must be kept in government hands. I remind him that he lives in Sale, home of the oil and gas industry, and that for 50 years the private sector – Esso–BHP and now Esso–Woodside – has delivered gas to this state entirely without government assistance.

I go back to the issue of food and supermarkets and groceries that the Greens want to regulate. Who produces the food? Is it governments? Is the most critical thing that we have after water left to

governments? No, it is the private sector. It is farms – it is family farms, it is corporate farms. Electricity is delivered by both, and I just want to pick up the point made by the member for Tarneit, which is entirely wrong. In 2015 ABC Fact Check fact-checked the question: has privatisation increased electricity prices? It was a claim made by a then Labor member of the opposition, and the answer was no, it was spin, and they gave a couple of examples. There was a report done for New South Wales Treasury by Ernst & Young that found since privatisation electricity bills had increased less in the privatised states of Victoria and South Australia than they had in the publicly owned areas of New South Wales and Queensland. The University of Sydney researchers found exactly the same thing. So it is actually not privatisation that has seen electricity prices rise, it has been other factors. We could talk about that, but let us not go there.

We could also talk about petrol. That is a pretty essential service. Operated by the government – no, it is operated by the private sector, because generally the private sector does better. At least the Greens are pure on this. The government does not know whether it is Arthur or Martha.

Nina TAYLOR (Albert Park) (17:01): I would like to reassure the Greens political party that there is no secret agenda to privatise, cut and sell off. We should just have a little bit of a look back in history to the former Liberal–National government who put the state on the chopping block after all, and specifically under Jeff Kennett's leadership. The then state Liberal government 1992 to 1999 privatised a record number of services, including Victoria's public transport network, electricity, gas and water distribution. They also privatised a number of essential human services like prisons, hospitals and the ambulance service. Most of the private investors that bought assets have subsequently struggled to generate an acceptable return on them too.

I am going to speak firstly about energy, a topic that has been bandied about today for good reason. It is a very, very important element in survival to be honest, particularly at this time. I woke this morning, and it was 2 degrees on the mobile phone. I was like, 'Oof, that is pretty' –

A member interjected.

Nina TAYLOR: Outside, I mean, not inside. I have double glazing in my apartment. Anyway, I diverge. Rest assured that energy of course is vital, and it can certainly be inequitable when you are looking at the cost. But it also can have a very significant effect and has had to date when we are talking about global emissions, which is why we have so many strong emissions reduction targets. But anyway, I will come back to that in a minute.

We know that the Liberals sold off Victoria's energy supply to private multinationals, and what has that resulted in? Those private multinationals increased prices and sacked workers, and now it is Victorian families who are paying the price – $23 billion in profits going overseas and counting. It should never have happened. Hence the imperative to bring back the SEC.

I know at the last state election we were very up-front and transparent – no secrets et cetera there. We were very up-front with the community. I remember actually standing on top of the Melbourne Museum and looking at this sea of solar panels – already installed – because we know that measures are well and truly underway in this state. We believe in climate change and we understand the impacts are real, but we also believe in reducing the cost of living and the impacts of energy prices on community. Renewables are the obvious way forward, which is why we are investing so heavily. Actually it is an incentive to be driving forth the SEC, because it is actually a mechanism to accelerate the investment in renewables, because we know if we leave it to the market it just will not happen quickly enough. Having said that, we know that the market is part of what is actually driving investment in renewables because they are the cheapest form of electricity generation, even when you factor in storage and whether it is wind or solar and the like.

We have committed to bringing back the SEC as a publicly owned, 100 per cent renewable, active energy market participant, and we have delivered. We are making sure Victorians can rely on publicly owned energy, jobs and emissions reduction for decades to come. We know if it was left to the

Liberals, they would just sell it off in a heartbeat. We know that on 25 October 2023, just to be really precise on this, the SEC Victoria Pty Ltd was registered with the Australian Securities and Investments Commission as a proprietary limited company under the Corporations Act 2001. So if anyone is suggesting otherwise, I am just speaking to that. And the SEC's first project is under construction – isn't that absolutely fantastic? It is good news for bills and cost-of-living pressures, and it will also increase the amount of energy and competition in the market by investing in new, renewable energy and storage, and this will actually push more energy into the system, putting downward pressure on wholesale power prices and delivering benefits for all Victorians.

In terms of getting on with and building the SEC, putting power back in the hands of Victorians and accelerating our transition to cheaper, more reliable and renewable energy, I must say construction has already begun on the SEC's first project, a 1.6-gigawatt battery in Melton. How about that? Fantastic. That is pretty close to Melbourne too. Hear, hear. We actually have the member for Melton in here, and I am sure he is very pleased with that. And, guess what, it is going to power over 200,000 homes. That is absolutely fantastic. By storing excess, cheap renewable energy in batteries, homes and businesses will use more cheap renewable energy. By powering the state through more renewables more often, we avoid the reliance on expensive coal and gas, which causes the high bills that we pay. So you can see the holistic mechanism here.

We need more renewable energy. Of course we need to keep on with this because if we are going to get to our very strong emissions reduction target – 75 to 80 per cent by 2035 – that is why we have to accelerate. That is the imperative, and Victorians have voted for it emphatically as well. However, the construction rate of new storage needs to increase – and this is further to the point I am making – tenfold to provide the stability in the system we need. As I was saying before, currently the market is simply not providing the investment at the scale that we need. Hence the role of government. Those opposite have had a running commentary on this project, saying it would have happened anyway. That is absolutely not true. The project would not have happened today without the SEC – that is a fact. And because of the SEC the project is happening sooner, is bigger and enables more renewables to come into the system.

Members interjecting.

Nina TAYLOR: I can never get over the fact of how much opposition and how much raucous noise et cetera comes up whenever you talk about renewables in front of the Liberals and Nationals. It is like, 'Yes, yes, we really support renewable energy,' but the minute you mention the words 'solar' or 'wind' they go off. I do question their conviction when it –

A member interjected.

Nina TAYLOR: Welcome it. Welcome it.

A member: Oh, you'd welcome it.

Nina TAYLOR: Absolutely, if there was the space. We do not have the space. However, that being said, you never know, we might find ways and mechanisms. Anyway, I am going off on a tangent.

I know there are some querying the SEC but let me be sure – the managing director of Equis, the SEC's partner in delivering the project, said that the partnership had delivered results quicker than they had anticipated and said:

> … if the Premier and the minister would allow me I'd patent –

the partnership –

> … and apply it right across the region.

Fancy that. That is a testament to the fact that this is the real deal, and we are very serious when it comes to accelerating the transition to clean and renewable energy in this state. With over 100 companies lining up to partner with the SEC, there is plenty more to come, delivering more

affordable, more reliable, renewable energy, owned by Victorians, with every cent of profit being reinvested back into the SEC.

I did want to go off on a little tangent, because when Labor is investing in energy or whether it is early childhood education – whatever it is – we always look at the whole solution. We look at jobs, of course the sustainability of the industry et cetera. Just the other day I actually accompanied Minister Lily D'Ambrosio, the Minister for Climate Action and Minister for Energy and Resources, for the launch of the renewable homes construction program, because when we are delivering projects we have to make sure that those who are going to deliver them actually know how to better design et cetera and support that. We are training builders, electricians and plumbers so they can build more energy-efficient homes, helping Victorians slash their emissions and cut their energy bills, because funnily enough transitioning energy is not just about a little social media post or holding up something saying 'No this, no that'. You have to put mechanisms in place, you have to invest government money and you have to train up the sector so that they know how to design and build the programs.

Rest assured, the Greens political party will always come on board to thank themselves for everything that Labor delivers, so we thank them for thanking themselves for that, but at the end of the day it is only Labor that will deliver on these reforms. We have proven that to date. You can see it. We stand on our record, and we do it because it is the right thing to do. This is about Labor values. It is about supporting our community, making sure that we put downward pressure on energy prices but also that we are delivering a cleaner future not only for this generation but for generations to come because we have to leave the planet a better place than it was when we were born – is that not right? I think collectively we all want to improve it. That is why we are working so hard. That is why we have invested in the SEC. That is why we are accelerating the transition to renewables. That is why we have set such strong emissions reduction targets with a specific end point in mind, and we are doing it.

Gabrielle DE VIETRI (Richmond) (17:11): The neoliberal project has failed. Ours is the first generation since the Great Depression to be worse off than our parents. We are in the grip of multiple crises – climate, housing, economic inequality – and it is the government's job to use the levers that are available to them to shape our future, to curb climate catastrophe, to make housing fair, to bridge the widening gap between the rich and the poor. They do that – we hope – by choosing carefully how they spend our tax money and what they regulate. But at a time of global unrest, of housing inequality, of looming climate catastrophe, this Labor government is subsidising Israeli weapons manufacturers. This Labor government is subsidising private property investors and fossil fuel companies. They are funnelling money into private prisons, they are cutting WorkSafe for injured workers and they are capping wages, but they will not cap rents. They are refusing to make food affordable by regulating the supermarket duopoly. They are missing in action when it comes to making renting affordable. They are refusing to crack down on Airbnb property investors taking homes away from renters. They turn a blind eye to the crimes of the big banks and the gambling lobby.

For anyone who shudders when they hear the name Kennett, it is much more chilling to realise that it is not just Liberal governments that we need to be worried about – full-scale privatisation is every bit on the Labor agenda too. The Port of Melbourne, the Land Titles Office and VicRoads licensing and registration have all been privatised. Labor has continued the Liberals' privatisation of trains and trams, of infrastructure, prisons and tolling, and now Labor is privatising births, deaths and marriages. The department that deals with our most intimate and vital information is on the chopping block in a government review of all the state's assets for potential privatisation. Guess who is doing the review? Is it the government? No, it is a private investment bank. This Labor government wants to outsource solving all of its problems to the private market. They seek short-term cash injections to cover their own hides and leave future governments way down the road to deal with the repercussions.

When a government privatises its services, whether it is selling them off completely or under the guise of a joint venture, a co-investment, asset recycling or a public–private partnership – whatever you want to call it – the functions of those services shift from being in the interests of the public good to being a profit-making project, and, to that end, corners are cut, staff are sacked, accountability plummets and

Victorians are left paying more for less. We cannot keep doing the same thing and expecting different results. Leaving it to the market does not work. Trickle-down economics is a scam, and privatisation has benefited only a wealthy few.

We need real solutions. We need a vision. The Greens vision for solving these crises includes accessible public housing for anyone who needs it, built by a public builder and powered by 100 per cent renewable energy from a publicly owned energy retailer or your local community battery and connected to an energy grid that is back in public hands; a good secure public job for anyone who wants it; and tens of thousands more well-paid public jobs in Victoria in renewable energy, building homes, restoring nature, health care and education. Many of these things we have had before, but they have been sold off by past governments, and last year Labor lifted the last bit of their facade and came right out and told us that they intended to demolish and privatise all 44 remaining public housing towers in the state. Any plan that starts with the demolition of almost 7000 public homes and the displacement of more than 10,000 people in the middle of the worst housing crisis in living memory is not a housing plan, it is a housing disaster. But it gets worse. Labor plans to give up all of this land for private property developers to build majority expensive private apartments – prime inner-city locations. Where we see community, they just see dollars for their property investor donors.

But this is not new. For years this Labor government has been privatising public housing, handing out public land to private developer mates to turn a mega profit on, and in the process tearing communities apart and decimating our housing ecosystem. Because when we have plentiful, secure, affordable public housing this helps keep the private market in check. It drives down the cost of renting and buying, and it sets the scene for universal housing affordability. And it is not like they do not have the public land or the opportunity to build public housing. This government has sold off hundreds of hectares of public land to private developers in recent years. In Fitzroy right now, in my electorate, there is one of the biggest opportunities in the inner city for new public housing: almost 3 hectares of public land at the Fitzroy Gasworks site. That is being sold off for 100 per cent private housing, when this Labor government went to two elections promising public housing. The government has not only stopped funding more public housing, but they have even stopped saying the words 'public housing', as if the words alone would be a betrayal of their ideology. Instead, they have legislated a new umbrella term, 'social housing', which intentionally blurs the line between public and private to distract from their plan to end public housing. Or worse, they refer to 'affordable housing', the definition of which, under Labor, is more or less left up to the private developer.

Economic policy is social policy. Let me tell you now: you cannot be socially progressive and economically conservative. Decades of failed privatisation has proven to us that the market has no ethical driver. Its only language is profit, so it is no wonder that when it is left to set what we pay and who has access to the most fundamental of human needs – food, housing, energy – the result could only ever have been the crises that we are seeing unfold today. Rampant inequality, a struggling workforce, poverty manufactured by political choices and a decimated environment – what is even the point of Labor? We can hardly tell the difference anymore between Labor governments and Liberal governments. So what is Labor's vision? A state run by corporate interests? More homelessness? Housing stress? Is it underfunded, crumbling public schools? Offshore drilling? Is that what it is? Because that is what we have got under Labor.

Or is it just power with no purpose, whatever funds Labor's next election? Our vision, the Greens' vision, is one that winds back Labor's and Liberals' neoliberalism, invests in robust public services and creates a climate-safe future where everyone has what they need to live a decent life.

Lauren KATHAGE (Yan Yean) (17:20): It just works out perfectly that I follow on from the member for Richmond, because what I would like to speak about today is the Greens' fearmongering about privatisation and the repeated false statements that they make. In preparing for my contribution today I did a quick go through of *Hansard* to understand more about the views and perspectives that have been put forward by the Greens on this matter, in particular around housing. In doing so I noted that the member for Richmond was the most common person across the way to speak about that,

although there were some others. In going through each of the contributions made by the member for Richmond, the falsehood that we are giving land to private developers is repeated again and again. It is not right, and what makes it worse is that people are not listening in here but when you have members of this place going door to door to people's homes, to public tenants' homes, and repeating that falsehood, what is that but fearmongering?

We know that this land is not being handed over to developers. Some of the quotes here are just blatantly that way, and there was a repetition. I note that they like to make comments about our election campaigns as though we are being funded by developers –

Gabrielle de Vietri interjected.

Lauren KATHAGE: Oh, really? Introduce me to your developer mates, please. You are welcome to review my register. I would like to speak back to the Greens the words from the member for Richmond, and I would like to speak her words back to her:

> Imagine having the power to fix the housing crisis and instead spending your time spinning bad-faith messages to shift the blame onto others and whip up public division.

Well, doesn't that sound familiar? Does that strategy sound like something we have seen by those opposite here? So I genuinely ask those opposite not to create concern and fear for residents where they need not. That is really troubling to me.

What they are targeting and what they are zeroing in on is the ground lease model, and they take offence at the ground lease model. They state that we are giving land away to developers, that we are palming off land, funnelling profits et cetera, when the fact is that the land remains with the government. The Allan Labor government and Homes Victoria have partnered with the not-for-profit Building Communities Consortium to deliver new housing across sites at Brighton; Flemington; Bangs Street, Prahran; South Yarra; Essex Street, Prahran; Port Melbourne; and Hampton East as part of these ground lease models 1 and 2.

To clear up any doubt that the members of the Greens may have and to prevent them from repeating these falsehoods, I will just explain how it works for their benefit. Homes Victoria leases the land to building communities, who will design, build, finance, manage and maintain the housing for 40 years, enabling all land to remain in public ownership, and at the end of the 40-year concession period all dwellings return to Homes Victoria's management. Through the ground lease model we increase the amount of social and affordable housing that is available and we increase the private market stock of housing – and we know that housing supply is a really important issue for the whole nation at the moment – so the ground lease model contributes to multiple social issues that we are facing. We know that with ground lease model project 1 we have already delivered over 1000 all-electric homes across three sites.

Something that I want to really zero in on here that I am particularly proud of is that the ground lease models include specialist disability rental homes. This is something that is really important to me personally, with my brother in a specialist disability rental home, but I also know it is for many people in my community. These rental homes are managed by Community Housing Limited, a fantastic community housing provider, and the change in people's lives that they create through providing specialist disability accommodation just cannot be underestimated, cannot be understated. It is through this ground lease model that we are doing that we are increasing these specialist disability rental homes that are of a fantastic, modern standard that people with disabilities deserve. People with disabilities deserve lovely new homes to live in, and I include my brother in that, and I am so proud to be a member of a government that works to deliver such things.

I mentioned Community Housing Limited, which is a community housing provider, and as we have heard from the Greens, there seems to be this disparaging of community housing providers as part of social housing. I recently had Community Housing Limited state manager Grant McNeill and their coordinator in tenancy management Mel Kearney and Jason Roper visit my electorate at my invitation

to view a social community housing property that had been developed by them. This was a piece of land well located near shops and public transport that was a very narrow block, so it was not so very attractive to a traditional developer, but for community housing they saw an opportunity, and they were not building for a profit. What they have done has meant that in my community and in Mernda there are units available for people who need somewhere to live that is cheap and with additional support, so through the caring tenancy management of Jason they are supported into services that can assist them in different ways. For the young children that live there, they are just across the road from a great primary school.

At that visit we had Sarah Toohey there. She is the CEO of Community Housing Industry Association Victoria. As someone who has established these ground lease models in my former work, setting out managing tenancies on behalf of government to support disadvantaged people in accommodation who were at risk of falling afoul of public housing rules and being evicted, they looked to us in the community services sector to provide that wraparound support, provide that additional support which governments cannot always do – literally helping people clean their homes and keep them in their homes. So I have great respect for community housing providers, and the way that they are spoken of sometimes in this place as being second-rate somehow is offensive. It is offensive to –

Kathleen Matthews-Ward interjected.

Lauren KATHAGE: Yes, member for Broadmeadows, we have fantastic Aboriginal housing providers in Victoria, and to think that they are somehow rated lowly compared to a government one is just sad, because we know that the wraparound support, the appropriate kin relations and the sense of community that is provided by community housing providers cannot be beaten. As a homelessness worker supporting women who had interviews with community housing providers, I felt confident that they were going to be transitioning into accommodation that was going to be successful and supportive for them. So I ask those opposite to stop misstating the facts, to stop fearmongering and to show support for people who need it.

Jess WILSON (Kew) (17:30): I am delighted to rise on this matter of public importance (MPI) today, although I feel like the opposition could almost sit it out and let the government and the Greens fight it out and fight each other. Where to even start on the debate that has been had in this place today? I note that the member for Richmond finished her contribution. She is not in the chamber anymore. She has probably knocked off, to be honest, for the day. She finished her contribution by asking: what is the point of the Labor Party anymore? This is a rare moment, so bear with me, but while the philosophical question is there let me just defend the major parties for a moment. The major parties, the Labor Party, the Liberal Party and the National Party, do have to form government. We therefore have to have responsibility when we come into this place and we put forward issues and agendas, unlike the Greens, who want to live in some sort of socialist utopia and come in here with their ideological points, their ideological views and do not deal in the practical realities of modern-day Victorian society. So I think it is very rich for the Greens to come in here. We know that they hold up progress all the time.

Paul Edbrooke: Some of them come in here.

Jess WILSON: Indeed. Half of them have probably gone home for the day. But it is very rich for them to come in here and put forward this MPI today. I will now finish my defence of the Labor Party and point to the strong record indeed of privatisation from the Andrews and now Allan Labor government.

Let us step back in time. I know that those opposite are keen to point back to the Kennett era and talk about the privatisation during the Kennett government. If we reflect back on why there was a need for the Kennett government to privatise many of the assets at that time, we only have to look to the Cain and Kirner legacy that was left to the state of Victoria. We had in question time today the Premier stand up and say she was incredibly proud of the Cain government's legacy. I am not sure that the

former Premier Joan Kirner would be proud of the Cain government's legacy – the hospital pass that she was handed at that time which put Victoria into the worst recession in the state's history. But during the Kirner years, when she was trying to reverse some of the terrible decision-making that led to that record debt at the time – only to be outdone by the Andrews–Allan governments – we saw Joan Kirner actually begin the privatisation of Victoria's power assets.

It was in fact the Kirner government that sold 51 per cent of Loy Yang B power station in 1992. The member for Gippsland South mentioned the press release that was put out at the time. Let me quote from it. This is from 11 June 1992 about the legislation that the Kirner government had passed in the Parliament:

> Legislation paving the way for an historic partnership between the Victorian Government and U.S. power company Mission Energy passed through State Parliament late last night.

And here is the kicker:

> The Victorian Government's decision to involve private investment in this new project is essential to our energy future.

That was directly from the press release from the Kirner government at the time. And at the time the then SEC Chairman Mr Jim Smith said:

> … the rapid introduction of competition is the best way to quickly reform the electricity supply industry …
>
> … That is a key reason why SECV board and general management want to sell Loy Yang B power station and have it privately operated …

Let us be very, very clear: we have heard from those opposite today that it was the Kennett government that started the privatisation of energy in this state, but in 1992 under the leadership of Joan Kirner the energy privatisation began. It was also the Kirner government who sold the state bank to the Commonwealth, and then it was the Keating government that flogged it off to the Commonwealth Bank. It was the Gillard government, I believe, that sold the last of the Telstra shares in 2011. I think, if we step back in time, in fact the Greens fought hard, tooth and nail, against the privatisation of telecommunications in this country. Can you only imagine the telecommunications network we would have today if the government still operated it? The brick phones, the Nokia 3310, would be something we would hand up. There would be no iPhone that we would see in this state.

But of course, if we then turn to the Andrews government, we have heard from those opposite today that it is not really privatisation, it is every other name possible. It is partial privatisation. It is a lease agreement. It is a joint venture. It is a public–private venture – consolidation. In fact the member for Tarneit did concede that sometimes the private sector can do it better, that there are efficiencies when working with the private sector. We on this side of the house would not disagree with that. Of course the private sector brings efficiencies, and there are many aspects of government control that can be better done by the private sector; we know that. As the member for Gippsland South pointed to, the ABC Fact Check itself has said that the increased competition in the electricity sector in this state has led to lower power prices.

But under the Andrews government of course they entered into the $9.7 billion privatisation of the Port of Melbourne in 2016 to pay for their level crossings. It was the Andrews government that sold the land titles and registry office in 2018. We have heard a lot about renewable energy here today, particularly from the member for Albert Park, who is building wind farms in her own electorate, that it was actually the Andrews government that sold the Victorian share of the Snowy Hydro scheme to the Commonwealth. Then of course we saw at the last election the Andrews government privatise VicRoads.

Now we are seeing the Allan government enter discussions about the privatisation of Births, Deaths and Marriages Victoria. This is an agency that has not delivered for the people of Victoria over recent years. It has many, many issues – I think their doors are still closed; people cannot actually access births, deaths and marriages – and it also deals with very sensitive information. Privatising VicRoads;

now privatising births, deaths and marriages; there is concern about the security that will be put around Victorians' private and sensitive information.

But what it does show, from the Andrews through to the Allan government, is that privatisation is at the very core of what they do. I might accept they do not believe in it necessarily – it is not an ideological approach to government – but it is necessary because they have run out of money. It is a revenue grab at every single opportunity, and you do not need to wonder why when you think about the fact that there is $188 billion of debt in this state, that this government cannot manage money and anything that it does touch blows out. $40 billion of blowouts in the Big Build – $40 billion of taxpayer money wasted on the Big Build projects. If you consider the private sector when they have to put together long-term investment strategies, when they have to think about their own strategies and their own budgets when it comes to their own projects, a 10 per cent contingency fund at best would be placed on those projects. Yet the Allan Labor government – $40 billion of cost blowouts the Victorian taxpayer is paying, and we are seeing the consequences of that. We are now seeing the privatisation of births, deaths and marriages. We have seen the privatisation of VicRoads under this government. We have seen the selling off of Snowy Hydro, and of course we saw the privatisation of the Port of Melbourne.

I think the member for Bulleen pointed to the fact that while the Greens are pure and ideological when it comes to this issue, while we all may take issue with their lack of pragmatism when it comes to actually putting in place policies that will deliver for the state of Victoria, we have from the Allan Labor government an approach speaking out of their one mouth in terms of 'We don't like to privatise. We believe the state should do everything,' but on the other hand looking for any opportunity they can to sell off government assets, to sell off government agencies, to pay down their record debt.

Gary MAAS (Narre Warren South) (17:40): It gives me great pleasure to rise and to speak to the matter of public importance (MPI) which was put forward by the member for Prahran. To that end we on this side absolutely reject the assertions of the Greens political party. Through almost 10 years of governing – can you believe it has nearly been 10 years of governing here – there has been absolutely no agenda whatsoever to privatise, to cut and to sell off. In fact this government has a history of stepping in when the private market has failed or decided to not meet government regulatory standards. We simply point to the SEC, bringing hospitals back from our regions into government control and of course public assets and putting such basic things as trains back onto train lines. The government also have a history of stepping up when Victorians have needed us to step up to the feds or to other areas such as aged care and child care when the private sector could not deliver.

An area I will be focusing on is the area of industrial relations improvements, because we do have a very proud history of protecting Victorians from exploitation by non-government interests. Like the member for Kew, I too will pick up on the statement of the member for Richmond: what is the point of Labor? The point of Labor –

Members interjecting.

Gary MAAS: Well, you know what, member for Melbourne, you have done very, very well out of having Labor governments in this state under the Cain–Kirner years and also the Hawke–Keating governments. You probably had a tertiary education that you paid back at fair levels too. You might not have got that tertiary spot in the first place had there not been –

Members interjecting.

Gary MAAS: Yes, but we all paid it back, right? But it was at an affordable level, and it created spaces for extra people, such as people who do not live on the red maps, people who grew up in the outer suburbs, to come in and to actually get a university education and, you know what, to maybe end up in a place like this, because what is wrong with aspiration? Nothing is wrong with aspiration. Labor gives people that aspiration. Labor allows you to do that. When Labor puts money into education, it means that everyone has opportunity. Everyone gets a chance. Everyone gets their shot. Labor is the

only party in this place that will allow people from whatever background they come from to move up the rungs of the ladder. It does not take the ladder away; it does not destroy the rungs on the ladder. It keeps the rungs of the ladder in place so that you can step up and you can get there. Ironically, it is the Greens political party, the members in this place, who probably benefited from those things, not only in education, not only in health, but probably in welfare as well. Yet they come to this place and say that this government is moving towards privatisation, which we all know, and history shows us this especially, is so far from the truth.

When people are working towards reaching that opportunity, they are doing so in an industrial relations system that has given workers the best opportunity possible to not be overrun by private interests, and this government itself has a very proud history when it comes to managing industrial relations. We did introduce, under the Andrews government, the industrial manslaughter legislation. We also established an independent labour hire licensing regulator following a landmark inquiry into dodgy and exploitative labour hire practices in Victoria, and we did so in consultation with our very good friends in the broader labour movement. I do understand that the ambulance union at the time and the National Union of Workers – the secretaries of both of those unions – were heavily involved in helping to develop that inquiry into labour hire practices and to now have the established Labour Hire Authority, ensuring that we have fair work practices for all workers across the state.

We were also the government that helped introduce criminal wage theft laws in the country and even developed the language 'wage theft', because that is in fact what it was. We introduced that, and the first standalone regulator we have in this state is a result of that. We led the country in relation to the growing on-demand economy and with another groundbreaking inquiry on the establishment of fair conduct and accountability standards as well. We have just recently commenced an inquiry in this place in relation to workplace surveillance regulation. In our public sector we are committed to principles of consultation, cooperation and good-faith bargaining, underpinned by a safety net of fair employment conditions.

As well as being a model employer, the government is committed to ensuring that enterprise agreements are negotiated respectfully and in good faith and are conducted in a timely manner. The very nature of industrial relations means that negotiations do sometimes get robust, but with the good-faith architecture that is in place this government has been able to deliver the fair enterprise agreements that exist across the public sector. We also recognise that Victoria's public sector provides services that are essential to the community. As the state's largest employer, the government sets the example for all Victorians by recognising, valuing and regarding the work of the Victorian public sector agencies.

The government also considers it important that an equitable and consistent approach to public sector industrial relations is adopted by departments and agencies. That is a culture that is firmly embedded in our industrial policies – that public sector employers must consult with their employees about proposed major changes to employment circumstances. We also expect departments and agencies to abide by their consultation obligations in enterprise agreements in relation to any major change initiative and to consult regularly with affected employees and their representatives to ensure that change initiatives are implemented with the involvement of all relevant parties. When those big workplace projects, including the Big Build, involve the private sector taking over certain services or functions currently performed by employees in the public sector, the expectation is that a new employer will do everything practicable to attract and retain existing public sector employees.

I have already covered the education piece, which helps people move through those employment opportunities and up that ladder of opportunity. Once you get through that education and you are in the workplace, it is only Labor that will, through the industrial relations paradigm, help you get the wages and conditions to enable you to afford proper housing, either through rent or through purchase, in this state.

The last thing I want to cover in the last minute or so I have is that there is of course a difference between privatisation and joint ventures. A joint venture is just that – a legal structure that enables two or more entities to have a division of labour and different practices between them, and it is an ownership structure. A joint venture is absolutely not privatisation. You cannot have privatisation when the government still owns the asset.

A member interjected.

Gary MAAS: By definition, it is not. It is absolutely not privatisation. We know that the Greens are happy to mislead this place, and there is absolutely no way I support the member for Prahran's MPI.

Ellen SANDELL (Melbourne) (17:50): It is my great pleasure to rise to speak on this matter of great importance to many, many Victorians, a matter that was of course put forward by the member for Prahran, and there is a little pronunciation lesson for the member for Yan Yean, or do you pronounce it Yarn Yean? Is that how it is pronounced?

Members interjecting.

Ellen SANDELL: Okay, there we go. I actually think it has been quite an entertaining debate, one of the more entertaining debates we have had in a long time in this place. I have got my bingo card here. I have got a few things that I have already ticked off. I have got the Nats and the Libs calling the Greens rabid socialists who want to live in a socialist utopia – lol, you have got us. Secondly, I have got the Nats mocking us for wanting people to be able to afford food and rents. I have ticked that one off. I have got Labor tying themselves in knots trying to defend their privatisation record. Yes, I have ticked that one. I have got that one. Something I did not have on my bingo card was the member for Bulleen singing the socialist national anthem, but there you go. I did not expect that today, but that is what we got.

We raised this matter today because the *Age* reported earlier this month that the Treasurer is in talks with private firms to gauge interest in running Births, Deaths and Marriages Victoria, creating profit motives for birth registrations and selling Victorians' data to a private company for profit. I mean, what could possibly go wrong? What is more, Labor have also sought advice from investment banks for a review of all government agencies to find out how much short-term cash they could get from selling our few remaining public assets.

Now, looking at this debate, if people have been paying attention to this debate, we have had Labor bend over backwards to call privatisation anything except that word 'privatisation'. What have we had? Well, we have had a lot of talk about socialism and communism today, but if we want to talk about doublespeak, we have also had asset recycling, we have had improving services, we have had joint venture arrangements and we have had public–private partnerships. These are essentially privatisation or pseudo-privatisation. Labor will use these weasel words for their privatisation of public housing. They have privatised the Port of Melbourne and the VicRoads licensing and registration division. We have had private toll roads. We have had the land titles office and on and on.

Let us just be clear: the reason that Labor have to use these weasel words is because they know deep down that privatisation is inherently very unpopular and that the community does not want our governments to make a quick buck from selling assets that should belong to all of us and then losing them for decades, if not forever. They try and convince Victorians it is something else, right? But the other thing we know that is bad about privatisation is it is not just unpopular, it actually delivers higher prices and worse outcomes for the community in the long term. Labor admitted this much last year when they decided to bring back the SEC to attempt to undo the privatisation of the energy market.

Privatisation turns human rights into commodities. It turns taxpayers into consumers, and it turns good protected public sector jobs into roles that only exist at the whim of capital profit. The same arguments that Labor rightly used last year against Kennett's and the Liberals' history of privatising our assets,

including energy, actually hold true with Labor's history of selling off public housing land, ports, roads and now their plan for births, deaths and marriages.

I think we need to talk a little bit about housing, because we are following a very similar playbook to the past. The playbook of governments when privatising assets and services is essentially to run something into the ground, manage it very poorly, create very, very low expectations from the community and then say, 'Oh, look, this is not working. This is not going well. You're not getting a good service. We must give it to the private sector to run because they are the only ones who can do it better.' We have seen this with VicRoads, where there was some big problem with the data and the database and they could not deliver the digital registration. Only the private sector could do that, so give it to them. We are seeing that now with births, deaths and marriages. I do not know about everybody else, but I am getting constant messages from constituents who just cannot access births, deaths and marriages. Since COVID it has been a complete shambles, and people are not getting what they need – 'Oh, well, therefore that's a good reason to privatise it.'

We see this with public housing, as probably the most egregious example. We have seen governments run public housing into the ground, not maintain it, provide terrible service to residents, manage it very poorly and then say the only option is to give it to non-profits or the community sector – but essentially private organisations – to run. Again, Labor do not call it privatisation – they call it the ground lease model – but what it is actually is allowing private development for profit on public housing land. And let us be clear: we are not getting that land back for the public. We are not getting that land back once it has got private homes on it. Labor says that they will rebuild existing public housing on these sites, that it will be better for residents, but the truth is that when it is rebuilt it will not be public housing at all. In the 44 towers that Labor has said that they will demolish, there has not been a commitment to one single unit of public housing being rebuilt. What will be there is two-thirds of that land given for private housing, private homes, and then we will have some housing that is managed by private organisations. Yes, some of them are non-profit, but they are still private.

There is a difference between community housing and public housing. They both have their place, but one should not replace the other, because we have community housing that can charge higher rents, that has less secure tenure for residents. It is a different thing, and it has its place. In particular it has its place in Aboriginal housing. It has its place in specialist disability housing. It has its place for certain segments of the community that need those specialist services, but it should not whole-scale replace public housing, as this government wants to do.

I think we need to look at what has happened in history, because in my electorate we have a couple of very bad examples of privatising public housing. Look at what happened in Carlton. The government said they had to redevelopment the Carlton public housing to create more of a social mix for the community. What they did was sell public land blocks in Carlton to private developers for a fraction of their worth. The developers made $300 million, and they built a literal wall between the private housing and the public housing so the private residents did not have to interact with the public tenants. Then in 2012 the government repeated these mistakes in Kensington. They sold the land for 5 per cent of its true value to developers. The developers made $45 million, and they destroyed 265 public housing properties for good. During that process they also locked the local community out of the consultation process, disbanding the local group that was supposed to be consulted – I guess because they asked too many inconvenient questions.

And now we are seeing a similar process being rolled out across 44 public housing towers right across Melbourne, starting in my electorate, in North Melbourne, where the community is very worried because they are not being promised any public housing. The community come to me and they say, 'Maybe someone else could do this better, maybe we do want to move somewhere else,' but the number one thing they want is to stay in public housing in their local community where they are connected to the hospitals and the schools and their local families and their local neighbours. They say, 'But the number one thing I want is that I just want to stay in public housing,' because people are not silly. They know the difference between public housing and other forms of housing, and they know

the value of it and the security and the protections that it provides. And yet the government cannot promise that one single public home will be built on that North Melbourne estate once their homes are demolished.

So let us call this what it is: Labor has a privatisation agenda. It is a privatisation agenda where anything that Kennett did not nail down – and even some things he did – is being sold off to the highest bidder because we have a financial problem in this state and the Labor government feels that the best way to deal with that is to get a short-term sugar hit from selling assets to the private market. But the loser in the long term is going to be the community, not just in paying higher prices but also in worse services, and our state should simply not be for sale.

Tim READ (Brunswick) (18:00): In the 47 seconds remaining, my job is to prescribe the cure. We have heard comprehensively the diagnosis, which is that Labor has a privatisation problem, and the first thing to do when you want to treat a problem like this is – and I am looking at you, member for Mulgrave – to admit that you have got a problem. And where to start? Well, the first thing I would do in my socialist utopia is not privatise Births, Deaths and Marriages Victoria – hands off births, deaths and marriages. The second thing is have a look at the public hospitals, where there is a lot of creeping privatisation by stealth – private radiology, private pathology. I even had to get an ABN at the Royal Melbourne. I reckon my time is just about up, so I will call it there.

Motions

Budget papers 2024–25

Debate resumed.

Jade BENHAM (Mildura) (18:01): I have been waiting eagerly for my opportunity to respond to the 2024–25 budget, and patience is a virtue that I seldom possess, so I am very glad that I get the opportunity now before it completely runs out, because the patience of people in the state's great north-west has run out. As I was reading through the Treasurer's budget speech I found myself having a bit of a laugh, a bit of a cry and a lot of anger. It was like being in a glass case of emotion, so I thought I would actually go through it. You can join me, Acting Speaker, and everyone can join me in this glass case of emotion trying to understand why those who live out in the regions feel like they are living and existing in District 12. The only reason that is is because Labor cannot manage money, and regional Victorians are paying the price by being left out of any of the government priorities.

This could take me a lot longer than 15 minutes – in fact I could go up until we adjourn tonight, no doubt – but I will give it a crack to get in everything I need to say in 15 minutes. I know that is not a surprise to anyone in this place. We will start on page 1 of the Treasurer's speech. Like I said, I was reading through this, and on the first page the Treasurer says:

> … the cost of groceries, petrol and bills continues to rise.

Yes, including power bills. And how many times have we heard the minister responsible say that they are going down, down, down when in fact they are going up, up, up, and the Treasurer confirms that. So I was actually not too –

A member interjected.

Jade BENHAM: Yes. I mean, I agree with that sentence, and I agree that everything is going up because of Labor policy and because Labor cannot manage money. The Treasurer went on to say that the budget is focused on 'helping families' – no. The budget is focused on inequity – if you live beyond the freeways, that is – and hypocrisy. And it says:

> From help with the cost of living, to investments in education, health care, road and rail – we want to make life easier.

You jest. Surely, Treasurer, you jest. We have got inequity in education. The state schools in my region are literally being held together by craft wood in some cases. We cannot get any investment there. And

shall I bring up the school bonus and the inequity there? There are low-cost Catholic schools and independent schools in the region where they have payment plans so that low-income families can send their children there, and to be excluded from the school bonus, which these families need, is unfair.

Let us talk about health care, and we are still only on the first sentence that I am analysing. My goodness, I could do 15 minutes just on this. We have board members, we have staff and we have CEOs being told to claw back their budgets from their own cash reserves, if they have any, not to mention the continued lack of specialist services in the bush. You cannot get an angiogram in Mildura, a town of 40,000 people and with a catchment of around 100,000 people over three states. You cannot get an angiogram. There is no cath lab. We are told by the minister that it is okay because the Loddon Mallee – we are not the Loddon; we are a long way from the Loddon – has two in Bendigo. Bendigo is harder to get to than it is to get to Melbourne. It is absolutely ridiculous. Again, investment into health care – please, show us where it is hitting the ground. People are worried about health care in the bush at the moment.

The third point was roads and rail. We know about roads. Over 90 per cent are in poor or very poor condition. We know that because we travel on them every day. We do not travel on the left of the road anymore, we travel on what is left of the road. Let us talk about rail, though, because this seems to be very popular with the government. We know that they are investing in rail, in big holes underneath the city. That is where that investment is going that could and should have gone to making this state far more efficient in rail freight so we could actually get the food that we produce up in the state's great north-west to Melbourne and to port far more efficiently, rather than having to go via Ararat rather than taking a straight line. It defies logic. It absolutely defies logic.

Shall I start on the passenger train? In Mildura we talk about V/Line and public transport. I am sorry, if you live out in district 12, there is no such thing. It has been 30 years. I know that members in here like to say Kennett shut it down. That was 30 years ago. The windscreen is bigger than the rear-view mirror for a reason. I like to focus forward, because that is where we are heading. We cannot go back in time; we can only go forward in time. There has been ample opportunity to bring back the Mildura passenger rail, and there has been no appetite to even entertain the idea.

That is page 1. Page 2 is headed 'Sensible decisions'. Sensible decisions? This was the section that gave me the first giggle, with the heading. This is from this document, the speech:

> Rising prices of materials, labour and transportation have pushed up construction costs by around 22 per cent since 2021.

I guess that should have been a flag. It is cost blowouts, but it should have also been a flag about why the incredible new enterprise bargaining agreement of 20 per cent, I think it is, has been struck with the government and why our regional tradies are more than happy to leave their homes in the regions and head to the city to work on union sites rather than build the homes we need in the regions. Common sense would tell you that to make sure there is equity across the construction sector you should not be ruled by the union overlords so that you can make sure that their apprentices are driving around in Raptors. I think that was a quote I heard in the media over the weekend. It makes no sense. Meanwhile, there is rental stock of zero per cent in regional Victoria and people living in backyards and in tents and sleeping in cars by the river. This is the anger part of reading through this emotional journey. To get anywhere near that ridiculous housing target that the government has set, you would think that you would be incentivising tradies to stay in the domestic and the private sectors, because how are we going to solve a housing crisis without incentivising the private sector?

But I will get back to that. That comes on a later page. Further down, still on page 2, it says:

> This worker shortage is hitting our construction projects –

it is really hitting the small domestic ones too –

> but it's also hurting our caring and social sectors.

No kidding. Riddle me this: why would you go into aged or child care or early childhood learning at the rates of pay that they get when you can stand there with no qualifications, hold a stop sign and get $120K a year?

A member interjected.

Jade BENHAM: Or $150K. It varies. It continues:

> Early childhood worker vacancies are three times higher than in 2019.

It is no surprise. It takes training. Our early childhood educators go through loads of training. They are highly qualified. They are not just babysitters. They are educators, and we are paying them peanuts. The Victorian public and our educators are not monkeys, Treasurer. You cannot pay them peanuts and expect them to do the work. Is it any wonder that that workforce are struggling more than they ever have, when they can avoid all of the valuable training and go hold a stop sign for three or four times the take-home pay of a very, very valuable educator? Then we wonder why we have got childcare deserts out in the bush. The childcare centre in Hopetoun, which is a very small town the Treasurer has probably never heard of, has been without child care now for months. There are families that moved there during the pandemic for a tree change. They have work-from-home positions that allow them to keep their city-based jobs. They now cannot get child care, so what are they doing? They are considering moving back to the city – which they do not want to do, by the way. They are paying the price, and why is this? It is because Labor cannot manage money, and regional Victorians, particularly in small towns like Hopetoun, are paying that price.

Where are we? The biggest challenges. Workforce – we are still only on page 2, and I have got 5 minutes left, so I had better scoot through these. 'A sensible decision' – that is right. We are on this section. A little bit of common sense would tell you that these are not sensible decisions. The government have got their priorities wrong. We will go to page 3, and we will continue the hilarity that is this budget – at least it would be funny if it was not so dire. The Treasurer says:

> Right now, we're delivering a number of city- and suburb-shaping projects …

How do you think that goes down with someone sitting in Patchewollock, for example? They are nowhere near the city or any suburbs but cannot get their grain onto a train to get it to port. Instead they are having to invest in more trucks and bigger trucks, putting their drivers and families at risk on roads that are not fit for trucks. They are barely fit for a horse and cart, let alone their families and their truck drivers and their grain – which produces the food. We could talk about the Murray Basin rail project that was started and then it was stopped and then it ran out of money. And then apparently the money went into those big holes under the city and over the city, and it just kind of disappeared. At the moment, and I have said it before, our train has to go via Ararat, rather than that freight corridor. It is not efficient, so it is not being used in the best way it can be. It is absolutely insane. I am sorry, the Treasurer needs to think about where his food comes from. In fact everybody does. The next time you are having an almond or an oat latte, it does not come out of the fridge. The next time you are having your avo on toast, it would not happen without food producers. Fresh OJ – it is citrus season at the moment, and they are delicious – is coming from regional Victoria. We are feeding you, we are clothing you and we are being left out of this government's agenda simply because Labor cannot manage money.

With the 3 minutes left, I was going to say ding the page, we will go to page 4, but we will not. I am going to skip forward. I will continue on my anger journey. On, I think, page 5, we get back to V/Line, but there was also, while we are on food and fibre production, one line about agriculture. It is for $85 million into biosecurity. We are seeing at the moment bird flu. There is a new crisis and a new biosecurity risk in agriculture every day. The Minister for Agriculture is working very, very hard on that, and it is obviously a baptism by fire because there are risks every day. We have got bird flu at the moment. $85 million is not going to go far when that continues into the next financial year, because it does not just stop at 30 June. You are going to have issues with varroa mite, because bees can swim

across a river. You are going to have issues with lumpy skin. You will eventually have issues with foot-and-mouth. There are all of these crises just waiting to happen. $85 million? That is a drop in the ocean. It is absolutely insane.

And while I am on ag, and the one line that has been given in the Treasurer's speech, let us talk about the wild dog program and what kinds of deals are being done to be absolutely thrown out the door in the north-west of the state where there is a wild dog population. These are not dingoes. It is not like Pumbah coming into Parliament. These are feral dogs, and with the 2 minutes I have got left let me be a little bit graphic in what they do. I am going to illustrate this to you so you know why the funding of this program and the reinstating of this program is a much more sensible decision than a $4 million scoreboard at pork-barrel stadium. Feral dogs kill lambs, and it has been lambing season. It is hard enough to keep lambs alive in the coldest winter we have had for a long time without wild dogs stalking the perimeter, playing with them, sending them into shock and mauling them on the hindquarters. Then, once they have got them, sometimes they will just leave them; sometimes they will strip their rib cage and rip their insides out, and they will just discard them. They are not hunting for food, they are hunting for sport. We have been just thrown to the dogs.

While we are talking about lambs, let us talk about the malleefowl. Now, I do not know, Acting Speaker, whether you have ever seen a malleefowl. I have lived in the Mallee for most of my life and I have never actually seen one because they are quite elusive, but we know they have been starting to come back, because this wild dog program actually helped to protect them too. They are an endangered species. I would hate to think what the wild dogs, now that they just have reign over the landscape, are doing to the endangered malleefowl. It just makes no sense. I would love to know why on earth the Minister for Environment is throwing the malleefowl to the dogs.

This budget just reeks of lazy policy; it reeks of cheap retail policy. And it is not full – it is not helping families at all. It is making life harder for families. Families can manage money, but it is very apparent in this budget and in all the budget documents that Labor cannot manage money, and it is vulnerable Victorian regional families that are paying the price.

Kat THEOPHANOUS (Northcote) (18:16): I rise to speak in support of the 2024–25 Labor state budget. It is a budget that has Labor values at its core, values that as a government we have always stood by and always will stand by: camaraderie, helping each other out, not leaving anyone behind and backing one another – backing one another to drive progress and prosperity in our state. Our budget, just like the one before it, continues to address the challenges that Victorians right across the state and indeed Australia are facing: cost of living and workforce shortages. It continues to take responsible, sensible steps to strengthen our economy and ensure that not only are we supporting Victorians at a time of great need but we are taking the necessary steps to set our state up for the future.

We know that families and households are under pressure right now. Across our communities, across the country and indeed the globe, people are facing cost-of-living pressures that feel much more acute than they have in a long time. Whether it is the power bill we find in our mailbox, the rates notice, the rent due, the mortgage repayments, the tally of your bag of groceries at the checkout, the kids needing a new school uniform or the car needing another tank of petrol, it is all adding up and it is causing people right across our suburbs to have to make difficult decisions – decisions that perhaps they did not ever think they would have to make. That is why front and centre of this budget is unashamedly a plan to ease the cost of living, to support more Victorians into secure homes, to back our health and education systems and to invest in the workforces we absolutely need to deliver the care, services and infrastructure that make life easier and safer for Victorians.

I will not have time to outline every single one of the initiatives that will save Victorian household budgets, but I would like to make mention of a few of them. We know that growing a family increases household budgets dramatically. Raising kids costs money – simple as that. They are little humans and they require many different things to survive and to thrive. That is why a substantial part of our cost-of-living support is directed towards alleviating some of these rising costs for families.

This budget delivers a one-off $400 school saving bonus that families can use to cover the cost of uniforms, camps, excursions and other extracurricular activities through the year. It is available for every child at a government school as well as eligible concession card holders at non-government schools. On top of this, we are also tripling our Glasses for Kids program, benefiting an extra 74,000 young Victorians, providing free vision testing and prescription glasses for prep to year 3 students. For the first time ever, we are expanding the school breakfast clubs program to every government school. That means an additional 150 schools will be invited to join the program, providing healthy breakfasts for students right across our communities. Breakfast clubs have already been such a huge success, giving students that nutritional boost to set them up for their day of learning, and expanding this to more students is immensely valuable. These are tangible cost-of-living measures which not only create savings in the family budget but deliver equity into our education system for children who might otherwise feel on the outer simply by virtue of their circumstances. No child should go to school hungry, no child should miss out on sports and excursions, and no child should have to put off getting the extra care they need to learn. I know these measures will make a real difference to families across my community and to students' sense of wellbeing and their confidence.

Indeed just last month my heart was bursting full visiting Thornbury High with the Minister for Multicultural Affairs and the member for Cranbourne, where we got to see students participating in a homework club after hours at the school as part of the *Victorian African Communities Action Plan*. This program has been funded with another $17 million in the budget to continue to deliver hands-on tutoring and support and has already helped over 1350 students in the last three years. I can say the students at Thornbury are absolutely thriving, and it was a joy to see their enthusiasm for learning. Sticking with schools for a moment, I want to mention that this budget also makes some very important investments into health care and social support within schools. We are investing a further $21.8 million for psychologists, speech pathologists and social workers, $6.3 million for the primary school nursing program and $13.9 million to deliver mental health care in our schools – that is critically important.

Of course I cannot speak to education without sharing the incredibly exciting news that Thornbury Primary School in my electorate has secured $17.6 million in this budget for a major modernisation – an election promise I was proud to take to my community in 2022. It was an absolute delight to share this news with principal David Wells, with the school and with the many families who have worked closely with me over the last two years to bring that vision to life. In last year's budget we secured critical funding to undertake the initial planning and design work, and this phase saw close collaboration and consultation with the whole school community, including with students, to embed their needs and values directly into the design. The results speak for themselves, and the designs are absolutely spectacular. With the rest of the funding allocated, we can move ahead and get construction going, and I was very happy to have the Minister for Education drop in last week to congratulate the school in person.

I have spoken many times in my role as the member for Northcote about schools and my mission to upgrade our local schools across the inner north. In recent months across our suburbs in the inner north am very proud to say that we have seen Westgarth Primary turn the sod on its major upgrade, Northcote High has almost finished work on a new STEM centre and Bell Primary will soon open its new gym, building on the recently completed projects at Croxton School, Thornbury High and Preston South Primary. There is certainly more to do; we have some pretty old infrastructure in Northcote. But I am committed to keeping the momentum going, and this announcement for Thornbury Primary is part of that whole-of-community work to uplift our suburbs and set them up for the future.

Another aspect of the state budget I want to highlight today is what we are doing to help Victorians into safe and secure housing. This is something I will always fight for. I will always back in local housing projects in the inner north and our Labor government's work to build more social and affordable homes to support first home buyers and to make renting fairer. I am pleased to say this budget continues to deliver on our landmark reforms in housing, with our $5.3 billion Big Housing Build. The budget continues that with $700 million to extend the Victorian Homebuyer Fund, another

$107 million to progress our ambitious housing agenda and a further $19 million to improve response times for repairs and maintenance in public housing.

On the ground in Northcote we are realising the tangible benefits of the government's investment into social and affordable homes. Just last month I joined the Premier and the Minister for Housing to open 99 new social homes on Oakover Road in Preston, which will house up to 140 people in the heart of the inner north. The project has replaced 26 single-storey dwellings that were no longer fit for purpose with 296 homes in total, which includes the social homes, affordable Nightingale homes and market homes which were made available to first home buyers in an exclusive access period. These homes are exactly what Victoria needs right now, minutes away from the Mernda train line and the number 11 tramline straight to the CBD and close to shops, schools and parks.

The new homes meet the gold livable housing design standards. They are all electric, with 5-star Green Star and 7-star average nationwide house energy rating scheme ratings, making the homes more efficient to keep cool in summer and warm in winter. There is a rooftop terrace and a community gallery, and there are open spaces. I am proud to have supported this project despite the petty and misguided opposition from Darebin council during the planning stages, which actually delayed the construction significantly. The Greens do like to talk a big game about housing, but they sure as heck continue to do everything in their power to prevent it from being built. It is hypocrisy of the highest order as they try to continuously gaslight Victorians about their values. The truth is that they do not have a skerrick of empathy for people doing it tough. Instead they will use some of the most disadvantaged members of our community for their political gain, and they would rather keep people in miserable states of being to stand atop their misery so that they can have a pedestal to sing from rather than do the actual work to lift people up. It is not just woeful, it is sinister. But it will not deter us from getting on with our work to build more homes and offer Victorians the dignity they deserve and the stable foundation they need for opportunity and aspiration, because we back Victorians. We do not wallow in pessimism and cynicism and hatred like so many of those opposite do; we get on and do the work, and we back Victorians in.

We heard a lot of catastrophising from the other side during the budget speeches, but I think it is important to recall the facts are not the rhetoric. In 2014 the newly elected Labor government inherited the highest unemployment on mainland Australia. Unemployment had risen to 6.8 per cent, robbing far too many Victorians of the opportunity to contribute meaningfully to their state and economy. In contrast, since Labor came into government, we have created more than 800,000 new jobs, 560,000 of them in the last four years. Compare this to the four years of the Liberal–National coalition. When they sat on those government benches between 2010 and 2014, only 39,000 new jobs were created in Victoria – a dismal amount. Despite every attempt they make to skew the narrative, the facts are clear: Victoria's economy is doing well. Businesses want to be here, jobs growth is strong and debt is going down. There is no doubt that our state budget absorbed the blow of the pandemic in order to save lives, protect jobs and businesses and support communities. We did that because it was the right thing to do and the only thing to do, and God knows how many families, households and businesses would have suffered had those opposite been making those decisions between debt and lives.

I want to move on to talk a little bit about the investments made in health, and in particular women's health, which is my role as parliamentary secretary. Our Labor government has truly hit the ground running when it comes to driving health equity and addressing the gaps in knowledge and care that have for far too long marginalised and trivialised women and girls in the health system. Earlier this year I joined the Premier and the Minister for Health at the Northern Hospital to announce the first five of our network of women's health clinics. These clinics will ultimately expand to 20 and remove the barriers women face in trying to access specialist care, and they will allow women that safe affirming space to see specialists like gynaecologists, urologists, specialist nurses and allied health nurses. They will cover a whole gamut of conditions, like endometriosis, pelvic pain, polycystic ovary syndrome, perimenopause and menopause. At the same time our inquiry into women's pain is having a ripple effect through communities. At forums right across the state I am hearing from women about

the importance of that work and how much it will mean to women's lives – our daily lives. What comes out of those conversations, alongside the sense of relief and hope and determination, is the inextricable link between health equity and gender equity, which is why I am immensely pleased to see that this budget also delivers $18 million to our 12 outstanding women's health organisations to continue their vital work. These organisations, including Women's Health in the North in my electorate, empower women to take charge of their own health. They provide a range of services to promote gender equality, women's rights and the prevention of violence, and they build capacity across our communities.

This initiative is just one pinpoint in our broader work to help to keep women safe and deliver a world-class health system. On the former I must mention that this budget also delivers an additional $269 million to prevent family violence and support women's safety, and that is something that is at the forefront of many conversations in my own community.

On the broader health system, I am immensely pleased to see that our budget invests a record $13 billion in our public health system, so all Victorians can get the right care in the right place at the right time. That includes upgrades to our busiest hospitals, the Austin and the Northern, both of which service constituents in my electorate of Northcote. At the Austin this investment will refurbish the existing emergency department, expand its capacity and make things more comfortable for both patients and staff.

Closer to home there is a very important but perhaps less well-known service called the trans and gender-diverse health program run by Your Community Health, which has also received funding for an additional four years. Our community legal services, who do an incredible job, have also received a combined $28.8 million to continue their services, including the Fitzroy Legal Service in the inner north.

Unfortunately I am running out of time, but from big projects to small projects this budget is delivering tangible impact to our communities, and it continues our momentum to deliver real action for all Victorians. I do commend it to the house.

Richard RIORDAN (Polwarth) (18:31): I am pleased that I get an opportunity to rise this evening to talk about the effect of this year's state budget on the people of Polwarth and generally south-western Victoria, but at the same time I am, as I speak, again just filled with disappointment at the way this budget has so let down people that do not live in the inner city of Melbourne and who are not the beneficiaries of what is not the Big Build but the big, dragged-out, union-pork-barrelled infrastructure waste that has gone on here in Melbourne. That is the view that so many people in country Victoria have, because not only are we just failing to keep up with the basic infrastructure – the roads, updates to our schools. In fact with great disappointment the people at Colac West Primary School and Lismore Primary School learned in this budget that they would have to lose their long-awaited upgrades, because this state is running out of money and it is funnelling resources back into the city. This government has made it an absolute die-in-the-ditch priority that it will spend as much as it can on a tunnel from Cheltenham to Box Hill at the expense of all other Victorians.

How does that play out in a seat like Polwarth? Well, Polwarth has three local government areas, the Surf Coast shire, the Colac Otway shire and Corangamite shire. Between Colac Otway and Corangamite in particular it has been recognised now in study after study that they have some of the poorest quality roads in the poorest condition. They have bridges and roadways desperate for upgrade, and in fact it has almost become a joke. Even on the Princes Highway, the number one highway for Australia, which runs through Surf Coast, Colac Otway and Corangamite, there are segments of road down endlessly, month after month, to 60 kilometres an hour because they just cannot maintain the roads there.

Disappointingly in recent years and despite much fanfare, the Great Ocean Road Coast and Parks Authority, which was designed to streamline management and look after one of not only Victoria's

greatest assets but the nation's greatest assets in the Great Ocean Road region – we have seen this state government let its bureaucracy creep out and take over that region and then not proceed to fund it properly. It is disappointing that again in this budget there have been no extra funds to get projects that have been identified now since 2019. We are talking about the Apollo Bay harbour; we are talking about the upgrade at Point Grey and the beautiful pier precinct at Lorne; we are talking about the cancelled Skenes Creek to Apollo Bay walk. The funds have been taken from that completely; that is now a project gathering dust somewhere. It has been sidelined. We have got desperate upgrades at the Apollo Bay caravan park at Marengo and at the footy recreation reserve in Apollo Bay. We have got walking and access tracks, particularly, say, at the Twelve Apostles, the arch access, down to the Loch Ard Gorge, where the steps have been closed. They had a temporary close for a time on the Port Campbell pier. Then because they realised that they were never going to have funds and it became a safety issue, they have actually opened up parts of the pier that were closed for safety reasons but they are now determined to keep a bit longer.

We have got the historic Colac train station, a beautiful old weatherboard building that is probably 80 per cent derelict. It has had a demolition order put on it, and this government has again got engineers back in. It was unsafe until the end of last year, but it is now deemed safe for another couple of years until they try and scratch up some funding to make that building safe. It is project after project, infrastructure asset after infrastructure asset, that are just being left to rot and decay in regional Victoria and Polwarth in particular.

What is the consequence of that for the people of Polwarth? One of the consequences is the people living today being burdened and shackled with an amazing debt figure, something that is eye-watering. It is in excess of a million dollars an hour. $24 million to $25 million a day is being funnelled out of our community to pay for these excessive, overrun projects in Melbourne, and there has just been nothing delivered to regional Victoria and Polwarth in particular. That million dollars an hour that this government is wasting on blown-out projects is coming at the expense of people having to pay more tax and people in Polwarth in particular.

What this budget delivered to an electorate like Polwarth is they lowered the thresholds on land tax. Most mum-and-dad properties throughout Polwarth were fairly exempt from land tax. Yes, some of the larger, more expensive properties along the coast pay their fair share of tax, but communities like Colac, Cobden, Camperdown, Lismore and Winchelsea – smaller communities that provided low-cost affordable housing for people – are now carrying the burden of massive land tax increases. In fact our office has been inundated with calls about increases in tax from people that did not pay tax and were tax exempt. They are now paying $1000, $2000 and even $3000 on property, which has just been passed on as a cost-of-living increase. That money is not going into improved roads or infrastructure or schools or health services. Instead, that money is being sent straight to Melbourne to pay for tunnels, level crossing removals and other things in Melbourne at the expense of country communities.

While we are talking about the lack of funding for health, of course this budget has also flagged the fact that this government is looking to amalgamate, close or severely restrict health services in regional areas. The Polwarth electorate has around 10 health services. Timboon, Colac, Camperdown, Apollo Bay, Lorne, Winchelsea – all these communities have relied on good, locally controlled health services that are now hugely at risk. We saw only a couple weeks ago the Timboon community come together, 300-odd people, to make it really clear that they want to keep local governance and local control in the health services that their community needs. This government now is so short of cash it really has not been able to manage the finances and provide stability that the health system needs.

These are now the issues we are dealing with. We heard from some of the paramedics that cover that at-times remote area. If we do not have the full gamut of services that Timboon, Camperdown, Colac and others have been offering, ambulance coverage, for example, could plummet. At the moment, because of improved local governance and management in Timboon in recent times, they have been able to rely a lot more heavily on the Timboon hospital, for example. If the Timboon hospital is forced to take away its capacity to deal with ambulance services, then the Timboon community on one call-

out alone could see an ambulance taken from the region for many, many more hours at each event. That just leaves people at risk. These are some of the costs that our community is having to bear because this government simply cannot manage its funds.

It is that important infrastructure – health and roads and rail infrastructure. The Premier came out and secretly made a visit to the south-west a couple of weeks ago, where she promised new VLocity trains, which I might remind you were promised back in 2018 and are still not delivered. They said, 'Oh, we'll have them going by spring. You'll be able to go to the footy finals in Melbourne on the new VLocitys.' Guess what, two weeks after the Premier's visit, she has just dropped a little message: 'No, things aren't going to be ready this year.' We know that is code for, 'Sorry, we haven't got the money to pay for it, and we're going to push the timelines out even further. You country people can just continue to wait for the services that you have been promised.' It will be close to nearly 10 years since that promise was made, and it is still not delivered on. We have got those big-ticket infrastructure items, but it goes down to the micro level, down to the community clubs, sporting facilities and others.

One of the ones that is most galling is our surf lifesaving clubs along the Great Ocean Road. They have been treated well in the past, and some clubs have been able to get the funding required to upgrade services. But we have still got clubs at Kennett River and at Apollo Bay, who are expected to pick up the slack on an area of the world that both the state government and the national government advertise and promote. We are bringing millions of people a year into this region, and we are relying 100 per cent on the generosity of volunteer surf lifesavers to come out and man those in the most appalling conditions – steps, stairs, lack of disability access, facilities that can no longer be used. For heaven's sake. Particularly the one at Apollo Bay, for example, they are not allowed to even prune trees and have proper visibility of the beach anymore. There is a complete lack of good, transparent funding and ability for those clubs to maintain those services. In a year where we had record drownings on our public beaches and in our public waterways, the least that this government could do is return some of that increase in taxes that people are paying back into the regions to provide basic emergency services.

While we are speaking of emergency services, we do not mean to do what this government also did by increasing the fire services levy. It was a great reform brought in by this side of the house back in 2010–2014 where we said that everyone has a responsibility to help make sure we have state-of-the-art fire services in one of the most fire-prone regions in Australia. What did we get? Well, we got a tax that everyone paid as part of their rates and that seemed to be a pretty fair system. But what is not fair, what is absolutely not fair, is when this government increases that tax by $188 million in one year. I guess the CFA volunteers and the SES volunteers and other emergency services might say, 'Well if that $188 million was poured in for the catch-up on our CFA trucks, our SES services and our fire sheds – all the critical infrastructure that so many volunteers fundraise for on an annual basis – we would probably almost forgive the government for the tax increase.' But no, not the $188 million. They gave in this budget allocation the miserly sum of $106,000 out of $188 million. That equates to 0.05 per cent of the tax increase for fire services actually going back to those services; 99.95 per cent of that increase in tax is being siphoned off by this irresponsible, lazy government, and is most likely paying for cost overruns and hiked up, poorly managed projects here in Melbourne at the expense of community safety and fire safety in the regions.

With only a few minutes left to address the myriad of faults in this year's budget, I would also like to just point to the disaster of public housing allegedly called the Big Housing Build. I will refer specifically just to a couple of measures. This is not opposition rhetoric. This is the government's own words. I will just quote a couple of points here. This government is allegedly spending the most of any state. That is what they keep rolling out in their hard hats and fluoro vests when they turn up to press conferences. But here in black and white is their own determinant, and it is page 47 of the performance document. How many clients are they going to assist in this next year with all the money they have spent? Well, last year, they allegedly helped 103,000 people. They are not helping one extra person. Exactly the same amount of people that they helped last year, they are helping this year. Not one extra family is to be assisted by this budget. Number of clients provided with accommodation – we helped

30,000 people last year. We are not helping any more people this year. This is in a time where every year this government has been in, the waiting list for homes has increased. It has gone from 9900 back in 2014, and it now spends most of its time in excess of 60,000 families.

And the one that is most distressing – this government talks about the billions it has spent on housing. The government predicted last year a target of 91,248 social housing dwellings. This year, member for Evelyn, guess how many homes they are budgeting for, after $4.5 billion to $5 billion spent on housing? 91,148. They are budgeting in this budget to have 100 fewer homes available for homeless people in Victoria. So that is why we are not helping any more homeless people, we are not helping any more families escaping domestic violence and we are not helping any more marginalised Indigenous or multicultural communities. None of those groups are getting any more help out of a budget that called itself 'a budget for all Victorians'. No-one is being assisted, because this government has so poorly managed its housing stock that it has actually been forced into printing in its own budget that it is going to have fewer homes available, and that is something that is quite beyond belief. The other concern is – with what housing stock we do have – this budget is also predicting that last year they assisted around 2000 homes in getting upgraded, and despite the rhetoric around the loss of the Commonwealth Games where more money was supposed to go to housing, they are actually unable to improve any more housing; we are seeing a decrease in the amount of homes that are going to be fixed up in Victoria.

In conclusion, this budget is a disappointment for Victorians, whether you live in Polwarth or whether you rely on our emergency services or housing.

Anthony CIANFLONE (Pascoe Vale) (18:46): I rise to support the 2024–25 Victorian state budget take-note motion currently before the Parliament and to support the real investments and the real actions contained in this year's state Labor budget that will help us continue building a better, fairer Victoria and indeed better and fairer local community across my suburbs of Pascoe Vale, Coburg and Brunswick West. In doing so I would like to begin by acknowledging of course the Premier, the Treasurer and indeed all cabinet ministers and their respective teams for their work in putting together this year's budget. This is a budget that builds on Labor's positive work, since forming government in 2014 and subsequently following the 2018 and 2022 elections, to continue delivering for the people of Victoria and indeed my local community and to help Victorian families through real cost-of-living relief measures. It is a budget that is all about taking that real action on the things that matter through ongoing investments to support jobs, education, transport, health, wellbeing, environmental and social justice outcomes.

But it is a budget that has also been developed and delivered in a challenging international and national economic environment. Along with the ongoing impacts following on from the COVID-19 pandemic, which required us to invest record amounts to protect businesses, jobs and livelihoods, the ongoing effects of international conflicts, tensions and events are also impacting a myriad of other supply chain, inflationary, energy and cost-of-living challenges. As the Treasurer said in his Appropriation (2024–2025) Bill 2024 second-reading speech, two of the biggest economic challenges in particular that have confronted the 2024 state budget have included high inflation and workforce shortages. That is why, along with responding to those cost-of-living challenges for families, the 2024 budget also focuses on fiscal discipline – making sensible decisions that respond to the challenges ahead, mainly around jobs and skills and workforce shortages – whilst also continuing to sensibly invest in kinders, schools, transport services, hospitals, wellbeing services, community sporting clubs, climate and environmental action and of course social justice initiatives, including housing.

When it comes to jobs, skills and workforce shortages, this budget at its heart seeks to continue growing economic and employment and training opportunities for all Victorians by continuing to invest in the things that matter, including via our game-changing Big Build infrastructure agenda. We are continuing to support our growing economy for workers and businesses. Since coming to office in 2014 it has been this Victorian Labor government that has created almost 840,000 new jobs – 840,000 – driving unemployment down to a low 4.4 per cent as of June 2024. After a period of state

Liberal–National government that left behind almost a 7 per cent unemployment rate on their watch, it has proudly been our government that has continued to place job creation at the heart of its approach to governing and economic management of this state.

But it is also business investment that has continued to grow, with a 13 per cent increase in business investment last year, outpacing the rest of the country by nearly 6 percentage points, with Victoria's economy growing by 9.1 per cent over the past two years, outpacing New South Wales, Queensland, Western Australia and Tasmania. Deloitte Access Economics predicts Victoria will continue to spearhead economic growth among all other states over the next five years, and that is contrary to the false claims by the Liberal–National opposition. These economic indicators clearly show that our government's approach to protecting and creating new jobs as the economic priority is working – because we know fundamentally the important role that job creation plays in not only the state's prosperity but the prosperity of every household, family and individual.

A job is more than just a pay cheque. It provides a sense of purpose, achievement and certainty for every family, very much underpinning the socio-economic wellbeing of our community. It is for this reason that in this budget we are investing in a $580 million package designed to help create even more jobs and respond to those workforce shortages for businesses across key sectors, including introducing strict local content requirements on our strategic projects – 330-odd – to the value of $170 billion to engage and prioritise Victorian businesses and workers. We are continuing to support the rollout of free TAFE through over 80 free TAFE courses, and there is over $31 million towards our Skills First initiative and more funding to grow and support apprentices, traineeships and cadets via the Major Projects Skills Guarantee.

There are ongoing investments and support of course to support our local small businesses, including via a range of services, supports and resources that can support small businesses to grow and become more resilient, including through the Small Business Bus, which has visited central Coburg on at least two occasions, because it is central Coburg that is at the heart of my community's local small business, jobs and revitalisation efforts.

Through the 2024 budget I am very pleased to report that it still by and large remains the record investments of this Victorian Labor government that continue to drive and lead local central Coburg, Sydney Road and Upfield corridor revitalisation efforts with two new world-class stations at Coburg and Moreland; the removal of four dangerous level crossings of course at Moreland Road, Reynard Street, Munro Street and Bell Street; the delivery of a landmark new active transport cycling, walking and recreational open space corridor along the Upfield line in Coburg, with new open space – two MCGs worth – and the planting of over 3000 trees and shrubs; the recent opening for term 2 of the new $22.5 million Coburg Special Developmental School; the ongoing design and delivery of the future $17.8 million Coburg High technology hub; the $6 million redevelopment of the Coburg City Oval to help the mighty Coburg Lions but which recently also welcomed and accommodated the Bachar Houli Foundation and Islamic College of Sport; over $600,000 to revitalise and restore local creeks through Coburg, including the Merri Creek and Edgars Creek; and over $500,000 to support other local social and wellbeing services in central Coburg, including the Reynard Street Neighbourhood House, the Ethnic Communities Council of Victoria, VICSEG and many other organisations who are working to build a more resilient and vibrant local community.

These and several other key government-led initiatives – including the reforms to remove up-front stamp duty on commercial and industrial land, which will help unlock under-utilised land parcels; the state's new housing statement and work through the updated *Plan Melbourne* to become Plan Victoria; and the future opportunities associated with the two former Kangan Batman TAFE sites in Coburg North and Coburg South, which I have continued to advocate very strongly for on behalf of my local community – will all when combined continue to help drive central Coburg revitalisation efforts, attract new investment and position Coburg as that future jobs, skills and cultural hub for Melbourne's north.

It is this state Labor government's investment that is already being leveraged to attract new private and non-government investments. In this regard, 26 years ago to the day after Pentridge Prison was formally closed and decommissioned as a prison on 1 May 1997, I was honoured and humbled to have officially opened that newest chapter in the story of central Coburg's evolution last year through the new Pentridge visitor and entertainment cultural precinct. Just one year on, as featured on *Getaway* and *Postcards*, via a plethora of online pages and in traditional media outlets, the precinct is very much becoming that game changer for Coburg and Melbourne's greater north when it comes to new tourism, visitation and cultural experiences, with the last 12 months recording – get this – an average of 90,000 visitors each month to the new Pentridge precinct. That is over 1 million visitors since it officially opened – way more visitors, dare I say, than those who were originally housed there under the governor's stewardship. The National Trust of Australia's incredible immersive and must-see heritage tours have hosted almost 39,000 guests since commencing, who have included international, interstate, intrastate and local visitors. I have been working very closely with many local stakeholders but also a number of ministers who I have welcomed to the precinct and who I look forward to progressing plans on the ongoing revitalisation with.

Also, real action on local education is the future for socio-economic prosperity, which this year's budget very much continues to deliver on for my area. Beginning with early childhood and kindergartens, it is the Victorian Labor government that is continuing to invest those record amounts through our Best Start, Best Life initiative as we continue the rollout of our game-changing free kinder program for three- and four-year-olds, saving families $2500 per year. We are working to also continue upgrading local kinders to create that extra capacity, and that is why the 2024–25 state budget does continue to support these local upgrades via our landmark $10.7 million Building Blocks partnership with Merri-bek council to upgrade 11 local kinders and create 329 additional kinder spaces. These have included – as facilitated previously and currently funded – up to $1.5 million to deliver a virtually brand new Derby Street Children's Centre, which on 6 June I visited with the Minister for Children Minister Blandthorn to turn the sod officially on the project, which will create at least 20 more spaces for children and increase overall capacity to 75 spaces.

There is $1.35 million for the new Doris Blackburn Preschool in Pascoe Vale South, which we opened in September 2023, and $1 million towards a major redevelopment of Dunstan Reserve kinder on Everett Street in Brunswick West, which we announced on 6 June with the minister. It will provide for an upgrade of the two-year-olds room modernisation of the kinder building and overall centre layout, along with upgrades to the kitchen and staff and amenity spaces, creating an extra 22 spaces across the three- and four-year-old rooms. It was a pleasure to recently visit the centre with the minister and to meet with centre leader Daniela Theocharides, educators and parents to celebrate that excellent news. There is $500,000 towards the Turner Street redevelopment in Pascoe Vale, which we also visited a couple of weeks ago with the minister to inspect the completed works, which include a new learning space and new foyer, verandah, staffrooms and restrooms, and to say thank you to the educators, Aradnah, Anna, Pina, Alyssa and all the others who do such a fabulous job and were teaching my two daughters not too long ago. There is $493,000 to upgrade St Linus in North Coburg and $154,000 for the Shirley Robertson Children's Centre to install those new verandahs for their three- and four-year-old kinder rooms, which I just recently visited with Peter Khalil, the federal member, to catch up with director Tina Papa.

Yesterday I was delighted to announce even more funding for local kinder upgrades, including $59,000 for the Anne Sgro Children's Centre in May Street, Coburg, to install long overdue and much-needed sun shades. A short story there: Anne Sgro was my old Italian teacher at Coburg West Primary School, so it is great to support her back via that investment. There is $56,000 for St Linus playgroup to install new solar panels and insulation. There is $23,000 of additional funding to Shirley Robertson for new acoustic ceiling panels. Also there is funding for a number of other kinder administration, IT and tech upgrades at Newlands Preschool, Moreland kinder, Kids on the Avenue in Coburg, Lake Park kinder in Coburg and Kent Road Uniting kinder in Pascoe Vale.

It is also across our primary schools that this year's budget very much continues to deliver. The brand new $7.7 million indoor gymnasium and basketball court at Pascoe Vale Primary School is currently under construction and scheduled to open in 2025 as part of the school's overall $18 million redevelopment – a massive project, an incredible project. The brand new $20 million facilities and upgrades being delivered at Newlands Primary School on Elizabeth Street in Coburg include an indoor gym, basketball court, new classrooms and admin facilities. I acknowledge the member for Preston's work in that regard as we share that boundary and that school in terms of a catchment area. These investments also build on the many other record investments we have delivered for local primary schools since 2014.

In terms of high schools, I am very happy to see that this budget continues to help us progress the $17.8 million new technology hub at Coburg High, with the designs and the project scope out in the tender process for further consideration. I look forward to catching up with Brent Houghton, the principal, next week to get an update on how that is all tracking, but so far, so good. The community is very excited. The $14.5 million facilities at Pascoe Vale Girls College include a new library and a tech and creative building. I had the pleasure of visiting just a couple of months ago with the member for Broadmeadows. I acknowledge the member for Greenvale in that regard too, because Pascoe Vale Girls very much stretches across the northern suburbs in terms of catchment. Those new facilities are now being utilised for the first time, as of this term. Funding is also included in this budget to progress design and development at John Fawkner's tech hub, and that is through the $14.5 million commitment that we have made.

We understand local families value the quality of our local high schools. That is why we have continued to invest in all of them since 2014, including $1 million at Mercy College, $21.1 million at Strathmore Secondary and almost $10 million at Glenroy Secondary. That is why we have also committed to the very first Merri-bek education plan for the area. It is a first, and I am very much looking forward to that being finalised and released in due course, because it will provide the pathway in terms of how we as a government and the community can continue working together to improve outcomes across all of our local high schools in Merri-bek North.

It is also students with special and additional learning needs that we continue to invest in through this budget. We continue to embed those new resources via mental health and wellbeing initiatives through schools to support students with a range of neurodiversity needs across our community. This budget also did provide final funding to acquit that magnificent $22.5 million project, the Coburg Special Development School on Urquhart Street.

Also, in terms of transport, we are delivering through this budget transport infrastructure, roads and public and active transport of course. There is $233 million to get the Metro Tunnel project ready for day one as well.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Eildon electorate health services

Cindy McLEISH (Eildon) (19:00): (711) My matter this evening is for the Minister for Health, and the action I seek is for the minister to come clean and to tell rural communities her plans for the future of their local hospitals. Is it the government's agenda to establish six super health services in metropolitan Melbourne and six in the regions with no connections to their communities? This would mean hospital mergers. I heard the minister on 774 dodging the question of mergers, refusing to rule them out. The minister needs to be clear and up-front. Communities cannot see any upside to this plan, only negatives. Staff in rural hospitals are already working under budgetary constraints and resource-

poor conditions. And I think it is only fair, because we have hospital staff, board members, local doctors, health practitioners, patients and their families, and community members all left to speculate because of the lack of information out there. It really is causing great distress. There is worry that the main motivator here for planning services will be financial improvement rather than one of meeting the community's needs.

For example, will maternity services, infusion scopes or dialysis in Mansfield be impacted? How about the visiting specialist surgeries at Alexandra? Will urgent care and mental health services be impacted? Yea have finally been able to deliver mental health services again. They have a fabulous men's health program being run with the Murrindindi council at the Yea saleyards during the cattle sales. This is hugely successful and possibly the only program like it in the world. Research tells us we need to be agile, innovative and original in our approaches, but I fear that super clinics and super hospitals will do everything but this. I worry greatly too that the expert advisory committee which has been convened does not have direct experience with rural health services. The chair of the panel the former Labor member for Bendigo West Bob Cameron might know regional hospitals, but he does not understand the ins and outs of the small hospitals.

Communities have so many questions, and they want answers. Are all hospitals in my area going to be headquartered out of Shepparton or maybe Melbourne's Eastern Health or Northern Health? Will services be rationalised? If so, which services? Will jobs be lost? How many of the small rural hospitals are subject to funding cuts – which ones? Is block funding going to be continued? Will hospitals be given additional funding once a new enterprise agreement is agreed to with the nurses and midwives? Are hospitals expected to draw down on cash surpluses? Are hospitals expected to dig into their reserves to get through the next six months, punishing them for being successful in the past? And what about bequests? When in 153 years Mansfield has seen many bequests – and I know in Yea entire estates and houses have been left to hospitals – what should happen here? Is it the minister's intent to force hospitals into financial difficulty so they have no option but to look at merging? *(Time expired)*

Bass electorate schools

Jordan CRUGNALE (Bass) (19:03): (712) My adjournment matter is for the Deputy Premier in his capacity as Minister for Education, and the action I seek is that he join me for a school principals roundtable series in my electorate of Bass. I was actually going to stop my adjournment there, but I have been counselled to talk a little bit further. On the agenda of course will be phonics – I love phonics – and I am explicitly and vociferously proud that our Allan Labor government have updated the Victorian teaching and learning model to be implemented in all government schools from 2025 with explicit teaching at its core, including the teaching of phonics as part of prep to year 2 reading programs.

This roundtable will be a wonderful and insightful opportunity for our dedicated, professional and extraordinarily hardworking principals to share and talk about what is happening within and around their respective schools, to catch up with colleagues beyond their network areas and, importantly, to feed back directly their insights, ideas and priorities across a myriad of topics, initiatives and interest areas within their schools. They know their community best and have a wealth of experience. Their commitment to teaching and learning for both students and their teaching and support teams is to be commended. I look forward to the minister visiting Bass.

Land tax

Kim O'KEEFFE (Shepparton) (19:04): (713) My adjournment matter is to the Treasurer, and the action I seek is for the Treasurer to provide the information as to why the land tax threshold went from $300,000 to $50,000. My office has been inundated with constituents right across my electorate that have been severely financially impacted by this and who are deeply concerned about the Labor government's decision to impose severe changes to land tax on 1 July this year. We have an incredible

shortage of rental properties in my region, and we are already seeing landlords selling up due to this tax. I was contacted by Mr Justin Stafford from Numurkah, who said:

> I have made the decision that it is no longer feasible to own a rental property in Victoria, which is resulting in two families in Numurkah that will be looking for new residence …

which are extremely scarce. I have also been contacted by many self-funded retirees who are now faced with financial uncertainty, who thought that they were set up for their financial future. These are people who are not financially dependent on the state and who have tried to put themselves in a positive financial position for their future. It is very clear that if you increase land tax, the landowner has to pass that on to the tenant, and as in Justin's case, if you cannot increase the rent, you sell the property.

It is astonishing that this government's land tax change comes at a time when there is a severe rental shortage and a cost-of-living and homelessness crisis. We know many families are struggling to pay their bills and to put food on the table. Victorians are already paying the highest taxes of any state, including the highest property taxes. The government just keeps adding more taxes, which add more household financial pressure. The financial stress has got to a level that is overwhelming, and the level of hardship continues to grow. My office is inundated with people who are struggling, and my staff are navigating the service providers, hoping to get assistance. So many people are simply financially not able to manage the cost-of-living pressures.

It is expected that rents will go up due to this land tax, yet there is no plan on how people are expected to manage with this financial increase. It is actually bewildering when you look at the financial reality of this state and the impact that it is having on hardworking Victorians. Labor is punishing Victorians for its financial mismanagement, and this land tax is just another example.

Literacy education

Chris COUZENS (Geelong) (19:06): (714) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to join me on a visit to meet Geelong primary school principals to provide an outline of the phonics reading program. Recently announced, the phonics reading program will be implemented in all government schools across Victoria from 2025. These changes are grounded in the leading evidence-based academic literature that means that explicit teaching will be embedded as a core feature of how students are taught from prep to year 10. Of course schools will be supported as they make their transition, with high-quality lesson plans and supporting materials. I look forward to the minister coming to Geelong to spend time with the Geelong principals on this significant education reform.

Polwarth electorate bus services

Richard RIORDAN (Polwarth) (19:07): (715) My adjournment this evening is for the minister for transport, and the action I seek from the minister is if she could re-review the recently reviewed public transport bus numbers and routes that are currently operating now in the Torquay–Jan Juc area. Up until recently there were a range of services that provided both more frequency and greater access across the Torquay–Jan Juc area than what the reviewed services do. There is now only one bus route that takes you into Geelong; the other two bus routes circle around Torquay and Jan Juc and terminate at the Marshall train station. Of course the Marshall and the extended V/Line service through to Waurn Ponds have been greatly interrupted now for quite some time, and the levels of interruption will probably continue for quite some time yet. But the net result is that young people, people who are relying on the public transport to get into Geelong for education at Deakin or for employment in Geelong, really are finding the service inadequate. It is not frequent enough. Jan Juc is now down to just one service. It essentially equates to one less bus available a day, which if you work it out means if you miss the bus in the morning, you are pretty much going to have to get in the car because the next service is too far out.

It is not good enough for a fast-growing area and particularly an area where, one, public transport is of high priority; and two, the Torquay–Jan Juc area has a high priority on environment and better ways

of doing things. Really, getting as many cars and people off the Surf Coast Highway and back onto public transport makes a lot of sense. It does not make a lot of sense to the local Public Transport Users Association based out of Geelong, who have surveyed the bus users. They have surveyed some of the experiences of the people using the service, and they are clearly finding it is just not working as it is under the new services of 52, 53 and 54. The old services of 50 and 51 have been retired, but those services provided more frequency and better connection into the heart of Geelong.

Minister, I again ask you for a proper review of this service, with a focus on frequency, on availability and on a service that will actually grow and get more people from where they are to where they want to go in a timely fashion in the mornings and evenings in particular but increasingly across seven days of the week. Public transport is best when it is frequent. Public transport is best when it is reliable. These are two critical elements missing from the new bus schedules in the Torquay and Jan Juc areas.

Western Freeway

Luba GRIGOROVITCH (Kororoit) (19:10): (716) The adjournment I wish to raise is for the Minister for Roads and Road Safety. The action I seek is for the minister to investigate the need for the installation of temporary traffic light signals at the Leakes Road northbound and southbound exits off the Western Freeway. We have already invested $10 million in delivering the business case to upgrade this important stretch of the Western Freeway and we have brought forward the removal of dangerous level crossings along the Melton line because we are getting on with addressing the critical needs of tens of thousands of daily commuters.

As a Labor government, we know how important is to have safe and reliable roads. That is why we have invested $35 billion since 2014 to expand our road network and deliver important improvements, making our roads safer for every Victorian. However, with 72 families moving into the Melton LGA every week, families trying to navigate leaving the Western Freeway at Leakes Road are finding themselves faced with dangerous intersections and lengthy delays.

The areas of Rockbank, Truganina and Aintree, including the estates of Mount Atkinson, Grandview and Bridgefield, are the fastest-growing areas in Australia. Residents in these areas face the complexities each day of being in an emerging suburb, and for their movement they rely heavily on their cars. I receive reports regularly about the dangerous manoeuvres drivers are doing to try and avoid the lengthy delays faced at these intersections, putting both themselves and other commuters on our roads at risk. With more residents moving into these areas and the nearby estates, more and more families are risking their lives each day as they navigate these dangerous intersections, and a solution needs to be investigated so the residents of Kororoit can get home sooner and of course safer.

Kensington Banks flood mitigation

Ellen SANDELL (Melbourne) (19:12): (717) My adjournment tonight is for the Premier. The action I seek is for Labor to fast-track appropriate flood mitigation options for Kensington Banks and the Maribyrnong catchment and to financially compensate over 900 Kensington Banks households who have now been told with no notice that their homes are in a flood zone.

Full disclosure: I also live in Kensington Banks with my partner and my three young children. I absolutely love this community – it is a community that really looks out for each other – but right now this community is very worried and very angry, because in April with no notice Melbourne Water reclassified over 900 homes in Kensington Banks as now being in a flood zone. These homes are only between 10 and 25 years old; it is a new estate. It was developed as a joint venture by the state government, the City of Melbourne and the developer Urban Pacific. Residents were told by government agencies right up until April this year that all their homes were above the flood zone, and people moved into the area, reassured by this government advice. They have now had that rug pulled out from under them due to no fault of their own.

Families with huge mortgages are now facing skyrocketing insurance premiums, huge risks to their homes and huge risks to their financial future. No other suburbs along the Maribyrnong face this level of drastic increase to their flood risk. One resident has had her insurance premium raised tenfold, from $140 a month to $1400 a month – that is over $16,000 a year – to insure her house, and she simply cannot afford it. One of my neighbours is a teacher with two young kids. They bought their home in January. At the time Melbourne Water explicitly told them that they were above the flood risk zone and gave them no indication that that would change. Three months later they were told that advice had changed, but they had already bought their home. There are over 900 stories just like this.

This is an untenable situation, and I am asking the Premier to urgently step in to give support and certainty to the community. I am asking the Premier because it falls under several different departments. To be clear, this is not a change to the existing 2024 flood level; it is not just a result of climate change increasing flood risk. People have a lot of questions like: how did Melbourne Water get it so wrong 20 years ago? Why wasn't flood modelling done more frequently? Was Kensington Banks ever built above the flood level, and were residents just told it was? Were mitigation works for the banks ever actually fit for purpose? Will there be an independent review of the modelling, given that it was wrong last time? Will Labor demand that the racecourse take down the flood wall? And importantly: will the government compensate residents for these huge financial losses that they now have to bear because the government got it wrong? Families are being told that flood mitigation works could take more than a decade and there is no offer of compensation or support during that time. Ordinary families really should not have to bear the huge financial costs of government planning mistakes, which is why I am calling for action.

Casey Central primary school

Gary MAAS (Narre Warren South) (19:15): (718) The adjournment matter that I wish to raise is for the Minister for Education and concerns the new Casey Central primary school, as announced in the state budget 2024–25. The action that I seek is that the minister provide an update on how the Allan Labor government's new Casey Central primary school will support students and families in my electorate of Narre Warren South.

Families should be able to count on having a great local school in their area no matter where they live. The state government promised to build 100 new schools by 2026, and it really is terrific to see that some 75 primary, secondary and specialist schools have opened where they are needed most. I welcome the state government's funding of the new Casey Central primary school, which is its interim name, because it matches our election commitment in the lead-up to the 2022 state election. The south-east is one of the fastest growing regions in the state, with thousands of new families moving to the region every year. This population growth must be matched with continued investment in infrastructure, education and services. This new school will help meet the growing demand and take some pressure off the current primary schools in the area. I look forward to working with the relevant departments to deliver more state-of-the-art facilities for our teachers, for our staff and for our students. It will be terrific to see the final naming of the school and eventually welcome another principal to the many who are already in our community. I thank the minister for his continued work to deliver the government's commitment of the hundred new schools for Victoria and especially the new primary school to serve Narre Warren South. I look forward to sharing the minister's response with my community.

Health services

Martin CAMERON (Morwell) (19:17): (719) My adjournment matter this evening is for the Minister for Health, and the action I seek is for the minister to take urgent action to address the unacceptably long surgery waiting lists, in particular the extended period Victorians are being forced to wait for cataract surgery. A constituent came to me recently, he says, out of sheer desperation after being given the run-around regarding his planned cataract surgery. Initially he was informed the surgery would be conducted in April this year, but April came and went, so he followed up to see what

the hold-up was. He was informed there was no government funding and therefore his surgery would be delayed indefinitely. The man is blind in one eye and the other is deteriorating rapidly. Knowing this, I made urgent representations to the Minister for Health recently, asking for contact to be made with my constituent and for a surgery date to be set. Last week my constituent contacted me again, and he had just received notice that the waitlist time to receive cataract surgery, which he desperately needs, is now three years. The alternative he was given was to fork out $8000, as a pensioner, and the surgery could be done right away.

The system is broken. We have vulnerable people in need of urgent care who are being failed by this government and its mismanagement of the public health system. It beggars belief that despite the dire state of the public health system Labor has made significant cuts in recent state government budgets. Things are so dire that there are reports that nurses are being forced to carry out cleaning and laundry duties. The forced hospital amalgamations that are on the horizon under Labor will only exacerbate this problem. For too long this government has exploited our regional health services as a cash cow to bolster its financial mismanagement of Melbourne projects. The current funding level is just barely enough to cover wages and basic expenses, such as food and medicines, and has suffocated hospitals and left them unable to replace equipment that has reached the end of its life or recruit more staff when necessary. The mergers will punish local health services and, importantly, punish Victorians who need the best in urgent health care. The government must take decisive action to address this unacceptably long surgery waitlist under the public health system and rule out the catastrophic planned hospital amalgamations.

Glen Waverley electorate sporting facilities

John MULLAHY (Glen Waverley) (19:19): (720) My adjournment matter is directed to the Minister for Community Sport, and the action I seek is for the minister to join me at the local sports facilities in the Glen Waverley district that received funding in the latest budget. The Glen Waverley district is proudly home to excellent sporting clubs supported by quality community sporting infrastructure. We know, as the sporting capital of the nation, just how important sport is to bringing our community together and giving opportunities in participation and growth. Not only does it allow people to be the best versions of themselves and learn valuable lessons such as leadership and teamwork, but it also provides a significant benefit to Victoria's economy.

Major events, a key driver of the state's economy, which include numerous sporting events, contributed some $37.8 billion of tourism spending in 2023, and recognising this potential, in the 2024–25 budget the Allan Labor government made two excellent investments in community sport in the Glen Waverley district. Five hundred thousand dollars of funding has been announced for the delivery of a new pavilion at Brandon Park Reserve, home to the proud Mazenod Football Club and the Mulgrave Wheelers Hill Cricket Club. This reserve is used as a local community hub all year round. With a soccer pitch, cricket oval and basketball and netball rings, this widely used facility will greatly benefit from the rebuilding of the existing pavilion. I am also pleased to place on record how proud I am to see the terrific rise in women's and girls' participation in local sport, with both Mazenod Football Club and Mulgrave Wheelers Hill Cricket Club hosting terrific women's sports pathways.

In further positive news for our community the Allan Labor government is investing $300,000 for the resurfacing of the Central Reserve south oval in Glen Waverley. The Mazenod Old Collegians Football Club and the Mazenod Panthers All Ability Football Club both play AFL at Central Reserve, and I know just how excited they are that their home ground will be receiving an upgrade. The Old Collegians have an excellent football program in place, with boys and girls teams for both juniors and seniors, and the Panthers do an incredible job in providing an opportunity for people with an intellectual disability to compete and participate in sport.

I am proud to be part of the Allan Labor government, which supports inclusion, diversity and opportunities for all through our investment in community sport. I know what a difference these upgrades will make for my community, and I thank the minister and her team for their hard work. I

look forward to the minister's response, and I hope she can join me at Brandon Park Reserve and Central Reserve south to celebrate these upcoming upgrades.

Responses

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (19:22): The member for Eildon called on the Minister for Health to inform her about hospital development in her electorate. The member for Bass called on the Deputy Premier, and the action that the member sought was to join with school principals at a round table in the electorate to discuss explicit learning, which will be great. The member for Shepparton had an action for the Treasurer, which is to provide information regarding increases in land tax, which is a concern in her community. The member for Geelong – it is going to be a busy week for the Minister for Education – also sought for the Minister for Education to join in a visit to Geelong with principals to talk about phonics.

The member for Polwarth had a matter for the minister for transport, and the action that he sought was to review public transport bus numbers and routes in Torquay and the Jan Juc area. The member for Kororoit had an adjournment matter for the Minister for Roads and Road Safety, and the request was for the action of investigating temporary signalling over a stretch of the Western Freeway. The member for Melbourne had a matter for the Premier to action, which was to fast-track flood mitigation responses for the Kensington area. The member for Narre Warren South had a matter for the Minister for Education, which was an update on the new primary school and how that will support local families in his electorate.

The member for Morwell had an adjournment matter for the Minister for Health, and the action he sought was to take urgent action regarding the waiting list in his area, especially for cataract surgery. The member for Glen Waverley had an action for the Minister for Community Sport, which was to visit local sports facilities that have received funding in the recent budget, which he wants to talk about and celebrate. I will ensure that all these are referred to the ministers, and I am sure that they will take action as is appropriate.

The DEPUTY SPEAKER: The house stands adjourned till tomorrow morning.

House adjourned 7:24 pm.