



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Wednesday 8 March 2023

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Matthew Bach

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

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
 Greens – Australian Greens; LCV – Legalise Cannabis Victoria; LDP – Liberal Democratic Party;
 Lib – Liberal Party of Australia; Nat – National Party of Australia; PHON – Pauline Hanson’s One Nation;
 SFFP – Shooters, Fishers and Farmers Party

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Wednesday 8 March 2023

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

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

Crimes (Assumed Identities) Act 2004 – Reports, 2021–22, under section 31, by –

Australian Criminal Intelligence Commission.

Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 – Reports, 2021–22, under section 42BI, by –

Australian Criminal Intelligence Commission.

Victoria Police.

Office of the Victorian Information Commissioner (OVIC) – Process versus Outcome: Investigation into VicForests' handling of a series of FOI requests (*Ordered to be published*).

Surveillance Devices Act 1999 – Reports, 2021–22, under section 30L, by –

Department of Environment, Land, Water and Planning.

Environment Protection Authority.

Office of the Special Investigator.

Victoria Police.

*Business of the house***Notices**

Notices of motion given.

*Rulings from the Chair***Anticipation rule**

The PRESIDENT (09:36): I wish to advise the house of my thinking in relation to Mr Limbrick's intention to debate a petition today. Mr Limbrick tabled a petition last sitting week which calls on the house to amend the Health Legislation Amendment (Information Sharing) Bill 2023. The petition received more than 10,000 signatures, and under our new standing order 11.03(10) Mr Limbrick is entitled to list it for debate today, and he has done that. I note that debate has commenced on this bill and the government has indicated that the bill will be further debated this week. The question I am considering is whether the petition debate would anticipate debate on the bill itself.

Standing order 12.17 prevents a member from 'anticipating discussion of a subject listed on the notice paper and expected to be debated on the same or next sitting day'. This is known as the anticipation rule. In essence, the anticipation rule is about ensuring that matters set down for debate are not pre-empted by unscheduled debate. Practice in most jurisdictions is that it is not anticipation to use a more effective procedure, and a bill is considered a more effective procedure than a motion.

Over time the house has somewhat relaxed its enforcement of the anticipation rule. Incidental reference to matters is permitted. There is also more leeway in relation to the budget. However, in this case the debate we would have on Mr Limbrick's petition today would be fundamentally the same debate as we will have in the second reading and any subsequent stages of the bill. The questions put to the house on the two occasions would be different, but the debate would be on the merits of the bill. It would therefore pre-empt that debate.

I have considered whether we could limit today's debate to matters around the tabling of the petition, the number of signatures and so on. However, I have decided that would put speakers in a difficult position. I also note that Mr Limbrick will have 30 minutes to speak on the second-reading debate and he could, if he wishes, make note of the petition at that opportunity.

I have sympathy for Mr Limbrick's position. His intention is to recognise the large number of people in the community who contributed to the petition. When he gave notice of this motion the bill was not on the notice paper and he was not aware of the government's intention to debate the bill this week. This is also the first time that a petition has been listed for debate under the new standing order. It is an unfortunate situation, as I think that debating large petitions shows the house's responsiveness to the community. Nevertheless, the anticipation rule is clear here, so I advise that, unless the house resolves to suspend the anticipation rule, debate cannot proceed today on Mr Limbrick's motion to consider the petition.

Business of the house

Standing orders

David LIMBRICK (South-Eastern Metropolitan) (09:39): I move, by leave:

That standing order 12.17 be suspended to the extent necessary to allow the debate on the question 'That the petition titled Amend the Health Legislation (Information Sharing) Bill 2023 be taken into consideration' to occur today.

Motion agreed to.

Members statements

International Women's Day

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:40): It is such a pleasure to note the ways in which the women of my electorate of Western Victoria are celebrating International Women's Day 2023. This electorate is larger than Tasmania and diverse in economic activity and the nature of its communities. This week women right across Western Victorian communities are holding breakfasts, luncheons, dinners, suppers, forums, a mural launch and so much, much more. These events are designed to not only recognise their achievements but to identify the challenges faced by women in each community.

This year's theme, 'Cracking the code: innovation for a gender-equal future', is the subject of events on the Bellarine, in Skipton, Colac, Portland, Horsham, Warrnambool, Torquay and Stawell, just to name a few. It is great to see the leadership shown by shires such as Glenelg, Corangamite, Surf Coast and Northern Grampians, along with Food and Fibre Great South Coast and Wannon Water – business groups and other local communities and committees of women.

This year as we mark the 100th anniversary of women being able to stand for the Victorian Parliament, I am very pleased that Joy Leggo, Pompil and Shakeela Amiri from Geelong are able to attend Parliament to celebrate with us. These are fine examples of women in Western Victoria who are making wonderful contributions to our communities, workplaces and homes. I am proud of the achievements of women in my electorate, and I am committed to working with them now and into the future.

Superannuation

Bev McARTHUR (Western Victoria) (09:41): My members statement today spotlights the federal Labor Party's recently announced raid on the super balances of hardworking Australians. The promises it breaks and the patently misleading statistics given in the announcement show just how much Mr Albanese and his Treasurer have learned from their Victorian Labor colleagues. To quote the Prime Minister last May:

We've said we have no intention to make any super changes.

And Mr Chalmers last March:

Look, we've said about superannuation that we would maintain the system.

I could go on, yet still the hike came and the claims it will affect only 80,000 people. That lasted a few days, until Minister Gallagher had to admit in Senate question time that the lack of indexation means one in 10 Australians will be hit, and disproportionately the youngest. Sure, retirees get a \$3 million cap, but for those retiring in 40 years, that double rate of tax will kick in at just over \$1 million. I certainly will be looking very closely at any consequences for farmers who hold property in self-managed funds, which effectively will be taxed as unrealised assets and so on without any other investment, that may be hit. With federal Labor – as with this state government, with 45 new taxes and charges – we are always asking: where is the next tax raid?

International Women's Day

Sarah MANSFIELD (Western Victoria) (09:43): Today we recognise International Women's Day, with its strong roots in protest and activism. I would like to acknowledge that the fight still continues for truly equitable health care for women and gender-diverse people here in Victoria. Given some of the statements that have been made in this house in recent weeks, I would like to affirm that trans men's and trans women's rights are central in this conversation, and their access and inclusion in our healthcare system must be ensured. The first Australian women's health and wellbeing scorecard towards equity for women, published by Monash University a couple of months ago, showed that on a number of indicators for women it actually declined over the two decades from 2001 to 2020. Women are two to three times more likely than men to experience mental health problems like depression and anxiety.

The gender pay gap and inequality at work put women at high risk of both physical and mental illness. We know that poor health is known to reduce income and low income is known to increase poor health, creating a cycle of disadvantage for women, with the impact on women from diverse backgrounds even greater. This is according to women's health expert Professor Helena Teede. Australia ranks first for women's education but 70th on women's economic security and opportunity. Our healthcare system must be better, more inclusive and more affordable for women and gender-diverse people in Victoria if we are serious about addressing the gender pay gap in our state. I urge members of this chamber to use our privileged position to carry the intention of International Women's Day beyond just this day.

Yarram Early Learning Centre

Tom McINTOSH (Eastern Victoria) (09:44): Recently I had the pleasure of meeting the team at Yarram Early Learning Centre. Yarram is a beautiful town which is enjoying renewed growth, and the early learning centre is providing a vital service to the community by offering child care and kindergarten, including free three-year-old kinder. To support this growth Sarah and the committee are expanding the early learning centre by constructing a modular kindergarten with two new rooms. This will allow the centre to offer extra kindergarten places for local kids. The project has received \$2 million from round 2 of the 2022–23 Building Blocks capacity grants stream. A generation of three-year-olds can now access play-based learning at a critical time in their development.

I am particularly happy to speak to the government's work in early education today, on International Women's Day, as we know that women still do the majority of home care and child raising. I am proud our investment means parents, particularly women, can get back to work. It is a long-term investment in our people and also our state's productivity. It means those extra hours parents work can actually go towards the family and parents can make a net gain for their time and not just work to pay kinder bills. We are building 50 new community childcare centres and upgrading current early learning centres where they are needed most. This means more jobs in construction and of course more jobs in early education, including nearby in Sale, Foster and Leongatha. This investment is a massive step for

Victoria, and it ties together so many threads of what our government stands for – delivering a fairer, healthier and more prosperous Victoria, including on the ground in Yarram.

Volunteering

Gaelle BROAD (Northern Victoria) (09:46): I would like to acknowledge the contribution of volunteers in our local communities. My friend Peter Stanton passed away recently. He volunteered as general manager of Life FM community radio station in Bendigo. Throughout his life Peter experienced heart issues, but despite the challenges he passionately volunteered at the station to build community and bless others.

Volunteering is defined as ‘time willingly given for the common good and without financial gain’. People like Peter are the foundation of our local communities; they bring people together. Over 2.3 million Victorians volunteer an average of 224 hours each year, and they contribute \$58 billion in value to Victoria’s economy. As a volunteer you can do something you enjoy to help others, make new friends and learn new skills.

Thank you to all those who volunteer in our local communities in so many different ways, like at sports clubs, schools, churches, CFA and SES, Zonta, Scouts and Guides, park runs, hall committees, Red Cross, neighbourhood houses, Landcare, ag societies, homeless support services and op shops, Rotary and Lions, CWA, RSL, refugee and migrant services, disability support, aged care, Foodshare, animal shelters and community radio. There is a declining trend in volunteering. Let us work together to change it.

International Family Drug Support Day

David LIMBRICK (South-Eastern Metropolitan) (09:48): Last sitting week I was honoured to join some of my colleagues to speak at International Family Drug Support Day. Regardless of whatever law reforms may pass through this place, it will remain the fact that families will always be the bedrock of support for people who have problems with drugs. However, families are often not well equipped to deal with this challenging situation. The stigma associated with drug use and our laws that treat drug users like criminals can be a barrier for families seeking help for their loved ones. Family Drug Support helps families by providing tools to help them help their loved ones. If any members of the public have family members with problems with drug use and they need help, I would strongly suggest they contact Family Drug Support at fds.org.au.

Jetty Flat pavilion

Jacinta ERMACORA (Western Victoria) (09:48): On this International Women’s Day I am delighted to talk about the Andrews Labor government’s Local Sports Infrastructure Fund and in particular the female-friendly facility stream. It was a great honour to open the newly upgraded pavilion at Jetty Flat in Warrnambool on Saturday on behalf of the Minister for Community Sport Minister Spence. The upgraded pavilion is shared by two clubs, Russells Creek Cricket Club and Warrnambool BMX Club, and is located perfectly between the two respective facilities.

Before this project was completed women club members had to walk through the men’s change room to reach the toilets, and people needing accessible toilets had to be directed outside over gravel. There is no doubt that the architecture of a building can send a clear message about who is welcome and who is not. Women members of both clubs were consulted on the design and the upgrade, and as a result the BMX track and the oval are visible for those volunteering in the canteen.

This project shows that diversity and inclusion results in better decisions, better facilities and a welcoming experience for all. I congratulate the members and leaders of both clubs and the Warrnambool City Council for achieving a sensational result for the community.

International Women's Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:50): I wish to acknowledge the women of Victoria and wish them, especially the women who live and have lived in my region of South-Eastern Metropolitan, a happy International Women's Day. I pay tribute to my mother and many women like her who have demonstrated bravery, courage, tenacity, persistence and excellence in their chosen career and in the workforce and who have paved the way for women like many of us to enjoy opportunities in society and in Parliament, many opportunities that were previously denied. Thank you.

With this, my colleagues and I pay respects to Dame Margaret Guilfoyle, an Australian politician who served as a senator for Victoria from 1971 to 1987 representing the Liberal Party. She was the first woman to hold a cabinet-level ministerial portfolio in Australia, served as a minister for the duration of the Fraser government and, sadly, died during the time of the Victorian COVID-19 lockdown period.

With so much focus on women, I hope we will also start to honour our men, given that many men in the past lost their lives in wars which were fought for our freedom. I hope we will one day also enjoy an International Men's Day. I am glad to provide my daughters with hope and opportunity. But I also have two sons, and I want this to be a state which honours our boys and men and does not emasculate them or make them apologise for being born male.

To all our women, happy International Women's Day. This is especially wonderful in the 60th Parliament, which boasts more women than men in this house.

Edgar's Mission

Georgie PURCELL (Northern Victoria) (09:52): Edgar's Mission is a sanctuary for farm animals in Lancefield, Northern Victoria. It is here that over 400 rescued animals experience respect, love and basic rights like shelter for the first time in their lives. The fluffy, the feathered and the woolly have all been rescued from neglect, each with their own individual story of resilience and of spirit.

Last week the team at Edgar's Mission responded to a call for some poorly farmed animals, only to find over 50 free-roaming cats, kittens and pregnant mums in need of rescue as well. Many of these cats were suffering and needed urgent care. On the Sunday I helped volunteers and staff comb and wash hundreds of fleas from tiny kittens and prepare them to go into their new foster homes. Fleas are easily treated. However, if untreated a flea burden like this would kill a cat over a long and painful period.

We have a persistent problem in Victoria with access to vet care, desexing and education about animal welfare. A female cat can have 100 kittens in her lifetime. There are millions of stray, non-desexed domestic cats across the country, and it must be urgently addressed in a humane, non-lethal manner. I will always support not-for-profit organisations like Edgar's Mission, who step in to provide to animals a kind alternative and a chance at life that they would not otherwise have.

Australia-Indonesia Youth Association

Michael GALEA (South-Eastern Metropolitan) (09:53): Last week I had the pleasure of representing the Minister for Multicultural Affairs at the Australia-Indonesia Youth Association gala dinner. The gala celebrated Indonesian culture, our two countries' longstanding bilateral relationship, AIYA's achievements and those of its more than 600 members. Established in 2011, AIYA has grown to have chapters across Australia and Indonesia. They run events across both countries, including language exchanges, professional networking, cultural workshops, sports events and academic seminars. I want to thank the host, Consul General of the Republic of Indonesia Mr Kuncoro Giri Waseso. I would also like to thank Dr Arjuna Dibley, co-founder and former national president, and Clarice Campbell, the current national president of AIYA.

Australian Vietnamese Women's Association

Michael GALEA (South-Eastern Metropolitan) (09:54): On another matter, last week I attended the Immigration Museum for an unveiling of an exhibition by the Australian Vietnamese Women's Association entitled *40 Years Young and Thriving*. It marks 40 years of dedicated service to the community as one of the leading cultural organisations in Australia. AVWA provides extensive non-profit services to the Vietnamese Victorian community, including in the south-east of Melbourne. I commend the work of AVWA and the services they provide for the community, including aged and disability care and other training services too. I am happy to note that the AVWA has an office in Springvale in my electorate. I thank the members of AVWA, including the president Mrs Cam Nguyen and the new CEO Nicky Chung, for their commitment to providing non-profit services to the local Vietnamese community.

Noble Park Community Fun Day

Lee TARLAMIS (South-Eastern Metropolitan) (09:55): Everyone knows how passionate I am about Noble Park. That is why I was so proud on Saturday when the community came together in huge numbers for Noble Park Community Fun Day to enjoy the glorious weather while celebrating Noble Park's long and proud history, its diversity and everything that makes it such a wonderful place. As someone who grew up in Noble Park, went to school there and proudly calls it home, it filled me with joy to see Noble Park skate park and the Ross Reserve area packed with people of all ages, abilities and backgrounds enjoying the loads of activities and entertainment at this free, family-friendly event. The abundance of community spirit on the day made me optimistic about what else we as a community can achieve together. I believe that Noble Park's biggest strength is and always will be its people and the diversity of our community, and this event brought our community together to celebrate that which unites us, to encourage new connections and to help our communities thrive.

It is our second major annual community event in Noble Park, following the Big Day Out last year. The success of these two events demonstrates the wonderful vision, creativity and organisational skills that the youth of Noble Park have, and it is so exciting to see them stepping into leadership roles in their community. I would like to thank the Noble Park suburban revitalisation board for supporting this initiative with funds from the Victorian government, as well as the City of Greater Dandenong, who not only contributed financially but worked tirelessly in partnership with the Noble Park youth committee, FReeZA and the youth and family services team to make this event the success that it was. Also, I give a shout-out to all the performers, stallholders, service providers, local businesses and volunteers who helped support and make this day so special and memorable. I look forward to an even bigger and better event next year showcasing Noble Park and how proud we all are of it.

International Women's Day

Sheena WATT (Northern Metropolitan) (09:56): International Women's Day is here. Well, the day just does not describe it, because the celebrations have been going on for me for at least two weeks. I started as I always do with a focus on women from my community with the Women of Colour workshops, supporting the next generation of women into places like this, the parliaments of Australia. Then I took a trip around the globe with the Australian British Chamber of Commerce breakfast, celebrating some incredible Australian women who are leading businesses taking on the world, and then for a little bit more of a humbling experience I learned about the experiences of young women experiencing homelessness with Hope Street Youth and Family Services, led by Donna Bennett.

Sydney Road Street Party

Sheena WATT (Northern Metropolitan) (09:57): On another matter, I am also delighted to note that the Sydney Road Street Party is back. On Sunday over 50,000 people descended upon our beloved Sydney Road to take part in the vibrant and diverse culture of our Merri-bek community. I had a stall there with my good friend Anthony Cianflone, member for Pascoe Vale, alongside Cr Lambros

Tapinos and Cr Annalivia Carli Hannan. The community are very excited to vote yes for the Voice to Parliament in the upcoming referendum and are absolutely thrilled at the news that the \$250 power saving bonus is back. Thanks to all the volunteers for helping make it so special.

International Women's Day

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (09:58): Today is International Women's Day, with a theme of embracing equity. A hundred years ago this Parliament allowed women to stand for the very first time, and today on the government benches we have a majority of women in elected positions. Our cabinet is more than half women. There is a long way to go in making sure, however, that we embrace equity and that we lean into difficult conversations around where and how inequity arises. This is particularly manifest in the intersectionality that is experienced by women throughout their lives. Women with disabilities, women from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander women, women who live in rural and regional areas, neurodivergent women and older women: these groups are statistically more likely to experience poverty and homelessness, statistically more likely to sustain the impacts of violence from an intimate partner, statistically less likely to participate in continuous paid employment and statistically less likely to have healthy balances in retirement income. These groups deserve our attention. These groups deserve our focus as we embrace equity this International Women's Day.

International Women's Day

Trung LUU (Western Metropolitan) (09:59): On International Women's Day my statement emphasises the important work that is done by the women within our multicultural community. Last week I had the honour to attend the opening of the Australian Vietnamese Women's Association's *40 Years Young and Thriving* exhibition at the Immigration Museum. The event marked the Australian Vietnamese Women's Association's achievements and celebrated 40 years of providing service to our community. These services include aged and youth support, prisoner support, alcohol and drug counselling, gambling counselling, crime prevention, family violence prevention, NDIS support – the list goes on. The Australian Vietnamese Women's Association was founded by Ms Cam Nguyen and 17 other women in 1983. What started out with a handful of volunteers and a \$200 grant to help the Vietnamese community has blossomed as a not-for-profit organisation, reaching the \$1 million mark in 2004, and now in 2023 the organisation has over 300 employees and a budget of \$25 million, with services catering for the whole community across Victoria, in the south-east, in the east and in the west, which is my electorate. I was delighted to attend and witness their remarkable achievements and support their critical work in our community. I congratulate the Australian Vietnamese Women's Association and wish the organisation, along with the newly appointed CEO Ms Ngoc Chung, all success in coming years.

International Women's Day

Sonja TERPSTRA (North-Eastern Metropolitan) (10:01): I also rise today to make a contribution on this International Women's Day. Whilst it is a celebration of all things women – that is great – I also want to just raise the flip side, and I think I also did this last year. It is around this time of year that I know I and many of my female colleagues get invited to breakfasts that none of us can attend, because we have children and we need to get them off to school in the morning. These things are always organised at times that we can never get to or that we have to make childcare arrangements for, and not everyone has the benefit of having childcare arrangements. Sometimes people cannot afford it; sometimes people actually do not have family around them to be able to help them with the children. So it is great that we have these days, but we have got to make sure that these days do not become tokenistic and that we actually see real action. I spoke about the organisation of things at times that women cannot get to, but also more importantly in the workplace we have got to keep doing the work, keep our foot on the pedal and make sure that women are in places where there is real power. It is not enough just to be at the table; we have got to make sure that we are in those rooms where real

power exists and we have the opportunity and the ability to be included – and not only included but making the decisions for women of all backgrounds, whether it is, as Ms Shing commented earlier, neurodiverse women, women with disability, women of colour. I just make this contribution on International Women’s Day to remind us that we have got more work to do.

Bills

Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023

Statement of compatibility

Georgie CROZIER (Southern Metropolitan) (10:03): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

The Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023 (the Bill) seeks to ensure timely publication of health services performance data and ambulance response time data by the Secretary of the Department of Health and the Chief Executive Officer of Ambulance Victoria, respectively.

It does not infringe upon any rights outlined in the *Charter of Human Rights and Responsibilities Act 2006* (Vic) as the Bill is merely obligating the publication of specified data that is already published. Data is deidentified when published and is published in aggregate form, thereby making it impossible to identify individual patients and their personal health information. The Bill does not breach the privacy of individual patients.

It is my view the Bill is compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Georgie Crozier MP

Second reading

Georgie CROZIER (Southern Metropolitan) (10:03): I move:

That the bill be now read a second time.

The bill seeks to amend the Public Health and Wellbeing Act 2008 (Vic) to establish that quarterly health services performance data and ambulance response time data be published on the fourth Tuesday of the month following the previous quarter.

Victoria’s public health services performance data is currently collated and published on a quarterly basis. This includes data related to the quality and safety performance of ambulance services, public dental care, elective surgery, emergency department care, hospital admission and discharge, mental health services, specialist clinics, and patient experience at public health services.

However, in recent years, there has been a lack of a consistent or predictable release date for this vital information. Without a legislated requirement for public release on a specified date, it is invariably released at a time that is politically convenient for the government.

According to the Victorian Agency for Health Information (VAHI) website, the latest data for the quarter ending 31 December 2022 had actually been extracted on 16 January 2023. However, it was not made available until 10:45 am on Friday 10 February 2023 – more than three weeks following the release of that data. This was immediately after a parliamentary sitting week and just 15 minutes prior to the Minister for Health fronting a media conference, which clearly demonstrates the politically motivated timing of the release of this important data.

The bill will obligate the Secretary of the Department of Health to publish the health services performance data currently published by VAHI on its website and will also obligate the chief executive officer of Ambulance Victoria to publish the ambulance response time data that is currently published on the AV website.

The data published in each quarter after the commencement of the bill will be required to remain on the VAHI website and AV website and not be deleted, except where corrections are made to the data.

This is because health services and AV do update the data as errors are identified and where additional data becomes available.

The published data must be in an accessible format that allows for data to be easily accessed digitally and allows for the data to be exported and/or downloaded.

We will never fix the systemic problems in the health system if the government cannot even be honest and transparent about them.

This bill seeks to ensure that the health services performance data is made available to the public at the end of the first month following the previous quarter in order to improve transparency and confidence in government reporting.

I need to commend the bill to the house, but I want to make some points in relation to this second-reading speech. Victoria's elective surgery waitlist was at record levels prior to COVID. With subsequent lockdowns, code browns and the suspension of elective surgery and procedures in recent years, we saw the waitlist blow out.

As those elective surgery waitlists and dental waitlists have grown to unacceptably high levels, ambulance response times have also had a great impact on Victorians.

Having data on elective surgery waitlist numbers, time to receive care, and response times for our ambulance system gives a snapshot of how effectively our health system is working.

Victorian patients, clinicians, and administrators need to understand the full extent of the data, and that is why this bill is incredibly important. We need to have that released in a consistent manner.

I commend the bill to the house.

Lee TARLAMIS (South-Eastern Metropolitan) (10:07): I move:

That debate on this bill be adjourned for two weeks.

Motion agreed to and debate adjourned for two weeks.

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

Statement of compatibility

David DAVIS (Southern Metropolitan) (10:07): I lay on the table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the Charter), I make this statement of compatibility with respect to the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023 (the Bill).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter.

David Davis MP

Second reading

David DAVIS (Southern Metropolitan) (10:08): I move:

That the bill be now read a second time.

Operation Clara, the report of the Independent Broad-based Anti-corruption Commission (IBAC) tabled in Parliament in February 2023, reveals lobbying behaviour and a cavalier disregard for the requirements and rules of both the lobbyists register and directors duties to make open and honest declarations. The revealed failings would meet the common or dictionary definition of 'corrupt behaviour', which is 'having or showing a willingness to act dishonestly in return for money or personal gain'.

The report, following a detailed IBAC investigation, blows the whistle on key weaknesses in the lobbyists register maintained by the Department of Premier and Cabinet in Victoria and on governance arrangements at the Victorian Planning Authority.

The *Operation Clara* report:

... found that a former Victorian government minister, Theo Theophanous, improperly lobbied in favour of the proposal on behalf of –

the Australian Education City –

AEC, including by misusing his position as a member of the board of the Metropolitan Planning Authority (which later became the Victorian Planning Authority). He failed to declare a conflict of interest and to comply with a requirement to register a lobbying client. In lieu of direct payment for his lobbying, he obtained benefits from AEC and its associates in the form of donations to his daughter's campaign for election to the Victorian Parliament.

The IBAC makes four recommendations as part of the *Operation Clara* report:

Recommendation 1

IBAC recommends that the Department of Premier and Cabinet amend the ... *Remuneration Guidelines* to specify:

- a. a lobbyist (as defined in the Lobbyist Code of Conduct) is ineligible for appointment to a public entity board that has functions which relate to any matter, on which the lobbyist has represented the interests of third parties in a specified period (with reference to the NSW provisions)
- b. the declaration of private interests template require that the declarant indicate if they are on the lobbyists register and, if so, provide details of the clients and industries in which they have operated in the 12 months prior to nomination.

Recommendation 2

IBAC recommends that the Department of Premier and Cabinet revise the Lobbyist Code of Conduct to:

- a. prohibit public entity board directors from engaging in lobbying activities on any matter that relates to the functions of the public entity
- b. require that public entity board directors comply with integrity requirements, including conflict of interest provisions in relation to representations they have made prior to their appointment (with reference to the ACT provisions).

Recommendation 3

IBAC recommends that the Victorian Public Sector Commission revise the Code of Conduct for Directors to:

- a. prohibit public entity board directors from engaging in lobbying activities on any matter that relates to the functions of the public entity
- b. require that public entity board directors comply with integrity requirements, including conflict of interest provisions in relation to representations they have made prior to their appointment (with reference to the ACT provisions).

Recommendation 4

IBAC recommends that the Minister for Planning amend the VPA Act to specify that proceedings for a summary offence may be commenced within the period of three years after the alleged offence.

This bill ensures all four recommendations are adopted in full. Some of the recommendations could be implemented administratively but the Andrews Labor government cannot be trusted to implement the required reforms and to entrench the required changes. This bill will achieve this task of legislating and enshrining IBAC's four recommendations.

The recommendations from *Operation Clara* address only one modest area of obvious weakness in Victoria's integrity regime. However, if this bill is passed by Parliament the four critical recommendations of IBAC through *Operation Clara* will be implemented fully and their implementation will be beyond doubt.

The obvious weaknesses exposed in Victoria's planning system through poor Victorian Planning Authority governance relating to multimillion-dollar planning decisions will be addressed. Corrupt and unwelcome influences on critical planning decisions will be diminished.

Labor have been in power for 20 of the last 24 years in Victoria and the risks of corruption grow with long-term entrenched governments rewarding fellow travellers and politicising the public service. The *Operation Clara* findings are powerful evidence of cosy relationships that work to the detriment of the people of Victoria.

New section 67B on page 3 of the bill implements IBAC's recommendation 1, new section 67C implements recommendation 2 and new section 67D implements recommendation 3. These new sections would all be situated in the division of the Public Administration Act that deals with 'Maintaining public sector professionalism and integrity'.

New section 32A in the Victorian Planning Authority Act 2017 on page 5 implements recommendation 4.

Never again can an individual, like former minister Theo Theophanous, be allowed to exploit his or her position on a board of governance, like the Victorian Planning Authority, failing to declare conflicts of interest, failing to make proper lobbyist declarations and corruptly soliciting donations for his daughter's election campaign through the exploitation of his government-funded position.

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

That debate on this bill be adjourned for two weeks.

Motion agreed to and debate adjourned for two weeks.

Road Safety Amendment (Medicinal Cannabis) Bill 2023

Second reading

Debate resumed on motion of David Ettershank:

That the bill be now read a second time.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (10:14): I rise today to speak on this really important subject matter and the bill that has been put before the Parliament. At the outset I do want to acknowledge the work of Ms Payne and Mr Ettershank in this place and indeed a former member of this place, Ms Patten, on this particular issue, which is complex, which has a sense of pressing urgency to it and which warrants very careful consideration of the matters at hand as they relate to the alleviation of pain and of symptoms of chronic illness – congenital and acquired illness and disease – as they relate to the rights of people to be able to get around but also to be able to get around safely, as they relate to the legal interface between presence and impairment and as they relate to our never-ending work and the never-ending work of every government, optimally, to recognise and to combat the road toll and the devastation of loss that is occasioned on our roads.

So there is a lot of context to this, and one of the things that we as a community and indeed more broadly across other jurisdictions have been grappling with for some time recognises the complexity of this issue around the interface between presence and impairment. In 2020 there was a debate in this place as a consequence of a related procedure and bill brought by Ms Patten, which was then the subject of work with a working group of which I was a part alongside Ms Patten and many stakeholders who have a very keen interest in this particular policy area and who bring a range of perspectives to it informed by expertise and by lived experience on the importance of medicinal cannabis to wellbeing and to opportunities to participate in a range of ways in life which we all take for granted and in the law enforcement components of any discussion around road safety and what that means.

It is appropriate that this particular bill is couched in terms of an amendment to the road safety legislation. I do want to acknowledge the work of advocates on the ground from a range of perspectives, whether that is road trauma survivors and their families or whether it is people who have access to and get the benefit of medicinal cannabis. We are proud to have worked to deliver medicinal cannabis access here in Victoria. There is a young man by the name of Cooper who would be well known to many people not only in this Parliament but more broadly. Cooper became a very real face for the case for medicinal cannabis. It was Cooper's many conversations with the Premier and indeed with others, with the help of his parents and indeed a broader range of supporters, that brought this issue to the fore around the very, very real and significant benefit that medicinal cannabis can provide to people in a great deal of pain and people who want to be able to access freedom from seizures and from the symptoms of significant illness and disease and who want and deserve a better quality of life.

We have been really proud to lead in a progressive way the discussion on legalising medicinal cannabis. Today any doctor or medical practitioner or nurse practitioner in Victoria can prescribe medicinal cannabis when it is clinically appropriate to do so, with those appropriate levels of state and federal oversight and regulation. This comes down as much as anything else to clinical consistency of the available supply. We know that where we have a regulated process for delivering a product which has a specific range and level of chemical compound we get better and more consistent results throughout the medicinal cannabis access process. We also know that since 2017 patients who have been using medicinal cannabis for treatment – sufferers as I said earlier of severe epilepsy, those with chronic pain conditions – have been, amongst other cohorts, able to be treated safely and appropriately. Over time we have seen a really careful and considered expansion of access to medicinal cannabis to those in need.

So my contribution today is very much informed by the real-world outcomes of and rationale for providing access to medicinal cannabis. My contribution today is also made with those in mind who have lost loved ones on our roads. It is these particular issues coalescing which brings us to the point of this particular bill here today and which actually uncovers the complexity of this particular subject matter.

So there is a really important conversation to continue, and this is not the first time, as I indicated when I got to my feet, that this matter has been brought before this Parliament. It is not the first foray into a discussion about the distinction between presence and impairment. This work has been going on for a number of years now, and the working group has actually discussed at length the complexities of this matter and the options and opportunities that might be available. So we need to have that conversation around what it means to find a way through all of this so that all drivers are able to be safe on our roads and so that we can provide those medical supports that Victorians need and indeed deserve.

At the moment, there is no agreed standard or best practice when it comes to road safety and driving with medicinal cannabis. Unlike – and this was discussed at length in the working group – alcohol, testing for and defining impairment is not actually straightforward in a roadside environment. A universal access to, for example, a .05 limit for THC – an equivalent for the blood alcohol content standard that we apply to drivers here in Victoria – does not currently exist. Road users are responsible for safety on our roads, and every single member of this chamber and indeed the community wants to make sure and is driven by the importance of messaging and results that make it clear that when you get into a vehicle, when you take control of a vehicle, you are acting in a safe way and that when being a road user or being someone proximate to a road network you can come home safely to your loved ones and to your friends.

But as I said, this is a really complex area. Careful thought and consideration of this issue has been undertaken for some time now, and it is also necessary and appropriate that that work continue. We want it to be put to good use in this conversation about public health, about access to treatment and about making and keeping our road environments safe. We will, and want to, engage meaningfully in a process with Ms Payne and Mr Ettershank on this issue, and over the course of the coming months I am hopeful that that work established by the working group can continue. I know that Ms Payne and

Mr Ettershank will be meeting with the Minister for Roads and Road Safety, or at least I am told that that will be happening, and the Minister for Roads and Road Safety will be in a position to engage on exactly the issues that make this subject matter so complex. In the next month there will be opportunities to progress this work. As I said in my opening remarks, there is a sense of purpose and there is a sense of urgency about how we progress this work, and this is a conversation which I am optimistic will enable this work to continue.

We also recognise that there is not presently a way to distinguish between medicinal cannabis and recreational cannabis. This is something that the working group has grappled with, and it is something which, at the heart of the issue, goes to the impact of impairment, irrespective of how that impairment has arisen. As I said earlier, we do not currently have a way of testing if people are taking medicinal cannabis as a consequence of a prescription or on the basis of recreational activity. We know – and it has been said in this chamber before – that there are more than 65,000 people who are currently using medicinal cannabis in Victoria with a script from their doctor or nurse practitioner and who cannot currently drive. It is important to recognise in this whole debate the impact of that prohibition on driving and therefore on participation in everyday life, without sustaining considerable cost and inconvenience to them, again speaking to the complexity of this issue. It is an issue that needs to be addressed, as I said. It is a significant priority for the government.

I have made comments in this place before, in speaking to Ms Patten's private members bill in 2020, that are entirely consistent with what it is that I am saying now, and I have been further informed by the work of the working group. We do not want as a government to impede patients' access in approved circumstances to medicinal cannabis. That would run counter to the objectives and the rationale for the introduction of a framework to enable medicinal cannabis access in this state. We do not want to make people's symptoms worse as a consequence of a withholding of or a winding back of the framework by which medicinal cannabis is able to be accessed.

The government has been really grateful for the engagement that we have been able to have to date with crossbench members and particularly with Mr Ettershank and Ms Payne. It is acknowledged and indeed you have made us aware that you are staunch advocates for medicinal cannabis patients and the importance of the issues that they face and that they experience. Over the coming months we will as a government engage in good faith to make sure that we can progress this issue with a view to achieving meaningful solutions.

The bill itself is pretty self-explanatory, and we need to make sure that in talking about road safety we are also acknowledging the reality of the loss that is sustained across the state for a range of reasons and in a range of ways. We know that there are a range of factors that reduce or impede or impair drivers' ability to operate very dangerous machinery, which is what vehicles boil down to, on our roads. Things like fatigue, the presence of alcohol, the presence of drugs, mobile phone use and distraction – these are the elements which are over-represented in fatal collisions on our roads. These are things which also need to be considered in this particular debate.

We introduced safety belts here in Victoria. We were leaders in doing that back in 1970 as a mandated requirement for road use. We introduced and legislated random breath testing in 1976, and we introduced speed cameras, which we know have an impact on reducing the speed at which motorists use our roads. These things in combination have seen the road toll drop and drop significantly, but tragically, people continue to be hurt and to be killed on our roads. Just today we have seen a report around the comparative increase in road deaths here in Victoria over the past three years. Around 67 people have lost their lives on Victorian roads this year. Obviously, we know that reduced road traffic over the last couple of years makes that figure somewhat challenging to analyse and to interpret, having seen the return in large numbers of motorists to our roads as everyday work and movement ramps up.

However, we have got a lot of work to do. We have got a lot of work to do to make sure that the families of those lost to road trauma have their views and perspectives recognised and to make sure,

as I said earlier, that we recognise the users of medicinal cannabis – those 65,000 people with prescriptions, those 65,000 people whose carers, whose families and whose loved ones benefit from the impact of medicinal cannabis in pain management and in management of illness and significant disease.

What I would really encourage people to do in this work is to engage in good faith. As I have said, the government is committed to doing exactly that. I want to make sure that as we work alongside Road Safety Victoria and as we work alongside the framework for medicinal cannabis, which we know realises benefit for people who desperately need and indeed deserve it, we can continue our work to bring our road toll to zero to make sure that families are not left grieving, to make sure that our tables are not missing one person at Christmas and to make sure also that people living with significant illness and significant pain are respected in this conversation.

I do not intend to go to the chemical compounds of THC. I do not intend to go to the pharmacological breakdown of the impact of medicinal cannabis upon the physiology of users and the way in which that blocks pain receptors, reduces nausea and therefore improves and increases appetite. This is well known. It is well canvassed. The working group has gone to a lot of detail on the benefits of medicinal cannabis, and this is not a debate about the merits of the scheme, which we legislated. We do want to make sure, however, that we are working across various levels of government, that we are working across other jurisdictions, and make sure that we are reducing and eliminating risks across our road network. There has been a focus in what I have said today on the roads component of this issue. That is because of the anchoring of this proposal in the road safety legislation. I hope it will not be construed as anything else, and I also hope that the comments I have made about the validity, the importance and the benefits of medicinal cannabis are not lost in the context of what I have said here today.

I commend Mr Ettershank and Ms Payne on their work – you are here in the chamber; your work – to raise the voices as advocates for those who use and indeed rely upon medicinal cannabis. I commend the efforts of those people who tell often really difficult and painful stories about the extent to which pain and illness and disease impact upon people's opportunity to live with dignity and with autonomy and with independence. I also commend, acknowledge and send my respect and ongoing condolences to those survivors and indeed the families, friends, colleagues and community members who still miss people lost to road trauma. We have a lot of work to do. We are determined to do it in good faith. Thank you for bringing this particular bill to the Parliament. I look forward to ongoing conversations and to continuing to engage not just with the Minister for Roads and Road Safety but across a range of other portfolios should that be a matter of relevance to this particular framework. It is a good starting point, as it is anchored in the road safety legislation, but thank you for your work and your advocacy. On that basis, I will leave my contribution there.

Matthew BACH (North-Eastern Metropolitan) (10:34): I am really pleased to rise to make a contribution on behalf of the coalition parties on the Road Safety Amendment (Medicinal Cannabis) Bill 2023, and in doing so I will seek to perhaps not match Minister Shing in terms of erudition but nonetheless strike a not dissimilar tone. I want to thank Mr Ettershank and also Ms Payne for bringing forward an important bill that deals with an important issue, and I think at the outset I would say that in our current system there is significant unfairness towards entirely legitimate users of medicinal cannabis. I echo the concerns that Minister Shing has put forward about safety on our roads – absolutely I do. I am also very hopeful nonetheless that technological advances will allow us, hopefully very, very soon, to be in a position where we can deal once and for all with the unfairness in our current situation, which Mr Ettershank and Ms Payne are highlighting in this bill, towards again entirely legitimate users of medicinal cannabis.

Members of the house of course are aware that in Victoria, police roadside testing currently tests for alcohol – quite rightly – and various illicit drugs via mouth swab tests, which presently can only test for THC, MDMA and methamphetamine, I am advised. But of course it has been central to the ongoing debate about medicinal cannabis and seeking to enable entirely legitimate users of medicinal cannabis to go about their lives and access opportunities in the way that other members of communities

do that these tests only test for the presence of drugs. So a driver taking drugs or having THC in their system will test only positive or negative, and in any event, unlike alcohol, there is no agreed level of THC that relates to impairment. These are significant problems as we seek to ensure that our community is as safe as possible first and foremost while also dealing with the unfairness in our current arrangements.

It is a point that has been well made by proponents of these sorts of measures – Ms Payne, Mr Ettershank, Ms Patten, who it was great to catch up with this morning and speak to about these matters – that medicinal cannabis is the only legally prescribed drug that is screened for in swab or blood tests. Then users of medicinal cannabis, who have every right to be using medicinal cannabis and for whom medicinal cannabis is really important, could be charged or lose their licence if it is found in their blood system. Motorists taking other prescribed drugs like antidepressants, perhaps opiates, even antihistamines, may be impaired for driving purposes, but these drugs are not tested by police. I do not mind saying to the house, I do not mind saying on behalf of the opposition, that we see and we note the unfairness in that arrangement.

According to the government, and these were figures that Minister Shing quoted in her fine contribution, there are some 65,000 current users of medicinal cannabis in Victoria, so this is no small cohort. I suppose I would want to assure the ongoing proponents of legislation like this that on this side of the house, as is undoubtedly the case on the other side of the house, we do not see this as some niche issue; we are talking about a significant number of Victorians who currently have their freedom significantly restrained because of the current arrangements.

I note some different arguments from members of the Legalise Cannabis Party, and I do not discount those arguments, but I would say that my understanding is that any impairment after taking medicinal cannabis would normally only affect a person for a matter of hours. At the extreme end we know of course that THC can remain in a person's bloodstream for up to a month. So then, if I understand correctly, for that entire length of time somebody who has taken medicinal cannabis, who seeks to move around in their car – and most of us move around in our cars most days – would be liable to significant fines, to significant penalties. In the media over recent days there have been any number of I think really quite compelling case studies of how users of medicinal cannabis have been heavily restricted in their day-to-day lives. I was talking to one journalist this morning who worked on what I thought was a very fine piece in the media just today about some of the case studies that she had been dealing with. I confess if that was me, I am not sure how I would be able to function. I do not think I could function. I could not do the sorts of things that I need to do in my day-to-day life. I could not have done the sorts of things that I needed to do in my day-to-day life when I was teaching just a few years ago, before coming to Parliament. So this is a very significant issue for the large number of Victorians, and growing number of Victorians if I understand correctly, who use medicinal cannabis.

Our view is that there is clearly an inconsistency in the current arrangements. A driver could take heroin, a driver could take cocaine or any number of prescribed medications before getting behind the wheel, but these would not be picked up. Unless they are obviously impaired, police would never know. Meanwhile a medicinal cannabis user could be completely unimpaired by THC, test positive and then lose their licence.

I will not necessarily recapitulate the points Ms Shing made on road safety, but I echo them and I agree with them. I know members of the Legalise Cannabis Party agree with those points – we all do – and that we want to seek to do everything we possibly can to continue to drive down the road toll in Victoria. There have been concerns raised by some groups about what a change like this would mean, notwithstanding the fact that the current arrangement is unfair. I hear those concerns, and as a chamber of course we would never want to do anything that might lead to an increase in the road toll. We want to continue to do everything we can, working together, and I agree with the points Ms Shing made about actions of the current government to seek to reduce the road toll. She was so good as to refer to a number of changes that have been made historically by former coalition governments. So we have worked together across the major parties and with minor parties of the day, all of us of course in good

faith, to seek to reduce the road toll. So I will not recapitulate her arguments, but I do want it noted that I echo them.

I will just read briefly from a couple of points that have been made by certain groups about where they see we are currently in this important discussion. The Monash University Accident Research Centre has said this:

Given the recency of medicinal cannabis programs and the international experience on managing driving, there are a number of questions that remain outstanding.

I hear concerns of that nature, and not wanting to verbal the minister, she more or less said the same thing. The accident research centre at Monash said there are various international models that could be adopted but each has a social context that needs to be accommodated. The key point, said the accident research centre at Monash University, is that some further research needs to be carried out to understand this area properly, particularly understanding the relationship between levels of drug and impairment. I hear concerns of that nature.

In a briefing provided helpfully by the government to members of the opposition the government referred to analysis by the Victorian Institute of Forensic Medicine from 2019 of 5000 drivers injured in motor vehicle accidents. The government put it to us that it found any level of THC in the blood increased the risk of crash versus a drug-free driver. Okay, I accept that. But I would note again that presently users of medicinal cannabis, who undoubtedly, overwhelmingly, are community-minded citizens seeking to do the right thing while managing their own medical issues, do not seek to move around by car – of course, overwhelmingly, do not seek to move around by car – during a period of impairment. But we just do not have the tools presently, so says some information helpfully provided by the government to the opposition and so say some other groups, to properly test for that impairment.

On this side of the house, as Ms Shing said also, we are really keen to continue to work with Mr Ettershank and Ms Payne. It has been really good on a personal level to already have had some discussions with Mr Ettershank and Ms Payne, and it has been great to carry on discussions with a former member of this place who is really passionate about these issues. They are significant issues; they are not niche issues. There is significant unfairness in our current systems, and my hope and the earnest hope of the coalition is that we can continue to work together and continue to look at emerging technologies to deal with that unfairness in a way that not only does not make our roads less safe but indeed makes them more safe in the very near future.

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:44): I am pleased today to speak in support of the Road Safety Amendment (Medicinal Cannabis) Bill 2023. The bill makes a very reasonable minor change that ensures medicinal cannabis is treated with the same standard as other prescription medication under the Road Safety Act 1986. That is it; that is the bill. This change really I think should have been made alongside the legislation passed in 2016 that enabled access to medicinal cannabis for some patients in Victoria. Instead we have seen I think an unfortunate delay in action on this issue. But now we have an opportunity, importantly, to collaborate and make change for the betterment of our community.

So let us be clear about what we are debating here. Currently there are people in Victorian for whom driving is an automatic criminal offence with drastic penalties if they have even trace amounts of their prescription medication in their body. We are not talking about levels that impair driving ability or levels beyond their prescription, we are talking trace amounts. Currently in Victoria people who are prescribed pain management medicine, opiates or benzodiazepines can drive safely, and they are allowed to drive, yet we see an exception to this with regard to medicinal cannabis. The bill before us simply makes a small change so that it would not be an offence in itself for a person to drive with blood or oral fluid containing THC from medicinal cannabis that is prescribed by a medical professional and taken in accordance with that prescription.

Would this mean that the person prescribed medicinal cannabis has a green light to drive in an impaired manner under the influence of drugs, risking safety on our roads? Absolutely not, because driving a motor vehicle while impaired by a drug would still be a serious offence under the Road Safety Act. Other jurisdictions with very strong road safety records already provide similar provisions, and I and my colleagues consider this bill to be consistent with the expert evidence and findings of the parliamentary inquiry into drug law reform in 2018 and inquiry into cannabis use in Victoria in 2021. There is still a long way to go, and we look forward to the implementation of more of the long overdue reforms that were canvassed in those inquiries.

We need a broader adoption of a sensible health-led drug policy in this state. We need the government to maintain an evidence-based pathway to establishment, for example, of safe injecting rooms. We need to follow the growing number of Australian jurisdictions which are introducing pill testing. It is a broad conversation, drug harm reduction. There are many areas of drug policy we need to see reformed to bring them into line with expert evidence-based advice. There are several that I would say to date we have seen a degree of neglect from the government on. However, we have now not a moment of expediency but an important opportunity to act on this issue. This oversight with regard to this particular legislation has existed since the legalisation of medicinal cannabis in 2016 and, as has been noted in the chamber, has already been the subject of a private members bill from Fiona Patten. This whole time the government has had the legislative lever to pull that could fix this issue affecting many medicinal cannabis users in Victoria, but again I note this is a time for opportunity. Here we are.

The Greens support this bill, and we commend the Legalise Cannabis Party for bringing this debate before the house today. I and my colleagues have always advocated for drug reform that focuses on evidence and harm reduction instead of punishment or more baseless moralising. We will keep pushing for the abandonment of the 'tough on drugs' approach in favour of one that recognises the reality of drug use in Victoria and sees it as a health issue rather than a criminal issue. We will keep pushing, for example, like I mentioned, for pill testing in our community, for legalised and regulated recreational cannabis and for a sensible approach to drug policy. This change certainly does not fix the aspects in which our current drug law system is broken, but it is a very good place to start, so I thank the chamber.

John BERGER (Southern Metropolitan) (10:49): I rise to express my opposition to the proposed amendment to the Road Safety Act 1986 that would allow for the treatment of medicines and cannabis in the same manner as other prescription drugs. The current form of the legislation does not consider the practical end point of its stipulations. I will always advocate for policies that prioritise the safety and wellbeing of our citizens, and this amendment goes against that principle. When the Andrews government legalised medicinal cannabis in 2016 we listened to the science behind it and its safety benefits in exceptional medical cases, because we believe in ensuring that Victorians have the best quality of life.

We also believe in listening to science. For example, the evidence supports the use of medicinal cannabis to treat severe pain associated with cancer and chemotherapy, severe muscle spasms, migraines and the worst one of all, cluster headaches, alongside other conditions. I believe I speak for my colleagues here and in the other place when I say that no Victorian should feel that they cannot seek care when they need to due to the road safety laws. We are a government that proudly backs health. We are a government that knows how to make tough decisions on health.

Our government listened to the Royal Commission into Victoria's Mental Health System and has committed to implementing the recommendations. In 2016 our government legalised medicinal cannabis for those who need it. Yet our government knows that one life lost on the road is one too many. The amendment is to the Road Safety Act 1986, and therefore road safety needs to be at the heart of the matter and how we assess the bill. We are a state that has been a leader in road safety. We led the introduction of life-saving road safety policies, including mandating seatbelts, legislating random breath testing and introducing speed cameras. Our government will continue to put the lives of Victorians on the roads first.

Just like we listened to the evidence to support medical cannabis, we need to listen to the science with regard to our road safety. There is growing evidence of driving with THC increasing your risk, but how do we quantify it? Many aspects of medical marijuana usage are patient specific. The dosages, the effects, the pharmacology and the medicinal marijuana may be different based on the condition treatment plan or the form of medical marijuana. We cannot make laws on variables or that are patient specific. The motor skills impact of medicinal marijuana is heavily impacted by the dosage and the form of marijuana. A recent road safety study conducted by the Victorian Institute of Forensic Medicine investigated a sample of 5000 seriously injured Victorian drivers, showing that THC at any level almost doubles the risk of a car crash compared to the drug-free driver.

Moreover, this level of risk is comparable to a blood alcohol concentration of .05, which constitutes a drink-driving offence in Victoria. Yet unlike alcohol, a clearly recognised .05 blood reading limit for THC does not exist. This is because THC is handled by the body differently. On top of that, how do we enforce it? The preliminary impairment assessment usually requires two members of the police to conduct the testing and it then takes at least 20 minutes to complete. Should the preliminary screening return a positive result, a further sample is required alongside a forensic test. This makes it almost impossible for our law enforcement to make a fair and accurate judgement on the road. On top of that, how can testing be distinguished between recreational and medicinal cannabis use in this instance?

We have already lost 67 Victorians on the road this year; therefore our government cannot in good conscience agree to this. The existing settings are not intended to punish those under the influence of substances simply for the sake of punishment. This is supported by a survey conducted by Monash University Accident Research Centre, which found that while 93 per cent of respondents were aware that it is illegal to drive with cannabis in their system, 44 per cent of the respondents with a valid prescription had at least once previously supplemented their prescription by obtaining an illegal preparation of medicinal cannabis, which again introduces more variability in the effects on their system. Additionally, advice provided by health professionals about driving varied considerably, with 16 per cent of the respondents not receiving advice and 30 per cent told not to drive while feeling affected or to wait a few hours after taking medicinal cannabis before driving. The Department of Health is researching to measure the driving performance and cognitive function of Victorians prescribed medical cannabis in driving simulators, but it has been delayed due to COVID-19. But the reality is simple: rules are there to protect the community, to protect drivers and passengers, to protect pedestrians and to protect the hardworking drivers that work tirelessly, supporting our freight industry.

I have been fighting most of my life for the Transport Workers Union. Forty-one per cent of the transport workers know a driver who was killed at work, and 50 per cent of them have witnessed a serious accident at work. One in four have been involved in a crash while driving. The Transport Workers Union safe rates, safe roads, safe skies campaigns are testament to the importance of road safety, and we cannot allow this amendment to undermine the progress that has been made toward creating safer roads for all. At this point in time allowing the use of medicinal cannabis while operating a vehicle runs the risk of letting impaired drivers onto our roads. We must consider the potential risks this poses to other drivers on the roads. We know that cannabis use can impair judgement, reaction time and coordination – three attributes of a driver that are essential to keeping our roads safe. We cannot afford to have drivers under the influence of this drug on our roads.

Furthermore, this amendment would put workers at risk. The Transport Workers Union has long fought for safe working conditions for truck drivers, and allowing for the use of medicinal cannabis while driving would undermine their efforts. We cannot compromise the safety of workers who are already at risk of injury or death on the job. It would not be fair to the working people of the transport industry who call their worksite their home.

The amendment would allow individuals to use medicinal cannabis while operating heavy machinery. This is a serious threat to the safety of all our road users. This is unacceptable and goes against the principle of protecting the basic liberties and rights of all citizens. It violates their basic right to safety. We continue to make efforts to make the roads a safer place for those who work on them. This is

shown in our efforts in cooperation with other states, the Commonwealth and the National Heavy Vehicle Regulator. It would be an insult to the workers in our transport industry to, while we are making these efforts to make our roads safe, then turn around and give drivers the go-ahead to operate vehicles when inebriated. It is wrong and it is unsafe.

We must consider the consequences of this amendment carefully. Our top priority must be to create safer roads for all, and this amendment would only serve to undermine those efforts. The risks are simply too great to ignore. Loosening the laws around inebriation on the roads sends a message that the right to drink and drive is more important than the right to safe travel for all road users. This is not only unjust but also irresponsible and dangerous. We must continue to strengthen laws around drug-driving, not take a backwards step. Any amendment that suggests that any form of inebriation while driving is acceptable sets a scary precedent.

A 2020 study at Monash University found that over a five-year period 41 per cent of motorists in fatalities were found to have illicit drugs in their system, including cannabis-based material. This bill proposed would legalise the operation of vehicles under the influence of these substances – substances found in the systems of 41 per cent of road accident victims. According to the Transport Accident Commission random breath testing has saved over 20,000 lives in Australia over the past four decades. The TAC also highlighted that Victoria was the first state in Australia to introduce RBT, leading to a 25 per cent reduction in fatal crashes involving alcohol within just two years. The numbers show it; the facts show it. RBT and the laws around inebriation keep Victorians safe; they keep Victorians alive.

The government is always open to debate on policy on this substance. This legislation must be more thought out. It does not consider company policies on inebriation for workers. It does not properly consider enforcement. It does not consider how it is to be judged. So let me be clear: we must reject this amendment. Until we can confidently and conclusively test for impairment our drug-driving laws must stay as they are. Our priority must be to create safer roads for all, and allowing for the use of medicinal cannabis while driving without the ability to test for impairment would undermine the goal. We cannot compromise the safety of our citizens, road users or transport workers. We must continue to prioritise the safety of all Victorians and do so by rejecting this amendment.

Georgie CROZIER (Southern Metropolitan) (10:59): I rise to speak to the Road Safety Amendment (Medicinal Cannabis) Bill 2023 presented by Mr Ettershank from the Legalise Cannabis Party in relation to this issue. I want to thank him and Ms Payne on the record for the briefing that was provided to me and the Leader of the Opposition in relation to this issue, which they obviously are very passionate about, having brought this bill into the house to be debated today.

I listened to Mr Berger then, who is in clear opposition and stated the government is in opposition to it and made some points around safety aspects. I understand those safety aspects, and I think there are some concerns in relation to those. I want to come to that, because I sat on an inquiry in the last Parliament into the use of cannabis in Victoria. That was not solely on medicinal cannabis, it was largely on recreational cannabis, but it did touch on the medicinal cannabis issue and the very real issue of what we are debating today.

What this bill is proposing is a simple amendment: the bill will amend the Road Safety Act 1986 to provide that medicinal cannabis that does not impair driving must be treated in the same manner as other prescription drugs. As has been pointed out, there are other drugs – benzodiazepines and other opiates – that are prescribed for medical conditions that have a clear warning when they are being dispensed to not operate machinery or drive if you are impaired, and there is no test for that. I understand exactly the argument around medicinal cannabis that the same should be applied. I think that is what is being asked here – that what applies to those drugs that are prescribed in a medical form should similarly be applied to medicinal cannabis that is prescribed.

Those in this house that have been here for some time know that I am a supporter of medicinal cannabis, and I have made my position very clear for many years. I understand that there is still some ambiguity for certain practitioners who have a different view. They do not think it has the aspects that some claim it has, and there is still some doubt about its efficacy in relation to pain management and other issues. I think over time we will be able to see more as more data comes out. It is important that we look at all those aspects, and I think Dr Bach outlined very clearly some of the concerns in relation to what has been put to us around this issue in relation to some of those safety aspects and driving and what Victoria Police have said. I want to note what Victoria Police said in the inquiry into the use of cannabis in Victoria, which I was on and Ms Patten, who introduced a similar bill in 2020, was also on. Assistant Commissioner Glenn Weir from Victoria Police told the inquiry:

As both illicit and medicinal cannabis contain the psychoactive constituent, Delta-9-Tetrahydrocannabinol (THC), they are both known to reduce a driver's ability to have full control of a vehicle. Cannabis can slow down reaction times, distort perception of speed and distance, reduce concentration when driving, particularly in response to emergency situations. This creates a risk for the driver, but also other occupants of the vehicle and other vehicles on the roads around the affected driver.

I understand that, and I think that is the issue here, because we do not have an ability to really test that impairment or to measure the level of THC. I take the point that has been made in terms of THC that it can obviously be found in recreational cannabis but also in medicinal cannabis, and some have expressed their concerns around that very point. That seems to be where the concerns are.

I note also that the task force that has been spoken about – the medicinal cannabis and safe driving working group and its report *Assisting Medicinal Cannabis Patients to Drive Safely* – undertook an extensive inquiry, and there are some excellent points in that. I think they draw out these issues that I have just spoken about and also confirm that more data is coming on at an international level from international jurisdictions. I think that is prudent. We need more data. I think we need to see that. I think that we need to understand exactly the impacts of cannabis. We need to understand how it can be tested and the impairment levels. Of course there is another very reasonable argument being put: it depends on the size of the person, their make-up, the medical condition and a whole range of other aspects around the individual that might have a tolerance to one drug over another. I think that is a very reasonable point to be putting. That is why I think more needs to be undertaken in this area to see what is going on, because one person's resilience in terms of being able to tolerate a drug based on their physical capacity will differ from another's. It is a little bit like blood alcohol, but we do have a blood alcohol level, .05, and we can test it. I think that is the difference and that is the issue here.

I think there are some excellent points in this report. I note that this report is hundreds of pages long on this issue and that the Ryan report, which was released yesterday, had 25 pages around the injecting room in North Richmond. I make the comparison because they are two important areas of public health policy around drug use: 25 pages versus this report – hundred of pages – versus this report, many hundreds of pages. I was disappointed in that report, and I will say more about it later on in the day.

Returning to this important bill, there are concerns around some of those aspects. I certainly do want to acknowledge the work that has been done by Mr Ettershank and Ms Payne on this issue, because obviously they have, as I said, got a very clear opinion on what they think needs to be done. I note that when we did have that briefing Mr Ettershank told me that there were 75,000 prescriptions that have gone out from the TGA. The Premier said there are 200,000 users, or 200,000 that have use medicinal cannabis, that those numbers are increasing and that it is not just for pain, it is for insomnia and other conditions. We need to see why those issues are getting such big take-up as well in the use of medicinal cannabis and understand what other health aspects there are around people that have these conditions and require this.

With those few comments I would like to again reiterate Dr Bach's comments around the work being done and the continuation of work that needs to be done on this issue.

David LIMBRICK (South-Eastern Metropolitan) (11:07): I rise to speak on the Road Safety Amendment (Medicinal Cannabis) Bill 2023. I would like to congratulate Mr Ettershank on his first private members bill and thank him for introducing this matter for the consideration of the Parliament.

Any members who were here for the last term of Parliament would know that our unjust drug-driving laws are something that I am very passionate about. In April 2021 I tabled a petition calling on the Legislative Council to give consideration to recommendation 24 of the inquiry into drug law reform and refer the matter to the Legal and Social Issues Committee to inquire into alternative drug-driving regimes and changes that address the concerns of medical cannabis patients. Things in politics move slowly, but the Premier's statements over recent weeks in regard to this matter are encouraging.

I have been contacted by many constituents over the last four years who have been impacted by our drug-driving laws. Some of these people were medical cannabis patients. Others simply consumed cannabis for their own reasons. The fundamental flaw with our approach to drug driving in contrast to our drink-driving laws is that the mere presence of some illicit drugs in a person's body can result in the loss of a licence. This occurs without any allegation that a person's driving is impaired. In fact they can be the safest driver in the world with an unblemished driving record and completely sober, but if they have consumed cannabis, possibly the night before or even days ago, they are at risk of losing their licence. At its core this can only be described as an injustice.

Nobody would disagree that reasonable efforts should be made to ensure that impaired drivers do not create hazards on our roads. However, impaired drivers are not targeted by our drug-driving laws. For medical cannabis patients this injustice is even more pronounced. Many people are put in the position of choosing between effective medical treatment and mobility. They can either be well or drive without risk of losing their licence. Medical cannabis patients, prescribing doctors and others that I have met in the sector have explained to me that patients do their best to comply with road safety laws, often forgoing their medication during the day to ensure there is no possibility of impaired driving and consuming cannabis in the evening. This is no guarantee that they will not be charged with a drug-driving offence, however, as cannabis can remain at detectable levels long after its effects subside.

One patient that contacted my office last year told how this had impacted him. He was using medical cannabis to relieve symptoms of post-traumatic stress disorder related to his time serving in Australia's defence forces. While driving one day, a truck collided at some speed with the vehicle behind him, causing it to roll into his vehicle. This was quite a serious collision, and while he was clearly not at fault, he made the mistake of honestly disclosing his status as a medical cannabis patient when asked by one of the responding officers. This led to a drug test, which detected cannabis, and an ongoing legal battle to retain his licence. I fully support this bill introduced by Mr Ettershank and hope that we see some policy reform in our drug-driving laws as soon as possible.

Rachel PAYNE (South-Eastern Metropolitan) (11:11): I am pleased to rise to speak to this, the very first bill introduced into this Parliament by Legalise Cannabis Victoria, the Road Safety Amendment (Medicinal Cannabis) Bill 2023. As brand new MPs in only the third sitting week of a new Parliament term, to have this private members bill introduced, second-read and now in debate speaks to our passion on this issue. I hope it is a signal of the work ethic we present as MPs and as a political party and of the work we intend to bring to this chamber.

Medicinal cannabis is a lawful pharmaceutical medicine, and this bill seeks to achieve one simple action: to treat this medicine in the same way as every other prescription medication under the Road Safety Act 1986. If you are prescribed a medicine by your doctor, you should be allowed to drive a car provided you can drive safely. But under our current law, a minute trace of medicinal cannabis can trigger a positive roadside test and lead to prosecution, conviction and the loss of a drivers licence, even days or weeks or even a month after the medicinal cannabis was taken or capable of having an impairing effect. It is unfair, it is stigmatising and it prevents Victorians from accessing the very medical treatment that can quite literally save their lives.

Being well or allowed to drive should not be a choice. Our bill aims to fix that. It provides a medical defence for a driver who is not impaired and whose blood or oral fluid contains a lawful medicinal cannabis product that is prescribed by a medical professional and taken in accordance with that prescription. This type of medical defence already exists for all other medicines in Victoria and exists for medical cannabis in Tasmania and in other jurisdictions around the world.

It will transform lives for many Victorians, like Alice Davy, a 33-year-old mother of two. Her eldest is primary school aged and her youngest is now almost two years old. Alice sadly suffers from multiple sclerosis. Without medication she visibly tremors, but with medicinal cannabis she is steady and she can function as a young mother and as a driver of a motor vehicle. Alice is prescribed an unimpairing CBD medication that she microdoses during the day. She takes a single dose of medicinal THC at night before sleep. Under that treatment regime she is unimpaired and safe to drive approximately six hours before she takes the wheel for her morning school run, and she would never compromise the safety of her young family. Alice is acting responsibly and taking the most effective treatment for her condition to live the best and most functional life she possibly can for her and her young family. She should not be punished for that. A roadside drug test that detects a trace amount of THC in her system should not cost her a financial penalty and the mandatory loss of her drivers licence. Alice is the reason our driving laws should change. She is not alone. Thousands of other Victorians find themselves in a comparable situation each day. In fact in Victoria there have been over 4300 prescriptions for medicinal cannabis issued in February this year alone. This needs to be a priority, and we need to find a solution for these patients.

Today I am heartened that in bringing this matter to the chamber we will see true progress. I thank the Premier for his positive public commitments and Minister Shing, representing the Minister for Roads and Road Safety, for reaffirming the government's commitment in this chamber today. We are heartened that this is a priority for the government and look forward to working with them in good faith to find a genuine solution over the coming months.

I would like to acknowledge the opposition, Ms Crozier and Dr Bach, for acknowledging the significant unfairness for medicinal cannabis patients and the unfair testing regime that medicinal cannabis patients are subject to – the fact that there is either a positive or a negative result and it does not actually measure impairment. I would also like to particularly thank Ms Crozier for talking about and acknowledging the work that was done in the inquiry into cannabis reform and some of the findings that are in there. I think the government would be well advised to review some of those findings in due course. I think that we can find a sensible path forward for all Victorian patients, and the Premier raised this in the media this morning.

I would like to acknowledge Mr Puglielli and in particular acknowledge that he made reference to the fact that legalising medicinal cannabis was first enacted in 2016 and that this should have been part of that reform. This bill aims to fix that mistake.

Mr Berger, I do acknowledge your concerns in relation to testing impairment. But as with all medicine, your doctor provides that advice as to your ability, and no, we are not asking for patients to be allowed to operate a vehicle when under the influence. We all agree no-one should be operating a vehicle if impaired.

Mr Limbrick, I thank you for your reflection on your constituents' experiences – some of them are obviously medicinal cannabis patients – and the fact that they are consciously consuming their medicine to ensure that they are not impaired when driving. I think that this story rings true for many Victorian patients.

We have seen significant advancement in the science of THC impairment over recent years. We are aware of, for example, some still unpublished research on real-world Victorian medicinal cannabis patients that demonstrates no measurable change in driving performance before and after those patients have used their prescribed medicinal cannabis. It is time for us to make this change. This is medicine.

The stigma associated with cannabis creates bias, even if subconscious. It shifts perception. If we just remove the word 'cannabis' from medicine and just treat it like medicine, it should be treated like all other medicines.

What we are considering here is medicine prescribed by a doctor, where a doctor explains its side effects: how that medicine interacts and how it may affect a person's ability to drive. It is a medicine, and we hope very soon it will be treated just like any other. We are buoyed by the progress that we have made today.

Jacinta ERMACORA (Western Victoria) (11:18): I am pleased to speak on the Road Safety Amendment (Medicinal Cannabis) Bill 2023. I congratulate David Ettershank and Rachel Payne for bringing this forward. It is an important piece of work, and it addresses challenges faced by a small group of people in the community who deserve our concentration and best efforts to get their rights met. I also appreciate the mix and diversity of contributions that have happened in the chamber so far. This adds value to the discussion and the next steps in this process. In particular I appreciate the perspective of the transport sector, which is one perspective and will be part of the ingredients of the whole outcome here.

The government's position is that this piece of legislation is important to resolve, and it is supportive of the intent of this legislation. In fact the government is determined to find a way to make this happen. I will describe here the work that is being done – funded – by the government to achieve an evidence base that can support that, which we do not yet have.

The people that are affected by this are people legitimately prescribed cannabis as a medicine within the legal suite of medicines available, and it seems odd to all of us that a person can be legally prescribed a medicine but not allowed to drive with traces of that medicine in their system. Most of our lived experience is that prescribed medicines do not restrict your driving; there are only a small number that do. This is a group of people who have often been previously prescribed mainstream pain relief, but it has not worked. It is wonderful that they are now able to receive medicinal cannabis thanks to the Andrews Labor government. There are a small percentage of people who experience complex illness and complex comorbidities for whom this particular situation is very important.

The working group that emerged from the previous presentation of this bill came up with a number of recommendations that relate to exactly the concerns that we have, which we are yet to resolve on this. The working group identified the need for additional research, which is ongoing at this time, and I am very pleased that the Andrews Labor government has funded much of that work.

Today, as this bill is debated again in 2023, the role of medicinal cannabis is increasing as a therapeutic option for some individuals with chronic health conditions, and some of these patients have a genuine need to drive, whether it is for work, to stay connected with community, for treatment or just their right to drive. The information that we need to understand, and I guess you would call it a grey area, particularly relates to measuring the rate or the levels of THC in the blood system. As yet we are unclear about a scientific methodology that is evidence based and peer reviewed that will be able to be accepted as a legitimate measure on a roadside. It would be awesome if we could just use the same mechanism as we do for blood alcohol. The second point is: where is the line where capable driving ends and impairment starts? In that regard we are looking for that .05 line for THC. We also do not have that. One of the gaps that contributes to that is the difficulty of knowing whether THC or the medicine was ingested one day ago, 29 days ago or 30 days ago; it is difficult to know. At the moment we can only see externally the human being and whether or not we think they are impaired, but we are used to more of an evidence base with blood alcohol.

Trying to achieve that level of confidence so that we can enlist our community in being confident in this is really important. That is why the Andrews government through the deliberation of the working group has funded a number of further research projects to ascertain scientifically peer-reviewed studies on these questions. The questions have been already comprehensive but are not quite conclusive

enough yet. Two such recent studies have been completed that assist us to gain more understanding of the effects of THC. The first study investigated the likelihood of detection of medical cannabis and THC using roadside drug testing. The second study, at Monash University Accident Research Centre, was a survey of over 270 individuals prescribed medicinal cannabis in the past two years. The results of both these studies produced very interesting data and demonstrate that there is a need to ensure patients prescribed medicinal cannabis are given consistent evidence-based advice on safe driving at the point of prescription.

So we are not there yet. The government has now commenced the development of a standardised decision support tool to support prescribing practitioners and patients. There is also a standardised clinical tool being developed for patients to safely self-regulate their driving patterns. This is clever, and it is smart to put tools in place that are addressing road safety for the whole community as we did with blood alcohol concentration. In addition, there is more work to be done ongoing, and in my opinion this complex issue needs to be followed through to the point where we are completely satisfied that we are ensuring road safety in Victoria. The government is committed to getting to that destination, and the evidence of that commitment is shown in the funding for the research and the position on this issue today.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:26): I rise also to make a contribution on the Road Safety Amendment (Medicinal Cannabis) Bill 2023, and in doing so I have had the benefit of listening to all contributions in the chamber today. I just want to congratulate everybody in the chamber for the way they have conducted themselves during this debate. I think we are actually at our best at the moment, which is a really nice thing to see. It is rare in here sometimes when that happens.

In having listened to everyone speak today, I was actually finding myself agreeing with just about everything that everyone was saying in the sense that this is a complex issue. There is a lot of goodwill on the part of not only this government but also everybody in this room to recognise, perhaps, the role that medicinal cannabis has in the lives of people who are suffering, whether it be chronic pain or psychological symptoms, and this is a rare thing. I am actually going to say I agree with a lot of what Mr Limbrick had to say in his contribution. There you go. That will never happen again, Mr Limbrick. But I do agree with a lot of what you had to say as well. That is why I am saying that as legislators in this chamber what is being demonstrated today throughout the course of this debate is a lot of goodwill and really the intention to recognise the different circumstances of different people in our community and what they are going through and suffering, like I said, whether it is in a physical sense or a psychological sense.

What I am about to say is not really a criticism of our system, but when we develop rules, whether it is road rules or testing regimes for whatever it be, whether it is alcohol, drugs or whatever, things evolve. These things are fluid over time as we find that there are other things that come onto the market that might relieve suffering. It is appropriate that we review our systems and look at how we can make sure we accommodate people who are availing themselves of new treatments and the like. It is not the intention to punish people because they are suffering, it is just a function of our system perhaps having some rigidity or some inflexibility not to recognise these new things. I think sometimes as legislators we are a little bit slow to respond to things. We look at what happens around the world – there are some countries that are faster or quicker than others that respond to these things – but we have got to make sure that we get it right as well because, as Mr Berger said, there is a very important issue around road safety that we have got to make sure that we get right.

I think what everyone has essentially touched on in this chamber is the complexity and the difficulty around analysing impairment. What is impairment? As a motorcyclist I can tell you every day when I ride on the road I am hyperaware of what other drivers are doing. Why? Because not only do we have distracted drivers but we have people who are impaired, and they can be impaired just because they are tired. I know some drivers will be impaired to the same extent as someone who has a .05 blood alcohol reading, because they are tired. I know that when I leave this chamber after an all-nighter I am exhausted because I have not had sleep. It takes me two days to recover, and I am impaired for two

days. So I get it. I get it. Again, it is a very challenging question. It is not an easy question to answer. We have heard Ms Crozier talk about a lot of work that has been done in some of the reports that have been done; I know, Ms Payne, you talked about all those things as well. So this is not easy.

The other part to it is that when we talk about alcohol, for example, I am a small female, and I know the way that I metabolise alcohol is quite different to perhaps a larger male and somebody who might consume alcohol and be quite functional at .05. I probably would not be in the same place. There are differences in physiology that people exhibit as well. I am not saying that is the case for cannabinoid and cannabis consumption. I do not know enough about it to make that comment, but I do know that having lived a life and having consumed alcohol in the past, my tolerance for alcohol is a lot lower. I really would not feel comfortable getting behind the wheel and driving even after I have had one drink, because I just do not metabolise alcohol well. So there are individual differences as well that are really hard to accommodate and take account of, and that is why trying to find an adequate test and how we determine what is impairment is going to be, I guess, the \$64 million question. Like I said, what is impairment? How do we distinguish between recreational and medicinal cannabis use? It is all incredibly, incredibly complex.

I note some of the commentary about what the current regime is, and I guess for alcohol there was a lot of work done around .05 looking at what the test was. There was a legislated limit. That is the limit that we are going to determine for people – that it is not safe to operate a vehicle once you get to that point. Is that appropriate for this? I do not know. They are all the things that need to be explored.

I note in Ms Ermacora's contribution she very aptly put what the government's position is on this. Having said that, our government's intention is pretty clear. We do not want to punish people for trying to alleviate their suffering. We know that there is lots more discussion to have, and we look forward to continuing the conversation in the weeks and months ahead on this particular issue. I know that many people have referred to the Premier's comments this morning and earlier, really, on this matter in terms of saying that it is something that we need to look at. Like I am saying, there is a lot of good intention there, but we have got to get it right. Rightfully there are people who are concerned about road safety and the like – Mr Limbrick's story about the guy who got rear-ended and then pushed into somebody else and then ended up being found to have been under the influence and lost his licence et cetera. There are going to be swings and roundabouts, for want of a bad pun, when we are talking about road safety, about people who are going to be okay out of this situation and people who are not and are going to be ill affected.

It is a difficult, complex situation, but like I said, I just want to congratulate everybody on the way they have conducted themselves in this debate today. There is a lot of goodwill, not only in the chamber. I just want to keep encouraging all of us to keep going. Just because something is a difficult issue it does not mean we should avoid it. Sometimes doing the right thing is a really hard thing to do, but we should never shy away from that. That is the responsibility we have when we get elected and come into this place to legislate. Doing the right thing can sometimes be incredibly hard, but we should never shy away from that.

Nicholas McGOWAN (North-Eastern Metropolitan) (11:33): I rise to laud the object of this bill. I find some sympathy with the arguments put. I am particularly moved in any public debate by the desire to seek a fair outcome, and it strikes me that currently there are no fair outcomes. It is not lost on me the importance of ensuring that when we do make changes, those changes are made – I think as the honourable member opposite said – on an evidence base. So I for one look forward to the work of the government and the crossbench and the Liberal Party in this case – all of us working diligently to make sure that it is done with some haste. For me what is critical is haste. If anything comes from this bill, it is haste – and that can be said for reforms needed across the board, including in bail reform, and we have talked about that over some days and some weeks – because as it currently stands, those who are afflicted with these, in some cases, diseases and chronic ill health, their lives I cannot begin to imagine, because if they are doing the right thing by the law currently, they are not driving. They are prohibited from driving or they are driving under threat of being pulled over and being prosecuted under the

current law. So the time and the day where we can have a system and we can measure and we can ensure the safety of everyone is something that I would welcome. I welcome the bill today. I look forward to the work that needs to be done, and I hope that can be done, as I said, with great haste. I look forward to being part of that.

Lee TARLAMIS (South-Eastern Metropolitan) (11:35): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Production of documents

State purchase contracts

Georgie CROZIER (Southern Metropolitan) (11:35): I am pleased to rise and speak to my motion 33. I move:

That this house, in accordance with standing order 10.01, requires the Leader of the Government to table in the Council, by 3 pm on Thursday 9 March 2023 the following briefs to the Assistant Treasurer:

- (1) 'Banking and financial services state purchase contract request for tender' (B20/922);
- (2) 'Mandating all Victorian government agencies to use the new banking and financial services state purchase contract' (B20/1092);
- (3) 'Cash and banking state purchase contract: deed of variation' (B20/1206);
- (4) 'Cash and banking state purchasing contract' (B20/1983);
- (5) 'Cash and banking state purchase contract' (B21/165);
- (6) 'Banking and financial services state purchase contract request for tender process' (B21/1053); and
- (7) 'Banking and financial services state purchase contract implementation and data inclusions' (B21/1073).

I do this because there are significant issues surrounding the Assistant Treasurer at the moment about the role that he has played as a member of the executive government. The Assistant Treasurer has stated that he was 'not a decision-maker' in relation to the August 2021 awarding of a state purchase contract to deliver the state government's banking and financial services. However, he is the minister who is directly responsible for the state's banking and financial services state purchase contract, which is worth \$120 million.

We know that freedom-of-information documents confirm that there were seven formal briefings provided which related to whole-of-government banking contracts that were awarded between June 2020 and August 2021, and the government's own website Buying for Victoria lists the Assistant Treasurer as the minister directly responsible for approving state purchase contracts. He has also declared his own interest, that he owns shares in the Commonwealth Bank, and at the same time as he has been an owner of these shares he has announced that the government's new banking and financial services state purchase contract will be delivered by a three-bank panel including the Commonwealth Bank.

You can see the theme here and why it is imperative that these contracts are released. There is a clear conflict of interest because of the minister holding the important role of Assistant Treasurer, his shareholding, the awarding of those contracts and what has been undertaken at the executive level and by this government. Already we know that the minister has said that he has accepted that there was an error of judgement, and he has apologised. But we really do need to get to the bottom of this, and that is why this motion is very important – so that we see those contracts. They are very clearly outlined. It will not take very much for the government to be able to provide the house with those contracts.

The other point I want to make is that the Assistant Treasurer has not shown that he was not the decision-maker in any of these decisions around the Commonwealth Bank and the awarding of the contract, and I think that is in itself extremely important. He has never declared that. He has not released publicly, as requested, the seven briefings he received about the state purchasing contract

between those dates of June 2020 and August 2021. He has not explained why the government's own website clearly states that state purchase contracts and registers require approval from – and I make note of this – the Victorian Government Purchasing Board, the relevant agency minister and the Assistant Treasurer. That is Mr Pearson. That is his role. That is his responsibility. I know that these ministers are often quick to say, 'Not my responsibility – nothing to see here,' but this is a very serious matter if we are talking about the integrity of government and government decisions.

The public release of these documents, as I said, is critical to understanding whether the minister acted in breach of the ministerial code of conduct, whether he acted in the public interest or indeed whether he acted in his own interest – the pecuniary interest that he was going to benefit from by the awarding of these contracts – and in doing so whether he has undermined the integrity of government and Victorians in this very important element of the democratic institution. As I said yesterday, our freedoms and our democratic rights are incredibly important, yet here you have got an Assistant Treasurer who has clearly not adhered to the ministerial code of conduct. I remind members that the ministerial code of conduct states:

Private interests

...

- 8.4 Where a conflict or potential conflict of interest could arise between a Minister's or Parliamentary Secretary's private interests and public duty (noting that Parliamentary Secretaries do not exercise the authority of a Minister) appropriate professional advice will be obtained. The Cabinet Secretary will advise the Premier who will then require the Minister or Parliamentary Secretary to:
- a. divest themselves; or
 - b. relinquish control (including through a blind trust); or
 - c. put in place appropriate arrangements so that decision-making is passed to another Minister; or
 - d. take other such action consistent with the principles of this Code as is required.
- 8.5 Matters such as property holdings, personal investments, superannuation funds and the interests of family members will be dealt with as part of the audit process and Ministers and Parliamentary Secretaries will be obliged to take necessary action to prevent conflicts or potential conflicts of interest.
- 8.6 Ministers and Parliamentary Secretaries are required to be conscious of actual or potential conflicts of interest so that their obligations to the people of Victoria for honest, effective and efficient government are maintained.

That clearly has not happened, and you cannot have this minister, who has been embroiled in this saga going on for weeks, just continue to deny and continue to not actually state whether he recused himself from cabinet decision-making or whether he is in actual fact not the decision-maker in what he did. That is why it is incredibly important that these contracts are released as a matter of urgency. We need to restore as much trust in our democratic process as possible. There have been too many scandals and too many issues that this government have been embroiled in over many years, and it is not good enough that they think just because they got re-elected recently that they can carry on like they have in the past: 'Nothing to see here.' This is a very serious issue, and it goes again to the integrity around government.

I want to just briefly say that the minister has been in this place since 2014. He was elected in 2014, and he has maintained those shareholdings in the Commonwealth Bank since that time. He clearly has this conflict of interest, and to say he did not know is just not believable. There is a serious conflict of interest here. I note that when he was speaking about the contracts around the Commonwealth Bank issue he stated that he 'simply noted the outcome of the tender' process and that he 'was not a decision-maker'. However, the Department of Treasury and Finance's own website states that the Assistant Treasurer is the minister responsible for approving state purchasing contracts. It is there on www.buyingfor.vic.gov.au/about-procurement. He is there. He is the one who is responsible. You cannot just simply wash your hands of this, Mr Pearson. And Premier, you have covered up enough over these issues, and I think we just need some honesty and some greater transparency around it.

We know that the seven briefings occurred between June 2020 and 2021, as I said. That is why it is incredibly important that we have these contracts, as I have stated, and that these briefs that the Assistant Treasurer was involved with need to be released to the house so we can get to the bottom of this issue and understand it once and for all and understand the extent of how far embroiled the Assistant Treasurer is in this and whether in fact there are other issues around impropriety in what has gone on. In the interests of integrity and transparency and in the interests of our democratic process, I urge the house to support this motion.

Ryan BATCHELOR (Southern Metropolitan) (11:45): I rise to speak on Ms Crozier's documents motion seeking in accordance with standing order 10.01 for the Leader of the Government to table by 3 pm on Thursday a range of briefs to the Assistant Treasurer, including the banking and financial services state purchase contract request for tender; mandating all Victorian government agencies to use the new banking and financial services state purchase contract; the cash and banking state purchase contract: deed of variation; the cash and banking state purchasing contract; the cash and banking state purchase contract; the banking and financial services state purchase contract request for tender process; and – deep breath – the banking and financial services state purchase contract implementation and data inclusions.

Sonja Terpstra: Wow.

Ryan BATCHELOR: There is a lot there. But what we really know that this documents motion is seeking is a fishing exercise trying to impugn the credibility of a member of the government. It is a kind of really sad and half-hearted attempt to have some confected outrage here about a situation where the minister himself has clarified quite clearly and on the public record exactly what has happened, issuing a statement in explanation of the circumstances around the approval of these state purchase contracts, which were in fact made at arm's length from the minister by a standard government process. So whilst the opposition may be attempting to find smoke, there is none there, let alone some fire underneath it. The attempts that we have heard today and previously to smear the good reputation of the Assistant Treasurer we think are quite frankly efforts that would be better placed elsewhere.

So the circumstance we have here is quite frankly a standard practice of government: going out and using state purchase contracts and seeking the benefits of getting suppliers of goods and services that come to government to have standardised arrangements so that government can get value for money for citizens. These types of processes are overseen by the Victorian Government Purchasing Board, who provide strategic oversight. Developing quite a serious and significant business case for the provision of these goods and services is undertaken through extensive consultative processes both within government and with external experts, involving market testing, market sounding, so we can understand exactly what is out there in the market, and open tender processes, where large institutions and small institutions are invited to participate. They are run by senior public servants who I know, having worked with them in my previous job in the Victorian public service, are people of the utmost integrity. I do not think we in any way should be impugning their reputation as well, which is what the attacks on this process do. Particularly in circumstances where we are dealing with sensitive matters like banking contracts, an independent probity auditor is engaged throughout the process, and all of these processes are overseen by the Victorian Government Purchasing Board: taking market soundings, open tender processes, independent probity orders. They are all done, all run, by the relevant department and they are all run at arm's length from ministers.

So what we see here with this documents motion is an attempt to find out more information about these circumstances when we have a statement on the record from the Assistant Treasurer clarifying the circumstances of the approval of these contracts. But I thought it would be useful for us, as members of the house, to understand what is in these documents and what is already on the public record about the nature and circumstances of the banking and financial services contract, because I think it is important that members of the house are aware of the significant information that is out on the public record about these contracts and how they operate. If I can take the time to go through some of those, I certainly will.

There is information on the buyingfor.vic.gov.au/banking-and-financial-services-contract website that provides a detailed overview of the key benefits of the banking and services financial contract and what is covered, in that agencies can choose to use one or a combination of panel banks for different services. Within the contract itself there are four different modules of banking and related services that departments and agencies can access and in doing so achieve both high-quality services and good value for money for the Victorian taxpayer. These include core transactional banking, such as the things we would expect in bank accounts, electronic payment services, Bpay and the like; merchant services, so things like inbound credit card and debit card receipts through things like electronic funds transfer at point of sale and gateway services; the purchasing and procurement cards that we obviously see in a range of different circumstances that are made available through the state banking contract; and the payment channels, which include both over-the-counter and collection services. So there is a range of services that are made available under the banking and financial services contract.

All this information is made available on the public website – it is all available in the public domain – so that everyone who has an interest in this topic can go and find out the kind of information that people may be seeking through this motion. If they are exceptionally and seriously interested in the intricacies of either the state’s purchasing contract arrangements or the state’s banking arrangements, there is lots of detailed information that is available to them. As the frequently asked questions section of the buyingfor.vic.gov.au website details, the central banking system enables the Department of Treasury and Finance to centralise the surplus funds held by departments and agencies in bank accounts across the Victorian government, and centralising funds in that banking system improves the efficiency of the state’s cash flow management task and reduces higher cost, longer term borrowings. By reducing longer term borrowings we can deliver net interest savings to the budget and provide support to the state’s credit rating and the capacity to fund government services. So what we are doing here by taking this thorough, arms-length, independent, probity-advised approach is making sure that the state’s money – the state’s cash – is handled in a way that delivers benefits to Victorian taxpayers. The benefit of this is that it is lowering the cost of banking and increasing the utilisation of the funds held across a range of Victorian agencies and services so that we can pay for the services that we have and better access the value of those accounts against the state’s balance sheet, because all of the funds that are held in the name of the state of Victoria should be being used for the benefit of the state of Victoria.

What I think is interesting about this new panel arrangement is that it is trying to create a wider range of services that are available to agencies, because we do know that the range of things that various government agencies require out of their banking services are very different, depending on the nature of the service that they are doing. For example, the needs and requirements of a large central government department are going to be much different to the needs and requirements of smaller, more outward-facing agencies that might exist right across Victoria and who engage with the public on a more day-to-day level.

What we are trying to do with this state purchase contract and what we are trying to do with these new measures to improve these services is provide best and highest quality practice of banking services that meets the needs of every part of the Victorian public sector, that achieves value for money and that is doing so in a way that brings modern and professional banking practice to all elements of the Victorian public service. We are always interested in making sure that there are high-quality services and better value for money. We are much more interested to focus on those issues than to try to confect some outrage and undertake a cheap witch-hunt.

John BERGER (Southern Metropolitan) (11:55): Today I rise to contribute to debate on my colleague Ms Crozier’s documents motions on the banking and financial services state purchase contract. In doing so I want to note that I come from a union background and am not a lawyer. But I have had a look into this matter, and I would like to add my own contribution, a contribution which draws on my own perspective, the perspective of a worker. Ms Crozier, my colleague from Southern Metro Melbourne, has asked the house in accordance with standing order 10.01 to require the Leader

of the Government to table in the Council by 3 pm on Thursday 9 March 2023, which is tomorrow, the following briefs to the Assistant Treasurer:

- (1) 'Banking and financial services state purchase contract request for tender' (B20/922);
- (2) 'Mandating all Victorian government agencies to use the new banking and financial services state purchase contract' (B20/1092);
- (3) 'Cash and banking state purchase contract: deed of variation' (B20/1206);
- (4) 'Cash and banking state purchasing contract' (B20/1983);
- (5) 'Cash and banking state purchase contract' (B21/165);
- (6) 'Banking and financial services state purchase contract request for tender process' (B21/1053); and
- (7) 'Banking and financial services state purchase contract implementation and data inclusions' (B21/1073).

Considering that three state purchase contracts have been requested, I want to particularly focus on this. It would be good to flesh this out and to understand why it is being requested, what purpose it serves for the government and how it might benefit the house. State purchase contracts, or SPCs, put quite simply, strengthen government procurement processes. There are several state purchase contracts across a range of goods and services. This request by my colleague Ms Crozier makes that clear. What are the benefits of these contracts? Well, they include better value for money. This is important. From my perspective, having built a home, I know the importance of value for money. These costs must be limited to ensure taxpayers get the best value for money. We must approach governing from a perspective of budgetary accountability.

State purchase contracts also ensure supply and service continuity, which is important for government departments to operate efficiently as well as for greater transparency. This improves insurance and access for supplies, and touching on transparency again, it ensures that the public and our partners in the private sector and more know that there are competitive tender processes. An example of a state purchase contract is the banking and financial services contract, which includes Westpac, the Commonwealth Bank and the National Australia Bank. Why am I going to this – why am I explaining this in detail? The briefs have been requested. Put simply, the government will always uphold its obligations to the Parliament to provide responses to motions whenever they are passed. I am committed to ensuring our government is accountable and transparent. I would like to acknowledge the contributions to this debate so far, as this chamber is at its best when keeping people accountable.

I want to discuss the banking and financial services state purchase contract. The process of selecting supplies was robust. A new and refreshed contract for the banking and financial services SPC was established in October 2021. The business case for this contract was like all the other work of our government and developed the following extensive consultations with the relevant sectors, in this case key banking services providers, key departments and key agencies. The Victorian Government Purchasing Board provides strategic oversight to achieve these aims, and I want to acknowledge the experience of the board. The chair, Nadine Lennie, has more than 25 years experience in procurement. She knows her stuff. So it is clear the process involved market testing with an open tender, with both large and small banks invited to participate, and a team around this process, and there was an independent probity –

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

Fire Rescue Victoria

Georgie CROZIER (Southern Metropolitan) (12:00): (65) My question is to the Minister for Emergency Services. Minister, do you believe it is still appropriate for the United Firefighters Union management to have access to Fire Rescue Victoria IT systems, with data and information that includes private details of staff and victims of fires in Victoria?

Jaclyn Symes: On a point of order, President, I just seek your guidance. Ms Crozier is asking me for an opinion. Her specific question is: do I think something is appropriate?

The PRESIDENT: I will let Ms Crozier rephrase it.

Georgie CROZIER: Thank you, President. So, Minister: why is it still appropriate for the United Firefighters Union management to have access to Fire Rescue Victoria IT systems, with data and information that includes private details of staff and victims of fires in Victoria?

The PRESIDENT: Ms Crozier, I am happy for you to have another attempt. It was close.

Georgie CROZIER: President, I thank you for the indulgence. It is an important issue because it goes to the heart of what my question is asking, because it is about access. Does the government's policy support the United Firefighters Union management having access to Fire Rescue Victoria IT systems, where data and information are stored that include private details of staff and victims of fires in Victoria?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:02): Thank you, Ms Crozier, for your question. What you are trying to draw me into is whether there is a conflict between the union doing its job to support its members and FRV's responsibilities as an employer. I think what might be useful for you in answering your question is that in relation to the latest cyber attack, for instance, we were in a situation where firefighters' and staff's personal information was potentially compromised. FRV worked very closely with the UFU in supporting all of those that were potentially impacted. They have very high coverage rates, the UFU. Most firefighters are members of that union, and they take the wellbeing of their members very seriously. So a collaboration between FRV and UFU in relation to people's private information in that instance was incredibly important because it was enabling the two organisations, the industrial parties, to come up with solutions to support the workforce to ensure that they had protection measures and they were aware of all of the potential consequences of this cyberattack. I have got to commend the working partnership between FRV and UFU in protecting all firefighters' and staff's private information, ensuring people were informed of the process, and that collaboration continues.

Georgie CROZIER (Southern Metropolitan) (12:04): I thank the minister for her response. It is a serious issue around access of data, and I think there are many Victorians that are concerned about that. So, Minister, are you aware or has your office been informed at any stage whether the United Firefighters Union has been blocking upgrades to the IT systems at Fire Rescue Victoria using the veto powers that your government handed to the union?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04): It is an allegation that you have just kind of put out there. If you had listened to my answer to the first question, it is an important collaboration in relation to responding to the cyber attack that hit FRV, and the union have been very supportive of their members and collaborative with FRV.

Medically supervised injecting facilities

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:04): (66) My question is to the minister representing the Minister for Mental Health. Minister, the Andrews government has announced that it will accept all recommendations made in the review of the medically supervised injecting room except one: expanding access to the injecting room to include peer partner injecting, pregnant people and people on court orders. I know that these groups have as much right to be resuscitated as any other. We welcome the government's commonsense, enthusiastic approach to harm reduction, but I ask: why carve out these particular recommendations?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:05): I thank Mr Puglielli for his question. You are correct, there are recommendations that the government has accepted and there are recommendations that the government has said it will not be accepting at

this time, and I am sure that the Minister for Mental Health will be happy to provide a comprehensive answer to your question.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:06): I thank the minister for referring the question on for an answer. Minister, the Richmond facility is under immense pressure due to it being the only designated safe injecting room in our state. We also know that people are not just injecting drugs in North Richmond. The data shows that people are injecting drugs in many locations across Victoria. Will this government commit to meeting the demand for these services by opening further supervised injecting facilities in locations where there is evidence of community need?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): I thank Mr Puglielli for his supplementary question, and I will pass that on to the minister. I thank him for his interest in this matter.

Ministers statements: Commonwealth Games

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:06): I rise today to speak in my role as Minister for Commonwealth Games Legacy. The Andrews government is laying the foundation for a lasting legacy of high-quality housing and multipurpose infrastructure for local communities across rural and regional Victoria. I am delighted to inform the house that we have opened the expression-of-interest process for civil construction to partner with us in creating modern, accessible and fit-for-purpose accommodation – accommodation for around 7000 athletes during the 2026 Commonwealth Games, which will, as a world first, bring the games to regional and rural communities.

We have a unique opportunity to partner with local businesses and contractors in bringing 2026's Commonwealth Games to life and to support hundreds of jobs in the process. We will be delivering athletes villages in Morwell, Ballarat, Bendigo and Geelong, and we are absolutely determined to create local jobs and opportunities for business as this work continues. We are in the process of delivering more than \$3 billion to Victoria's economy as part of the games. That will create around 7500 jobs during and after the games, and we are committed to working hand in hand with local businesses to deliver these benefits. Interested contractors can register for the process at the Buying for Victoria website, which is buyingfor.vic.gov.au. Expressions of interest are open until 2 pm on Tuesday 28 March. Please share this news far and wide. It is in all of our interests to create and drive jobs across rural and regional Victoria.

Hemp industry

Rachel PAYNE (South-Eastern Metropolitan) (12:08): (67) My question is for the Minister for Agriculture Ms Tierney and relates to the hemp industry. Minister, other states have recognised the future of hemp, in particular Western Australia, where the government has provided grants to local companies to drive the growth of the hemp industry. Their grant scheme is focused on generating improvements in agricultural productivity and competitiveness required for long-term profitability, sustainability and economic growth of the Western Australian industrial hemp industry. Funded projects include seed and crop trials, establishing a hemp-processing facility and building carbon-neutral homes from hemp biomass. My question for the minister is: will she assist the Victorian hemp industry by implementing a grant scheme?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:09): I thank the member for her question. In terms of the government's support for the hemp industry, I think that there are a number of things that I can point to. Last year the agriculture legislation act amended legislation to support the cultivation of hemp crops and subsequent industrial use. There were also amendments to standardise the maximum allowable levels of THC, the psychoactive substance in cannabis, to be consistent with other states and territories. The amendments also widen the eligibility criteria for licence applications, strengthen the fit and

proper person test for applicants and make other changes to improve administration and enforcement of the act.

Agriculture Victoria has co-invested with AgriFutures and industry in the national industrial hemp variety trial and hosts the Victorian trial in Hamilton, as you probably are well aware. The results from the trial are made available to growers to help guide decisions about which varieties to plant for Victorian conditions. In the current growing season there are six authority holders growing commercial crops, covering an area of 156 hectares. Agriculture Victoria's activity in industrial hemp R and D is through the industrial hemp variety trials that I have mentioned. The IHVT is a three-year national project with trials in every state and the Northern Territory. AgVic research hosts the Victorian IHVT at, as I said, Hamilton, and AgVic co-invests with AgriFutures to fund the trial.

So there are a lot of things that have been happening in terms of legislation. There are a lot of things that are happening in terms of research and development, and we look forward to ongoing discussions with the industry in terms of the types of support that we might be able to provide.

Rachel PAYNE (South-Eastern Metropolitan) (12:12): I thank Minister Tierney for her response. Hemp is an extraordinary, diverse and sustainable crop. It can provide high-protein food, building materials, plastic replacements and clothing and could speed up Victoria's move away from native timber logging and towards a net zero emissions target. Do you agree these multitudes of applications could make hemp a prime candidate for a grant scheme?

Bev McArthur: It's so good you don't need a grant.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:12): I thank the member for the question – and an interesting interjection from the other side. Can I say that in terms of the R and D that we are undertaking a lot of that is not just to do with the industry per se but in terms of applications as well, and of course a zero-emissions target is at the front and centre of the government's agenda in terms of climate change, and obviously, having agriculture, that is also very much part of my priority as well. So we look forward to having further research and discussion with the industry in terms of the different forms of application that hemp might be able to provide our economy.

Commonwealth Games

Melina BATH (Eastern Victoria) (12:13): (68) My question is to the Minister for Commonwealth Games Legacy. Minister, will the homes in the Commonwealth Games village in Morwell be equipped with kitchens and garages?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:13): I am delighted, Ms Bath, that you have asked that question today, because we are, as I indicated in my ministers statement, in the process of seeking expressions of interest from contractors and businesses who will be in a position to deliver those games and those villages and indeed community infrastructure for the regions, including Morwell, where those villages will be located.

As you would know, we have a Morwell village site that has been determined for English Street, and what we are in the process of doing is working through the work of the online community consultation process. The views of the Morwell community selected from these information sessions will be used to guide the English Street design process. We are going to continue to work alongside the community and also Latrobe City Council. I am really delighted to be part of a series of regional engagement forums, and that will enable us to continue to discuss the needs of communities across rural and regional Victoria, including in the Latrobe Valley, as we work through the challenges and opportunities for village accommodation development.

We have actually had a process whereby the development of design guidelines has been part of that work, and stakeholders, including, as I said, Latrobe city, the Committee for Gippsland, Regional

Cities Victoria and others, were asked to share information about the survey. Design guidelines are now finalised, and they will inform that design process to support those quality outcomes for games village design across all four of those locations. What we will be doing is working through a master planning process to determine the configuration, the look and the feel of those villages and to make sure that Commonwealth Games athletes and officials have the accommodation that they need.

Ms Bath, I suspect I know where you might be going with this particular question. What I am going to assure you is that the Commonwealth Games village accommodation will be fit for purpose for athletes and for officials who will call those villages home for the duration of the games, and indeed those village accommodation set-ups will be in a range of configurations to meet the needs of athletes and of officials. It is really important to note that accessibility is a big part of that work. As Minister for Commonwealth Games Legacy, I am absolutely determined to make sure that accessibility is at the forefront of the design configurations and that design and construction stage.

So, Ms Bath, I welcome your ongoing interest in this matter and in the deliverable benefits that this will confer in amenities, in jobs, in infrastructure and in long-term improvement for all village locations.

Melina BATH (Eastern Victoria) (12:16): I thank the minister for her response. I did give her plenty of time to see if she would mention the words ‘kitchens’ or ‘garages’. I noticed that when the minister at the time came down, the council was very pleased to talk about valuable housing for local residents – post, as a legacy. So in your capacity as games legacy minister, what is the legacy for the Latrobe Valley if these buildings do not have kitchens or garages at the completion of the games?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:17): Ms Bath, it is a shame I only have a minute to go into the detail of your supplementary question. With anyone’s indulgence, I would be delighted to speak for many hours on this particular subject, because it represents enormous benefit for rural and regional communities. I want to just make it really clear: athletes are not going to be sleeping in garages if that is where you are going with this. Post games, we will be repurposing athletes accommodation to make sure that it can be used for a variety of different purposes. Unlike those opposite, who wanted to scrap the entire thing before we went to the polls last year, we are determined to invest in and deliver long-term accommodation opportunities for people with a variety of different needs and priorities to make sure, including through repurposing, that accommodation is fit for purpose post the games in a variety of different settings.

Melina BATH (Eastern Victoria) (12:18): I move:

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

Motion agreed to.

Ministers statements: International Women’s Day

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:19): Today is International Women’s Day, and I want to acknowledge the many talented women that work day and night in keeping Victorians safe and helping people in our criminal justice system turn their lives around. An example of the great work being done is the Women’s Correctional Services Advisory Committee. This is a committee that was set up 20 years ago. It was established in 2003 and is expertly chaired by Juliana Addison, the member for Wendouree in the other place. I know the member for Wendouree is passionate about improving the experiences of women in the criminal justice system, and I thank her for the contribution that she makes on this committee. The Women’s Correctional Services Advisory Committee is comprised of fearless women across the sector, from social services, law, academia and lived experiences. This diversity assists the strength of the advice they provide.

The committee provides independent advice about issues impacting women in our corrections system, and this advice has great value as it contributes to a range of improvements that we have made to support women in our corrections system. Since 2019 the Andrews Labor government has invested over \$245 million in additional funding to support women in custody. This investment is delivering dedicated cultural spaces at Dame Phyllis Frost Centre, trauma counselling for women in custody and better infrastructure. But we know there is much more to do. Recent events have shown that we must do more to improve our corrections system for women. I know that by working with talented and experienced women like those on the Women's Correctional Services Advisory Committee we will keep doing what matters.

Live exports

Bev McARTHUR (Western Victoria) (12:20): (69) My question is for the Minister for Agriculture. Minister, do you support your federal colleagues in their decision to bring an end to live sheep exports from Australia, given you represent some of the finest sheep farmers in the nation?

The PRESIDENT: The issue I have with that question is that it is clearly asking for an opinion from the minister. Can I have the question again?

Bev McARTHUR: Certainly, President. I am asking if the minister endorses and supports her federal colleagues in their decision to bring an end to live sheep exports from Australia, given she represents some of the finest sheep farmers in the nation.

The PRESIDENT: All right, I will put the question.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:21): I thank the member for her question. It is an interesting question because I would assume that the member would know that in terms of Victoria we have not been exporting live sheep since 2018. I understand that the federal government did make an election commitment, and now they are going through a consultation process with those farmers that are continuing to export sheep across the country. They will be doing that between now and towards the end of their term of government. They have said that they are not going to stop the current contracts at this point in time; it will be an issue in respect to implementation for the following period of federal government. So this is an issue that is live in many parts of the country but, as an issue more generally in Victoria, not so much.

Bev McARTHUR (Western Victoria) (12:23): You might want to tell that to your farmers in your electorate, I might say. The value of live export to the Australian cattle industry is greater even than that of sheep. Beef production employs 19,000 people in Victoria, and live exports are an important market in this multibillion-dollar industry. So I ask, Minister: will you take this opportunity today to defend the interests of Victorian beef farmers and give your clear support to these exports now and for the future?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:23): I thank the member for her question. I would like some direction from you, President, in terms of the connection between what we were talking about and the substantive. It was a federal issue to do with sheep export, and now it is in relation to beef.

Members interjecting.

The PRESIDENT: My mind went to the interjection that went into my head just then, and I see a link with live exporting. I actually did not know – and there are lots of things I do not know – that the live exporting of sheep had ceased in Victoria and therefore it was not pertinent to your administration. But I am happy, Minister, for you to answer the question as you see fit.

Gayle TIERNEY: Thank you, President. I reiterate that I am advised that Victoria has not exported live sheep for slaughter since 2018.

Waste and recycling management

David LIMBRICK (South-Eastern Metropolitan) (12:25): (70) My question is for the Minister for Environment. In one of my first questions in this place back in 2019 I asked about the looming toxic waste crisis presented by decommissioned solar panels, particularly in the context of a ban on e-waste going to landfill. The government's response to this crisis was to provide grants to establish over 130 new sheds to house this waste while solutions were found. In 2019 the minister noted that Sustainability Victoria was leading the development of a national stewardship scheme and making progress. It is unclear if they actually made much progress, as it seems the government belatedly acknowledged the role of private enterprise, announcing a \$10 million solar waste challenge fund to invest in solutions late last year. My question for the minister is: have any businesses applied to participate in the solar waste challenge fund and what types of projects are actually happening?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:26): Thank you for the question, Mr Limbrick. It is an important one, and it goes to the ways in which Victoria can continue to take advantage of re-use and recycling to a much greater degree than we have previously, all of which is contained in our circular economy policies that the government launched last term. You would be aware that there are a range of different aspects to that policy, including of course introducing additional kerbside collection in Victoria so that we can separate out our recycled materials and also introducing a container deposit scheme this year. But of course that is just a small component of the recycling challenges that we have.

You are right, Minister D'Ambrosio did launch a \$10 million program late last year, which was about trying to encourage businesses to look at ways that we can innovate and get the important resources out of spent solar panels. I am not in a position to answer the specific part of your question about the uptake of that fund, but I am very happy to take that aspect of your question on notice and see what information can be provided about what the level of uptake has been. This is an area of course with our Solar Homes program and with our very ambitious emission reduction targets in Victoria, as we decarbonise the energy market, where it is going to be very important that we find ways to make sure that we are not adding to our waste problem and that we are actually finding ways that we can extract important resources from those spent solar panels. I thank the member for his question.

David LIMBRICK (South-Eastern Metropolitan) (12:28): I thank the minister for her answer. In response to another question on this issue later in 2019 the Minister for Energy, Environment and Climate Change stated that environment ministers were expected to endorse the implementation of a preferred stewardship approach before the end of 2020. Clearly that did not happen, which suggests either that Sustainability Victoria did not do that job or that it is actually a significant technical challenge, which is exactly the point I was making back in 2019. The minister at the time also stated that there was not evidence of stockpiles yet in e-waste collection sites. My question for the minister is: are we now seeing issues with stockpiling of solar e-waste?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:28): I thank Mr Limbrick for his supplementary question. There are ongoing conversations with the federal government and other jurisdictions about a whole range of products that are problematic in terms of waste, including e-waste, and also of course people will be familiar with the issues around soft plastics and a particular program that has gone somewhat pear-shaped in that the company responsible for that recycling program had been stockpiling significant amounts of soft plastic waste. Across all of our recycling areas of effort we need to do better, and e-waste is no exception to that. I do not believe that there is a significant problem with the amount of that waste, but as we continue to drive solar energy that will become something we need to focus heavily on.

Ministers statements: flood recovery initiatives

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:30): I rise to update the house on how the Andrews Labor government is supporting Victorians to recover from last year's flood emergency.

Firstly, I pay tribute to the first responders, emergency services and defence force personnel as well as relief workers who have worked tirelessly to support affected communities. I also pay tribute to the social workers, child protection and family service practitioners, disability workers and dedicated workers in our community sector organisations. On International Women's Day, can I also acknowledge that so many of the fabulous people who keep these organisations going are indeed women and that they are the backbone of these organisations.

The department continues to coordinate social recovery activities for Victorian communities impacted by this flooding event, and this includes administration of the Victorian government's personal hardship assistance program. As at 27 February the department has provided over \$30 million in hardship payments, including over 27,000 emergency relief payments, to support people impacted by major emergencies to meet their urgent relief needs, such as for food, for accommodation, for clothing and for medication. And over 600 emergency re-establishment payments have been paid to support people on low incomes to repair or rebuild uninsured homes damaged or destroyed by natural emergency events.

We recognise that there is more to do, and that is why recently we announced the five successful neighbourhood houses and men's sheds that will receive funding from the Rebuild and Reconnect grants. We know that during emergencies neighbourhood houses provide critical support to communities through services including food relief. A range of community projects and local services are also supported by men's sheds. That is why five organisations from flood-affected communities will receive funding to repair damage caused by the devastating flood events of last year, including Mooroopna Education and Activity Centre for repairs and replacement of furniture and equipment; Rochester Community House for internal refurbishment of the building and equipment replacement for the house and men's shed; Echuca Neighbourhood House for replacement of furniture and equipment; Charlton Neighbourhood House for rectification of damage to doors, floors, walls and furniture replacement; and Benalla Woodworkers Association and men's shed for repair of electric motors for dust extractors. I know that my colleague the Attorney-General is looking forward to seeing some of these important works completed.

Foster carers

Matthew BACH (North-Eastern Metropolitan) (12:32): (71) My question is also to the minister for child protection. Minister, you will not say if you have read the KPMG report, which recommends a huge increase to the carer allowance. Yesterday you refused to say if you had read the Cube report laying out the massive financial benefit of caring. Surely you can confirm today that you have read the government's own carers strategy, which promises significant reform of the allowance. Why has this promise not been kept?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:32): First of all, I am pleased that I was your favourite of the child protection ministers. I was perhaps a little concerned you thought I was evasive, so I went back and checked my answer that I had signed, and it says I have read that report; certainly the version I signed says I have read the report. It says I have read the report, and I can confirm for you that I have read the report.

I can also confirm for you, as I have previously, that the work that our carers do across organisations – the work that carers do for the most vulnerable children in our community – is of course valued. Of course across all of our strategies and across all of the work that government does it is constantly in mind the value that carers have in our child protection responsibilities. As I have said to you before in this chamber many a time already in the short space – in the 10 weeks or so – that I have had the privilege of facing you here as the child protection minister, the work of carers in our child protection system is valued. And we value it through allowances. We value it through allowances that can be upscaled to meet the important and the complex needs, the difficult needs, that some children present with and when some families are taking on the responsibility to help those children with those needs.

So there are allowances that can be scaled up as needed. There is obviously also the indexation, and then there are a range of other supports that I have listed for you in this chamber on numerous occasions already that go to supporting carers in the important work that they do for some of the most vulnerable children in our community.

Matthew BACH (North-Eastern Metropolitan) (12:34): Thank you so much. I appreciate the minister's response and also her efforts to clarify the comments she made yesterday. Minister, to action the carers strategy the government established the carers strategy working group. Have you met with this group?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:34): I have not met with that group, no. I have met with a number of people involved, though, in representing carers and spoken with carers themselves about the important work that they do in providing care for the most vulnerable children in our community. From this role I can assure you that as I meet with many other people carers in particular will continue to be a focus of that. I am very pleased to have had the conversations I have had so far, in the 10 weeks that I have had responsibility for this portfolio, with many a person who is involved in both child protection as a whole but more specifically foster caring and the organisations that represent them, and I will continue of course to have those consultations.

Monash kindergarten funding

David DAVIS (Southern Metropolitan) (12:35): (72) My question is to the minister for early childhood. Under the government's three- and four-year-old kindergarten program, six lead sites have been chosen in the City of Monash. These sites will require \$24 million in capital upgrades, of which just \$12 million will be provided by the Victorian state government, and I therefore ask: why has the government left a \$12 million black hole to be funded by Monash ratepayers when it claims that its program is fully funded?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:36): I thank Mr Davis for his question, which is quite interesting, to say the least. When you consider the government's \$14 billion investment in early childhood and of course our nation-leading three-year-old kindergarten and 50 pre-prep early learning centres that we will be delivering in areas that have got a deficit of childcare places, we are doing a power of work – and when you consider the significant announcements that we have made about how we will be supporting not only the sector but local government, who are a very important partner for the government in this program. We are in active conversations with every council across the state about what their forward demand is for kindergarten places and what their infrastructure needs are to match that demand.

I take issue with the way in which Mr Davis is characterising these issues. We are absolutely committed to continuing to work with all of our local government partners, including Monash, to make sure that families can send their children to a fantastic, funded, free kindergarten program in their local community in facilities that are fit for purpose. If Mr Davis would like to provide some actual evidence for what he is suggesting in the house today, I am sure I would be able to specifically answer those issues. But to come in here and just throw around unfounded allegations in a situation where the government is providing record support to this sector is, quite frankly, pretty typical of Mr Davis's approach to his role in this place.

David DAVIS (Southern Metropolitan) (12:38): That is an extraordinary answer from the minister, given that there were government and non-government MPs present at the briefing last week. I asked a series of questions about these matters, and these were the figures that were provided to me and all at the briefing by the City of Monash. Figures calculated by the City of Monash show the government's expansion of three-year-old kindergarten in Monash will require \$70 million to fully fund the required capital upgrades. Will the government provide all of the \$70 million, or will it require a co-investment from the council to fund another multimillion-dollar black hole?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:39): Nice try, Mr Davis. The government is in very productive conversations with all of our local governments right across the state. We have a number of Building Blocks partnership agreements that we have struck with individual councils, which are all about agreeing on what the priority infrastructure projects are in early childhood and all about what proportion of that the government will support and what proportion of that providers and local government authorities will provide. These are detailed discussions that are going on at council level. I have to take issue with Mr Davis coming in here and asserting that somehow we are leaving people in the lurch. Nothing could be further from the truth. I think that this just demonstrates where the opposition are at at this point in time.

Ministers statements: Bendigo law courts

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:40): I would love to use the opportunity to update the house on the opening of the new Bendigo law courts, which happened last week. The Premier, the Deputy Premier, the Speaker from the other chamber and I joined the Chief Justice and other heads of jurisdiction to officially open the amazing new facility. Proudly located on Dja Dja Wurrung country, it is a contemporary court set up for the future. Bendigo has been home to a fantastic heritage lovely old building, which is still there of course, but it is really good that it is no longer going to be housing the justice response for that community. We now have a fit-for-purpose facility that will accommodate the growing population and accommodate the modern, comprehensive services that we expect our justice facilities to have.

The new court is digitally enabled, which means that users can better plan their visit, find their hearing and locate the assistance that they need. It is welcoming and easy to navigate, it is calm, it is safe and it is secure. The building is also a spectacular addition to the Bendigo city skyline, and construction was a great boost to the local economy, with 42 per cent of workers in the building living within 100 kilometres of Bendigo.

It is also just incredible that the building is anchored in Bendigo's heritage. It includes the magnificent copper representation of Bunjil, a welcoming courtyard and a landscape symbolising this distinctive country. I cannot overstate how impressive this building is, and it is all because we worked hand in glove with the local traditional owners. Dja Dja Wurrung were there from the start, involved in the design. It is a safe, culturally appropriate place for First Nations people, and I want to give a shout-out to Trent Nelson and Rodney Carter from the Dja Dja Wurrung Clans Aboriginal Corporation, who were there on hand to welcome visitors to the opening. Djaara language is in more than 40 locations in the building, and there are artworks by Djaara artists. There is also a magnificent sculpture by Yhonnie Scarce.

I do want to thank everyone that helped deliver this court – Court Services Victoria, the project partners and the Dja Dja Wurrung community – and take the opportunity to make sure that anybody in the chamber that visits Bendigo goes and has a look. It is really awesome.

Written responses

The PRESIDENT (12:42): Can I thank –

Bev McArthur: On a point of order, President, I wonder if you would correct the *Hansard* of the response of Minister Tierney in relation to my question. I did ask whether she would support a ban on future exports of sheep and cattle, so she did not answer that part of the question.

A second point of order is that I believe she may have been misled in her answer about there being no sheep exported since 2018 and that there actually were sheep exported out of the Portland wharf in 2019 and certainly cattle. So maybe she would like to correct her answer.

The PRESIDENT: I think there is no point of order. It is not for anyone to determine how a minister answers a question. I would suggest with your first point of order, if you are not happy with what I am about to say, then you can call a point of order.

I was going to thank Minister Stitt, who will get a written response on her substantive answer to Mr Limbrick. I was going to thank the Leader of the Government, who is going to get Mr Puglielli a written response under the standing orders from the Minister for Health. That is all I was going to say. If anyone has got an issue with how I have interpreted the questions, now is the time to call a point of order.

Bev McArthur: On a point of order President, I would like to ask if you could review the minister's answer in relation to my specific question, which was about supporting bans on future exports of sheep and also cattle from Victoria.

The PRESIDENT: I am confident that the minister answered the substantive question. I think it was all a bit clunky, including by me, the way that was proceeded with. But I am happy to review the supplementary and get back to the chamber if I was wrong on that.

Gayle Tierney: Further to the point of order, President, in terms of my response to the supplementary question, it was in relation to your comment, which was that the minister should answer that question as she sees fit. I saw fit to stick to the subject, and the subject was sheep exportation.

Georgie Crozier: Further to the point of order, President, and just to seek some clarification, when Mrs McArthur asked the question, the minister stood up and basically said the member was wrong. I am just wondering whether the minister has inadvertently or deliberately misled the house in relation to her response to the substantive. That is why I think Mrs McArthur is asking for you to review it, because the minister made it clear that there have been no sheep exports since 2018. Clearly that is wrong, given what Mrs McArthur has subsequently said, and that is why we ask that you review it.

The PRESIDENT: Can I dispatch this one. If someone wants to move a substantive motion about someone that they believe has misled the house, they are free to. The minister has a right to answer the question as she sees fit, and we cannot ask her to answer in the way anyone would like her to answer it. As for the minister's point of order, I originally ruled on the point of order. What I will do, which I am more than happy to do, is review in *Hansard* the supplementary question, and if my ruling was wrong I will get back to the house.

Gayle Tierney: On the point of order, President, the advice I have got is that it was 2018. I am happy to go back and check with the department as to whether it was 2018 or 2019, but the fact remains that there is not any sheep exportation for –

Members interjecting.

Georgie Crozier: On the point of order, President, I just ask that you uphold your own rulings, with the minister not debating, understanding that –

Members interjecting.

The PRESIDENT: Thank you. I would like everyone in the chamber not to use points of order as a way of debating an issue.

Questions on notice

Answers

The PRESIDENT (12:47): I have received a written request from Mr Davis seeking the reinstatement of a question on notice directed to the Attorney-General. Having reviewed the response, I order that question on notice 6 be reinstated in full, as the response does not address the time frame of information sought by Mr Davis.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:49): (57) I rise to ask the Minister for Energy and Resources how many households from the Southern Metropolitan Region have accessed the Andrews Labor government's \$250 power saving bonus since it opened to all Victorians on 1 July. We know that Victorian families are doing it tough, and we know that for local families every cent counts when it comes to managing their household budget. That is why from 24 March, in just a couple of weeks, the Andrews Labor government is opening another round of the power saving bonus. Since its launch more than 1.7 million households have received cost-of-living support through this program. We are bringing back the power saving bonus for every Victorian household, including those who received payments in the last round. Through the Energy Compare website thousands have found a better deal for their electricity plan and saved on their bills. It is all part of our plan to put people over profit and help Victorians save on their bills at the same time.

Western Victoria Region

Joe McCracken (Western Victoria) (12:50): (58) My question is to the Minister for Regional Development. Regarding my question, I understand that the regional development minister took the lead on this particular project that I am going to talk about, but if the arrangements have changed then I am happy to stand corrected on that as well. In 2015 and 2017 the government undertook to eliminate black spots on regional train lines under the \$18 million regional rail connectivity project. A quote from the Minister for Regional Development at that point in time in 2017, Ms Pulford, is:

I know how frustrating it is when you can't get signal from the train and you have work or homework to do, want to send a message to a loved one or check the footy score. That's why we're getting this fixed.

It is now 2023, and many constituents of mine who travel on the Geelong and the Ballarat rail lines have patchy mobile reception. My question is: when can we expect these black spots to be fixed?

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:51): (59) My constituency question is for the Minister for Casino, Gaming and Liquor Regulation. My constituent is a resident of Brimbank, and she is concerned about the impact of pokies in her neighbourhood. In contacting my office she highlighted the 2021–22 study showing that Brimbank has the unenviable record of attracting the highest losses on electronic gaming machines of any local government area in Victoria over the last decade. There are 15 pokies venues, representing over 950 machines on which over \$350,000 a day is being lost. It is so overtly and negatively impacting families in this area, and so my constituent asks: how will the minister intervene to curb further losses in this community?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:52): (60) My question is for the Minister for Community Sport, and it concerns the condition of infrastructure at the Murchison-Toolamba Football Netball Club. I ask: Minister, will you match the coalition's pre-election commitment by committing \$4.1 million to the Murchison-Toolamba Football Netball Club to complete stages 1, 2 and 3 of their planned redevelopment? The Murchison-Toolamba football club plays its home games at the Murchison Recreation Reserve, land that is owned by the Department of Energy, Environment and Climate Action. The current football club rooms were constructed in 1981 and have not been renovated or upgraded since. Club officials recently met with officers from the AFL, who, after inspecting 3000 other football clubs, deemed Murchison's facilities to be in the bottom 100 clubs in terms of condition. While many football-netball clubs fall into recess or disband forever, the Murchison-Toolamba Grasshoppers continue to grow each year, but they need infrastructure to bring the club into the 21st century and have completed plans for a six-stage redevelopment of the precinct. Minister, please back this growing club by funding this project in full.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:53): (61) A wide range of constituents in my electorate have raised their concerns with me over Viva Energy's plans for a floating gas terminal in Corio Bay. The community group Geelong Renewables Not Gas has emphasised that this terminal has already faced and failed statewide scrutiny. A petition signed by more than 2500 Victorians was presented to this house in the Victorian Parliament late last year, and through the environment effects statement process thousands of submissions in opposition to the terminal have been made by the local community. This terminal is not wanted. Environment Victoria's new report this week into gas emissions shows clearly that unless gas usage is cut, Victoria will not meet its 2035 emissions reductions targets. This proposal has been on the planning minister's desk for more than six months. Will the Minister for Energy and Resources and the Minister for Planning listen to the voices of the community and reject Viva's floating gas terminal application?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:54): (62) My constituency question is for the Minister for Roads and Road Safety. Could the minister please explain the lack of action on the \$50 million which has been committed to the Calder Freeway since the 2021 Fix the Calder campaign? Nothing has been commenced or actioned by the Department of Transport and Planning. Concerning Brimbank City Council's business case presented to the minister, there has been very little communication with the city council since, which is in my electorate and is home to one of the fastest growing populations in Victoria. Calder Freeway has been identified as one of Victoria's most dangerous stretches of road within our state, as fatalities and crashes are significantly higher within the region. There are stories of pain and heartache, such as the deadly 2021 crash where a truck rolled over onto multiple cars on the freeway and tragically tore a family apart. Could the minister please give some certainty as to when the \$50 million will be actioned for the Calder Freeway upgrade that is so desperately needed?

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:55): (63) I would like to preface that, sadly, given the significance of today, I am going to discuss violence perpetrated against women, which might be distressing for some listening. My question today is for the Attorney-General and pertains to the horrific attack on two trans women that occurred in Port Melbourne almost two weeks ago. This violent attack left both women with serious physical injuries, and sadly, it occurred in an environment where LGBTIQ+ people have historically sought community and safety away from the fear of violence and discrimination. These attacks occurred in a context of growing vitriol against trans and gender-diverse community members. Our words matter. Anyone who feels entitled to debate the rights of a vulnerable population should remember that it might feel like just a conversation to them but for others it is a literal threat to their safety, even their lives. My question on International Women's Day is: Attorney, what actions can you share that will increase safety for trans and gender-diverse people in Port Melbourne and in my electorate?

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (12:56): (64) I want to talk about Blackburn Library briefly, which is in a dreadful state. It is an amazing facility that delivers a great service to the community of course, but it is in a dreadful state.

Trung Luu: It is very small.

Matthew BACH: It is very small, you are quite right, Mr Luu. President, I enjoyed many of your contributions when you were not in the chair, none more so than your contributions about community libraries. I vaguely remember that on one occasion when I was interjecting during one of your contributions you accused me, lightheartedly, of not loving books. However, we have a shared love of books and we have a shared love of our electorate, so I do not doubt that you would also want to see an upgrade to this library. This was something you did, President, when you were the Minister for

Local Government, often working collaboratively, as you do, with local councils. I will now ask the new Minister for Local Government to work with the City of Whitehorse to upgrade Blackburn Library through the Living Libraries infrastructure program, which you used so effectively, sir.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:57): (65) My constituency question is for the Minister for Health and concerns the crippling shortage of doctors in some communities in Western Victoria region. The South West Medical Centre is just one example. As the Warrnambool *Standard* reports, the five permanent doctors employed in 2021 had all left by last year. Since then it has survived only with a succession of temporary GPs. This problem for regional Victoria is only getting worse with increased population and continuing neglect from the Melbourne-centric, inside-the-tram-tracks Andrews government. Not only are there worse care, lower quality of life and shorter lives, it fundamentally affects the viability of rural communities. Councils I visit say lack of services, including health care, discourages anyone from moving there. So, minister, what are you doing to address this threat to health and community viability?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:58): (66) My question is for the Minister for Roads and Road Safety. When will the government deliver on their promise, now two years overdue, to deliver the promised intersection upgrade at the intersection of Hopkins Road and Boundary Road? Two budgets have come and gone, but the upgrade is nowhere to be seen. This intersection has no dedicated right-turn signal, so trucks line up waiting to turn right while cars that want to go straight are stuck behind them. This shambolic situation that was supposed to be temporary has in fact lasted for years. Twenty-seven thousand vehicles a day shuttle up and down it, including heavy trucks making deliveries and removals from building sites. It is a standard rural road and a single carriageway. It is full of potholes, and stretches of it are unsealed. My residents are suffering, and they need to know when the government plans on investing in the west and making this upgrade.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:59): (67) My constituency question is to the Minister for Planning. Two reports sit on the minister's desk to inform her important decisions about planning issues in my electorate. Given the government is a big fan of information sharing – and I note this issue will be of particular interest to the Leader of the Government in this place – will the minister commit to releasing the full ministerial advisory committee report into the Beveridge North West precinct structure plan, which focused on the proposed Wallan–Beveridge quarry, prior to any decision being made, and will the minister release the standing advisory committee report on the Preston Market prior to any decision being made?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (13:00): (68) My constituency question is directed to the Minister for Health, and it is in relation to the very sad circumstances around the death of Annie Moylan. Dr Brian Moylan and his wife Marg have spoken to me on several occasions, and I have met with them about the circumstances of Annie's death, which have been well highlighted in the media today. I note the Premier has come out today and apologised and said there was an administrative error, that he did not respond to their requests, that the Minister for Health had not responded to their requests, and the Premier said, 'There are no excuses, but you know, we were in caretaker. I understand there were caretaker issues and things, but I'm not here to make excuses.' But the point is that this has been going on for years, and the department has known about the issue. The question I really want to ask is: what investigations have been undertaken on this issue given that it has been well known within the department for years?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (13:01): (69) Last year my friend Sarah was diagnosed with breast cancer. As a business owner and a mother of two the journey has been ongoing and incredibly hard. She is fortunate that she found it relatively early. After a mammogram and an ultrasound, she was diagnosed within a week but did not know the type of cancer she had or the prognosis due to the out-of-control waitlist in Victoria, something the government desperately needs to address. Women living in regional areas are at greater risk because we do not have the same access to services that city dwellers do. An ultrasound and a mammogram cost around \$450. Because she is under 40 she was not eligible for a free mammogram, yet she had cancer. Access to screening should be based on need, not age. Therefore my question for the Minister for Health is: can mammograms be made available free for women of any age in the eastern region if deemed appropriate by their GP? This simple change would save lives.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:02): (70) My question is to the Minister for Police. The loss of farm equipment and livestock is highly frustrating for farmers, in both a financial and a personal safety sense. Recent crime statistics show that over 2000 crimes were committed on farm in 2022. Sixty per cent of these were the theft of firearms, machinery or livestock. Farm crime liaison officers are under the pump. One Gippsland farmer has contacted me today raising the issue that with a lack of police personnel in certain regions, farmers are actually considering taking matters into their own hands. While he and I agree that this is not an appropriate course of action, it highlights the frustration and concern that farmers have for their machinery, livestock and firearms in certain areas. Minister, will you bolster the resources to ensure that there are an adequate number of farm crime liaison officers to deter and catch on-farm criminals?

Sitting suspended 1:03 pm until 2:07 pm.

*Production of documents***State purchase contracts**

Debate resumed.

John BERGER (Southern Metropolitan) (14:08): Before question time I got up to saying that these decisions are kept at arm's length from the ministers. They involve market testing with an open tender, with both large and small banks invited to participate. But before question time I never had the opportunity to acknowledge the fantastic and articulate contribution of my colleague Mr Batchelor. I found it a shame that he could not make his contribution without interruption. He pointed out what was really going on here with the opposition. That is, they spent much time detailing what this motion purports to be about, but what it is about is impugning the good name of the Assistant Treasurer. A team ran this process, and there was an independent probity auditor engaged throughout the process. As you can imagine, government departments run these processes at arm's length from the ministers. It is important to keep in mind that they are independent bodies.

Going back to Ms Crozier's contribution and the motion she has moved: it is an accepted principle – a principle that is accepted on all sides of Parliament – that sometimes the government may withhold documents when disclosure would be contrary to the public interest. This is done under the concept of executive privilege. But keep in mind that with these briefs departments are often kept at arm's length from ministers. I want us to keep that in mind: the government receives legal advice, including from the Victorian Government Solicitor's Office, to inform its decisions in order to claim executive privilege.

I also want to bring this back to a larger matter around the targeting of the Assistant Treasurer in the last few days. I recognise Ms Crozier's contribution just before, in which Ms Crozier noted that the Assistant Treasurer has made an apology and has accepted this was an error of judgement. But as my

friend in the other place the Assistant Treasurer has said repeatedly, he has always acted appropriately under the circumstances. As I have said, the government will always support the integrity of government decisions, something Ms Crozier touched on earlier, and I am glad we can agree on this. As the ministerial code of conduct was referenced, the Assistant Treasurer has made it clear that he has always followed the rules and that there has never been a breach.

This motion, which is about retrieving documents, has become about the Assistant Treasurer, and I think it is a real shame, particularly after the way the previous debate was approached, a debate on amendments about road safety. It was approached in a collegiate manner, a way in which differences were resolved in good faith.

David Ettershank interjected.

John BERGER: We may disagree on specifics, Mr Ettershank. I look forward to constructively working with you on issues going forward. It is a shame to see that such a tone has changed dramatically. I want to echo the contributions of my colleague Mr Batchelor, who said that the opposition is trying to find some smoke, to smoke something out, to smear the good reputation of the Assistant Treasurer. As Mr Batchelor said, efforts may be better spent elsewhere.

The opposition over the past few weeks have been fixated on the Assistant Treasurer, and now they are weaponising the standard of practice of government. I want to end this by saying that it would not be appropriate to comment on the merits of individual government decisions to claim executive privilege in respect of documents. I want to say that ministers have always acted appropriately, as he himself has said. And I want to say that the government has always been transparent and will always uphold its obligations to the Parliament to provide responses to motions whenever they are passed. But there is a principle that is accepted on all sides of Parliament that sometimes the government may withhold documents when disclosure would be contrary to the public interest. Let us improve the spirit of this debate and work collaboratively for the good of all Victorians. I thank the house.

David DAVIS (Southern Metropolitan) (14:12): This is actually in itself a very straightforward motion. It is a documents motion under a particular order – 10.01 – and lays out a requirement for the Leader of the Government to table a series of particular briefs and tender arrangements. These are very straightforward matters.

There is a stench around this government. There is a stench around the Assistant Treasurer. He has made a set of decisions in his sworn role in which he is required to act without fear or favour – that is his ministerial oath; then there is the code of conduct – but the truth is that is not what he has done. He has made a series of decisions that have deeply compromised him – decisions on matters that go directly to government activities and shareholdings that he has. Who on earth thinks it is acceptable for him to be sitting in judgement on contracts where he awards contracts to banks in which he holds shares? That is as close to corruption as I think you can get. It is actually appalling that he is doing this. Why is he making these decisions? Why has he not recused himself from these matters? Why has he not made the proper declarations?

These are all legitimate questions. He has not satisfactorily answered those questions, and in fact every day it goes on it is clearer and clearer that he simply does not understand. He seems to have a blind spot, an inability to see that he cannot be sitting in judgement on contracts and arrangements where he has a direct and personal financial interest. This is not a trivial interest. You are not talking about someone who holds five shares or something. You are talking about someone who holds thousands and thousands and thousands of dollars worth of shares, and he is making contractual decisions to award contracts to companies he has got shares in. For goodness sake! It is crooked. It is right up there, and he should go.

That of course is not what the motion is about today. What the motion is about today is the delivery of documents to the chamber. It is a very straightforward motion. It is a motion where this chamber has the powers to call for documents and people. It has the powers of the House of Commons in 1856

through the award that set up our constitution originally, and those powers mean that we can actually press if necessary to achieve the delivery of those documents. That is an important check, it is an important balance on the executive and it is an important oversight and transparency mechanism for the executive – the power to call for people and documents.

Those who are new to the chamber might want to ask the papers office for a copy of the Bret Walker legal opinion. The chamber obtained an opinion from the eminent constitutional lawyer Bret Walker, a New South Wales-based lawyer. For the benefit of new members, he ran the famous Sydney Water case. That went all the way to the High Court, and the High Court decided that the Legislative Council in New South Wales, which arguably has slightly less powers than our chamber, had clear powers to call for documents and people. In that case they wanted the Sydney Water documents – all of the documents around Sydney Water’s mismanagement of the safety and quality of water in and around Sydney. It was an entirely logical set of steps that they followed, and the High Court upheld that. It is useful I think for new members to understand where those powers come from. They come directly from the ancient powers of the House of Commons through the establishment of Victoria and our constitutional arrangements in 1856.

On this occasion Ms Crozier has moved a very straightforward motion. We have got a minister who is up to his neck in it. He has got his hands deep in the tin, and he is hauling out cash. We can see what he is up to, and it is absolutely disgraceful. This motion does not deal with that. All it deals with is the transparency on some of these matters. These documents should be provided to the chamber and they should be provided to the chamber quickly. The reality is that we will see what the Leader of the Government does. We will see whether the Leader of the Government seeks to hide and block the release of these documents. I think it would be reprehensible if she did, but she may take the view that it is better to be open and honest and transparent. She may take the view that it is better to get the bad material out there and at least stop the slow process whereby the Assistant Treasurer’s reputation is being slowly destroyed because he seems not to understand that he cannot award contracts to firms that he has a significant ownership component in. It is actually right on the edge. He should go.

Georgie CROZIER (Southern Metropolitan) (14:17): Just in summing up, I note the government’s good efforts to support the Assistant Treasurer, but the facts are the facts. There is, as Mr Davis described it, a real stench around this. There are very big question marks over the Assistant Treasurer and how he has acquitted himself in this matter, and what we are asking is for these documents to be released so that we can see those briefings that did take place. There are many question marks that remain over the Assistant Treasurer, and I think as each day goes on Victorians are seeing just how dodgy it is and the soft corruption around what has gone on around that cabinet table. He cannot explain: did he recuse himself when these decisions were being discussed around that cabinet table at the executive level? There are a whole range of other questions he is unable to answer. All he says is, ‘I’m sorry.’ That is not good enough. It is not good enough in the interests of a strong democracy. It is not good enough in the interests of transparency and accountability for good government. That is the problem with this government. It does not understand the moral obligation it has to the citizens of Victoria around good government. I say to the chamber that this is an important motion to support. It is just asking for these documents to be released; that is what the motion calls for. I urge the chamber to support this motion.

Motion agreed to.

Business of the house

Orders of the day

Trung LUU (Western Metropolitan) (14:20): I move:

That the consideration of order of the day, general business, 4, be postponed until later this day.

Motion agreed to.

*Bills***Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022***Second reading***Debate resumed on motion of David Davis:**

That the bill be now read a second time.

Katherine COPSEY (Southern Metropolitan) (14:21): I rise to speak briefly on the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022. It essentially relates to the ability of IBAC to hold public hearings. My colleague Dr Ratnam outlined the Greens position on this bill and the issues it raises in her contribution a few weeks ago, and I do not intend to repeat in detail the reasons why we support amendments to the IBAC legislation to make it easier for the IBAC to hold public hearings. Suffice to say that the Victorian Greens believe it is critical to the effective operation of the state's anti-corruption body that it has the ability to hold public hearings where it is in the public interest to do so. We believe that the current test of exceptional circumstances is too high and acts as a brake on the effectiveness of IBAC and its work fighting corruption in this state. To that end, I now circulate amendments that have the effect of removing the exceptional circumstances test while keeping in place some of the other criteria that the bill before us would remove.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: To be clear, the amendments I have just circulated are to replace the amendments Dr Ratnam circulated during her contribution. The change to the amendment removes the exceptional circumstances test in section 117(1)(a), as did the amendments circulated by Dr Ratnam, but it restores section 117(1)(c), that:

a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing ...

For this section to be restored, section 117(3B) and 117(4) also need to be restored in the act. The changed amendments better reflect the opinion of former IBAC Commissioner Robert Redlich on how to best achieve an outcome of giving IBAC greater ability to hold public hearings while assuring appropriate protections for witnesses. As Dr Ratnam previously outlined, no other Australian state has anything like the exceptional circumstances threshold in 117(1)(a), and so repealing this section brings Victoria into line with the system for holding anti-corruption public hearings that is adopted in other states.

I also note the opposition's intention to move that the bill and our amendment be referred for inquiry by the Integrity and Oversight Committee. The Greens will support the referral. This bill and our amendments deal with issues that go to the heart of the effectiveness of Victoria's anti-corruption regime, and an inquiry is appropriate.

Michael GALEA (South-Eastern Metropolitan) (14:23): I rise to speak on the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022, and in doing so I rise to oppose the bill. At the outset, though, let me just say that integrity and oversight are absolutely vital to our democracy and to our society. I am glad that this government – the Andrews Labor government – in Victoria understands the importance of IBAC and supports our integrity agencies. Let me be clear from the outset that in an effort to address the misleading statements coming from those opposite, IBAC can hold public hearings under the current act. IBAC can utilise its public examination powers where necessary to undertake its function, to promote integrity and to expose serious and systematic corruption and misconduct. It is of course proper that the government and members on this side are committed to IBAC. We remain committed to IBAC, and also of course we remain committed to integrity as a matter of public interest that goes far beyond partisan politics.

Perhaps it could be argued that Mr Davis's belief in integrity measures is mercurial. I know he sees IBAC as a political football with which to attack the government – free to pass around and kick aside whenever it is politically expedient to do so. Those of us on this side of the chamber do regard IBAC as an absolutely vital and fundamentally important integrity agency that we have in this state. I do acknowledge as well of course that it was in fact a previous Liberal government that founded IBAC –

David Davis: Absolutely.

Michael GALEA: It absolutely was, and this government continues to support and continues to strengthen IBAC as well.

Firstly, on the subject of public hearings, it is fair to argue, as some have, that public hearings can help to educate the community and other sectors on corruption and misconduct where it is investigated. However, it can also risk undermining the entire process, undermining investigations and undermining IBAC itself by raising the profile of investigations and exposing them to conflation, hyperbole and speculation that will not aid in promoting integrity or transparency. Public hearings doubtlessly can have a significant impact on individuals' rights, with a cost to the privacy, reputation and welfare of the individuals involved, particularly where such investigations lead to a finding in favour of the individual. These may be an acceptable cost in matters of serious and systematic misconduct and corruption. That decision rightfully rests with IBAC and is based on its existing safeguards and the protections that are currently in the act. Removing these would be a rash undertaking.

Less generous people might even speculate that the opposition wish to change the act to allow them to use IBAC as a political tool. Public investigative hearings do not guarantee procedural fairness. Public hearings do not necessarily assist in a finding of corruption or misconduct based on the allegations surrounding speculation about the investigation. Importantly, public hearings do not guarantee public confidence in the process or enable the protection and promotion of integrity in our institutions.

Let us remember the role and purpose that IBAC fulfils: IBAC investigates allegations of corruption and misconduct, and in doing so it promotes integrity and public confidence in our public institutions through its investigations. To fulfil this purpose IBAC balances the potential infringement on the rights and welfare of those being investigated. These protections and safeguards ensure that IBAC does not descend into or become a perceived witch-hunt. Such a move would not promote integrity and does not promote confidence in our public institutions or in IBAC itself. Victorians expect better than a trial by media. They expect more than what the opposition wishes IBAC to become.

I would like to circle back to a key element of this bill, and that is obviously a part mentioned in the title itself. This is the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill. I believe that the dictionary definition of the word 'restoration' – I do have a quote here – is quite instructive. It says 'restoration' is:

the act or process of returning something to its earlier good condition or position, or to its owner ...

To achieve a restoration to a specific position by definition requires that the condition previously existed. It is not for me to give a history lesson on the Baillieu government to Mr Davis, especially as Mr Davis was a minister of said government, so I am sure he does remember that in 2011, when the then government established IBAC, enshrining the obligation that IBAC must consider on reasonable grounds that conducting a public examination would not cause unreasonable damage to a person's reputation, safety or wellbeing, that was a reform implemented by Mr Davis's own side. As the name suggests, these amendments will restore IBAC's examination powers – but of course you cannot enact a restoration to a condition that did not exist. That is to say that the powers of IBAC to investigate and examine are of course still intact. It would be more accurate to say that IBAC has been strengthened by this government.

This bill does not seek to restore a power that IBAC no longer has. IBAC has the power to investigate and to examine. This bill, rather, attacks the safeguards and protections – the framework for balancing the consideration of the impacts of a public investigation or hearing on individuals or other persons involved against the public interest for a public hearing. It seems that when the opposition are railing against the protections and safeguards that the Liberal government introduced in 2011, they seek to walk back the protections that they themselves introduced in the first place. As I mentioned before, I do give that previous Liberal government credit. Those protections were introduced with good reason and are a good measure to ensure IBAC's investigative powers are well balanced and effectively and efficiently carried out.

The Integrity and Oversight Committee's report on the performance of the Victorian integrity agency in 2020–21, which was tabled in the previous Parliament in October last year, focused on the welfare of witnesses. The IOC examined witness welfare due to the devastating impact and unintended consequences of a public IBAC inquiry we witnessed a year ago, an inquiry related to some rather unfortunate activity that took place in the south-east of Melbourne. The former IBAC Commissioner the Honourable Robert Redlich AM KC made a public submission to the Integrity and Oversight Committee's inquiry into integrity agency management of witness welfare. In it he described the requirement as:

... a good criteria. It is a protective criteria, which enables the integrity agency to focus on whether or not unreasonable damage to reputation or unreasonable damage to welfare will occur ...

As a result of the IOC report on witness welfare, the new IBAC regulations, which commenced on 4 February, included the prescription of a range of services, including Beyond Blue and Lifeline, to provide crisis support, suicide prevention and mental health and wellbeing services for individuals subject to confidentiality notices.

The strength of Victoria's anti-corruption framework concerning public investigation hearings, which this bill seeks to undermine, is highlighted by the Commonwealth's adoption of a similar approach in the establishment of the national anti-corruption commission. The former Prime Minister Scott Morrison, known to be perhaps simultaneously the minister for a number of other ministries as well, promised the Australian people a national anti-corruption commission. After 1000 days there was no action taken. It took the election of a Labor government in May of last year for there to be a legislated national anti-corruption commission – one which, I repeat, has the same, or similar, confidentiality provisions as the Victorian IBAC. Only Labor governments deliver, and I commend the Albanese government for delivering reform after years of inaction by the Liberal–National coalition government.

I do bring up the national anti-corruption commission, because like IBAC, the national anti-corruption commissioner must be satisfied that exceptional circumstances exist and that it is in the public interest for there to be public hearings. The Commonwealth bill encourages the commissioner to consider protections, including the extent to which the corrupt conduct is serious or systematic. Clause 4(1) of Mr Davis's bill seeks to repeal the equivalent section of our robust legislation. The Commonwealth bill also encourages the commissioner to consider any unfair prejudice to a person's reputation, privacy, safety or wellbeing. Again, this clause of Mr Davis's bill seeks to repeal the equivalent section of Victoria's legislation.

This bill seeks to remove procedural fairness safeguards designed to protect individual rights, including the obligation that IBAC considers on reasonable grounds that the public examination would not cause unreasonable damage to a person's reputation, safety or wellbeing and that the conduct examined constitutes either serious corrupt conduct, systematic corrupt conduct, serious police personnel misconduct or systematic police personnel misconduct. Lowering the threshold for public examinations risks potentially serious harm to an individual's reputation, safety or welfare.

The bill would also reduce oversight by removing section 117(5)(a) of the Independent Broad-based Anti-corruption Commission Act 2011. Removing this section would enable IBAC to create a public

expectation of a public examination in advance of the Victorian Inspectorate's assessment, the result being the undermining of the Victorian Inspectorate's safeguarding role. Currently, IBAC must not make a public announcement of its intention to hold a public examination for an investigation unless IBAC has notified the Victorian Inspectorate, which is a sound provision of the current act.

The Victorian Inspectorate is an important independent safeguard, ensuring that IBAC uses its significant coercive powers to compel witnesses to provide evidence responsibly. This change would seriously risk reputational damage to both agencies where the Victorian Inspectorate considers the public examination unwarranted. The bill would undoubtedly lead to adverse effects regarding the application of examination in private as it would see the repealing of section 117(3A)(a) of the IBAC act, removing the ability of IBAC to hold any part of an examination in private on application by a witness. The effect of these proposed repeals would be that the IBAC could only hold parts of public examinations in private if it decides to according to its own-motion power, the risk being that if an application is not made to IBAC about any potential issue then the examination will remain open to the public unless IBAC becomes aware of the issue itself.

I also note that this bill will repeal the section of the IBAC act which sets out that IBAC are not required to provide advance copies of a report to the government if they consider circumstances make it inappropriate to do so. Seemingly members opposite want to have the government receive advance copies of a report, even if the commission against corruption believes it would be inappropriate. Perhaps members opposite believe that it would be handy if they were on the government benches – maybe one day Matthew Guy will come back for a third run. When they are next on the government benches they might think that might support them and might help them. That might be why they are supporting this change, which would undermine the independence of the Independent Broad-based Anti-corruption Commission.

The Andrews Labor government is committed to ensuring that our integrity bodies have the powers necessary to operate effectively and efficiently. It is vital to these organisations – most importantly IBAC – to operate in a fashion that not only guarantees public confidence in the process but also provides strong protections and safeguards and undertakes scrutiny and oversight whilst promoting integrity in our institutions. I believe that well-intended and well-designed changes to the IBAC act and similar integrity acts warrant very serious and sober consideration. The changes in this bill have not gone through the appropriate consultation and will not achieve the intended purposes as stated. It will not strengthen IBAC's examination powers and it will not effect a so-called restoration; rather it runs the risk of bringing a media circus to all IBAC inquiries.

Further, what this bill will do is erode the protections provided to those under investigation, undermine the safeguards already in place and jeopardise the public confidence in IBAC – and I do refer again to the very unfortunate example of someone who did take their own life being subject to a confidentiality order under IBAC investigation in recent years. No matter what the circumstances, no person should be in a position where they feel that is the best course open to them – no matter what they have done or are alleged to have done. It is for these reasons, again, that Robert Redlich made those recommendations to the Integrity and Oversight Committee's inquiry in the last Parliament. I would like to finish on that note because it is an important thing to make note of. It is for those and the other reasons that I have mentioned that I do oppose this bill and do not commend it to the house.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:39): I have just got a few things to run through in relation to Mr Davis's private members bill – a bit of deja vu here; there are a few IBAC bills that Mr Davis is proposing. I think they are identical to ones that we did in the last Parliament, but here we go again because I do not think much has changed. I think I did make this statement in relation to the other bill on the notice paper that I spoke on last sitting week or the sitting week before: I see the political attractiveness of wanting to support a bill that is being touted as a vehicle for greater integrity and increased transparency, but this bill does not achieve any of those objectives. It is reckless, and it is not at all going to produce outcomes that are of benefit to Victoria's integrity system.

I would like to point out at the outset that the government does not oppose public hearings. They have their place, and of course the substantive act does not preclude IBAC from holding public hearings. We all know that; we have seen some in recent times. Public hearings have their place when the hearing is in the public interest. It of course is entirely appropriate for that to be available for public viewing, but this cannot be lost at the expense of proposing an exercise to facilitate a miniseries.

This bill is designed to apply to real people, but the way that it applies has no regard to those people, their lives or who they are, because it has no regard for those people's privacy, their reputation or the impact public hearings can have if they are not managed in the appropriate way. I do contend that this bill is purely driven by political motivation. It is a stunt. With due respect to a lot of fine journalists, this is designed to facilitate a platform for trial by media. These are important matters – matters of integrity. Matters that the IBAC commission investigates of course are important matters, but it is not necessarily always appropriate for them to be on public display, particularly if they are matters of allegations that are yet to be proved and indeed may be proved not to be the case.

Turning to the clauses of the bill, clause 4(1) proposes to repeal subsections 117(1)(c) and (d). This is really about substantially reducing the threshold for public examination and removing consideration of whether public examinations can be held without causing unreasonable damage to a person's reputation, safety or wellbeing. I think many speakers have reflected on the impact that hearings and interrogations can have on individuals. I know that the Integrity and Oversight Committee did a recent report on witness welfare, which I would draw to the house's attention just to highlight the very sensitive nature of some of these matters. It is a big call for a member of Parliament or political parties to hold a position that there should be legislation that dismisses an individual's safety and wellbeing, and I would contend that that is exactly what this bill is proposing to do.

I do welcome that the Greens have reconsidered this and are proposing to amend their amendment to no longer support such a harsh approach. It is also worth noting – I think Mr Galea did note – that after much consideration and debate, the Commonwealth National Anti-Corruption Commission Bill 2022 has adopted the same approach as the current Victorian legislation when it comes to wellbeing and reputation considerations.

Clause 4(2) of the bill seeks to remove sections 117(3A)(a), 117(3B) and 117(4) of the Independent Broad-based Anti-corruption Commission Act 2011, which provide IBAC with the discretion to hold any part of an examination in private upon application by a witness. The effect of the removal of these subsections is to substantially narrow the protections afforded to witnesses. The approach, while convenient for the opposition, will only serve to jeopardise witness welfare and safety. It has the potential – in fact the real potential – to actually reduce IBAC's capacity to receive information about potential issues, because if you remove the ability of a witness to make an application to have a hearing heard privately, it then will rely entirely on IBAC becoming aware of potential issues by other means. So you are potentially prohibiting or discouraging people from being open and frank by virtue of being granted a private hearing, whereas if they are in a public hearing and they are just answering questions that are put to them, it may not produce information that would otherwise benefit that investigation.

Clause 4(2), again, of the bill seeks to remove subsection 117(5A). Currently the act provides that the IBAC must not make a public announcement of its intention to hold a public examination for the purposes of an investigation unless it has notified the Victorian Inspectorate. This is a really important safeguard. One of the purposes of having an inspectorate is to provide appropriate oversight of IBAC. IBAC has significant coercive powers. They can compel witnesses to provide evidence. But it is good to have checks and balances in these systems, and to undermine the role of the VI – to effectively say they do not matter – is not a piece of legislation or a policy position that we think is worthy of support.

When organisations are given the breadth of powers to compel witnesses, when they have coercive powers, it is absolutely essential that there is an independent monitoring mechanism to oversee such powers. I think there are many examples of where this Parliament has supported oversight mechanisms, and to seek to wind that back in this legislation would be at odds with that well-

established position. Clause 5 of the bill seeks to remove section 162A of the IBAC act, which provides that IBAC must give an advance copy of a report to government before it is tabled in Parliament. I am a bit perplexed by this clause, Mr Davis. It is unnecessary, and I would be interested in you responding to that in your summing up. I do not really understand what you are trying to do here, because section 162A of the IBAC act already provides a provision for IBAC to not provide an advance copy at its discretion if it determines that it would be inappropriate to do so. This section reads:

The IBAC is not required to give an advance copy of the report under subsection (1) if the IBAC considers that in all the circumstances it would be inappropriate to do so.

So I think your clause is completely unjustified, and I would be interested in your thoughts about why you have put it in there. I think it is unnecessary, and probably worse is that if it was to become law, which I have already indicated it is very unlikely to do, it would create a misalignment between our two integrity agencies, because there is an identical clause in the Ombudsman Act 1973 and I note that your bill is not proposing to remove it from the Ombudsman Act. So we would have two integrity bodies that were misaligned, and I do not think that is good government or good policy either.

I know that the Greens have got some amendments. In the amendments that have been put by the Greens they propose an amendment to repeal section 117(1)(a) of the act or the requirement for IBAC to consider exceptional circumstances prior to a public examination which stands to put witnesses and, again I would say, their welfare at risk. The change to the amendment removes the exceptional circumstances test as previously proposed and in line with what is being proposed by Mr Davis but restores section 117(1)(c), which states:

a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing ...

I had my office develop a bit of a comparison between Mr Davis's bill and the Greens' amended amendment, and effectively they are just both attacking section 117 of the act. Different bits have been struck out in the different proposals. There just seems to be a bit of a disagreement between the Greens and the coalition in relation to how to best dismantle the protection of witnesses, which is my general assessment of what both parties are trying to do. But what we do have is a private members bill put forward by Mr Davis which seeks to remove most of section 117 – there are more black lines in Mr Davis's version than in the Greens' version – and then amendments from Dr Ratnam which seek to put some of what Mr Davis has removed back in –

Samantha Ratnam interjected.

Jaelyn SYMES: Yes. Some are in, some are out. You are still trying to strike out parts of section 117 – different parts to him. For anyone that wants a cheat sheet, this is quite useful to work out what you are trying to do versus what these guys are trying to do. Fundamentally they are competing sets of amendments, and it just seems as though you guys cannot agree. And now, because you cannot agree, 'Let's just send it to a committee, who might be the arbitrator to decide whose amendments' – in my view – 'are least worse', which is a pretty awful situation to put the Integrity and Oversight Committee in, and I do not think either the amendments or the bill are good policy.

I would point out, Dr Ratnam, that you have stated in previous debates on this private members bill:

... IBAC can only hold hearings when allegations are clearly unusual and distinctly out of the ordinary, which in my opinion does not exactly clarify the situation.

Even when exceptional circumstances are defined, we are still none the wiser as to why the presence of unusual circumstances is necessary to hold public hearings.

I would argue that exceptional circumstances provisions for public hearings are necessary, because we are talking about allegations, and allegations are just that. An allegation is not a determination or a finding of guilt, and the threshold for allegations to be investigated in an inquisitorial system is much

lower than the threshold for a matter to be heard in open court in an adversarial system, and I think it is really important not to confuse the two.

Public hearings do increase the risk of inference of guilt being drawn by the public, and once it is out there, often regardless of the end result, it tarnishes that person's reputation potentially for life. It is really, really hard to get the truth rectified through social media. You can put someone's name in and the allegations can come up, and despite the fact that they have been disproved later on, they are still out there for everybody to see and follow that person around potentially like a shadow for a very long time.

I do, as I have said, acknowledge that there are many members in this place that may wish to be seen to support a bill on integrity matters. It is easy to say, 'I support measures that increase integrity,' but scratching the surface, I do not think, should lead anybody down a path of supporting flawed legislation or indeed flawed amendments. That is not to say that the government are not open to considering sensible and well-founded improvements to integrity and oversight, but we certainly are not in a position to support proposals that in our view are damaging and will result in adverse outcomes, particularly for individuals that are perhaps the subject of investigations. Just because there is an allegation against you does not mean that you should not have your welfare considered.

Victoria's anti-corruption framework in relation to public investigation hearings, specifically our requirement for the commission to consider exceptional circumstances, has been the subject of a lot of debate. It is also something that has been adopted in the establishment of the national anti-corruption commission by the Commonwealth. I note that the Commonwealth's legislation has very similar, if not identical, protections, and they received bipartisan support from the crossbench and the opposition in the federal Parliament, because I think that they acknowledged that matters of integrity and trust in government should be considered above just simple politics.

As I have said, the house has debated the merits of exceptional circumstances before. Public examinations can significantly limit individuals' rights and have serious costs for their privacy, reputation and welfare. The act in its current form – that is, the substantive act – properly balances individuals' rights and welfare while ensuring that IBAC can discharge its vital function: to investigate and expose corrupt conduct and police misconduct. The private members bill and the Greens amendments both put individuals' reputations and welfare at risk. The government for that reason will not support the bill, will not support the amendments and indeed will not support the referral that I believe will be put in a motion, perhaps by the speaker after me. We do not support the bill because we believe that the whole sideshow and fiasco of an attempt to amend the IBAC act should be completely rejected by the chamber today, and I expect there will be a few votes to test some of that shortly.

Trung LUU (Western Metropolitan) (14:53): I move:

That debate be adjourned until the Integrity and Oversight Committee have inquired into, considered and reported, by Thursday 30 November 2023, on the matters raised in the amendments circulated by Ms Copey to the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022, and as part of their investigation the committee must:

- (1) examine arguments for and against expanding the capacity of the Independent Broad-based Anti-corruption Commission (IBAC) to hold public hearings and, in particular, whether the 'exceptional circumstance' provision under section 117 of the Independent Broad-based Anti-corruption Commission Act 2011 excessively restricts the capacity of IBAC to hold public hearings;
- (2) consider whether other jurisdictions have reached a more appropriate balance in respect of public hearings; and
- (3) report on recommendations for the best practice legislative framework for the conduct of public hearings.

This is just a simple bill. It is basically to restore powers back to IBAC and enable them to perform their duties, and what they were originally designed to do was independently investigate allegations

of corruption and exploitation of powers. Simply stripping the commission of the key power to hold public hearings was a defensive move by Premier Daniel Andrews and his government to shut down future and forthcoming examinations of Andrews government ministers by IBAC.

I particularly found it appalling that such actions were allowed to occur. From experience of investigation and gathering evidence, what I say regarding this bill is it will bring back balance in respect to public hearings and support the framework of accountabilities. It is a tool for investigation agencies such as IBAC to ensure that all evidence is fairly and objectively gathered. By not allowing IBAC the power to exercise a public hearing, you are actually taking away the tool of transparency for the body to examine and gather crucial evidence. You mentioned compelling someone to give evidence. How do you compel someone who is saying, 'I cannot recall. I cannot recall the last two months or last week'? You are not compelling anything at all.

And lastly, in relation to transparency you talk about welfare. If you act in your best interests, have nothing to fear and act in good faith, transparency will come out in a public hearing.

Members interjecting.

Trung LUU: No, that is right. A public hearing is meant to allow a person who has had allegations made to have his or her say about what has transpired. If we are actually seeking out corruption, we cannot expect to handcuff investigators, blindfold examiners and expect IBAC to present the truth and accurate findings if the majority of the evidence has been omitted. What I say in relation to this bill is it just gives us, the public, the opportunity to see what has been alleged and for the person to have a say in answer to all the allegations.

Harriet Shing interjected.

Trung LUU: It is. It talks about the person who has had allegations made and it mentions welfare. Whose welfare are you actually referring to? It is hiding behind the closed door. So it brings back the balance of respect to a public hearing.

In closing, this bill will bring back good practice relating to investigations and it will root out all of the corruption, which we and those in public office are sworn to uphold. It brings back transparency and fairness for individuals. Conducting things behind closed doors – basically you are trying to hide things. What I say is this bill is basically about good-practice legislation for the public.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:58): I think I pre-empted this motion and said that the government would not be supporting the referral to the Integrity and Oversight Committee. I do not need to go through that again but just put on record that the government will be opposing this referral.

David DAVIS (Southern Metropolitan) (14:58): It is a very modest referral that has been moved by Mr Luu. It is the appropriate committee in the Parliament to look at these matters. Sensible amendments have been moved by the Greens that should be looked at. The bill can be looked at in the context of those amendments and the broader principles. It will provide an opportunity for proper evidence to be heard, further evidence to be heard. Former commissioners and those who are knowledgeable in this area will put forward useful and sensible suggestions to a public forum in the committee to actually thrash through many of these matters. There is a legitimate debate about where the line is drawn with public hearings, and that legitimate debate can be had at the Integrity and Oversight Committee. That is the appropriate place for it to be debated, and when that committee comes back with its recommendations this house can make further decisions.

Council divided on Trung Luu's motion:

Ayes (24): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nicholas McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

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

Motion agreed to and debate adjourned.**Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022**

Second reading

Debate resumed on motion of David Davis:

That the bill be now read a second time.

Trung LUU (Western Metropolitan) (15:07): I seek to circulate these amendments on behalf of Mr Davis.

Amendments circulated pursuant to standing orders.

Trung LUU: These amendments proposed by Mr Davis provide appropriate balance and will see the timely reporting of IBAC corruption inquiries. It is a critical part of our democracy and our justice system as a whole in the Western world to afford the right of innocence until proven guilty. When seriously unfavourable findings against a person are made, they must be given the reasonable opportunity and time to comment on those findings. On the inverse, when findings that are negative may be presented, they should not be given essentially a protection shield of bureaucratic legal barriers which hamper the release of the reporting. These amendments that I circulate include:

Clause 5, line 34, omit "agreed with" and insert "determined by".

It is important. So it will read:

- (a) the IBAC must give the relevant principal officer of that public body an opportunity to respond to the adverse material within 3 months or the later time determined by the IBAC ...

The same goes for the next amendment:

Clause 5, page 3, line 19, omit "agreed with" and insert "determined by".

These words are compatible with the Charter of Human Rights and Responsibilities Act 2006.

Lee TARLAMIS (South-Eastern Metropolitan) (15:10): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

*Committees***Joint committee***Establishment*

Bev McARTHUR (Western Victoria) (15:10): I move, by leave:

That:

- (1) a joint committee be established to inquire into, consider and report to both houses on any proposal, matter or thing concerned with:
 - (a) road trauma;
 - (b) safety on roads and related matters;
- (2) the committee shall consist of:
 - (a) four Assembly members nominated by the Leader of the House in the Assembly and the Manager of Opposition Business in the Assembly;
 - (b) three Council members nominated by the Leader of the Government in the Council and the Leader of the Opposition in the Council;
- (3) the members be appointed by lodgement of the names with the Speaker and President no later than 28 March 2023;
- (4) a majority of the members appointed pursuant to paragraph (2) will constitute a quorum of the committee;
- (5) the committee may conduct all or any part of a meeting or public or private hearing by audio or audiovisual link;
- (6) the committee shall operate under the provisions laid out under joint standing order 15;
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders or practices of both houses will have effect notwithstanding anything contained in the standing and sessional orders or practices of both houses; and
- (8) a message be sent to the Legislative Assembly requesting their agreement.

This very important motion aims to set up a joint committee to inquire into, consider and report to both houses on any proposal, matter or thing concerned with road trauma, safety on roads and related matters. There are a number of more technical details, including the membership – four members from the Assembly and three from the Council – their appointment date, which is 28 March now, and the committee's operation under standing order 15.

Why is this necessary, you might ask. Well, it is vitally important. It is an issue of considerable concern especially across the whole of rural and regional Victoria but also in many metropolitan areas. It is about the repair costs and the roadwork delays but also the fact that lives depend on better roads. We should take very careful consideration about how we look at road infrastructure. We want to get the best outcome for all the motorists and people that have to use our roads but also the very best and most efficient outcome for our taxpayers. I think everyone in this house will agree – at least those who actually drive in Victoria and do not get around on bikes – that the condition of our roads is one of the most important things.

Members interjecting.

Bev McARTHUR: Well, they have bikes and they need candles and all sorts of things like that. It is one of the most important things we can spend our time debating here and resources on. It affects people every day through time lost to roadworks and delays, in repair cost to vehicles and, tragically, in the consequent accidents, injuries and deaths which occur all too frequently. Road conditions really matter in this. Some of you may have heard or read a 3AW interview in which Victoria Police's assistant commissioner, road policing command, Glenn Weir made clear that the state of the roads was a repeated, routine factor investigated by his officers in serious and fatal traffic accidents. Of course there are other causes, but the state of the roads, particularly the collapsed roadsides and verges,

is one of the biggest dangers, and reducing speed limits and blaming driver behaviour – this government’s favourite tactics – cannot disguise that reality. All of this is despite the fact that the Treasurer Mr Pallas told me in a Public Accounts and Estimates Committee (PAEC) hearing last year that potholes only occur in Liberal Party propaganda.

A member: Unbelievable.

Bev McARTHUR: Unbelievable, you’re right.

Enver Erdogan: He didn’t say that.

Bev McARTHUR: He did say that, Mr Erdogan. You need to tune in to PAEC every now and again.

Enver Erdogan: I’ll be there this year.

Bev McARTHUR: We look forward to seeing you, Minister. We will be giving you a drilling. Look out.

The subject also deserves scrutiny from a taxpayer value-for-money angle when we consider the vast sums spent on our road network. For local councils across Victoria with hundreds of thousands of kilometres to maintain it is often the biggest line item, especially when the government took away the \$1 million for rural councils in roads and bridges funding – that was a disaster. At a state level billions is spent on the construction and maintenance of our highways and byways.

We have had inquiries before, including the Economy and Infrastructure Committee’s, chaired by my friend Mr Erdogan, into the increase in Victoria’s road toll. Where has that gone? These are one-off investigations.

Enver Erdogan interjected.

Bev McARTHUR: Still being looked at, is it – in the mirror. These are one-off investigations from committees, which understandably have much wider matters to consider. We looked at the ‘Slow down’ signs. Those people thought we should all be driving at 30 kilometres an hour. They all came from the City of Yarra, I might tell you.

Enver Erdogan: My constituents.

Bev McARTHUR: They were your constituents, that Monash group. ‘Where do you live?’ Oh, yes, Collingwood, Preston, whatever. We need a committee with an ongoing watching brief which can remain focused and fundamentally address issues of the magnitude I have described.

I just want to give one example of the government’s lack of responsiveness on this. It is an area which the committee could properly examine. Just yesterday I received a response from the minister to an adjournment debate I raised following assistant commissioner Glenn Weir’s interview on 3AW. I asked a simple question, as I always do: for the minister to provide a breakdown of the percentage of serious and fatal road accidents in Victoria where investigating officers identified road conditions as a contributing factor. Surely this was a simple matter, exactly the sort of statistic which should be collected and should be available. Apparently not. The reply states, and this is from the minister:

I can advise that, while road conditions are assessed by Victoria Police as part of serious and fatal road accident investigations, the overall evaluation of the environment is holistic in nature and does not allow for the requested data reporting.

Well, I ask you. It reminds me of a similar concern put to me on the failure to collect near-miss statistics and those where accidents occurred but no ambulance was required to be called. These near-miss records should be absolutely vital. They are the crucial evidence which would enable us to fix problems before it is too late, yet they have been unaccountably ignored as well.

So in my view there is no doubt about the necessity for this committee on an ongoing basis. The government can hardly support inquiries into duck hunting yet complain that establishing this committee is a waste of resources. This just tells you where the priorities are of this government. They do not want to save lives. They might think they are saving ducks, but we want to save lives on roads and we want to get value for money for our taxpayers.

On the question of the specific brief of the committee, I am pleased to present an establishing motion which gives a wideranging view to members, specifically to consider:

... any proposal, matter or thing concerned with:

- (a) road trauma;
- (b) safety on roads and related matters ...

It is all-encompassing. We are not going to leave anything out. There is a huge amount we can and should consider, some of which I included in notice of motion 6 on your notice paper, a request I put in on this Parliament's first day of meeting, for the Economy and Infrastructure Committee to investigate a similar topic. These matters include the design and specification of roads, investigating the methods used to build and maintain road pavement and surfacing, and the appropriateness of proper asphaltting versus cheaper resealing and respraying jobs. As I find continually, my toaster has got a better guarantee than the roadworks in Victoria.

Anyway, we move on to maintenance. Here is an interesting issue: maintenance. We need to know what the contracts awarded are like, the different competitive tendering and contract awards, contract performance – now there is something; contract performance evaluation, who would think? – clawbacks and the differing performance across different parts of our state in comparison with national and international standards. Let us try and do the job to the best possible standard – that would be a new approach.

I mentioned before that my toaster has got a better guarantee than our roadworks. Then the legal situation: remedies available and some jurisdiction for compensation to be sought by motorists who may suffer financial damage – they continually do on our roads; you do not want to take your Tesla out there, it will be wrecked – and bodily injury. If you can get it charged anywhere.

Enver Erdogan interjected.

Bev McARTHUR: I think that is running on candlepower too, Mr Erdogan, but anyway. Are these legal situations appropriate in Victoria? Would a different regime force government to maintain our roads better?

We need to know about accident statistics on police and coronial inquiries, and of course we do need to know the cost-benefit analysis of those old sages the wire rope barriers. They have popped up absolutely everywhere, mostly causing more trouble than they are worth. Of course that wonderful group the Monash Accident Research Centre needs a thorough investigation on its own. As for the roadside verges, they are a wick waiting for a bushfire to happen. All these people want to turn them into wildlife corridors and conservation zones. I know – they just do not understand that we have not been able to train our wildlife to look right, left and right again, because they either get caught up with a car or they get caught up in a wire rope barrier. So why would you want wildlife on the roadsides? It beggars belief.

I have outlined that this committee would be investigating serious matters, both in terms of injury and death on roads and of taxpayer value for the billions spent on the network. As argued, the wide brief gives a huge number of areas worthy of in-depth investigation, for national and international comparison and for the formation of serious recommendations for government action. Look, we are really just trying to help the government. That is our main aim in this show. We just want to help them do things better. It is not easy, but we are trying. We all know there is a problem; we see it and we

hear about it on a daily basis. All you people inside the tram tracks, just come on out and we will fill you in. Mr Erdogan has been out with me; he has seen a few potholes in his day.

Lee Tarlamis interjected.

Bev McARTHUR: Mr Tarlamis has too. It is about time you had another trip, I think.

Although as members we can see the symptoms, it requires the focus of a specific committee, the research of dedicated staff members and the collation of expert testimony in focused inquiries to find real solutions. Facebook posts on potholes are all very well, and there are plenty of them. We now have gardens growing in the middle of roads. My colleague member for Northern Metropolitan Region Mr Mulholland identified the fabulous garden that his constituents have put in the middle of a road; you could not drive on it, so you might as well grow some plants and a lemon tree or something. That would be a bit better than having a pothole that you could wreck your car in.

We need to force this government towards solutions – that is what we are on about here, solutions and outcomes – and to lay the groundwork for future governments to do better. As I said, we are here to help. We always here to help you on the other side of the benches. You often do not take our advice, but look, we are trying. You have really got to treat this issue seriously because it is costing lives and it is costing a huge amount of money for the motorists but also for the many businesses that have to get their product to market. After all, out in the bush we are feeding you people in the city. We even provide the timber for your houses – if there is any left, because you have shut down all the native timber industry. Actually, I do not even know whether you like aluminium. I do not know what you are going to build your houses out of. You will be living in tents here soon, with candles, and you will be riding bikes around these roads where you cannot park because there is a bike path.

Anyway, I would like to think that those on the other side would happily embrace this proposal. Where are they? Those people over there seem to have left. This is a very important committee that used to exist. Somebody did away with it; I presume it was the government because it probably did apply a bit too much scrutiny to what is going on. But I know you care about the people out in the country. I can see it in your faces over there – the two or three of you that are there. And you do need to make sure that you actually represent the people of Victoria, especially those outside your little areas in Melbourne. Make sure that we get this committee up and running. It will do wonderful things, and it will take all the road users off your backs – wouldn't that be a good idea as well? Anyway, I have moved that we do support the establishment of this committee, and I urge you all enthusiastically to support it.

Michael GALEA (South-Eastern Metropolitan) (15:25): I do rise to speak on the motion put forward by Mrs McArthur today. I would like to say that I do feel it is a little bit unfair for me to be the first speaker after Mrs McArthur, because there is no chance I can follow that act and give anywhere near as engaging a presentation.

Bev McArthur: Keep trying.

Michael GALEA: I will keep trying. Firstly and most importantly, I do want to acknowledge that this is a very serious and very important issue. There are far too many people dying on our roads. There are many, many strategies and other projects underway to address this problem, and I will circle back to some if I do get the time a little bit later, but this is a very serious issue. One death on a road is far too many.

I do recall probably a couple of years ago now: there have obviously been many, many wonderful TAC campaigns, but one that still resonates with me today had – I forget the code it was – a bunch of sport spectators gathered on a pitch, and a bunch of them were asked, 'What is an acceptable number of deaths on our roads each year?' Some of them said 50; some of them said 20; some of them said a hundred. Then they brought 50 or 20 or a hundred people onto the pitch and stood them right in front

of them. They then asked the question again: what is an acceptable number of deaths on our roads? Zero. It has to be zero.

I do want to pick up on one thing, and there is much of what Mrs McArthur said that I do agree with.

Bev McArthur: I knew you would.

Michael GALEA: We will get on just fine. There is one thing that I would like to take an issue with, though, and that is bicycles. Now, I am not sure about candlelit bicycles or any other sort, and I am not particularly a very good cyclist myself, as my shape will probably confirm, but cyclists are also very important road users in the suburban areas, the city, where some of our colleagues represent delightful places such as the City of Yarra, and also regional and rural areas too. Bicycles and pedestrians are our most vulnerable road users. We have actually seen an increase in the number of people cycling and walking in the past few years through the pandemic and afterwards as well, and it is a very good thing. It is of course the most sustainable form of transport, and we should be encouraging it. Indeed there are a number of things that we are doing as a government to encourage it. But they are our most vulnerable road users, and working towards safer roads is for everyone. As Mrs McArthur says, it is absolutely for drivers, but it is also for the cyclists and the pedestrians as well.

In speaking on this motion today I do have to say that I am not speaking in favour of it, and I am sorry to disappoint you, Mrs McArthur –

Bev McArthur: This is the end of my love affair with you.

Michael GALEA: no-one can throw me off like you can either, Mrs McArthur – fundamentally because this is something that is perfectly appropriate for the Economy and Infrastructure Committee to look at, so my suggestion would be that this is something that could be better looked at by this committee. Now, that is not in any way to take away from the seriousness or the importance of this issue. I would say it is a reflection of the fact that we have a committee in place, an upper house committee there, that is the appropriate forum that covers transport and related areas that this can be looked into by as well.

On the subject of committees, as many in this chamber may know, I do have the privilege of serving on the Public Accounts and Estimates Committee with Mrs McArthur and Mr McGowan, who I see in front of me in the chamber as well. That being said, if I had been told we would be drilling ministers as part of our hearings, I probably would have said no to going onto PAEC in the first place.

Bev McArthur: It's very good sport.

Michael GALEA: It sounds delightful. I know the intended words were 'grilling ministers', and I am sure we will be looking forward to working together on that as well. But committees do play a very important role, and that is what of course the Economy and Infrastructure Committee will be there to do.

So this is not to say that this is an unimportant issue – far from it. It is a very serious issue. I believe this year already we have had 67 people die on our roads. Now, that was as of yesterday. That hopefully has not gone up again, but as of yesterday, 67 people have died on our roads this year. That is 18 more than this time last year, and it is early March.

Bev McArthur: Wire rope barriers were meant to save the lot of them.

Michael GALEA: There are a number of things in place, including things that do save lives – including wire rope barriers I might add as well – but it is also not just fatalities of course. Every year about 6000 people in this state end up with serious, traumatic road-related injuries, ending up in hospital, and that has a devastating impact on their lives and often on their families' lives as well.

I did refer briefly to *Towards Zero* before. In 1999 the Swedish Parliament adopted what was at the time a very revolutionary approach, which was of Vision Zero. They basically said that as the manager

of the roads system, they saw it as their responsibility to have absolutely no road deaths on their roads. This is something that has now been taken up, as members would be aware, in the state of Victoria as well. We have had the *Victorian Road Safety Strategy 2021–2030* and a number of committees of inquiry on this already, and I believe my colleague Mr Erdogan did a lot of work on one such committee of inquiry in the 59th Parliament. There are a number of action plans through this. The first action plan, from 2021 to 2023, has tried to take a holistic approach towards innovation in road safety across the fields of transport, enforcement, health and wellbeing, work health and safety, and community approaches.

I did mention that far too many people have already died on our roads this year. Last year 241 people lost their lives, which was eight more than in 2021, and 44 of those were pedestrians – again, vulnerable road users. Pedestrians are of course particularly at risk. They do not have airbags, they do not have seatbelts – they are fully exposed to traffic.

Bev McArthur: Keep off the roads.

Michael GALEA: It might not always be the case that they should just keep off the roads. There are many cases of where people walking on pavements and on footpaths and crossing the road safely may still be at risk through no fault of their own. Again, just as with driver and passenger deaths, there is no acceptable number of pedestrian deaths either.

There have also been some changes. We have seen some changes in driver behaviour over the past few years with the COVID-19 pandemic. We saw obviously a great reduction for a short period, but there have also been some concerning changes. We have seen increased –

Nicholas McGowan: Deputy President, I draw your attention to standing order 4.03, a lack of quorum. I ask that you consider the quorum as it currently stands.

Quorum formed.

Michael GALEA: Thank you, Mr McGowan. It is nice to have a somewhat enlarged audience for the closing remarks of my speech. I would say to those members who have just arrived that they did miss a very entertaining presentation of emotion by Mrs McArthur. Maybe I should start again! In closing, as I said, I do think this motion should be referred to the Economy and Infrastructure Committee.

Melina BATH (Eastern Victoria) (15:35): I rise on behalf of me and my colleague Gaelle Broad in support of this motion to establish a joint committee on road trauma and safety on our roads. In doing so I would like to thank the Liberals and Nationals Shadow Minister for Roads and Road Safety, the dynamic Danny O'Brien, who does a great deal of work and has traversed the state in support of various members, listening to their concerns about the deplorable state of the roads across regional Victoria. He does good work in that space and also good work on the Public Accounts and Estimates Committee in this space with Mrs McArthur as well.

Before I go into some of the detail around this motion and the need for it, I do want to put on record my very great thanks to all of those first responders who are there when there is – I will call it a crash, not an accident – a crash and there are crumpled cars, crumpled motorbikes and vehicles on the road and people who are in distress or who are not with us anymore. I want to thank those first responders. I would like to thank Victoria Police for the people who have to go out there in the most alarming of states. I would like to thank the SES, who regularly go out on those terrible nights and deal with people who have been in some form of crash or incident on the roads. I would like to thank the ambulance officers, the paramedics, who attend these very distressing events. They do so with the utmost professionalism. I would also like to thank the CFA, who in rural and regional Victoria very regularly are also the first responders dealing with a whole variety of danger. So let me place on record my thanks to them.

I also want to state that our roads are in an atrocious state, and that has to be a consideration when talking about factors that are the instigators of crashes, of disasters and of tragedies on our roads. If I look at the past, the present and the future, I would just like to raise that in 2012, under a Baillieu and Ryan government, the then minister for roads and road safety, the Honourable Terry Mulder, came up with a ministerial road safety council because he recognised a very great need to reduce our road toll. He recognised the importance of this. In one of his speeches on the Road Safety Amendment Bill 2014 he stated that Victoria continues to lead the way in terms of road safety. He said it is an international leader in road safety. He went on to say the likes of, and I quote:

We have taken great strides in reducing deaths from 1000 per year in the 1970s ...

I digress. That was of course before we had seatbelts and the disaster that befitted and befell everybody who had those significant accidents without seatbelts. Indeed it was a past joint committee of this place that recommended seatbelts. A past committee of this nature – a joint road safety committee – also recommended blood alcohol limits and the testing of .05 blood alcohol limits to ensure that law enforcement can take dangerous, reckless people off the road, who cannot concentrate while impaired by alcohol. This was a recommendation from one of these committees that we are seeking to establish today. My thanks to him.

Moving on, under Labor we saw in 2018, after a record number of lives were lost, the minister at the time – as well meaning as Minister Pulford was; she was the Minister for Roads, Road Safety and the TAC, and I was in here when she often made comments about this – said:

It's been a devastating year on Victoria's roads with every loss of life someone's mother, father, sister, brother, husband, wife or friend who will not come home tonight.

I am sure many people – most people who live in a town, who live down the street, who live in a community – have been affected by an unnecessary death after a tragic accident. I myself lost my cousin in a road accident death over 20 years ago, and we miss her still. It is a tragedy when we see so many deaths on our roads.

Come to the current day, the current year – fast-forward to 2023. To date 68 lives have been lost on Victorian roads this year. By comparison, we have got a 36 per cent increase in lives lost. Statistics do matter when they are people's lives. And a significant increase is reflected in the statistics around rural roads. There were 31 fatalities in 2022, yet we have had 44 so far this year alone – a 42 per cent increase in our regional deaths. So not only are we seeing more people die on roads, there is an increasing proportion of fatalities, of lives lost on our country roads.

We on this side and those of us who live in the country know the deplorable state of our regional roads: the multitude of potholes, the multitude of unsafe shoulders, the vegetation that grows right up to the edge of the bitumen, the lack of maintenance and the lack of white central lines. I was heading out from Mirboo North to Boolarra only the other day – there is a new patch of road there on one section of the road. It has been there for a while, and yet there is no centre line. Line marking is another issue that contributes to these things.

Another concern that we see in our statistics is the age group over 70. There has been a huge increase of those people over 70 dying on our roads. And the most overwhelming and staggering representation is those young 21- to 25-year-olds who are dying on our roads – that inexperience. I know when I taught maths eight years ago we did statistics on this, and it was the case then. However, it is not getting any better. The TAC recently said:

If we accept this 'road toll' as the price of a rural lifestyle or getting from A to B, another 2,500 people will die in the next 10 years and 50,000 people will be hospitalised with serious and life changing injuries.

Do we accept that, or should we investigate this to the highest degree we can by having a very sensible, broad-ranging joint parliamentary inquiry? I say yes.

There is a fantastic gentleman who is the chair of RoadSafe Gippsland. His name is Andy Milbourne, and he is passionate about safety on our roads. He has provided some comments to me about a whole raft of things. He said that this investigation should include motorcycles and the wearing of safety gear being critical. He also went into unregistered vehicles and bikes, saying that unregistered vehicles and bikes are still covered by TAC if they have an accident. His thoughts were: do we need to look at this? Because it is actually costing Victorians thousands. People who are unregistered are still covered. Should our committee not investigate these sorts of things? TAC claims from dirt bike riders in the bush are also costing. Well, we need to protect people, but people also need to be responsible for themselves. The over-70s age group – it is having a serious impact on people's lives.

I am sure he would give his eyeteeth to come down and speak to a committee from his personal, very hands-on-the-ground experience. Multipurpose taxi programs – he is concerned that some of those older people in our community are driving when they should not be driving, and providing a taxi service, particularly in rural towns where we live, could well have a very good impact on those incidents and crashes. Caravans and trailers, young people – he makes a number of comments around those subjects. We know how important the L2P program is to upskill those young people to be able to have experience. Not all children or young people have parents or grandparents who are able to help them drive.

This is a very important committee, and I recommend highly that the crossbench get behind this committee to propose it. The standing committees that we have will be burdened, time poor and money poor, and I think this is a perfect way to deal with such an important topic.

Sonja TERPSTRA (North-Eastern Metropolitan) (15:45): I rise to make a contribution on this motion about the establishment of a parliamentary road safety committee, and it is a little bit of a segue also to what I was talking about earlier when I made a contribution on the Road Safety Amendment (Medicinal Cannabis) Bill 2023. There is a bit of a theme in here today about road safety and road users, and I will return to some of the points that I made in my earlier contribution as someone who rides a motorcycle. I know there was a lot of discussion around roads and road safety in Ms Bath's contribution, but it is not just about roads.

I am rising to make a contribution in opposition to this motion, and there are lots of reasons but primarily our government, the Andrews Labor government, take road safety extremely seriously and we want to do all we can to reduce the number of deaths and serious injuries on our roads. Of course there is always more to be done; we know that. This is not something that you can ever consider to be completed. It is always something that we need to continue to work on, but we will take a collective approach across our government agencies, industry partners and the Victorian community to do everything we can to keep everybody safe. That is because we all really have a shared responsibility to make sure that we take care on the roads, not only for our own safety but for the safety of others.

What we have seen in a post-pandemic environment is that road behaviours have changed. We have seen evidence of increased risk-taking behaviour, including high-range speeding, which is disappointing. Just this morning on the way here to Parliament I saw somebody getting caught in a lane that they should not have been in. Of course people get frustrated. They either speed or they go in the bus lane when they should not be there. I understand that is frustrating. It seems that perhaps it is much safer to be a little bit patient and arrive safely as opposed to not getting there at all. It seems to be something that some of us might have forgotten. But it is those sorts of behaviours as well that cause road accidents. Like I said, it is not just about roads and the actual physical infrastructure, it is also about driver behaviour.

We have also seen walking and cycling trips increase dramatically. There are a lot more people who are opting to take active transport measures as perhaps an addition to the ways they would ordinarily get to work, which is a good thing – get out of your car and maybe walk and cycle, which is great, and that way you can get your exercise at the same time. Of course not everyone can do that. Especially if you are out in western Victoria, you might have a long way to walk or a long way to cycle, so that

may not be possible. And of course it is also very dependent on where you work. But we know that if you look around some roads, either in the city or further out in the suburbs, what you see popping up with increasing frequency are bicycle lanes and the like and those sorts of things. That is a good thing, but while we try and accommodate different types of road users it does add some complexity to the road network and the road system.

You have really got to pay attention to all the different road users. Again, on my journey into work, I think it was yesterday morning, at the intersection of Macarthur Street and Victoria Parade I was actually marvelling in my own head about the number of intersections and different road users that I needed to take account of when I was simply turning left. There was a cycle lane on my left, so I was waiting to turn left. There was a big stream of cyclists coming up, so I could not turn left. I have got to give way to those people because obviously I do not want to hit a cyclist on a motorbike – that would be terrible. But also there were cyclists who were doing a bit of a hook-turny thing where they were turning. It is a good thing. It does not mean we should not do it, but the complexity of some of our road networks and road systems has changed from what we have been used to.

That means that as a road user I have got to pay extra attention to that. That is not a bad thing. That just means I have got to be extra cautious. You can never be too cautious. You have got to pay attention. Drivers can be distracted. If you are a road user and you are on a pushbike, like a bicycle, or a motorcycle, you really do not get second chances. I know everyone is talking about road users and thinking about people in their cars, but I also want to remind everyone in this chamber that there are cyclists and motorcyclists as well, and they are vulnerable, much more vulnerable than perhaps someone who is in a car. As I said, people who are pedestrians or cyclists or motorcyclists are seen as vulnerable road users.

We do not support the motion put forward by a member for Western Victoria Region, although I thank Mrs McArthur for bringing it and for her advocacy. I know you are a strong advocate for people in your region, and I know they appreciate your work, so good on you. I always give credit where credit is due for bringing something to the house, but sorry, we cannot help you today. Nevertheless, I do thank you for bringing this motion.

As I said, these are important matters of road safety, but our position is that this matter should be referred to the Legislative Council's Economy and Infrastructure Committee for inquiry. We think that is an appropriate committee to inquire into this matter, and the good thing is it will allow road users and different groups to make submissions, appear and give evidence, and it will allow committee members also to ask questions of those road users and to gain greater insights into their lived experience as road users and what their insights are as well. I myself was just given a little bit of an insight into what it is like being a motorcyclist on a road and having to accommodate pedestrians and other vulnerable road users like cyclists as well. It is complex, but again, as I said earlier, this government does take road safety extremely seriously, and we want to do all we can to reduce the number of deaths and serious injuries on our roads.

In talking about road users – and I am sure other people have seen as well – the amount of different kinds of vehicles that are on our roads at the moment, things like e-scooters, I am amazed by. Seeing the number of perhaps older blokes on e-scooters I kind of think, 'Maybe they shouldn't be riding an e-scooter. I don't know. Maybe they're for younger people.'

A member interjected.

Sonja TERPSTRA: Yes. Those things go pretty fast, those e-scooters, and I am not sure whether you know what I am talking about, but they are the two-wheel things. They are not like a motorcycle. These e-scooters are the charging the battery kind of business. They fly. I do not know whether these things are actually meant to be on the road, but I have seen people riding skateboards that are also electric or battery-operated things. The number of different options that are around right now are ever growing and ever present, and as I said earlier, it really does add a whole different complexity to roads

and our road systems. It is becoming more and more challenging, and that is why we need to make sure that we can have a proper inquiry into these things and hear from all these different road user groups. It would be fantastic to hear more from them.

There was a parliamentary inquiry into the increased road toll back in 2021. The government tabled its response to the recommendations made by the parliamentary inquiry back then. Again I will reiterate our thanks to the Economy and Infrastructure Committee for its report. I think perhaps Mr Erdogan might have been the committee chair at that time –

Bev McArthur interjected.

Sonja TERPSTRA: Committee chair, yes. So congratulations on your stewardship of that inquiry. As I said, we accepted the majority of the recommendations that came from the committee and acknowledge that many of these have been addressed in the state's road safety strategy. I guess the important point to note is that, as I said, the Economy and Infrastructure Committee is well versed and well placed to deal with these matters, and as I said, we have accepted the recommendations. I will just go into a bit more detail: of the 36 recommendations put forward to the government, 10 were supported in full, 13 were supported in principle and five were supported in part. Three were not supported and five were marked as 'under review'. The key themes that emerged under that review and the recommendations made by the committee included transparency in road safety targets and how they would be measured, making road safety a part of all transport projects, informing the public about the standard of all roads and improving how data is collected and shared with experts.

I guess the theme of my contribution today has been that this is complex. There are no easy answers with any of this. There is no silver bullet to solve our current road safety problems. Our ability to achieve the strategies and targets requires a full multifaceted approach to eliminating risk from the road network as well as better managing the risks that cannot yet be eliminated. As I said earlier, it is a work in progress. We have got to keep working on this. Mrs McArthur, I agree with your point: really, road safety is a shared responsibility. We have all got a part to play in making sure that we try and behave as safely as possible on our roads, do not speed, and obviously obey the road rules and the like. All Victorians need to play their part. But as I said earlier, just in closing my remarks, we do not support this motion. As I said, we think it is more appropriate for the Legislative Council Economy and Infrastructure Committee to deal with this as a matter of inquiry.

Moira DEEMING (Western Metropolitan) (15:56): I rise to speak in support of this wonderful, wonderful motion by my colleague Mrs McArthur. I would just like to read out part of the motion first of all, because there was some confusion on the other side about what it would and would not cover. It says here very clearly that it would:

... consider and report to both houses on any proposal, matter or thing concerned with:

- (a) road trauma;
- (b) safety on roads and related matters ...

Clearly that covers bicycles. Sadly it is with regret that I must inform Mr Galea that the TAC have now updated their fatality statistics. It is now 68 lives that have been lost on Victorian roads in the first 66 days of this year, because this very morning at 6:40 am a cyclist was killed in Mount Waverley. Those of us that live in the west still have in mind the death of a cyclist just one month ago in Footscray. He was riding his bike on a bicycle path when a truck collided with him. This was at a notorious intersection where there is a green light for cyclists at the same time as a green light for trucks turning left. The truck driver might have seen him, but his view was blocked by a large pillar that was erected as part of the West Gate distributor tunnel construction. His tragic death was avoidable, if only more attention had been paid to the practices around signage and signalling and the community – which had cried out repeatedly for this – had been listened to.

The truth is that Victoria's road management and infrastructure is in crisis. In my own region of Western Metropolitan Region residents who faithfully pay their taxes year in and year out find that

their money is not being reinvested in their own communities. For example, the local government municipality of Melton has received zero dollars in major road funding from the state. Every council in my region has a long list of roads that by virtue of the traffic volume on them should be a state government responsibility, yet the government refuses to acknowledge any statistics or any responsibility for these roads, and our residents are therefore left in limbo.

In the Western Metro Region our roads are simply falling apart. The potholes are big enough to swallow small cars, the shoulders are worn away and cause cars to swerve dangerously and the traffic is completely out of control, with residents spending up to 2½ hours each way to and from work. When the residents cry out for an explanation, they find that the government refuses to take responsibility for roads that should be theirs or they blame VicRoads or they blame councils – or as we have heard repeatedly today, they blame drivers and road users and bike path users themselves. This is just simply not good enough. The reason why it needs to be a joint committee is because this government clearly needs oversight in terms of interpreting the tiny little 10 recommendations that they did accept from the last round. Clearly it is a matter of interpretation, and they need some extra supervision. So I commend this wonderful motion from Bev, and that is it.

Tom McINTOSH (Eastern Victoria) (15:59): I would like to thank Mrs McArthur for bringing this to the house's attention. I also, coming from regional Victoria, have spent a lot of my life thinking about roads, road tolls and perhaps the risks that, particularly regionally and rurally, we all take every time we get in a car just because of the speeds that we are moving at. It is not to say that there are not accidents and challenges and safety issues that face the city, but on roads where we are doing 100 kilometres, I think we will probably look back at some time in the future and think we were all hopping in little metal boxes – and 30, 40, 50 years ago they did not have seatbelts – and hurtling along at 100 kilometres an hour with a white line between us and a lot of circumstances. I think anyone that comes into this place is looking for how we can improve public safety and is considering the risks that all of us in the community face on a daily basis. Obviously roads is a big one of those.

I was reflecting on some comments Mr Berger made in a contribution earlier about workers on the roads. There are a huge number of workers on the roads, whether that be those that are working in heavy transport in trucks and the challenges they face with the, at times, long hours and long kilometres they have to do; whether it is our emergency services workers and their work in emergency conditions and the conditions they have got to navigate, like other road users, the weather conditions and the speed that they have to travel at to perform their job to help members of the community in times of emergency; or whether it is our delivery drivers. I talked about the challenges faced on metro roads before. We have got a lot of people on pushbikes or on scooters making small deliveries on a regular basis around our metro areas. And then of course we have working Victorians every day trying to get to and from their homes and work, and that travel, if it is not part of their actual daily work, is absolutely a fundamental part of their day.

As I say again, I am glad this has been raised. Being on the Economy and Infrastructure Committee myself, I would welcome seeing it there for discussion and debate, because I am passionate about the issues, the risks and the challenges that we face.

I think also culture is something that really needs to be looked at when we have this discussion. I mentioned before things like seatbelts. Over time we have had pushback from industry. We have had pushback from parts of the population over this journey to safer transport and safer car usage over why various governments of various persuasions over many, many decades have introduced new safety elements. It is disappointing to look back and to see – I do not know exactly when it was but I recall reading – in the past in America how heavily certain sectors of industry pushed back on the introduction of seatbelts. Culturally, we know that when breath testing came in, again, growing up in the country, we saw at times some pretty slow adaptations to driving with a safe level of alcohol in the blood or with no alcohol in the blood system. And then also there is risky driving behaviour. I know for me, growing up, as we were turning 18, 19 and 20, whether or not there may have been alcohol or drugs in various people's systems or whether we were just simply driving at speeds that were not safe

on roads that definitely were not safe to be going above the speed limit on, it was part of a cultural issue.

So much of the work we do and why it is well worth looking at the issues raised is about the culture of people using our roads. Absolutely, we have got to look from a government perspective at everything we can do to make the roads safer, whether that be guards, various rails, various kinds of fencing, signage or speed limits – all those sorts of things. But I think culture plays a big part in it too, and that is where we need leaders in local communities to make sure that the advancements and progress we are making around the culture of the way we view and use vehicles are understood by anyone who is getting into a car. As I said before, with a lot of my mates, there were a number of them who were very, very lucky to get out of cars that ended up in paddocks upside-down off the sides of roads. I have got mates who were not so lucky – mates who we had to bury at age 18. That is the tragic outcome of that culture and clearly not understanding the danger.

As I said at the start, these metal boxes that we are getting inside and hurtling along at a hundred kilometres an hour in have in the last 120 years revolutionised the way we live. It is fantastic that we can now travel from one end of this state to the other in a day, that we can get from home down to the shops quickly and easily. With that incredible change to the way we live, the way our society operates, the way we can support each other, the way we can access education, the way we can access food and the way we can access everything in our lives, we probably at times do not give enough thought to or appreciate enough just how far technology has come along in that time. But with all of those upsides and rewards, it is also about acknowledging the risks that are posed.

It is great to see that we are tracking in the right direction, that we have a goal of zero deaths by 2050, and we are staggering that as we head along towards 2030. As a government we are putting in place some of the things I outlined before – many, many things, whether they are infrastructure changes or educational changes or licensing changes to help drive down that death rate.

I think the goal of zero deaths is an absolutely commendable goal and one that we should all be striving for, but we also should not forget the amount of injuries that occur. It does not matter whether we are talking about deaths on roads or deaths in workplaces or anything along these lines, we should also remember the people that are injured, the amputees. A lot of people walk silently in our communities with a form of trauma or injury that will impinge on them every day of their lives, and we do not see that, we do not hear a lot of that. It could be as simple as somebody suffering whiplash or some other sort of injury that is going to impede them or impede their ability to fully participate in the community.

That is why I think the TAC is just so valuable for what it does to help get people back up on their feet and get people participating in our society, participating in our economy, participating in their families and with their friends because, not only from an economic perspective but from the emotional and mental health perspective, for every individual who unfortunately has had an incident on our roads, to get them back up and about and moving is crucial. That is why again I would just like to say that the TAC and the insurance that that brings is absolutely just something that I am so proud of. I always fully support any model where we can be supporting or insuring people in our community for situations that arise that they just have no control over. That is something that I think over decades we have done a better and better job of supporting and providing and delivering.

I think we have other challenges that have arisen, not just in cars but I think also on the pavement. Mobile phones are a big challenge. A bit of mindfulness being practised by pedestrians and drivers is very, very important, and that sort of comes back to that culture side of things I was talking about before – ensuring that we are focused on what we are doing at the time just to prevent these sometimes incredibly needless injuries or in worse cases deaths. Thank you to Mrs McArthur. I do hope we see this in the Economy and Infrastructure Committee. Thank you, Acting President Berger, for letting me speak on this.

Sheena WATT (Northern Metropolitan) (16:09): Hello, Acting President Berger. Can I take a moment to acknowledge this is the first contribution that I have been able to make since your appointment to the acting presidency role, and I offer you my hearty congratulations.

I of course rise to speak on the trauma and road safety motion, and in doing so I would like to firstly pass on my deep sorrow and regret to anyone who has lost a loved one to a road accident and to all those affected. My heart truly does go out to you. No death on a Victorian road is acceptable. I look forward to the day when we can achieve zero deaths on our roads.

There is always work to be done on the road toward zero deaths, and I am proud to be a member of the Andrews Labor government, who take road safety extremely seriously. This is a government who want to do all we can to reduce the number of deaths, and we have got a strong track record of reform and working towards achieving safer roads, safer speeds, safer vehicles and safer road users. We are investing to upgrade, maintain and improve roads in rural, regional and metropolitan areas but also upgrading infrastructure for pedestrians and bicyclists to ensure that all those who interact with our roads are able to do so in as safe conditions as possible.

We have also been encouraging the use of vehicle safety technology and enforcing and targeting high-risk behaviours. We have launched education campaigns and invested in road user behaviour research as mitigation measures to save lives and minimise loss. For us to achieve the goal of zero deaths and serious injuries, we must all work together, not only at a government level. The whole community must get behind it, because we must all believe that zero is possible. All Victorians should be safe and feel safe on and around our roads.

We are delivering road safety initiatives that have an impact in the short term while preparing us for the future. We are working with local communities across the state to increase our understanding of hooning so we can take steps to further reduce this dangerous activity. We have recently released a motorcycle crash card for helmets. This card provides emergency services with key personal information to speed up medical care after a crash, potentially saving lives.

Pedestrians are completely exposed to the full force of a crash, making them some of the most vulnerable road users. Our \$23 million safe pedestrian program will improve pedestrian safety across the state by treating precincts, routes and sites where pedestrian crashes have been identified or where there is a high risk of pedestrian crashes.

Our Unsafe2safe program is supporting up to 1000 young regional Victorians to purchase a newer, safer vehicle with a \$5000 subsidy, contributing to cutting road trauma among one of our most at-risk groups. Our road safety program in partnership with the Commonwealth government supports the rollout of life-saving road safety treatments on rural and regional roads and promotes greater protection for vulnerable road users like cyclists and pedestrians in our urban areas. The Andrews Labor government's \$1.4 billion safer roads program has delivered more than 3400 kilometres of life-saving flexible safety barriers on more than 1100 kilometres of high-risk roads across our state. We are investing \$19.5 million to improve road safety at more than 55 schools, shopping strips and intersections across the state, saving lives and supporting Victorian jobs.

In addition, Victoria has a comprehensive camera program that aims to reduce deaths and serious injuries at high-risk locations such as intersections and our freeways. Road safety cameras are an effective and proven deterrent to speeding drivers and are an effective countermeasure available to government to reduce road casualties. In 2023 new cameras that can detect illegal mobile phone use and non-seatbelt wearing will be turned on, and new rules governing the use of mobile and other portable devices will be introduced. In fact I do recall speaking on that particular bill at its introduction during the last term.

Following the increase in lives lost at the start of 2023, the government's road safety partners, led by Road Safety Victoria, met to identify options and opportunities to support road safety in the short term. A partnership approach to the issue is in development and will include the deployment of variable

message signs to support Victoria Police operations and deliver on-road safety messaging. Communications plan to support messaging delivery to target groups including regional and rural road users and options for enhanced communication to culturally and linguistically diverse communities across our state.

As a state we are determined to continue to reduce the number of lives lost on Victorian roads every year. Managing speed limits is key to bringing down the number of lives lost on our roads. We know most deaths and serious injuries occur on high-speed roads in regional areas. We also know intersections continue to be key locations for major trauma to drivers and unprotected and vulnerable road users. Excess speed contributes to least 30 per cent of fatalities and a quarter of serious injuries.

We also know that there is a 15 per cent decrease in crashes when speed is reduced by 5 kilometres an hour. We want safe movement of people and goods and balanced and place-based needs for those in our community. We need to ensure our road limits are appropriate to the infrastructure and function of the road. We choose to provide the safest road system we can for all across our state.

Our government is committed to supporting active transport as a means to provide real transport options, help achieve emissions reduction targets in our state, improve population health and relieve pressure from the road network by reducing some short car trips. Right next to my electorate office in Brunswick we are building a dedicated bike lane to the city as part of the removal of eight dangerous and congested level crossings in the Brunswick community.

Members interjecting.

Sheena WATT: It is indeed inside the tram tracks. That is right; proudly so. Not only does elevated rail help protect pedestrian safety, it also creates wonderful open space in which active transport infrastructure can be built. The dedicated bike path to the city will mean people from my Merri-bek community will have another option to get to the city, get cars off the road and encourage active transport. To achieve this mode shift – and we do understand that that does require work – people need to feel and be safe when they are walking or cycling. Pedestrians, cyclists and motorcyclists are among our most vulnerable road users, and I will just add to that scooter users. With developments in vehicle safety technology making significant inroads into reducing road trauma for vehicle occupants, the proportion of other road users like pedestrians, cyclists, motorcyclists and other micromobility users in our road trauma statistics is going to grow.

As well, active transport plays an important role in contributing to the sustainability of our environment. Neighbourhoods that are designed for cycling and walking can reduce car use and therefore reduce emissions and traffic noise, increase air quality and support the longer term decarbonisation of the transport network. It is imperative that we reduce the risk that pedestrians and cyclists experience on a daily basis. We have introduced significant improvements to cyclist safety in recent years, including the new minimum passing distance for cyclists. Rules have been changed to allow children 12 years and under to cycle on footpaths and those 13 years and over who accompany them to also cycle on footpaths. What a great initiative that is; it is very much seen actively in my community.

This is on top of hundreds of kilometres of new walking and cycling infrastructure across the state to improve safety and give Victorians more choice about how they travel. Road safety, especially the safety of our schoolchildren, is paramount. This is why the Victorian government remains committed to the school crossing supervisor program – what a marvellous program that is – with \$25.9 million allocated in the current state budget. Can I just give a shout-out to all the folks that do that very, very important work. This includes an additional \$5.1 million to the \$20.8 million previously allocated in the 2021–22 state budget. This additional funding supports the government's commitment to deliver this road safety program for communities across our state.

As I said, I do like the school crossing supervisor program. It has been in place for quite some time. It ensures schoolchildren are provided with a safe journey to and from school. This is in addition to other

measures to keep schoolchildren safe, such as school speed zones, school education programs and infrastructure improvements. There is so much more to be done, and we will continue to take a collective approach across government agencies and across the community to keep everybody safe on our roads.

Georgie CROZIER (Southern Metropolitan) (16:19): I am pleased to speak to the motion that Mrs McArthur has moved, a very important motion about establishing a joint committee to look into road trauma, safety on our roads and other related matters. The reason I want to briefly speak to this motion – and I will not go through the details because Mrs McArthur has done that – is to make a few points about why it is important that this joint committee be established. A road safety joint committee had been very much part of this Parliament for many, many decades and did exceptional work over those years. They brought in things like safety belts, and of course Victoria led the world in that – to have safety belt requirements – and other areas around roadside blood alcohol testing and other safety measures. So that committee was an exceptional committee, and there have been other joint committees – I remember when I first came into the Parliament there were a number of joint committees. I had the privilege to be chair of the Family and Community Development Committee. With the work we did there we also led the way.

So these joint committees have got a very strong and proud history, and I think in light of what is happening on our roads in country areas particularly, as Mrs McArthur knows, in the western parts of Victoria, an area I know exceptionally well too, having grown up in that part of the world – when I travel down there I am horrified about the state of the roads. I think it was Acting President Berger who made some very good points in the previous debate this morning about the number of road deaths in Victoria – 67. Correct me if I am wrong; 67 this year already.

Harriet Shing: 67 fatalities.

Georgie CROZIER: Sixty-seven fatalities, yes – a terrible statistic already, and we need to do all that we can to have road safety measures in place. Obviously there are many, many issues that have been canvassed by Mrs McArthur.

I would also say that in that debate this morning the issue around medicinal cannabis and the issues around exactly what the Acting President was talking about – road safety measures, having an ability to do this – could have been also assessed by a joint parliamentary committee. I made the point to Mr Ettershank after the conclusion of the debate that the joint committee that we are actually debating this afternoon could look at that issue at through that process. The work that these joint committees have done in the past, as I said, has been very notable.

The final point I would like to make is that the government is keen to establish a joint committee into duck hunting, which is all very good, but surely safety on our roads, the state of our roads – there is an enormous cost to the community in so many ways. It is not just the loss of life and the devastating impacts that has on individuals and families that are associated with road trauma but also those broader communities, but it has an impact, the state of our roads, on our economy, on the ability to transfer produce across the state, interstate or to get to port, on the ability for our tourism industry to not have reputational damage because of the state of the roads. There are so many aspects around why it is important, and I just find it absolutely extraordinary that the government is willing to establish a joint committee into duck hunting yet it is not willing to establish a joint committee into such an important issue as road safety. I would urge all members to support Mrs McArthur's motion. It is an excellent motion, and we need to get this committee established so we can look into some very, very significant issues.

Bev McARTHUR (Western Victoria) (16:23): I thank everybody for participating – Mr Galea, Mr McIntosh, Ms Terpstra, Ms Watt, Ms Crozier, Ms Bath and Mrs Deeming. You all made excellent contributions. It is a shame the government does not want to support this joint committee, but they do have form in this, you know, because this Road Safety Committee was introduced in 1967 by the great

Henry Bolte, but it was cut by John Cain subsequently and then reintroduced again in 1992 by Mr Kennett, that fine Premier, but it was cut by that other man, Mr Andrews. So you have got form in not wanting to ensure that we continually look at roads. It is an interesting thing that we are looking at ducks but not roads.

Georgie Crozier: It shows their priorities.

Bev McARTHUR: The priorities, absolutely. Absolutely the priorities are out the door. But anyway, the most important thing, it seemed to me, that Ms Watt raised was the issue of how we are doing everything for cyclists. Now, look, I can tell you it is a bit of a long trip out in the bush if you are on your bike. Most of us have got tens of kilometres to travel. I mean, I would have to travel 20 kilometres to go and buy the milk. You really cannot do it on your bike, I have got to tell you.

Ms Terpstra raised of course the very important issue of motorcyclists. They live in fear and trepidation of their lives now with all these wire rope barriers. They are called cut and splicing operators because you just do not want to come into contact with them or that will be the last day you are on your bike.

As for the safety aspect raised about school children and crossings, I can tell you that school buses are really under threat out in country Victoria on some of our roads. They are so dangerous that our schoolchildren in buses – their lives put at risk.

We have heard reference to the road toll inquiry, which I was on with Mr Erdogan. I had to produce a minority report because the solution that the inquiry came up with was just to lower the speed limit. Let me tell you: out there, outside the tram tracks, out in the bush, if you lower the speed limit you just make life intolerable for so many people who have got to get on the road to go from A to B –

David Davis: Businesses.

Bev McARTHUR: Businesses, transport – whatever. I was on a road the other day that has had the speed limit lowered. It is now down to 40, I think. It has been lowered for four years. For the entire time I have been in this Parliament the speed limit has been lowered, but the road has never been fixed. You lower the speed limit on roads so that you then can avoid actually repairing the road properly. This is why you need a constant brief looking at how you do roadworks, and so on, better. Yes, people have to behave better on the roads but, as the police have said, so many accidents are being caused by poor roads. I am hoping that our friends from the crossbench, who do not seem to be here, will support this motion. Clearly the government has got greater priorities – ducks and things – but we think this is vitally important. Yes, we could have an inquiry go to the Economy and Infrastructure Committee, but we think it should be ongoing, a committee like this. So I urge everyone – they are not here, but they might come in – to support the motion that we have a permanent road safety committee operating in this Parliament.

Council divided on motion:

Ayes (17): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nicholas McGowan, Evan Mulholland, Rikkie-Lee Tyrrell

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

Motion negatived.

*Bills***Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022***Second reading***Debate resumed on motion of David Davis:**

That the bill be now read a second time.

Jacinta ERMACORA (Western Victoria) (16:35): I understand the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022 is identical to one proposed by the coalition during the 59th Parliament. I guess the only thing that is different is that we have a new government returned with an increased majority. This provides new government MPs like me with an opportunity to respond to this proposal.

The opposition's intention with this bill is to ensure the timely tabling of Independent Broad-Based Anti-Corruption Commission reports in Parliament and to expedite their tabling while preserving relevant protections of the rights of those upon which IBAC may comment unfavourably. While it is agreed that it is in the public interest that these reports are tabled without delay and recommendations implemented expeditiously, it is not the role of this chamber or this Parliament to dictate to the courts the speed at which they must operate. This shows disregard for the machinery of the Victorian court system and procedure.

The bill proposes that IBAC publish reports before the subjects under investigation within those reports have had a chance to fully exhaust their appeal options regardless of court proceedings. Section 85 of the Constitution Act 1975 vests unlimited jurisdiction in the Supreme Court of Victoria as the superior court of Victoria. It is the appropriate forum for applications made pursuant to the Independent Broad-based Anti-corruption Commission Act 2011.

The current IBAC act contains the following provisions: sections 59L to 59N, which address the process for determining claims of privilege or secrecy requirements in the Supreme Court in IBAC investigations; sections 100 and 101, which permit applications to the Supreme Court to determine an issue of privilege in relation to IBAC's investigative powers; and sections 146 to 148, which provide for the appropriate process of making an application to the Supreme Court to determine any questions of privilege or applications for secrecy regarding examinations. Each of these sections also sets out the proforma with which the Supreme Court must consider each application.

This bill attempts to insert the phrase 'determined with ... speed' into three of these clauses, and yet there is no further clarification on what 'speed' is defined to be. How long is that? Is it speed in the context of the Supreme Court, which may be months or even years? That is the very issue that has prompted the opposition to introduce this bill. In fact it already happens that all court hearings have administrative hearings which set down time lines for important dates for filing documents. This is an integral step in procedural fairness, and the court will set as much time as is necessary so that the hearing for the issue is expeditious and effective. This bill does not attempt to amend the constitution, as it cannot, so this bill has no authority to change the power and procedures of the Supreme Court, and nor should it.

Most concerning about this bill is the disregard for procedural fairness. Clause 6 proposes to allow IBAC to publish reports which contain sensitive materials despite them being potentially the subject of a court challenge. This bill would explicitly remove those rights under section 162 by introducing an exception in section 162AA which undermines its purpose, which is to protect the person's right to due process and a fair hearing.

The wording and use of the phrase 'may' leaves the ability for IBAC to release reports without limits and constraints. It may be that IBAC deem all reports may be released in whatever circumstances they see fit. As we all know, IBAC deals with serious allegations of corruption, which can have significant

ramifications for the individuals being investigated. To allow publication of such sensitive information before an individual is able to protect their privilege would be a flagrant disregard of due process and fair trial.

Compare this scenario to a criminal trial for a serious criminal offence investigated by Victoria Police. If the police release their brief of evidence prior to the trial, does it seem likely that an impartial jury could be selected and the trial be heard fairly and expeditiously? I say it does not. The trial would struggle to proceed and may even be subject to appeal. This is an issue that my electorate already struggles with, as anonymity in small communities is hard to come by. Should an appeal go ahead, the bill would render much of the material for the appeal prejudiced and in doing so compromise the Victorian court system itself. If you apply a practical application of this scenario, a proposed early provision of reports may lead to a case in which IBAC publishes a report where the Supreme Court later finds the subject of the adverse findings was not provided an appropriate opportunity to respond. This is a huge undermining of the IBAC process. In this scenario it is not clear how the Supreme Court would grant an effective remedy, as it would be too late to provide the person or body the appropriate time to respond to the adverse material. I suspect that this change may make some IBAC rulings vulnerable to appeal to a higher court.

The proposed provision also appears to contradict section 162(5) of the IBAC act, which prevents IBAC from including in its reports any information which would prejudice a criminal investigation, criminal proceedings or other legal proceedings. If the IBAC is aware of a criminal investigation, any criminal proceeding or other legal proceedings in relation to a matter or person to be included in a report, under this section the IBAC must not include in the report any information which would prejudice the criminal investigation, criminal proceedings or other legal proceedings.

These concerns are not new to the opposition, as this bill in this exact form was debated in this very chamber nearly nine months ago. The same bill was introduced by Mr Davis on 7 June 2022. Again, the previous bill is identical to the current bill, clause for clause, word for word. I further remind the chamber that the Scrutiny of Acts and Regulations Committee, SARC, has already considered proposed amendments in this bill and tabled a report on 21 June 2022. It seems unnecessary that such debate should ensue regarding the constitutional and human rights concerns surrounding this bill without any amendment taking into account consideration of the recommendations of SARC.

When I look at this proposal I can only assume the message from the coalition is ‘We don’t mind if we prejudice a criminal investigation or legal proceedings. We don’t really care about the human rights of Victorians.’ The bill before us today gives us a window into what the coalition might be like if they were in government. They would be prepared to compromise the integrity of the court system, prepared to compromise the rights of citizens to due process before the law, prepared to provide meddling direction to independent bodies and prepared to throw out the protections against prejudicial reporting by IBAC.

We only need to look at their friends and colleagues in Canberra this week, where a number of former coalition government leaders have been called before the robodebt royal commission to give evidence. Their systematic attack on some of our most vulnerable citizens, resulting in many cases of devastating stress and in some cases suicide, was all to fulfill an obsession to prove a false ideology that low-income people are ripping off the government. But it was the complete lack of moral fortitude displayed by Stuart Robert when he admitted that he lied in public statements about the program so as to protect his government at the time that really painted the picture for us. The Supreme Court will follow due process –

David Davis: On a point of order, Acting President, this is a bill about corruption and IBAC and so forth and about timely reporting, but it is not a bill about federal matters. It is not a broad debate in that way, it is a debate about timely reporting. It is nothing to do with Mr Robert in Canberra, and I think the member is diverging into obscure terrain.

Harriet Shing: Further to Mr Davis's point of order, he has gotten to his feet on many occasions to talk about the fact that subject matter has been covered in a broad-ranging way when it suited him in relation to other motions. The subject matter that Ms Ermacora has covered thus far is entirely relevant to the subject matter of the bill as proposed. Timely reporting is germane to the direct question of jurisdiction, and on that basis I would suggest that Ms Ermacora is well within the bounds of the bill as proposed.

The ACTING PRESIDENT (John Berger): Ms Ermacora, could I draw you back to the subject title, thank you.

Jacinta ERMACORA: The Supreme Court will follow due process, so Parliament should uphold the same standards. The principal tenet of responsible government is the separation of powers: government, Parliament and court. The courts should not dictate how the Parliament writes law, and the Parliament should not dictate how the courts determine cases. By keeping the powers separate, we have a counterbalancing system of checks and balances.

This bill compromises procedural fairness and natural justice. It compromises future court processes and it contradicts the confidentiality protections built into the current IBAC act. This bill renders IBAC vulnerable to politicisation at the expense of Victorians who have a human right to procedural fairness and due process. Victorians have a right to expect that an independent body actually has the authority to act independently from government, or in this case from coalition meddling.

Ryan BATCHELOR (Southern Metropolitan) (16:48): I am very pleased to rise and speak on the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022, moved by Mr Davis. In reflecting on the bill and the title of the bill, it reflects a naming convention that seems to wish to include in the title of the bill probably some words that might not accurately reflect what the consequences of this bill are. It is very much a contrivance and very much an attempt to, I suspect, paper over some of the serious consequences that the passage of this bill would have for the operation of Victoria's integrity agencies. In fact it may well be that a better title would be the 'Independent Broad-based Anti-corruption Commission (Dispensing with Procedural Fairness) Bill 2022', because that is the effect that this bill would have if it passed the Parliament today.

The bill would, by allowing the publication of reports that are still the subject of matters that are before the courts, undermine the role that the Supreme Court has to make determinations about how it considers matters before it should be resolved before such matters are relayed to the Parliament in the publication of special reports from IBAC. We think that this would fundamentally change not only the way that IBAC operates but how subjects of IBAC reports have their rights under the rule of law to procedural fairness and how they would operate, and then fundamentally how the courts themselves operate in the way that they have the inherent powers to determine the proper conduct of their own proceedings. We are of the view that those matters are important and things that should be protected, because in our democracy procedural fairness – the rule of law and the role of the courts – is something that the government does believe in quite strongly.

The other thing that the bill does – and we were reflecting on the debate that we had on the companion bill that Mr Davis moved; I forget the rather long title of that particular bill off the top of my head, but I am sure people will be able to remind me at some point if it is in fact at all relevant – is that the combined effect of the amendments in the two companion bills that Mr Davis is seeking would fundamentally attack and change the way that this government and this Parliament and this democracy deal with integrity matters. It wants to take and change IBAC from a forum that is diligently and professionally investigating and eradicating corruption in the state of Victoria, underpinned by a framework bound in the rule of law, and that is able – and we have seen this quite effectively through IBAC being able to demonstrate its ability to undertake investigations – to produce reports and seek and achieve prosecutions. The combined effect of these proposals was to change the nature of –

David Davis interjected.

Harriet Shing: On a point of order, Acting President, Mr Davis has just made a remark which is entirely unparliamentary, and Mr Batchelor would be well within his rights to seek that it be withdrawn.

Ryan BATCHELOR: To be honest, if that is the best that he has got, then he is even sadder than I thought. Acting President, I ask that that be withdrawn.

The ACTING PRESIDENT (John Berger): Mr Davis, do you withdraw that remark?

David Davis: Which remark?

The ACTING PRESIDENT (John Berger): The remark that you made about Mr Batchelor's father.

David Davis: Why am I withdrawing the remark, Acting President? He cannot just gratuitously take offence.

The ACTING PRESIDENT (John Berger): The member has taken offence to the remark that you made about his father.

David Davis: Acting President, is this a new ruling: any matter that a member takes offence to? It has got to be objectively offensive. His father was involved in the Nunawading by-election. It was crooked. It did lead to changes in the law in fact. It did actually lead to every how-to-vote card in the state being required to be registered. His father has a shocking record.

The ACTING PRESIDENT (John Berger): These additional comments are not helpful, Mr Davis. Please, I ask that you withdraw your comment.

David Davis: In which respect, Acting President? I am just trying to understand which standing order has been offended here.

The ACTING PRESIDENT (John Berger): Mr Davis, I have asked you a second time –

David Davis: I withdraw.

The ACTING PRESIDENT (John Berger): Thank you.

Ryan BATCHELOR: Thank you, Acting President. It is a shame that people who would otherwise purport to be concerned about integrity in politics like to spend their time on such matters. I am not going to be distracted by them, because quite frankly it speaks more about them than it does about anybody else. As I remarked, if that is the best that they have got, they are even sadder than I thought.

However, to get back to the substance of the debate rather than the distraction, the problem I think that Mr Davis has is that what he is proposing through this legislation will fundamentally undermine the procedural fairness for those people who are potentially named in the IBAC reports, and IBAC reports can have very serious ramifications for the individuals who are identified in those reports. For the public to have confidence in IBAC's findings and in IBAC itself they must have confidence that those investigations and those reports will be able to be dealt with subject to the rule of law and a proper assessment by the courts. We know that there are concerns with, as Ms Ermacora said, proposed clause 6 of the bill, specifically as set out in proposed section 162AA:

The IBAC may cause a report to be transmitted to each House of the Parliament under ... 162 despite any proceedings that are pending in a court in relation to –

the subject matter of the report; or

any other matter or thing that may be relevant to the report.

We know that there are problems with this clause because Mr Davis's bill is so bad that he has had to move an amendment to strike them out of his own bill. That just gives you an insight into the ramshackle approach that Mr Davis is taking to the legislation he brings here. I do not know why he is so sloppy in the way that he has proposed legislation that he has to move amendments to his own bill to take out words and features and clauses, which would have the fundamental effect of undermining the rule of law and undermining procedural fairness in this place. So I look forward to him getting up and moving these amendments in committee and wiping the egg off his face because of the errors that he has made in the course of this debate. He may be able to do that, he may be unable to do that. That in the end is up to him.

The other matter that I wish to go to that we have had concerns with in the course of this debate is in relation to proposed clause 5, the amendments to section 162(2). The amendments propose a three-month time line for individuals who are the subject of adverse findings in an IBAC report. We have a concern here that rather than resulting in more timely reporting, there is a risk that this time line may result in longer delays. The bill proposes a three-month time line. However, for many investigations that IBAC undertakes three months is longer than IBAC currently provides for responses to adverse findings. So the proposals in the bill that we see here today may actually result in a –

The ACTING PRESIDENT (John Berger): Excuse me, Mr Batchelor. Mr Davis, could you please sit down. I cannot hear a thing that is being said here.

Ryan BATCHELOR: Thank you, Acting President. The consequences of the provisions in this bill may result in a longer time being taken in the course of IBAC investigations by inserting a three-month requirement. That is yet again an example of the bill having consequences that we are not interested in and that we do not think accord with good process, but also it fundamentally demonstrates the sloppy approach that Mr Davis has taken to this part of his work.

The last matter that I want to draw the chamber's attention to is the effects that the proposals in this bill will have more generally. I will leave aside the question of proposed clause 6, which does not know whether it should be in or out of the bill, and we look forward to the explanation as to why that is so – I was going to say something else – monumentally determined to be in requirement of amendment, and I will go beyond the problems that we have seen in relation to the timely reporting elements of the bill. What this bill would also do by enabling IBAC to publish reports that contain material that are the subject of a court proceeding not only may create inconsistencies with other provisions of the Independent Broad-based Anti-corruption Commission Act 2011 but also fundamentally is at odds with provisions in the Victorian constitution related to the unlimited jurisdiction of the Supreme Court. Those procedures and practices are well set out under the constitutional provisions that we have that set the appropriate precedent for the Supreme Court to be the superior court of Victoria with unlimited jurisdiction to determine matters that it sees fit.

The operation of the proposed clauses and the amendments that Mr Davis seeks to insert would have the purported effect of enabling the matter to be determined at speed, which fundamentally acts in contradiction to the role the court itself has in determining the course of its own proceedings. We think that is a very dangerous precedent for the Parliament to get into, saying that there are parts of the broad administration of Victoria's governing systems that could be set up and seek to undermine the role the Supreme Court rightly has in being the most appropriate forum to handle these matters and being the most appropriate place to determine whether or not the court itself has fully considered the issues before it and whether the court itself has determined that the matters before it have been resolved to its own satisfaction. With all due respect to those who are running those proceedings in the Independent Broad-based Anti-corruption Commission, it is, under our constitution, the Supreme Court's jurisdiction to determine whether it has done its job properly, not somebody else's. That is a principle that we should all stand up for. That is a principle that is undermined by Mr Davis's bill, which we in the government cannot stand for.

Over the course of this debate I think we have demonstrated the problems that the bill before us has, the sloppiness that clearly has gone into its creation and the consequences that we would see for the integrity framework here in Victoria, where we would take a system that is doing its job eradicating, investigating and trying to stamp out corruption and turn these matters into a political sideshow, which is the last thing that integrity in Victoria needs. Mr Davis's bill is the last thing that integrity in Victoria needs.

Michael GALEA (South-Eastern Metropolitan) (17:03): I rise to speak on the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022, and in doing so I oppose the bill. It seems that Mr Davis has a keen interest in introducing ill-conceived amendments to integrity legislation that would undermine our integrity bodies, as my colleague Mr Batchelor was just saying. This is also not the only IBAC bill on the notice papers; indeed I spoke on another one just earlier today. And this bill bears a striking – to wit, word-for-word identical – resemblance to a bill in the previous Parliament. And as I am sure will be made clear – indeed, frankly, it already has been made clear I think today – the IBAC bills that are being debated today are not well considered. They do not substantially and do not meaningfully improve the operation of our integrity bodies. The proposed amendments are flawed. They undermine various aspects of IBAC and are not in the public interest overall.

Discussion, meaningful reviews, consultations and reforms to the Independent Broad-based Anti-corruption Commission Act 2011 and other integrity bodies and measures are important aspects of ensuring our institutions operate with integrity and that serious and systematic corruption and misconduct are exposed and properly dealt with. Good legislation and reviews of that legislation are key to ensuring public confidence in our institutions as well as ensuring confidence in those integrity bodies themselves.

The Victorian government is committed to our integrity bodies, including IBAC, and that includes strong oversight and investigation mechanisms, which are critical to our democracy. This government has a strong track record of supporting and strengthening IBAC through both legislation and support for the integrity body, and I refer to my previous speech today on that subject.

As this bill addresses the powers of IBAC, in part claiming that IBAC under this government does not have strong powers or has somehow lost its powers, I would like to look at this government's record on IBAC, as our record demonstrates the continued steps undertaken by this government to promote IBAC, to strengthen it, to provide greater integrity and oversight towards various aspects of the commission and to strengthen confidence in IBAC itself – a record that is one of strengthening IBAC integrity and accountability laws. In recent years the opposition has sought to undermine IBAC both through ill-conceived legislation such as this and parliamentary gamesmanship and statements that fundamentally undermine and seek to discredit IBAC – statements uttered in both this place and in public, most notably in attempts at cheap political pointscoreing. This is another attempt to turn IBAC into something that can be used as political football rather than as a thorough integrity body.

The Victorian government last year committed to acting on the recommendation of the report into donations and lobbying, which was released by IBAC last year. This government has committed to acting on and implementing all 21 of the Operation Watts sweeping recommendations, including establishing a parliamentary integrity commissioner to receive and investigate complaints about possible misconduct by MPs. The commissioner will be armed with robust powers and resources, including the power to recommend sanctions. It also includes work to establish a joint parliamentary ethics committee, comprised of equal numbers of members from the Legislative Assembly and here in the Legislative Council. It will ban MPs from employing close family members in their electorate offices, and the ministerial code of conduct will also be amended to clarify that ministers must ensure that the public resources made available for performing their public duties are not used for party-specific purposes, further to which electorate officer recruitment, management and supervision will be reviewed alongside grant administration to ensure greater transparency and better processes.

The Victorian government introduced and legislated the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019, which expanded and clarified the types of public sector improper conduct that a person can disclose, increased the pathways for making disclosures and simplified confidentiality obligation while protecting disclosures from legal costs and better enabling them to seek support services.

This government also legislated the Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016, which allowed IBAC to investigate misconduct in public office, lowered the IBAC investigation threshold, removed the requirement that IBAC has prima facie evidence in a relevant offence from IBAC's investigation threshold and provided the Auditor-General with follow-the-dollar powers.

As the government continues to give IBAC broad powers to conduct its investigations, there has also been substantial funding to ensure IBAC has the resources necessary to operate effectively. The state budget of 2022–23 has invested \$32.1 million over four years in additional funding to IBAC on top of its annual base funding, with a record funding of \$61.9 million in the 2022–23 financial year. By the end of the forward estimates IBAC's funding will be double what it was when we came into government in 2014. Funding for IBAC is in proportion to the public sector workforces they hold to account. This rightfully means that funding is higher in Victoria than in other states. The budget boost to IBAC provided funding equivalent to \$217.30 per Victorian public servant in 2022–23, which is compared to \$78.40 per public servant for New South Wales's ICAC whilst undertaking a similar number of investigations. I am pleased that the Andrews Labor government is committed to continuing to work with IBAC and to considering their suggestions to make sure that they have all the resources that they need to do their job as effectively and efficiently as possible.

Speaking of the serious flaws in this bill, the same flaws existed when the bill was introduced in the previous Parliament. Clause 6 of the bill, proposed section 162AA, seeks to allow IBAC to publish reports that contain materials being challenged in court. IBAC reports can have serious ramifications for individuals identified in those reports, and I again refer to my speech earlier today on this subject. For the public to have confidence in IBAC's findings and in IBAC itself, individuals subject to an investigation must be provided with an appropriate opportunity to respond to the findings and to challenge those findings they consider to be inaccurate. The act balances the vital role that IBAC undertakes in investigating and exposing corruption and misconduct with the rights of individuals to be able to review and provide comment on any adverse findings that IBAC considers may apply to them, before that material is made public.

The bill at several points also undermines the safeguards and protections that are actually key to the IBAC act, considering the strong coercive powers that IBAC has. The proposed provisions within this bill would potentially lead to subjects of an investigation losing the ability to challenge the actions of IBAC and have the Supreme Court determine if natural justice and procedural fairness are being provided, as my colleague Mr Batchelor referred to in his earlier contribution. A person subject to an IBAC investigation may be successful in procedural fairness proceedings, but under the proposed amendments a report could be published – under Mr Davis's proposed section 162AA – even if a person is later found to not have been afforded procedural fairness. The subsequent remedy of the court would be rendered futile and undermine the practical protections of procedural fairness, which is a fundamental tenet of our legal system.

Provisions within this bill could see IBAC at risk of being in contempt of court through the transmission of a report that prejudiced a court proceeding. How is putting IBAC in a situation of being in contempt of court a good thing? How is it a responsible thing? It is not. Does it promote integrity? Does it enhance oversight? Does it boost confidence in our institutions? It does not, it does not and it does not. The proposal to enable IBAC to publish reports that contain material that is the subject of a court proceeding may create inconsistencies with other provisions in the IBAC act. Doing so would also place IBAC at risk of being in contempt of court.

IBAC currently has sound provisions for how to apply to the Supreme Court to determine secrecy or privilege requirements. The amendments to the IBAC act in this bill seek to throw out those provisions and create a form of competing interests between IBAC on the one hand and the Supreme Court on the other hand – amounting to a situation where IBAC would be putting its reporting requirements above the procedures and operation of the Supreme Court and its judicial responsibility. The procedures that this bill would remove are well established and set the appropriate precedent that the Supreme Court is the superior court of Victoria with unlimited jurisdiction, as is established in our state's constitution. So by enabling IBAC to publish reports, including material that is the subject of a court proceeding, in the manner proposed in this bill is a major flaw that would undermine IBAC as an institution and would undermine public confidence in IBAC as well. If IBAC were then to proceed to table a report to the Parliament which may then prejudice legal proceedings, it would undermine the integrity of the court process and the rights of individuals to seek effective remedy from the court.

In seeking to remove these provisions the opposition will set the Supreme Court at odds with IBAC and will inevitably undermine one or both bodies, most likely both. Already we have seen ill-considered amendments within the bill discussed earlier today. Those provisions would see the safeguards and protection of witnesses and the subjects of investigations being undermined. As I referred to in my contribution earlier today, this is a very, very serious subject. Whatever findings are arrived at, especially for someone who is found to be cleared, it is absolutely unacceptable for anyone to be in a position of putting themselves at harm due to the process that they are going through. As I mentioned earlier, this government has already made some reforms to support people as they go through IBAC proceedings. To have people thinking that the best option for them is to take their own life is unacceptable, and this bill, just like the other opposition bill, adds to that risk. It does not address it; it actually adds to that risk. It actually further puts at risk people who are going through IBAC proceedings.

It does seem that in this bill and in the bill that was debated earlier the opposition is putting its desire to change IBAC to suit how it believes it should operate above the measured and considered operation of the body itself. In doing so these amendments would undermine IBAC's function as an integrity body and of course they would undermine public trust in IBAC overall.

The bill also proposes a three-month time line for individuals to respond to adverse findings in an IBAC report, as proposed by clause 5 in new section 162(2). Rather than resulting in more timely reporting, there is actually a risk that this time line may result in longer delays. The bill proposes a three-month time line –

The ACTING PRESIDENT (Sonja Terpstra): Mr Galea, thank you. Your time has expired. It is now time to move to statements on reports.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (17:15): I move:

That this matter be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Business interrupted pursuant to sessional orders.

Statements on tabled papers and petitions

Department of Health

Review of the Medically Supervised Injecting Room

Georgie CROZIER (Southern Metropolitan) (17:16): I want to raise the issue around the report by Mr Ryan that was mentioned yesterday, *Review of the Medically Supervised Injecting Room: Final Report – Key Findings and Recommendations*, February 2023. It is in relation to the North Richmond injecting room. That report that was released is 25 pages long. I think it is an absolute disgrace that a

report on an issue that has caused so many concerns and so many issues which has taken years to put together is 25 pages long. That is all – 25 pages.

I note that in this there are some comments around the residents, and I want to speak to them. The report itself, or this review, covered the period from July 2020 to December 2022. That is not an insignificant amount of time. It is quite a period of time, and you would think that through that time of the panel conducting the review there would be significantly more examples of just what is going wrong at the North Richmond injecting room. During that time we have had, as has been highlighted, many very serious issues with the Richmond West Primary School. Children have had to witness sexual activity on the school grounds and drug-affected individuals wielding machetes. They have had to step over overdosed bodies. They have had to walk past, tragically and sadly, fatalities from overdose. The syringes that are around the area have gone from 6000 per month to 18,000. That is a threefold increase in syringes being found around the injecting room. Of course we had employees within the precinct dealing drugs. The whole thing is an absolute sham. It will be Daniel Andrews's legacy that he has allowed an injecting room to be established next to a primary school.

The suitability of the location was not in the scope of the review. It did not even go to the suitability of the location. That is what the issues have largely been about. Many of those residents who have lived in the area for a long, long time understood the issues around drug use, and they were supportive of measures to support drug addicts getting care and support. But they have had to live with an increase in criminal behaviour, an increase in drug dealing and an increase in antisocial behaviour. The fact that they have to come and find people defecating and urinating in their front gardens is just a disgrace. This is not an uncommon occurrence, let alone children having to see drug deals or all sorts of other unsavoury activity going on where kids play in their street in this residential area. This injecting room is in the wrong site, and this government is making that injecting room be permanently in North Richmond.

Meanwhile, you have heard the Premier say, 'Well, drug use is changing, and we're looking at what is happening in the CBD.' Despite the fact that they bought a property for \$40 million, the Yooralla building, it has been sitting there empty, doing nothing for months on end. That is a good use of taxpayers money – I suggest not. I mean, this government is extraordinary. This Premier is extraordinary. You cannot believe a word he says. He did not believe in injecting rooms, and then he said he did. Then he said, 'I don't believe in ice being used in injecting rooms,' and then there is ice. Now, you have got to understand what the true outcomes are of this injecting room. What are the real outcomes? The real outcome is how many people on these heinous drugs actually get rehabilitated. Where are those figures? Nowhere in this report. This report is an absolute farce. It does not talk about the location. It does not talk about outcomes for those people that need the support and who need to get off these terrible drugs. I will have more to say on this. I have said it for the last five years, and I will continue to argue against an injecting room next to a primary school.

VicScreen

Report 2021–22

John BERGER (Southern Metropolitan) (17:21): It is with great pleasure that I rise today to speak about the incredible achievements of the Victorian film industry and the work that the Andrews Labor government has done to support and grow this vital sector. According to *VicScreen: A New Era for Screen*, the 2021–22 annual report tabled on 20 December 2022, VicScreen, previously known as Film Victoria, changed its name in 2022 to:

... more accurately and better reflect the diversity of modern screen activity that the agency supports, from film and television to online, virtual reality, augmented reality and digital games.

The film industry in Victoria is a crucial asset to our economy, creating jobs, generating tourism and telling our stories to the world. It is a source of immense pride for Victorians, and it is something that we have come to celebrate. I am proud to say that the film industry is thriving in Victoria, with record

levels of production and investment and a growing reputation as a world-class destination for film and television. The Victorian film industry output of \$2.3 billion in 2020–21 is an increase of 12 per cent from the previous year. It supports over 18,000 jobs in Victoria, including 10,000 in film, television and the digital media industries. These jobs are spread across Victoria from metro Melbourne to regional areas and provide a vital source of employment for many Victorians, or as my colleague in the other place the member for Albert Park said the other day on TikTok, one in 11 Victorian jobs are from the arts, and that is something we should all celebrate.

Recently our state has seen a record number of film and television productions, including blockbusters such as *Marvel Shanghai*, *Shang-Chi and the Legend of the Ten Rings* and Netflix's *Pieces of Her* and *The Power of the Dog*, which is nominated for multiple Academy Awards. And how good are Victorian films? Very good. Some personal favourites of mine are *The Castle* and *The Man from Snowy River* – massive boons for the economy that have stayed in our collective consciousness ever since. This increase in production has supported our significant investment in the sector, including a \$33.8 million Film Victoria productions incentive, which has attracted over \$540 million in production expenditure to Victoria since its launch in 2019. I note the recent arrival of Zac Efron, star of *High School Musical*, who was recently filmed in Bundoora. While I am not a big fan myself, I know my five daughters are. It is this ability to attract stars that puts a world spotlight on Victoria, so I am proud of our investment into Melbourne's film hub, which provides world-class facilities for filmmakers and production companies. The hub includes sound stages, post-production facilities and office space for film and television companies, and it is already attracting major international productions for Victoria.

Under the leadership of the Andrews Labor government the Victorian film industry is once again thriving, with record levels of investment, production and employment. This is not only good news for the industry and the Victorian economy but for the very cultural fabric of our state. We are a nation of diverse cultures and traditions, and it is important that we celebrate and preserve them for future generations. This is more than present in the rich and unique culture of Indigenous Australians. For too long their voices and stories have been silenced or misrepresented by mainstream media, but we have an opportunity to change that.

Filmmaking can be a powerful tool for Indigenous Australians to tell their stories, share their experiences and perspectives and showcase their culture to the world. Through film they can express themselves in their own way on their own terms and connect with the audience, who may have never experienced their culture before. By amplifying Indigenous voices through film we can promote greater understanding and reconciliation between Indigenous and non-Indigenous Australians, something I am sure this house can appreciate in the year that we seek to vote yes on the Voice to Parliament.

Our investment in the film and television industry is reaping dividends – for instance, production of the Hollywood blockbuster *The Shallows* created more than 270 jobs and contributed \$14 million to the Victorian economy. I am proud to commend to this house the great work of VicScreen and its most recent report.

Department of Health

Review of the Medically Supervised Injecting Room

Evan MULHOLLAND (Northern Metropolitan) (17:25): I also wish to speak, as my colleague Ms Crozier did, on the report by Mr Ryan on the safe injecting room in Richmond. It is an area that I have been following quite closely, as I represent the electorate of Richmond as part of my Northern Metropolitan electorate. The government seems to be using the final report of the review into the medically supervised injecting room as a clean bill of health as to all aspects of this injecting room. This review specifically moved the biggest problem from the terms of reference: its location. It is like reviewing the effectiveness of Victoria's hotel quarantine system but removing completely the use of private security guards from that review. That is basically what they have done here.

Did anyone from this review or the government speak to any of the traders on Victoria Street before making this decision? Perhaps they want to speak to Ha Nguyen, a trader on Victoria Street and the head of the traders association, about his experience with the medically supervised injecting room. The Liberals and Nationals once again condemn this government for its unwillingness to listen and consider the views of local residents and their legitimate concerns. They have snubbed the community and continue to treat the community like mugs. They have also left CBD residents hanging over whether they will get an injecting room. Now, I know other colleagues, like Ms Ratnam, speak to the same residents groups in the CBD that I speak to. They do not agree with me on every issue, I will admit, but one thing they do agree with me on is that they are very concerned about an injecting room in the CBD.

I am not necessarily against an injecting room, but it is clearly in the wrong location, and you have to ask why. Why hasn't the government researched this properly and why hasn't it worked effectively? Sydney, for example, just does not have these debates around an injecting room. I note some of the biggest advocates for the injecting room are not the biggest fans of the Catholic Church, the biggest faith, but it was actually the Sisters of Charity in Australia that worked to set up a safe injecting room for intravenous drug users in Sydney in 1999. They did the research and operationalised the Kings Cross facility, which is now run by the Uniting Church. There was a lot of flak for the sisters at the time, and I have always found this quote by Sister Annette Cunliffe quite stark:

They said it was cooperation with evil and, I mean, it is ... But there are times when you have to consider the person rather than the sin.

She said an injecting room was in alignment with their charism of service for the poor. The Kings Cross injecting room is their legacy, and there is no debate about the injecting room up in Sydney.

Let us remember that, unlike Kings Cross, our injecting room is located just 50 steps away from Richmond West Primary School. Some in this place may seek to turn a blind eye to or omit it from the terms of reference, pretending to forget the obvious and ongoing failure of judgement, but the residents of Richmond certainly have not forgotten – parents, traders. There are ongoing issues with the injecting room. Many have spoken to me about it; many have raised their concerns publicly about it. I will just go through a couple. In 2021, three years after this trial began, a community meeting of over 100 residents and anxious parents of the school were asked if their child had found a needle at the school. Half of them raised their arms. An organiser of the concerned group, Jo Murray, said that her:

... 10-year-old son can walk down the street saying 'that one's taken ice, that one's taken heroin because he's sleepy, that one's got his shirt off because ... he's taken ice'.

Kids just should not be exposed to this kind of thing. I note the government just does not seem to have taken the consultation steps necessary to get past this issue. As I said, I am not necessarily against the injecting room, but it is in the wrong place.

There are several other examples I could go through. The Minister for Education admitted that the Richmond West Primary School has increased security. It is a clear admission by the government that it is not an acceptable environment and it is an unsafe environment. The report details local residents who are saying they feel intimidated just trying to access maternal health and child health services, which are actually co-located as well with this injecting room. The only businesses that seem to be supportive are those who operate a local illegal drug market, which seems to be thriving on our local streets.

Parliamentary Budget Office

Report of Operations for the Victorian 2022 General Election

Samantha RATNAM (Northern Metropolitan) (17:31): I rise to speak to the Parliamentary Budget Office *Report of Operations for the Victorian 2022 General Election*. Yesterday the PBO tabled their report of operations into the last Victorian general election. It outlined the important work that the

PBO does, preparing over 800 costings in the election period to allow political parties and voters to engage in informed debate on election promises.

We live in an age of increasing distrust, with sometimes wild political claims coupled with eroded faith in our governments not serving our needs. In Victoria we counter this with a series of integrity agencies who hold politicians to account and in doing so help people to trust government and to trust democracy. They are essential. The Parliamentary Budget Office's part in this is providing costings – pre and post election – which help keep wild claims in check and improve credibility and therefore confidence in our institutions. Knowing that they will face a public post-election report makes parties accountable and more likely to develop an election platform that the public can believe. The PBO also provides analysis and advice outside of election periods. This levels the playing field, helping non-government parties understand the state of the budget and the likely impact of different policies and proposals. It helps keep political debates informed and constructive.

The PBO does an excellent job with the resources it has available to it, working tirelessly while maintaining its strong commitment to fairness and confidentiality. However, there are a series of potential changes which would allow them to provide better, fairer, reliable and timely services. These changes are outlined in the recommendations in the report of operations. The first of these relates to the Department of Treasury and Finance also providing a costing service during the election period. This is a service which tends to be used only by the incumbent political party because, whether or not it is true, the service is not seen as independent. Having two different bodies providing election costings confuses the public, undermines faith in election commitments and also calls into question the caretaker conventions, which aim to deliver a public service which can be trusted by an incoming government. Recommendation 3 calls on the government to reaffirm its commitment to the PBO via a new statement of intent. While the Andrews Labor government has made a clear commitment to the PBO by establishing the office, this is not backed up by the behaviour from the public service. Departments can take months to respond to information requests, which are key to informing the public debate.

Another key recommendation is for budget independence. In October last year the Victorian Ombudsman, the Independent Broad-based Anti-corruption Commission and the Victorian Auditor-General's Office recommended that the Victorian government work to establish an independent commissioner or tribunal to support transparent, accountable and evidenced-based decision-making on funding for these three agencies. The PBO would like to see this established and expanded to include them. This makes sense, not just to protect these agencies from the whims of future governments but also for a clear demonstration that this government believes in integrity, accountability and democracy. I urge the government to accept these recommendations as well as others in the report.

In 2019 the OECD published a report on the Victorian PBO, which echoed many of these recommendations as well as emphasising the importance of independent bodies like the PBO. It noted that the experience of jurisdictions:

... with more long-standing institutions demonstrates that – even if they do not always agree –

independent fiscal institutions –

are viewed in the longer term as important partners for finance ministries and legislative budget committees in promoting credible fiscal policies.

As the Treasurer said in 2016 in supporting the establishment of the PBO:

An effective and independent PBO supports open and democratic government ...

I urge the government to maintain this commitment to open and democratic government by adopting the recommendations in this report.

Department of Treasury and Finance*Budget papers 2022–23*

Melina BATH (Eastern Victoria) (17:35): I am interested to follow up on the continuation of our discussion in relation to a joint committee on road trauma and road safety and related matters. In doing so I investigated budget paper 3 of the last year's budget, still in operation, on delivering the road safety action plan. This plan and the funding within look to the *Victorian Road Safety Strategy 2021–2030* from the Transport Accident Commission, and this is the strategy around it:

The purpose of this Strategy is to create a safer road environment and reduce the opportunity for poor decision making.

The Strategy aims to halve road deaths by 2030 and put us on a strong path to eliminate all road deaths by 2050. It also seeks to reduce the incidence of serious injury resulting from road crashes.

Well, this is a noble and desired and needed focus and aim, but unfortunately we see in the current statistics that we are actually going backwards on that aim. We see that in 2023 we have had 68 lives lost so far this year – that is a 36 per cent increase on the last year. We also see that there is a significant statistical increase on our rural roads. We have got a 42 per cent increase in deaths on our country roads. Not only are we having more people dying on roads but more of them are dying on our country roads. It is for that reason that we do need a thorough investigation into these tragedies, into these crashes.

I took the opportunity to speak to the chair of RoadSafe in Gippsland, a very knowledgeable and dedicated human being, Andy Milbourne, and he is quite happy to have his name mentioned. I am really wanting to put some of his considerations on the record today in relation to safety on our roads. In doing that I look to go back to the government's agenda about a road safety action plan – is it working? Well, here are some of his suggestions.

He goes to motorcycle gear – and I know Acting President Terpstra is a very careful and law-abiding motorbike rider – and he talks about learners having to wear a reflective vest but how when they get their licence, they do not have to wear protective gear. He would argue you have to wear a helmet and you actually need those specified leathers and protective gear. An accident can be absolutely devastating. It may not kill you but it may wound you for life and have devastating consequences, so he is wanting to look at some of the requirements for protective gear for motorcyclists.

Unregistered vehicles – he raises the issue that those people who have broken the law, who have lost their licence or who are using unregistered vehicles are actually also covered by the TAC. In a caring society we said, 'Well, everyone should still be covered for injury,' but if you are going to take life and the law into your own hands and recklessly do those things, he is saying we should be looking at: do we fund those people for rehabilitation or should we be putting more funding into other areas for those law-abiding citizens? It is a good discussion to have, and I thank him for raising it.

His other comment is – and we see it in the stats – that unfortunately there has been a 600 per cent increase in over-70s deaths so far this year. That is a large statistic, but it ends up being that we have had six more deaths this year so far in that over-70s category. But also, what can be done for them? There may be people who are driving who no longer really wish to drive, particularly in rural areas, Eastern Victoria Region being one of them, where they do not have that public transport option so to get their groceries or go to the doctor they are having to use their own car. But they are now in a state where maybe they are not capable and they would really enjoy other choices. That is where we look at, for example, potentially a subsidised taxi program.

He also goes on to speak about caravans and trailers and how many of the accidents that they see, the crashes that they see, actually involve trailers and caravans. The other point that he raises is very important – it is about road safety education. The L2P young driver mentor program is absolutely outstanding, and I know there are some great results. We really need to see that expanded and volunteers coming on board.

Department of Families, Fairness and Housing*Annual Report on the Implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework 2021–22*

Ryan BATCHELOR (Southern Metropolitan) (17:40): I rise to take note of the fourth annual report from the family violence multi-agency risk assessment and management framework, tabled on 23 February. The report outlines activities by Victorian government departments, sector peaks and individual organisations to align their policies, practice guidance and procedures with the family violence multi-agency risk assessment and management framework, fortunately known by many as MARAM. MARAM is a foundational and critical element of family violence reform and was one of the key recommendations from the 2016 Royal Commission into Family Violence – a royal commission promised by Labor, established by Labor and whose recommendations have been fully implemented by this Labor government.

The MARAM framework enables consistent and collaborative service responses to family violence by better understanding and consistently applying risk assessment to incidents of family violence. The MARAM framework operates to better protect victim-survivors and works alongside two complementary reforms, the family violence information sharing and the child information sharing schemes. As the royal commission noted, all parts of the service system have an important role in identifying and knowing how to respond to family violence, because many victims do not seek support from police or family violence services, and equipping health and other universal service systems to identify family violence risk and provide support to victims and their children is essential. Redeveloped with the aim of addressing the gaps identified by the commission, MARAM establishes the system architecture required to have a systemwide approach and shared responsibility for family violence risk assessment. That framework has been central to services that meet individuals and families experiencing violence and covers all aspects of service delivery.

These fundamental functions of the framework have served to establish a systemwide shared understanding of family violence and family violence risk and have provided services with essential information and resources so that professionals on the front line can keep victim-survivors safe and keep perpetrators in view and hold them accountable for their actions. The royal commission identified that the sharing of information between services was essential for keeping victim-survivors safe, and I am pleased there has been so much progress on this foundational aspect of family violence reform in the nearly seven years since the royal commission's report was released.

Following the report of the royal commission, the Andrews Labor government announced a 10-year reform plan to rebuild Victoria's family violence system. Six years later the Minister for Prevention of Family Violence has announced that the government has implemented all 227 recommendations of the royal commission. I want to acknowledge the hard work under the leadership of the various ministers – obviously the late Fiona Richardson, Gabrielle Williams and now Ros Spence. The government as a whole has invested more than \$3.7 billion to prevent and respond to family violence, more than any other state.

I care about this a lot. Prior to entering this place I was proud to serve as a member of the executive team in the Department of Premier and Cabinet's family violence reform unit, with lead responsibility for the information-sharing reforms – reforms that arose not only in the context of the royal commission but as a key recommendation from the coronial inquest into the death of Luke Batty. I would also like to pay tribute to Rosie Batty, who I had the privilege of working with when she was the inaugural chair of the Victim Survivors Advisory Council and who we consulted extensively with on the information-sharing legislation which is being used to support the MARAM framework. I would also like to pay tribute to the tireless public servants that I worked alongside on those reforms and who have continued the implementation journey in more recent years, as well as the service organisations and peak groups who have worked hard to deliver these reforms on the ground. Reforms like MARAM may never make the headlines when they are done or done well, but as the royal

commission noted, our foundational reforms required us to deliver a better system response to addressing family violence.

In making this contribution today, on International Women's Day, I want to make the point that while family and domestic violence is everyone's problem, it begins and ends with men. We must support greater gender equality, not just with words today but with actions each and every day to address the structural causes of gender inequality and the gendered nature of family violence. We will not be able to end family violence until we end gender inequality.

Office of the Victorian Information Commissioner

Process versus Outcome: Investigation into VicForests' Handling of a Series of FOI Requests

David DAVIS (Southern Metropolitan) (17:44): I am pleased to rise and make a contribution to this reports section and draw the chamber's attention to the report today by the Office of the Victorian Information Commissioner entitled *Process versus Outcome: Investigation into VicForests' Handling of a Series of FOI Requests*. I want to say at the start I really do congratulate the information commissioner and his office on the work that they do and on this report. It is one of those very slow, detailed areas, and the commissioner in this report has pinged the behaviour of this particular agency and pointed to the excessive legalistic approach that has been adopted here. This is just a citizen making a series of FOI requests, principally about themselves, and there is the hiring of heavy-duty legal guns to make it very hard to get the simplest of information.

With the information commissioner I think you can feel the tension and the struggle that is there as he intervenes to try and unscramble this particular mess: four FOIs, several complaints, VicForests overruling the information commissioner's ruling – the thing is a complete mess, this use of these heavy-duty legal guns to effectively belt down a citizen and make it hard for them to exercise the normal rights that you would expect under the Freedom of Information Act 1982. So this process versus outcome point is a very important one. He says at page 7:

The investigation identified contraventions of the FOI Act in relation to how VicForests' consulted with the applicant. Instead of telephoning the applicant to discuss her request, VicForests sent lengthy and complex letters –

and they are in heavy legalese, I can see –

which the Commissioner considered would be confounding and difficult to process for a typical member of the public. Unnecessary queries and clarifications about the terms of the applicant's requests delayed the release of information in practice, by extending the processing period for the requests. Challenges made by VicForests about the validity of some of the applicant's FOI requests and complaints, including challenges to the Information Commissioner's jurisdiction, extended the timeframe of the requests and complaints.

Considering its conduct across all the requests and complaints examined in this investigation, the Commissioner found that VicForests acted inconsistently with the objects outlined in section 3 of the FOI Act ...

which says the default should be towards release of information.

The Commissioner also found that VicForests did not meet its obligations under s 16(1) to administer the Act with a view to making the maximum amount of government information promptly and inexpensively available ...

I think these are very important points, and I hope that the eight recommendations that were made by the information commissioner are actually taken up by VicForests. Although I might say, as I read through this and I read through the response of VicForests and its legal operatives – and the use of these legal operatives, these expensive specialist legal operatives in FOI, makes it very difficult for normal citizens to be able to use the act properly, because they look for every twist and weave.

The truth is that, in this case, there is constant work to demand better definitions of what the words are. I have seen this in many of the FOIs that we process. They come back with requests to please explain what a simple, common word means. We now routinely go back and just say, 'Here you go,

have a look at *Macquarie Dictionary*, we are happy with that definition.' You need to be prepared to push. The use of section 25 – the claim that it is too much to process, it is voluminous or the request would generate a voluminous amount of material – is excessive here, but this is right across the whole system.

So I think the information commissioner has done very good work in this particular case. I think that VicForests comes out of this looking terrible. He wants to see a proper review of their activities and has asked for two further reports in six-month tranches to press down on them and make the agency behave more appropriately. And I hope that other agencies take a close look at this report. It points directly to the cultural problem with FOI processing that is extant in this government. Right across this government there is excessive politicisation of the FOI process, and I think we have a lot to be concerned about. The section 3 override is an important point; there should be a default to information not a default to blocking freedom from information. (*Time expired*)

Petitions

Health Legislation Amendment (Information Sharing) Bill 2023

David LIMBRICK (South-Eastern Metropolitan) (17:50): I move:

That the petition be taken into consideration.

Today I stand for 10,000 Victorians who in just three days signed a petition to trigger this debate about medical privacy and consent. This is the first debate of this kind and a significant moment in the history of this Parliament, and I thank every one of them for giving me this opportunity. So here is the message: our medical information is deeply personal information. No person, no doctor, no politician and certainly no government should share it without our consent. The petitioners want members here to wake up from their power trip and show some respect. Privacy and consent are not about politics – it is not about whether you are left or right or red or green or blue. This is about respect. It is about empathy for others and being decent.

Privacy is essential to who we are as human beings. It gives us the space to be ourselves without judgement, allows us to think freely without discrimination and allows us to control our own lives. You do not go rifling through other people's handbags, wallets or bedside drawers. It is rude and disrespectful. Who here wants to hand me their phone or their browsing history? Who wants me to read out their medical records? Would you like me to tell everyone here about the pills you take or your warts or your birth control or your fertility? If I did, you would be outraged. I would be denounced and, what is more, you would be right to be outraged because it would be a low act.

Well, at least 10,000 Victorians – in fact many more – are outraged that anyone would share their medical information without their consent. Nobody should be forced to share their private health information without their consent; of course they should not. It is amazing that this even needs to be said. Many Victorians have told me through emails and social media what medical privacy means to them. Nearly everyone has a unique story. Some are concerned about their recreational drug use and that it could be held against them. These are meant to be private battles; of course they are. IT professionals say they do not trust the management of the medical records. Some healthcare workers are concerned their information could be accessed by workplace bullies. Mental health professionals say that they are afraid people might hold back vital information.

It is also a worry that on International Women's Day it is necessary for me to explain the importance of medical privacy to women. Some are petrified because their abusive exes work in health care. Some are worried that information about abortions could be discovered by their husbands or families. Victims of stalking know that abusers simply do not care about boundaries. Just ask Dianne McDonald, who might be the bravest person I have ever met. Those of you who watched *Australian Story* episodes called 'To Catch a Stalker' will know about Di, who has spent seven years in torment. Despite concerns for her own privacy, she has spoken out to defend the privacy of all stalking victims. At Parliament she asked last sitting week: what about our human rights? So what about our rights, and

what about their safety? Her privacy and consent have been ignored for years, and now it seems they will be trampled on by the people in government who are supposed to protect her. I stand here on behalf of 10,000 Victorians to say: enough. You have no business showing our medical records to people unless we say so. Privacy is a human right, and our rights should never be sacrificed for convenience.

Georgie CROZIER (Southern Metropolitan) (17:54): I would like to rise and speak to this petition, and I want to congratulate Mr Limbrick for his contribution in regard to this debate – a very significant debate that this state is having and our Parliament is having. I think it is very concerning. I have just been reading that the legislation will pass tomorrow because a deal has been done with the Greens and the Animal Justice Party, a framework will be set up and the government will move amendments. I do not think the house has seen those amendments, yet they have been reported on. The levels of contempt this government will go to demonstrate why we should be so worried about this legislation. To those 10,000 Victorians that signed that petition within three days, I say: good on you. I just wish that more Victorians knew about what was going on in here, because not enough do. I said in my second-reading speech that Victorians were sick to death of having this government in our lives. What the Minister for Health this morning said in her members statement on International Women’s Day was that women should have choice. Well yes, they should, and they should have choice about what is shared of their patient health records.

Trung Luu interjected.

Georgie CROZIER: There is no choice here, Mr Luu. There is no choice. There is no ability to opt out.

I think this legislation and the way the government has brought this legislation into the house, yet again doing the deals with the Greens and the minor parties, are disgraceful. The opposition has not even seen the amendments. This demonstrates the contempt of this government, the arrogance of this government, and I say again, those 10,000 people that signed that petition – I guarantee you, if it did not get cut off and signed off because of the processes of the Parliament, it would have been tenfold. I am getting messages from people who are saying, ‘You can’t be serious. It’s only those within the Labor pollie bubble that want this, the rest of us do not’. We want choice and we want to be able to make a decision about our own patient records and where that information goes to.

This government is intent on controlling so much of us. Victorians, you must understand that what you have got now is slowly eroding. Your freedoms, your rights – they are eroding. This government is making sure of that. This Premier and his ministers are making certain of that. We saw today the Qdos news – \$2 million of taxpayers money to see how people felt about him. The Premier, I am referring to – the curfew decision made by him was not made by the chief health officer. I am going off on a bit of a tangent here, but the point is that this government controls so much and has controlled so much of our lives over the last three years. I do not want them to control any more of it. I want Victorians to have a choice. I want Victorians to have the ability to opt out of this.

I think it is a disgrace that the government has not even had the decency to provide the opposition and other members of the crossbench with their plans for the amendments that they are going to put to the house as this debate continues on patient information tomorrow, yet it does the deal – the secret little grubby deals – with the Greens again and the Animal Justice Party. We saw it in the last Parliament, we will see it in this Parliament. Victorians, your rights are eroding under this regime, and it is getting worse and worse. I say again: good on you, Mr Limbrick, for doing what you have done in promoting this to expose it to as many Victorians as possible, because this is our democracy that is slowly slipping away from us. If you do not have a right to choose what information about your own health, your own body, your own self; those issues, whether they are physical, mental or sexual abuse; anything – if you do not have a right and control over what you can do with that information and where it goes and who you share it with, let me tell you, the trust will erode further. It might be convenient – and, yes, it is convenient for health services – but it is not about that. This is about an ability to have choice. This

government is eroding Victorians' choice further and further with the introduction of this bill. I say again: it is a damn disgrace that we have not seen those amendments, and I want to commend every single one of those signatories who put their name to the petition.

Rikkie-Lee TYRRELL (Northern Victoria) (17:59): Firstly, within the private sector over the last couple of years we have seen such large-scale data breaches that I genuinely do not believe that this government, which has a tendency to outsource its responsibilities, can offer the level of security required to manage such sensitive information with any real confidence. My primary concern is for the people of Victoria. Those who do not have time to engage in political dialogue, those who are so busy working to keep a roof over their heads, they have neither the time nor the inclination to sign these petitions – those Victorians who will be most affected by this bill and will not even know it until it is too late. Secondly, I would like to ensure our youngest generations are not exposed to the potential data leaks of their most sensitive information, most of which is likely to pertain to personal issues that are yet to even be diagnosed.

My concern for the plethora of potential violations that could be perpetuated with this information is very real as our society steamrolls unchecked towards a digital dysphoria. The invasive and inhumane practice of forcing people to entrust this government with their most sensitive information on nothing more than their word that it will be secure is woefully inadequate. My own extended friends and family being signatories, I support the petitioners, Mr Limbrick and all his proposed amendments.

Nicholas McGOWAN (North-Eastern Metropolitan) (18:00): I cannot fathom that on this day and in this Parliament we are about to – I hope not, but we are about to – put through one of the greatest affronts to the human rights of every Victorian. I congratulate the 10,000 signatories to the petition. I know that the people of the North-Eastern Metropolitan Region are very strong in this view and are supportive of what I am saying today and what other members have said already, and that is that after the experience of COVID and everything that everyone went through, for this government to use that – and that is what they did, let us be fair about this; they used that as an opportunity to not once but now twice seek in this place a law that unashamedly strips away from every Victorian, without their consent.

It is not only medical information. Let us also be clear about this: it is not only their medical information. We know this because in the bill that is proposed before this house it specifically refers to the definition of 'health information' in the Health Records Act 2001. It says specifically 'other personal information about an individual collected in connection with' that individual, and so on and forth. It is Orwellian. It is sinister. And this is from a government who cannot even tell the people of Victoria how they are going to pay for it – number one. They cannot even tell the people of Victoria the budget. We know their record when it comes to ICT and all of these sorts of databases, because the Auditor-General has told us time and again that this government – indeed successive governments – have failed spectacularly when it comes to either managing the budget around these kinds of systems and/or actually providing an outcome that is of any purpose to the people of Victoria.

This is what this is about: they are constantly using this shield as though somehow this is going to produce better health outcomes. We hear this time and again, yet the irony is there is nothing in the act that enshrines or seeks to do that or measure that in any meaningful way, shape or form. There is absolutely no regard whatsoever – and I hope the crossbench keep this in mind when they vote in the days ahead – for the unconscious bias that this will absolutely create in the physicians that see their patients. When a patient comes to the doctor and they go to the next doctor because they are not happy with that advice – or they simply have the right to seek other advice – the unconscious bias of seeing that advice previously may lead to actually having poor health outcomes. That is number one.

Number two, there may well be hundreds of thousands of Victorians who may now simply not seek medical support because they know that that doctor or that physician or that clinician will be able to access at a moment's notice their medical past without their consent. That is what is at the heart of this attack on every Victorian's human rights – that is the right to consent to their private information and

that of their children. We have got children mixed up in all of this, and we are going to sit idly by and allow this to happen. As though that is not bad enough, this government wants to strip away the right of any citizen in this state to use freedom-of-information laws to know whether somebody did access their information, how they used that information or whether they misused that information.

We have heard in this chamber this afternoon those on the other side talk about natural justice. Up hill and down dale, cannot do this, cannot do that – natural justice. This affords no Victorian any natural justice at all. You simply strip away from them their consent to their most private, their most personal and their most intimate information without a blink of an eye. So when those opposite get up and start preaching about natural justice – you have got to be kidding. You are making a farce of it. You are making a fool of us, you are making a fool of the Parliament, because if you are sincere about that then you will make sure that when this bill comes back it is in such an amended form that it does give Victorians the right to opt out, as they absolutely deserve.

If it is good enough at the federal level, it is good enough in Queensland, why the dickens isn't it good enough in Victoria? No-one can answer that question for me. By the way, no-one can also answer the question of why we cannot use the federal health system we have already got established. Millions and millions of taxpayer dollars have already been spent on that – not a whisper, not a word in this chamber; not a whisper, not a word in the other chamber, the other place. No-one can tell us why we are paying for two systems. No-one can tell us whether those two systems will even talk to each other, much less actually tell us how any of this – the money spent, the intrusion on people's rights – will actually lead to better outcomes for people's health. If they could tell us how that would be the case, then I might even consider it, but that is simply not the case.

Motion agreed to.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (18:06): I move:

That the house do now adjourn.

Transport Workers Union

John BERGER (Southern Metropolitan) (18:06): (84) My adjournment is to the Minister for Industrial Relations in the other place Tim Pallas. I rise to contribute on a topic close to my heart: transport workers. The Transport Workers Union has been negotiating on an enterprise agreement for the past three years on behalf of workers at Rivet without a breakthrough, so today the brave Rivet refuellers walked off the job, exercising their right to freedom of association and the right to take protected industrial action. Something had to be done due to the company's position on bargaining, and I say tonight: I am proud to be a member of a government that is committed to collaborative, collective bargaining, and it is our clear expectation that there is good faith in the bargaining process from employees, workers and their representatives.

This government recognises that workers have the right to take protected industrial action where the circumstances demand it, and we support the right of unions and their members to exercise those rights. Our government encourages parties to use the services of the Fair Work Commission. The commission is an independent umpire and has a key role to assist the parties in a dispute. Our government is committed to ensuring workers get the benefit of fair pay for their labour across all parts of the economy, not just in the public sector. That is why in the 2022–23 Victorian budget funding was provided to a range of industrial relation initiatives designed to fix inequalities faced by workers across our state, including through reforms to the on-demand economy, funding the Wage Inspectorate Victoria and provisioning for the worker sick pay guarantee.

Returning to the Rivet dispute, Qantas recently made a \$1.4 billion half-year profit, and yet they are determined to roort workers. While these workers are getting Qantas planes into the air, they have not

had a pay rise in three years. It is time for the airlines to come to the table. This is a company that sacked a competent workforce and sought to re-engage employees at far reduced wages and conditions – and then spring this one. I call on Qantas to come to the table, treat workers with dignity, listen to their concerns about increased workloads, unmanageable rosters and uncertainty over hours and take a moment to hear the issues on allocation of worker overtime and working on rostered days off. With record interest rates, workers should not be feeling the pinch while the company is enjoying sizable profits.

Finally, I want to pay tribute to the work of the national secretary of the Transport Workers Union Michael Kaine, branch assistant secretary of the transport workers Vic/Tas branch Mem Suleyman, senior organiser Dissio Markos and the countless delegates who will never stop fighting for workers. So my question to the Minister for Industrial Relations is: what is the government doing to support workers, and what other plans does it have going forward to strengthen workers rights?

Medically supervised injecting facilities

Renee HEATH (Eastern Victoria) (18:09): (85) My adjournment matter is for the Minister for Mental Health, and the action that I seek is that the minister commits that drug-injecting rooms will not be opened next to primary schools in the Eastern Victoria Region. I have been appalled at the handling of the North Richmond injecting room site and the situation and how it has been handled by the Andrews Labor government. The decision to deliberately withhold an independent report into the North Richmond site from local parents until after the election was a disgusting display of neglect and complete disregard for the community and its families. I cannot believe that this government could ignore the concerns of a resident that in this report noted that she witnessed fights, drug deals and drug use while walking her daughter to school every morning.

Months of keeping parents in the dark over whether their children will be safe in and around their school is simply shameful. It raises the question: what is an appropriate site? Should an injecting room be near a primary school? Should it be next to a women's shelter? Maybe a church or a mosque? How do you think the people in the Richmond West Primary School community felt when they found out there was going to be a drug-injecting room directly next to their child's primary school, and how do you think they feel now when they realise that it is here to stay?

Lives matter. It does not matter whether it is the life of a primary school student or an individual suffering from drug addiction, we need to make decisions that are in the best interests of the safety of our communities. Now, this will seem so obvious, but schools and drugs should not go together. We need to make these decisions to make sure that addicts have the best chance of recovery and school students have the best chance of safety. Children need to be safe, and drug addicts need every chance to recover.

Homelessness

Samantha RATNAM (Northern Metropolitan) (18:11): (86) My adjournment matter tonight is for the Minister for Housing, and my ask is that he increases immediate funding for the From Homelessness to a Home program and commits to permanent ongoing funding for Housing First models in Victoria. The From Homelessness to a Home program was launched in mid-2020 as part of the government's support to people experiencing homelessness during the COVID-19 lockdowns. It was designed to transition people out of temporary hotel and motel accommodation they had been given during lockdown into permanent, long-term affordable housing. It was based on the highly successful Housing First approach used internationally, which prioritises finding people long-term, secure affordable housing as the first immediate step without any housing readiness requirements and then connecting them with the support services they need.

Unsurprisingly, it was extremely successful when applied here. Street homelessness was effectively eradicated in the city during the COVID restriction period, and over 1000 participants who had been experiencing long-term homelessness secured permanent housing for the very first time. There are

550 participants in the program who are still waiting for permanent housing, but the future of their promised homes is currently at risk. Funding for the program has been drastically scaled back ahead of the program formally winding up in June this year. Without ongoing funding to extend leases for the remaining participants in transitional housing, many tenants have been issued notices to vacate, yet the sheer scale of our housing crisis means there is simply nowhere for them to go. Winding up the program before all participants are housed will force people into unsafe housing like rooming houses or into once again ending up on the streets. It is a complete failure of the principle of a Housing First model, and it is causing significant stress and anxiety to already vulnerable tenants with a long history of sustained homelessness.

When there are simply no affordable rentals in Victoria and when the demand for public housing is over 120,000 people, it is hard to see how anything other than an ongoing sustained investment in the program will ensure that it meets its objective of transitioning vulnerable Victorians out of long-term homelessness into permanent housing. The Council to Homeless Persons is calling on the government to allocate an additional \$270 million to the program to help secure permanent housing for the remaining 550 participants and to expand the program to another 2400 households over four years. As the council has pointed out, this kind of long-term, sustained investment is much cheaper and more cost-effective than multiple short-term housing programs that cycle people between crisis accommodation, the health system and the justice system. This government proved with this program that it is possible to end homelessness with sustained investment in long-term affordable housing. There is no reason not to continue it. I ask the government to extend the immediate funding for the From Homelessness to a Home program and commit to permanent, ongoing funding for Housing First models in Victoria.

Lake Wendouree lighting project

Joe McCracken (Western Victoria) (18:14): (87) My adjournment matter is to the Minister for Environment and relates to the boring of holes in the ground surrounding Lake Wendouree in preparation for the lake lighting project, and I am so glad that you are in the chamber today, Minister.

Ingrid Stitt: Me too.

Joe McCracken: I am glad you are glad too. The action that I seek is for the minister to visit on site with concerned locals and inspect the boring occurring for the 225 light poles so we can ensure that they comply with the relevant regulations, guidelines and conditions.

It is my understanding that due to Lake Wendouree being heritage listed only handheld boring tools are permitted to be used when digging holes in this sensitive area. The reason this is the case is to limit the damage to the root systems of a number of different trees that are around the lake – and they are very significant local trees too that have been there for a long time. These are protected under the tree protection plan as well. Believe it or not, I actually went for a walk around Lake Wendouree the other night, and I noted a number of machine-operated –

A member: Begonias.

Joe McCracken: Begonias, yes. I noted a number of motor-operated machines, which had already been used to complete some of the boring works. The Ballarat community needs to know that Lake Wendouree trees will not be disturbed and that the works will not do anything to weaken or perhaps even cause the trees any harm. I encourage the minister to come along – and if you want to get on your joggers, I will come with you, and we can have a walk around the lake together and inspect them. We can go for a run if you like.

Reproductive health leave

Rachel Payne (South-Eastern Metropolitan) (18:16): (88) My adjournment matter is for the Minister for Women, and it relates to reproductive health leave. Today is International Women's Day, and as we have heard, the theme is 'Cracking the code: innovation for a gender-equal future' – to break

the code that creates the barriers that prevent women from participating fully in education, the economy and society in general. The World Economic Forum estimates that if we keep doing what we are doing it will take 268 years to reach equality. In 2023 women's reproductive health is still seen as an illness and often stigmatised. Normalising and supporting reproductive health is a key lever for gender equality in the workplace and in society.

Unions like the Health and Community Services Union have been advancing five days reproductive health leave for their members for some time. The Victorian Women's Trust implemented it some years ago. Private companies such as Future Super have implemented menstruation and menopause policies that provide employees with extra paid leave or flexible working arrangements. These policies are designed to normalise these issues and ensure people do not have to use their sick leave for essential bodily functions.

Women are sick of using sick leave, personal leave and leave without pay to deal with menstruation, miscarriages and abortions. Reproductive health leave would assist women enormously and keep them in the workforce longer. This is a code cracker. We have seen it work in Ireland and India. So the action I seek is that the minister adopt reproductive leave as a matter of government public policy.

Mental health

Melina BATH (Eastern Victoria) (18:18): (89) My adjournment matter this evening is for the Minister for Mental Health the Honourable Gabrielle Williams in the other place, and it relates to the role of the nominated support person under a mental health order. The action I seek is for a review of section 61 of the Mental Health and Wellbeing Act 2022 to look at including a family member along with a nominated support person to represent a patient's interests. The minister will understand that this comes from one particular case study, one particular constituent of mine, but I think we have all heard very heartbreaking cases throughout our electorates and on many occasions.

I have de-identified the son, but David wants to have his name in *Hansard*. David's adult son was diagnosed with bipolar disorder some 30 years ago. His son has mood swings that fluctuate between extreme highs and emotional lows. During manic periods he is quite functional and quite creative. During the low periods he often becomes highly distressed, depressed and considers suicide. His son can also be highly volatile and compulsive, displaying behaviour that we understand to be verbally and physically aggressive. Because of this behaviour he has been arrested six times, most recently only this week. The police are unable to pursue any criminal charges on many occasions and place him before the Magistrates Court. The Magistrates Court releases the son back into the community, and the cycle goes on. He has been hospitalised on many occasions, and medications are prescribed. However – and this is where the issue comes in – he is concerned that the system is failing his son. My constituent has described his frustrations at not being able to provide some very good and vital family history understanding and mental health history so that his son can have specialised treatment and recovery.

The Mental Health and Wellbeing Act in section 61 outlines the role of a nominated person in relation to a patient. The role involves not only advocating for the views and preferences of the patient but also the person receiving information and being consulted accordingly. My constituent feels that the patient should be able to choose to nominate a family member or anybody else as their support person. He is just so distressed that additional information has not been provided. We know and we understand – and it is most reasonable – that there needs to be a balance between patient autonomy and his or her right to choose that support person and the need to actually treat that particular person in the best possible way and that sometimes additional information is needed. So as I have said before, review this to look to add in a family member.

COVID-19 vaccination

David LIMBRICK (South-Eastern Metropolitan) (18:21): (90) My adjournment matter is for the Minister for Corrections. Last year in August I made a request to the then Minister for Corrections

related to vaccination requirements for visitors to corrections facilities. An answer was never provided, so I will make the same request of the current minister. That request is to review the current vaccination settings for children visiting incarcerated parents in particular but also all vaccine restrictions on visitation rights in correctional facilities in Victoria.

The reason that I brought this matter to the attention of the Parliament is because a young mother contacted my office. Her daughter was precluded from visiting her incarcerated father because she is unvaccinated. These restrictions are onerous and are resulting in perverse outcomes. Since being denied access to her father this young person has experienced emotional dysregulation and challenging behaviours. This young mother has stayed in contact with my office. I understand that her daughter is doing a little bit better, but in her generosity she has continued her advocacy on this issue out of concern for other families.

When I first raised this matter I noted that Victoria's restrictions are at odds with the recommendations of the Communicable Diseases Network Australia, which indicate in their national guidelines for COVID-19 outbreaks in correctional and detention facilities that other control measures for visitors such as masks and testing are satisfactory to mitigate risks in prisons. I also noted the report from the Legal and Social Issues Committee inquiry into children of incarcerated parents, which highlighted the importance of the parent-child bond for child development and stated that maintaining contact between incarcerated parents and their children should be promoted if safe to do so.

The Corrections Victoria website lists as a requirement for children that they have received two doses of a COVID-19 vaccine. There is an option to apply to the general manager for permission to visit if a child is unvaccinated. It is not clear if this permission would be forthcoming, but what is clear is that it is simply an additional barrier in maintaining that important parent-child bond. It needs to go.

Financial literacy

Matthew BACH (North-Eastern Metropolitan) (18:23): (91) President, I recently had a fantastic and instructive meeting with a local group in Heathmont in our shared electorate. In particular they wanted to talk with me about the teaching of maths, the teaching of financial literacy specifically. This group was particularly concerned that millennials like me are currently experiencing such high levels of debt – the highest levels of debt in Australia's history, with average personal debt, I am advised, exceeding \$56,000. It was put to me that we are also seeing the lowest numbers in Australian history of young people in particular seeking to buy their own home. As a millennial with a mortgage, after about 500 interest rate rises I can understand why. But in my broader discussions with those who have worked long in education, as I have done and as Mrs Hermans has done, it is really clear that classes in financial literacy can be a great aid, especially to young people as they seek to navigate oftentimes really complex systems.

The action that I will seek tonight is for the Minister for Education. The action that I seek specifically is for her to say whether she would support more teaching of financial literacy in Victorian schools. There is currently a process underway that has been initiated by the federal minister Mr Clare as we are coming to the conclusion of our current reform agreement. I do think there is opportunity now to look at the curriculum and to see if it is either advisable in the minister's view or the department's view or possible within the confines of the curriculum to do more in this case.

While I have just a moment and I am talking about education, I had the most wonderful time back at my old school, Ivanhoe Girls Grammar, just last week talking with year 6 students. I confess given the smarts on display from this large group of year 6 students it did not seem to me that they needed any extra tuition in financial literacy or anything else. They wanted to talk with me about a range of issues and seek my views and express their own on a range of issues, including duck hunting – they generally were not in favour – bail reform, the age of criminal responsibility, differences between different political parties and also public transport. It was great to be back on my old turf and talking with young people once again.

International Women's Day

Bev McARTHUR (Western Victoria) (18:26): (92) My adjournment tonight is for the Minister for Women on International Women's Day, and perhaps I should start by asking Ms Hutchins what her definition of a woman is and for whom the minister is actually responsible. Does it include a man who thinks he is a woman today and maybe a man tomorrow? Or does the minister's portfolio abide by the words used in an article in the Ballarat *Courier* on Monday discussing a new swab test for cervical screening, in which it says:

Since July, all women and people –

note 'people' –

with a cervix have been able to access ... swabs.

Perhaps the minister could advise who other than a woman has a cervix. The minister issued a media release this morning which started with this sentence:

In Victoria, equality is not negotiable.

She must be joking. How about the applications for detectives in the Wyndham crime investigation unit in April 2021, when, as the *Herald Sun* reported at the time:

Senior police have blocked the selection of six detectives at a busy crime investigation office because no women were chosen.

It left the area, including Werribee, down six detectives for at least six months. I am sure those six male police officers, working hard, looking to get ahead in life, felt the full force of Victoria's equality at that moment. The decision, needless to say, was celebrated by Assistant Commissioner Luke Cornelius, who said the goal was to create a 'more inclusive' workforce – really.

I also ask: if the minister is genuinely the Minister for Women, will she be putting a stop to men, replete with genitalia, requiring incarceration in women's prisons? And she might also put a stop to males competing in women's sport and changing in girls change rooms. This action would clearly demonstrate that she is genuinely the Minister for Women.

Just on the weekend I noticed advertisements in local papers advertising commissioner appointments for the Victorian Environmental Water Holder 2023. Before you get to the actual skills required, the advertisement prioritised – highlighted – that the applicant could be a 'part of a sector that is leading in climate action, traditional owner self-determination and gender equality'. Whatever happened to the old saying 'The best person for the job, be it a man or a woman'? Wouldn't that be equality? So much for skills relating to water.

I return to my observation of the minister's statement today:

In Victoria, equality is not negotiable.

The action I seek of the minister is to prove that her equality statement is actually correct.

Electric personal mobility devices

Evan MULHOLLAND (Northern Metropolitan) (18:29): (93) My adjournment tonight is directed towards the Minister for Public Transport, and the action I seek is to chart a pathway forward for the legislation of e-scooters and electric personal mobility devices, otherwise known as EPMDs. E-scooters have become popularised around the world and are now the hallmark of a cosmopolitan, forward-thinking city. Not only are they a convenient and very fun way to get around, but they are also environmentally friendly and help decongest our roads rather than adding to the growing traffic squeeze. Over 100,000 e-scooters and EPMDs are already being used in Victoria.

It says a lot about the policy black hole of a government entering its second decade that you can rent an e-scooter from a big multinational corporation, but if you want to ride around on one that you have

legally bought yourself, that is unlawful. That is the current situation that, with this government, we find ourselves in. It is unsurprising that a government that slugged a tax on electric vehicles might also be hostile to private ownership of this exciting new mode of transport. This is where the rubber hits the road, I think, literally, for cyclists purveying environmental virtue. If sincere, they should welcome the sharing of taxpayer-funded bike lanes with e-scooters. A survey of e-scooter riders undertaken by one of the participants in the trial, Neuron, has found that 45 per cent of all trips had replaced a car journey. If the aim is to get more cars off the road and reduce the impact on the environment, then e-scooters tick all the boxes. The objective we want is to replace short car journeys with sustainable transport. Not everyone, including me, is fit enough to be a cyclist or willing to show up to the office a little sweaty after a cycle into work, which is why e-scooters are such a great sustainable option of transport.

I would say to the minister: all modes of transport carry some risk, and e-scooters are no different. Maximum speeds and continuous safety improvements demonstrate a willingness by manufacturers to encourage responsible use. I would ask the minister to look to his comrades in the Queensland government for a good pathway forward in terms of regulation of e-scooters. I would also note that EPMDs – the category under the law – include new mobility vehicles catering for those with disability that currently fall outside of the law, so there is a clear and urgent need for reform. Instead of kicking the can down the road, including policy purgatory for thousands of private e-scooter owners, the Minister for Public Transport ought to chart a path for the navigation of these laws to make privately owned e-scooters and mobility vehicles a permanent feature of our great state.

International Women's Day

Moira DEEMING (Western Metropolitan) (18:32): (94) My adjournment matter is also for the Minister for Women. First of all, I would like to note that on this International Women's Day it is my honour to be a part of the first ever Legislative Council to have a majority of female MPs. In many ways we women of the upper house are treading a path opened up for us by Dame Enid Lyons, who was the first woman elected to the House of Representatives and who was also a proud member of the Liberal Party.

However, I must also note with sadness the scandalous fact that women's rights have actually gone backwards in this state. Many of the hard-won rights that women have fought for so that we could fully and equally participate in public life over the course of the last 100 years are lost. We no longer have the right to female-only public toilets, change rooms and refuges, and all those so-called affirmative action measures like gender quotas, scholarships and grants that were supposed to be just for women are lost now too. Female-only sports leagues, which gave so many young women, me included, access to fair and fun sporting competition are now also lost. Females have lost the right – the basic right – to associate exclusively with each other. We are not allowed to have female-only gyms, and even lesbians are not allowed to have female-only dating apps. Violent male sexual offenders are housed with vulnerable female prisoners. In fact there is a vulnerable group of women in my area, in the Dame Phyllis Frost correctional centre, who have reached out to me, to the government and to the media, crying out for help because they are scared and they are vulnerable and they look around the world and they see what has happened to other women in prisons where violent male rapists have been housed.

Why has this situation happened? It is because the government cannot seem to crack the code of what the word 'woman' actually means. Thankfully, I have the formula: 'woman' is a noun and it refers to an adult human female. We are also losing the right to even speak up and disagree about this. We are labelled vile. We are labelled bigots. But it is not hateful to ask for sex-based rights. They are, after all, originally a category of human rights. Will the Minister for Women Natalie Hutchins let women speak to her and join us on the steps of Parliament on 18 March for the listening post and actually hear what women have to say on this issue?

COVID-19 vaccination

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:35): (95) I rise to address my adjournment to the Minister for Emergency Services, and the action I seek is for the Minister for Emergency Services to publish and provide the following: the total number of volunteers with the CFA and paid employees with the CFA and FRV who have been precluded from working in their career and voluntary work due to failing to comply with the requirement to be vaccinated.

Recently I was contacted by members of the AFA, which is the Australian Firefighters Alliance. The director of the AFA provided me with an email with the information that the brigade leadership had confirmed that they have suspended career firefighters that are not vaccinated, but the very same people who are not vaccinated are permitted to:

... freely **volunteer** at the very same station they are normally rostered, but are still prohibited to work there or enter the premises as an employee.

Let me just say that one more time: they are freely able to volunteer at the same station that they are normally rostered at, but they are not allowed to work there or enter the premises as a paid employee. I fail to see the sense in persisting with this form of discrimination of workers who volunteer their time in the same workplace and often do the same work as those that are paid. It appears to be completely inconsistent and inappropriate, as would be potential fines or restrictions placed on workplaces that employ people who are unvaccinated or who are not triple vaccinated.

In a state that boasts it is so progressive and tolerant, such restrictions in Victoria demonstrate shameful and inappropriate bias, bigotry and discrimination; in short, it is a lack of tolerance and a lack of progress. It is impossible to understand the draconian vaccination measures of this Labor Victorian government, and it is time to consider lifting the inconsistent restrictions that are persisting in making a nonsensical, inconsistent two-tier society.

In addition, the AFA are being contacted by firefighters who have been impacted by the vaccination. This week I met with a gentleman, one of Victoria's firefighters, who was unable to have his third vaccination due to complications he developed from the first two vaccinations, and he has not been able to work as a result.

Responses

The PRESIDENT: Before I call the minister, Mrs McArthur, can I suggest that your action might be better directed to the Minister for Equality so you might get an appropriate response. Could you take that into account, Minister.

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (18:38): There were 12 adjournment matters this evening to various ministers, and responses will be provided.

I am very disappointed that Mr McCracken has left the chamber. He was so excited that I was here to be able to answer his adjournment, so perhaps you could pass on this message: this is a joint project between Regional Development Victoria and the City of Ballarat, so I will be referring Mr McCracken's adjournment matter to the relevant minister, in this case Minister Shing, the Minister for Regional Development.

Bev McArthur: On a point of order, President, I am just wondering if you had any opportunity to look at the question without notice to Minister Tierney today and her response.

The PRESIDENT: Thank you, Mrs McArthur. I did state that I would get back to the house if I thought I was wrong. I was not wrong, so I have not asked the minister to give a written response. The house stands adjourned.

House adjourned 6:40 pm.