



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 30 August 2022

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

| Member | Region | Party | Member | Region | Party |
|------------------------------|----------------------------|--------|-----------------------------|----------------------------|--------|
| Bach, Matthew ¹ | North-Eastern Metropolitan | Lib | Luu, Trung | Western Metropolitan | Lib |
| Batchelor, Ryan | Southern Metropolitan | ALP | Mansfield, Sarah | Western Victoria | Greens |
| Bath, Melina | Eastern Victoria | Nat | McArthur, Bev | Western Victoria | Lib |
| Berger, John | Southern Metropolitan | ALP | McCracken, Joe | Western Victoria | Lib |
| Blandthorn, Lizzie | Western Metropolitan | ALP | McGowan, Nick | North-Eastern Metropolitan | Lib |
| Bourman, Jeff | Eastern Victoria | SFFP | McIntosh, Tom | Eastern Victoria | ALP |
| Broad, 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 ² | Western Metropolitan | IndLib | Ratnam, Samantha | Northern Metropolitan | Greens |
| Erdogan, Enver | Northern Metropolitan | ALP | Shing, Harriet | Eastern Victoria | ALP |
| Ermacora, Jacinta | Western Victoria | ALP | Somyurek, Adem | Northern Metropolitan | DLP |
| Ettershank, David | Western Metropolitan | LCV | Stitt, Ingrid | Western Metropolitan | ALP |
| Galea, Michael | South-Eastern Metropolitan | ALP | Symes, Jaclyn | Northern Victoria | ALP |
| Heath, Renee | Eastern Victoria | Lib | Tarlamis, Lee | South-Eastern Metropolitan | ALP |
| Hermans, Ann-Marie | South-Eastern Metropolitan | Lib | Terpstra, Sonja | North-Eastern Metropolitan | ALP |
| Leane, Shaun | North-Eastern Metropolitan | ALP | Tierney, Gayle | Western Victoria | ALP |
| Limbrick, David ³ | South-Eastern Metropolitan | LP | Tyrrell, Rikkie-Lee | Northern Victoria | PHON |
| Lovell, Wendy | Northern Victoria | Lib | Watt, Sheena | Northern Metropolitan | ALP |
| | | | Welch, Richard ⁴ | North-Eastern Metropolitan | Lib |

¹ Resigned 7 December 2023

² Lib until 27 March 2023

³ LDP until 26 July 2023

⁴ Appointed 7 February 2024

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson’s One Nation; SFFP – Shooters, Fishers and Farmers Party

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Tuesday 30 August 2022

The PRESIDENT (Hon. N Elasmara) took the chair at 11.33 am and read the prayer.

Announcements**ACKNOWLEDGEMENT OF COUNTRY**

The PRESIDENT (11:34): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

Members, we have in the gallery a delegation of staff from the New South Wales Parliament. Welcome to Victoria.

Bills**EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY
EDUCATION AND OTHER MATTERS) BILL 2022****TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022****VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022***Royal assent*

The PRESIDENT (11:35): I have a message from the Governor, dated 23 August:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

32/2022 Education Legislation Amendment (Adult and Community Education and Other Matters) Act 2022

33/2022 Treaty Authority and Other Treaty Elements Act 2022

34/2022 Victorian Energy Efficiency Target Amendment Act 2022

CRIMES LEGISLATION AMENDMENT BILL 2022*Royal assent*

The PRESIDENT (11:35): I have another message, dated 30 August:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

35/2022 Crimes Legislation Amendment Act 2022

Committees**PARLIAMENTARY COMMITTEES***Membership*

The PRESIDENT (11:36): I advise the house that I have received a letter from Mr Barton resigning from the Public Accounts and Estimates Committee effective 26 August 2022.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:36): I move, by leave:

That Mr Barton be discharged from the standing committees on economy and infrastructure, and legal and social issues.

Motion agreed to.

Questions without notice and ministers statements

WORKSAFE VICTORIA

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:36): My question is for the Minister for Workplace Safety. Minister, Mr John Merritt, the chair of WorkSafe Victoria, will finish up in the role. Isn't it a fact that Mr Merritt, a long-established and respected public servant, was axed because he stood up to the Andrews Labor government, pointing out the financial unsustainability of WorkSafe under your government's settings and releasing damaging board minutes under FOI?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (11:37): I thank Mr Davis for that question, and can I say at the outset what strong leadership John Merritt has displayed during what has undoubtedly been one of the most challenging periods in WorkSafe's history. WorkSafe was one of the key government agencies at the front line of the pandemic response. There are over 300 000 businesses in Victoria who relied on WorkSafe's advice, tools and hard work each and every day during the pandemic to make sure that they understood their occupational health and safety obligations fully and that they were able to keep their workplaces and their workforces safe. I think that John Merritt displayed extraordinary leadership during that time, and I am very thankful for the role that he played on the board. Can I also say that I have got no doubt that John Merritt will continue to make a significant contribution to the Victorian community. I had a very constructive working relationship with Mr Merritt, and I thank him for his service to Victorians.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:38): That is entirely unsatisfactory. My simple question is: Minister, isn't it a fact that Treasurer Tim Pallas demanded the sacking of Mr Merritt and pushed him aside?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (11:38): No.

FOOTSCRAY HOSPITAL

Dr CUMMING (Western Metropolitan) (11:38): My question is to the Minister for Health in the other place. How will the site of the existing Footscray Hospital be used when the new hospital is completed in 2025? The existing hospital is situated on a large plot of land with multiple buildings on site. This includes the heritage-listed former Footscray Psychiatric Centre. There have been rumours that the site will be used for housing, so I would like some clarification on the government's plans for the site.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:39): I thank Dr Cumming for her question, and of course I can refer that to the Minister for Health to provide some context. As you would know, there is a brand new hospital being built for that community, and it is a fantastic project that this government is very proud to be delivering for the west. When it comes to disused sites, though, Dr Cumming, it may not necessarily be a matter for the Minister for Health. I am not aware of plans for this particular site, but what I would point to is that in any community when there is a disused site quite often rumours abound and quite often it is very disappointing that it is normally about housing and what type of people are going to be put there. I really dislike these conversations that happen in the community, and I think as members we have got a responsibility to continue to consult with our community members and dispel really harsh, horrible rumours that often go to attacking minority groups and the like, and that kind of sounds like what is starting to happen in your community perhaps.

If it is a potential housing site for public housing, social housing or people that are in need of housing, then all of those sound like fantastic ideas, but I do not have information about what is designated for that site. From the fact that you do not I would assume that it probably has not been determined yet. I am sure there will be a round of community consultation et cetera. Councils are usually involved in these processes. But it may not necessarily be a matter for the Minister for Health, because when a disused site is no longer used for a portfolio it becomes a responsibility of the Assistant Treasurer.

However, you have asked your question to the Minister for Health, and I am sure that Minister Thomas will be more than happy to provide any information that she has.

Dr CUMMING (Western Metropolitan) (11:41): Thank you, Attorney. Please do not assume what my community is saying or my question. Will the government build a mental health facility, including drug and alcohol rehabilitation, on this site? We are in the midst of a mental health crisis, and the need in the west for mental health facilities has never been greater. The need for drug rehabilitation rather than an injecting room has never been greater. The site provides a unique opportunity to develop it to cope with these services and incorporate community parks into the design of a best practice drug and alcohol rehabilitation centre or mental health facility. Currently it is zoned for health use, but this government are suggesting that they are going to be putting housing rather than health in a health crisis. I would love an answer.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:42): Dr Cumming, you are the one that raised the context of rumours in your question.

Dr Cumming: No, I did not.

Ms SYMES: You used the word ‘rumour’. That is what I was responding to. President, I would seek your guidance. This is actually a question for the minister for—

Dr Cumming: You are right, Minister. I did mention the word ‘rumours’, because there is no clarification. I did have 30 more seconds on my first question—

Mr Gepp: Is there a point of order?

Dr Cumming: Yes, it is a point of order.

Mr Gepp: Well, what is it?

Dr Cumming: I get 1 minute to ask a question. I stopped at the 30-second mark. I did not get to continue on.

The PRESIDENT: Order! Minister, I know the supplementary was about mental health, and I think you should refer that question to the minister.

Dr Cumming: It was about the use of the health site for mental health and drug rehabilitation. Obviously the minister talked about housing.

The PRESIDENT: Order! Dr Cumming! You already indicated, Minister, that you will refer it, and the supplementary should be referred to the Minister for Health as well.

Ms SYMES: Thank you, Dr Cumming. As I indicated in my substantive answer, it appears that there is no decision in relation to the usage of the land. You have made it very clear that your view would be mental health. That is a very good suggestion. I am sure that it could be a proposal that is considered. It was not my intention to confirm a government’s intention to build public housing; I was merely responding to your suggestion that there were rumours about housing. I did not confirm anything. I have indicated to you that I will refer your questions to the Minister for Health. Your suggestions have merit, and I am sure that people would be happy to have a conversation with you about your ideas.

MINISTERS STATEMENTS: BENDIGO AIRPORT UPGRADE

Ms SHING (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (11:44): Being out and about in rural and regional Victoria is always a wonderful thing, particularly when it involves getting underway with the expansion of critical infrastructure such as the Bendigo Airport. Last week it was such a delight to join the Speaker from the other place and the Deputy Premier—Maree Edwards and Jacinta Allan—along with government member Lisa Chesters

to get this next stage underway and to turn the sod for further investment, bringing the Andrews government's investment to a total of \$9 million since 2017, to enable, facilitate and invest in the expansion of this critical piece of infrastructure.

Qantas has taken up the mantle in delivering flights from Bendigo through to Sydney and other destinations. It is hoped that we can expand that, and this new terminal will be a wonderful starting point for that influx of traffic and making sure that we can see a huge growth in the number of visitors coming to Bendigo and surrounds and also those heading further afield from around that region. We are now looking at an additional \$2.5 million return for the economy at the moment in the first year of the project, which will be completed by December next year, growing to an epic \$9.5 million by 2030 through increased operations.

What a wonderful thing it is to come together with the mayor of the City of Greater Bendigo, Andrea Metcalf, along with elected representatives and Nicholson Construction, who are in charge of building this particular airport upgrade as well as the logistics precinct—partnerships with local businesses that are making sure that we can deliver the very best of infrastructure to regional Victoria ahead of the mighty Commonwealth Games coming to Victoria in 2026 thanks to our sustained effort and engagement in bringing the world to the best of Victoria and all that we have to offer.

WORKSAFE VICTORIA

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:46): My question is again to the Minister for Workplace Safety. Minister, in the last two years \$800 million of top-up money has been provided to WorkSafe, given its unsustainable financial position, as an organisation which has a critical role in supporting injured employees. By now, Minister, you will have seen the annual report of WorkSafe to 30 June. Will you confirm that it has a deficit of \$200 million, despite \$300 million being packed in to prop it up? And if not, what is the deficit?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (11:47): I thank Mr Davis for his question. Of course the scheme has been facing significant challenges due to both the impacts of the pandemic but also the number and the complexity of workplace injuries, including mental injury costs, and we have been completely up-front about those challenges.

That is why both the government and WorkSafe are fully focused on prioritising the prevention of mental injury in our workplaces—and there are a range of strategies that are being pursued in that regard—and it is why we are fully focused on early intervention particularly when it comes to mental injury, because we understand fully the importance of an early return to work in an injured worker's recovery journey. It is why we have introduced provisional payments so that, if a worker with a mental injury makes a WorkCover claim, they are immediately covered for the costs of early medical support. It is also significant to note Peter Rozen's review into the management of complex claims and the range of reforms that the government will be pursuing in the area of complex claims management.

None of these challenges are simple to resolve, Mr Davis, as you would very well know, and it is the case that on 27 May the government announced it would provide \$300 million to the WorkCover scheme in the 2022–23 financial year. That is all about making sure that injured workers get the support that they need to recover and to return to work.

It is also very important that, as our businesses recover from the pandemic, we do everything we can to keep premiums low, and we have done so in Victoria, with the second-lowest premium rate in the country. Of course the annual report will be provided and made public at the appropriate time, and Mr Davis would be aware of the time frames involved in those public reports.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:49): I notice the minister did not answer the very simple question about what the deficit is. Minister, so serious is the position of WorkSafe that an interdepartmental committee was formed, comprising representatives of your

department, the Department of Premier and Cabinet and the Department of Treasury and Finance. The house has ordered the release of the minutes of the secret interdepartmental committee and independent financial assessments of WorkSafe's deteriorating position. I therefore ask: why has your government failed to provide those minutes and the report to the chamber for over almost three months?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (11:50): Yes, Mr Davis. That is right. This chamber did debate a documents motion, and that is being dealt with in accordance with the usual parliamentary procedure for documents motions. Of course interdepartmental committees are not something new. They are a concept that I am sure Mr Davis is very well aware of. It is important whenever the government are looking at important reforms in this area that we have coordination across a range of departments and agencies relevant to the work that we are doing. Let me make it very clear to you, Mr Davis: the priority for the government is to make sure that the WorkCover scheme is financially sustainable so that it can continue to support injured workers in their hour of need.

NATIONAL REDRESS SCHEME

Mr GRIMLEY (Western Victoria) (11:51): My question is for the Attorney-General, and I ask it in the capacity of the Attorney-General as being responsible for the implementation of the royal commission's recommendations. When the national redress scheme began, following the royal commission, it was far from faultless. I compare it to the infamous Melbourne Response run by George Pell, where survivors were asked to sign a deed of release which stopped them from suing the institution down the track. I understand that this was to limit civil lawsuits, but it only seeks to benefit the institution that inflicted the suffering. Some survivors are seeing other survivors of the same perpetrator receive compensation through the courts and are wondering why they cannot now do the same. Others may not have been mentally ready to go down that path but may well be right now. They also may not have had the evidence at the time of the redress claim, but they may now have that and are ready to proceed. Attorney, will the state government lobby your federal colleagues to have the deeds of release removed from the national redress scheme claims?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:52): I thank Mr Grimley for his question. Of course there are many redress schemes either that fall into direct responsibility of me as Attorney-General or that I have responsibility for establishing but they might be in someone else's portfolio, such as forced adoption, as you would be aware. In Victoria all of our state-run redress schemes do not have a limitation on people's ability to seek other avenues such as civil claim, presumptive rights and the like. You are correct that the federal redress scheme has a limitation. I was not involved at the time of the establishment of that redress scheme. However, it was subject to a lot of negotiations with all the states and all of the relevant organisations and bodies to come up with a redress scheme that was for the benefit of people that were subjected to sexual abuse in institutions.

That redress scheme is subject to review. They are looking at the eligibility and the like. As my role, I contribute to meetings that are conducted across the commonwealth and state jurisdictions. There is a working group that the bureaucrats are involved in, for example. It is always our intention to listen to victim-survivors and bring their stories and their lived experiences, whether it be through their experience in accessing redress or their concerns about how there may be some barriers that they are experiencing in accessing that scheme. There are multiple opportunities for issues such as you have raised to be brought to the table, and at the next meeting these are the types of topics that will be discussed. As I said, there is a current review in relation to the stage 2 process of that redress scheme that is looking at eligibility. These are the issues that can be canvassed in that forum, but as you have identified, it is not a direct responsibility that I hold. Your question asks whether I will lobby. I think it is probably more appropriate for me to raise it at the appropriate time.

Mr GRIMLEY (Western Victoria) (11:54): Thank you, Attorney. You have pretty much covered everything, I think, for the supplementary, but I will raise it regardless because I think it is important. If you receive a Victims of Crime Assistance Tribunal payout as a victim of crime, you are able to sue the perpetrator. If you sue successfully, you have to return your VOCAT money, clearly, otherwise it is double dipping. Interestingly there are instances where you can sue and then get redress, which is another story. Some survivors will never have the money for lawyers or the energy to fight legal battles, so redress is all they desire, but other survivors may decide down the track that they are ready to sue for whatever reason. It seems like we have got a bit of a double standard, like you mentioned, in Victoria for victims of crime and so forth, but the national redress scheme does not allow for sexual abuse survivors to go down the path of a civil litigation. Attorney, if the deeds of release are to remain, what plans does the government have to fix this issue and ensure that victims of sexual abuse are not silenced and have access to civil litigation procedures?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:55): Thank you, Mr Grimley. Probably the only information that I did not canvass in my response to your substantive question would be the changes that we made here in Victoria in I think 2019 around restrictions that were placed on people under a deed. We made sure that Victorian courts would have the power to set aside deeds of settlement for sexual cases against the state. So there are, as you have identified, very few limitations in relation to people seeking legal redress as opposed to state-based redress schemes—or legal compensation, probably more appropriately—in Victoria, and that is a position that we hold. The federal system has that barrier, but you can clearly see the Victorian government’s position on Victorian-run redress schemes.

MINISTERS STATEMENTS: SMALL BUSINESS SUPPORT

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:56): It is my great pleasure to update the house on how our government is backing small businesses to keep their books in the black with new grants for financial and legal advice. The \$5 million small business specialist advice pathways program provides grants of up to \$2000 for expert mentoring from accredited providers covering topics such as legal contracts, financial agreements and trading costs. Such support is often costly for small businesses, and these grants will help small businesses to manage expenses, including rent, mortgage payments and utilities, without compromising the bottom line. To be eligible for a grant under the small business specialist advice pathways program a business must meet the following requirements: it must be a legally structured business registered in Victoria that has held an ABN for at least two years, it must be registered with WorkSafe Victoria and it must employ one to 19 full-time equivalent staff.

It was my great delight yesterday to visit Seddon with the wonderful member for Footscray, Katie Hall, to launch the program. We were hosted by the founder of creative studio Inka Creative, Sara Borowiak. Sara opened her Seddon-based small business in 2014 with a vision to build an agency that helps other businesses to create and market their own brands.

Members interjecting.

Ms PULFORD: I would not mind all the interjections and heckling about this lovely woman running a really impressive small business to just shush a bit. After seven years Sara has six staff helping businesses of all sizes to create, cultivate and build connections with their customers. Throughout this journey Sara has experienced firsthand as both a provider and a recipient the importance of outsourcing specialist services to ensure business success. Grants for the specialist advice pathways program are now open for applications and will be offered on a first-come, first-served basis until Friday, 30 September 2022, or when funds are exhausted.

DUCK HUNTING

Mr BOURMAN (Eastern Victoria) (11:58): My question today is for the agriculture minister. In 2016 the first *Sustainable Hunting Action Plan* committed the Victorian government to improving seasonal announcements. Then in November 2018 the government made a written commitment to take the politics out of determining duck numbers. Last year eminent ecologists Marcel Klaassen and Professor Richard Kingsford delivered their recommendations on 20 December 2021. Seventy days later, just 16 days before the season started, the details of the season were finally announced, as per the Klaassen-Kingsford report. My question is: will the minister recommit to taking the politics out of the seasonal announcements and announce the seasonal arrangements in line with the independent science by 1 January 2023?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (11:59): I thank Mr Bourman for his question. Of course taking the politics out of this is incredibly important. We know how polarised the community is in respect of this issue, so taking the politics out of it is a very positive thing to do. That is why we need to rely on the expert advice and the science that is available at any given time in respect of this matter. That is what previous ministers of agriculture have done, and it will be absolutely the trajectory that I will follow as well, Mr Bourman.

Mr BOURMAN (Eastern Victoria) (11:59): I thank the minister. I do not think I actually got a commitment. My supplementary is: regardless of your view on duck hunting, it is important that decisions are transparent and evidence based, so will the government commit to publishing the independent seasonal recommendations in full within two days of them being received by the government?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:00): I thank Mr Bourman for his supplementary question. It is a pretty good question, I have got to say, and I will seek advice in relation to this. I think it is a reasonable question, and I will—

Members interjecting.

Ms TIERNEY: Thank you, Mr Bourman, and thank you on the opposite side for being quiet for 2 seconds. This is an important question. It does require due consideration, and I will give it due consideration.

VICTORIA POLICE WORKPLACE SAFETY

Mr QUILTY (Northern Victoria) (12:01): My question is for the minister representing the Minister for Police. I was recently given a folder with details of the bullying and sexual harassment of a female police officer in Wodonga. [REDACTED] Nicole [REDACTED] was subjected to bullying and sexual harassment by her direct male report. This harassment included deliberately isolating Nicole from her workmates, trying to create divisive situations and directly belittling her. This treatment only got worse after Nicole reported it. Eleven of the bullying allegations were substantiated in the police internal investigation, and assurances were given that the offender would be transferred and have no further interaction with Nicole. Instead he was moved to Wodonga, the same station as Nicole, where the harassment only intensified. The inability or the refusal to protect Nicole even after the allegations were found to be substantiated goes directly to the Victoria Police attitude towards anyone who dares to make a complaint. Minister, will you make it safe for women to come forward and report unacceptable and demeaning behaviour experienced in the Victorian police force?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:02): Again Mr Quilty has come in here and made some very serious allegations. Again I would say to him that if he is wanting to pursue this line he should do it

via a substantive motion and/or report it to IBAC, or there are a whole range of other avenues that can be dealt with. Beyond that, I will refer this matter to the Minister for Police for a response.

Mr QUILTY (Northern Victoria) (12:02): The bullying claims were substantiated, while the sexual harassment ones were buried in the investigation. The internal investigation that substantiated the complaints agreed that Nicole had been significantly impacted to the point where she had to seek medical and psychological assistance. The behaviour towards Nicole also impacted her family life. Nicole was forced out of the police force, while the perpetrator was counselled and coached and has now been promoted. We are constantly hearing about staff shortages at the Wodonga police station because of the numbers of officers on stress leave. No wonder there is a problem. I find it extraordinary that victims are driven out and the perpetrators are promoted. Minister, what will you do to ensure victims are protected and perpetrators held to account?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:03): I will take that on notice.

MINISTERS STATEMENTS: KINDERGARTEN FUNDING

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (12:03): I am pleased to advise the house that the Andrews Labor government is delivering hundreds of new kinder places for families in Moreland. We are co-contributing up to \$10.7 million towards 11 new and expanded kindergartens across the City of Moreland, creating up to 329 new kinder places across the area by 2029. I had the pleasure of making this announcement last week alongside my colleague the member for Pascoe Vale in the other place, Lizzie Blandthorn MP, who I know is very excited about this huge investment in kinder, as well as the deputy Moreland mayor, Lambros Tapinos, and local Labor candidates Anthony Cianflone for Pascoe Vale, Kathleen Matthews-Ward for Broadmeadows and Mike Williams for Brunswick.

This is the fourth Building Blocks partnership announced by the Andrews Labor government in support of the rollout of our landmark three- and four-year-old kinder reforms, ensuring quality kinder infrastructure is put in place where it is needed the most. To date, in addition to this Moreland partnership, we have announced Building Blocks partnerships with Wyndham, Hobsons Bay and Melton, representing a total investment of \$102.8 million by our government towards building and expanding kindergartens across these growing parts of our state as part of these partnerships. Building Blocks partnerships are critical to our nation-leading kindergarten reforms because they are all about providing local families and communities with certainty that they will have access to the very best kinder facilities for their children in the years ahead.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:05): My question is to the Minister for Emergency Services. Minister, the serious situation at the 000 call service overseen by ESTA has sadly seen the deaths of too many Victorians. On 6 April this year this chamber ordered the release of dozens of consultancy reports commissioned by ESTA. Why are you hiding these documents ordered by the Parliament, given it is now four months since the chamber directed you to provide them?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:05): I thank Ms Crozier for her question and the opportunity to again talk about ESTA and the amazing work that they do. You keep referring to the ‘serious situation’. I think I have been very frank in this chamber about the issues that we experienced at the height of some of the surges of the pandemic, but I have also been very clear in the work that we have been doing to ensure that ESTA is supported to provide a service to Victorians of the very highest quality. To continue to say that it is a serious situation there when it is vastly improved and doing a fantastic job, it is almost as though you are disappointed that they are doing well. I will continue to support that workforce because they are doing a fantastic job. More and more call takers are putting their hand up

to work at ESTA each and every week. That is a fact, and I will continue to bring that information to the chamber even though it does not really suit the narrative of the people sitting opposite me.

In relation to the documents motion, Ms Crozier, I am advised that it is very complicated. There are a range of extensive documents. I have given updates to the chamber in relation to how it is progressing, similar to the answer that Minister Stitt gave. I do not want people distracted from answering the phones, so ensuring that we get the documents to you is a process that people are undertaking. But when it comes to consultancies, the detail that I have is that 2 per cent of ESTA's budget has been spent on consultancies, so this is not a large issue. This is not something that we are hiding. We are focused on supporting this organisation to be the very best that it can be to support our hardworking emergency services staff to get to Victorians in need. That is my focus. That is the focus of the organisation. When it comes to the documents that you have sought, of course they will go through the processes, and I will indeed table them when they become available. They are not in my possession; they are going through the normal process.

Ms CROZIER (Southern Metropolitan) (12:08): Clearly the minister is really struggling here. She might like to verbal me in the answer to my question. These consultancies were commissioned prior to COVID. You might deflect, you might blame and you might have an excuse, but there were millions of dollars spent on these consultancies and you will not provide them. Minister, isn't it a fact that you are stalling in releasing these documents, that you have got a pathetic excuse to bring into this chamber and that you will not provide them to the Parliament of Victoria, because it is a cover-up of your ongoing failures and because of the fact that too many Victorians have died because you have failed to act since 2016 when these consultancies started to be commissioned, way before COVID. I ask again: will you stop the cover-up and release those documents to the Parliament as requested and ordered by this chamber?

The PRESIDENT: I believe the minister already answered your question, but I call the minister.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:09): President, I agree with you. I have already answered that question.

ANIMAL SHELTERS

Mr MEDDICK (Western Victoria) (12:09): My question is for the Minister for Agriculture. Ahead of the election there has been a suggestion that the quarantine period in Victoria's pounds and shelters should be reduced from eight days to three days. While I understand this could be viewed as a streamlining measure and a way to reduce disease, three days is often not enough time for a person to locate their companion animal. A shortened period could result in a much-loved family member being euthanised or rehomed before they are located by their person. People could be looking in the wrong location, be unable to take time off work on short notice, waiting for payday to pay the release fee or have a need to make travel arrangements. This change could also present an unfair disadvantage for Victorians who do not have English as a first language, who are elderly or disabled or who require assistance getting to a shelter or locating their missing friend. Does the government plan to reduce the quarantine period in Victoria's pounds and shelters?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:10): I thank Mr Meddick for his question. Before I get into the substantive answer can I just do a shout-out to those that do a lot of work—the staff and the volunteers—in the animal welfare sector. They do an amazing job day in and day out. So thank you for all of your hard work. Mr Meddick is quite correct. The holding period is eight days, and it is eight days for the reason of reunion but also in terms of curtailing disease.

I have also received a bit of email traffic in recent days, and I think a number of other people might have as well, from people that have been concerned about this issue of the holding period going from eight days to three days. I can assure the house that there is nothing that the government has before it in relation to this issue. I think what has happened is that the RSPCA Victoria's 2022 election

document has been circulated amongst the community—and so it should—and it has as one of its key election commitments or requirements to reduce it from eight days to three days. So I have been able to track the source, so to speak, Mr Meddick, as to exactly why I have been receiving these emails.

I reiterate that there is not anything before the government in respect of this. If there was to be a change, it would have to be through legislation, and of course with any proposal there would have to be intense stakeholder and community consultation in respect of it, and of course responsible pet ownership and animal welfare concerns would also have to be put into the mix. As I said—I underscore it—there is no proposal before the government. I think it is the RSPCA's election document that has triggered the high level of emails that we have been receiving of late.

Mr MEDDICK (Western Victoria) (12:12): Thank you, Minister, for that unequivocal answer. I know it will give many in the foster care network and the rescue network some real assurance that they have nothing really to fear there. The quarantine period is an issue that did arise during the Taskforce on Rehoming Pets that I chaired and handed down the final report for in May of this year. The government has supported all recommendations in principle from that report. When will they be implemented?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:13): Yes, Mr Meddick, I am aware of the task force and the recommendations that were attached to it. The issue that you raised in your substantive question is actually contained in the section on 'out of scope', so it did not form part of the recommendations, as I understand it. But the point that you are really seeking is how advanced we are in respect of the planning and the implementation of the 17 recommendations. In the last budget, the most recent budget, there is \$18.6 million allocated to animal welfare, so I think that the task force did a pretty mighty job in terms of securing moneys for the implementation of animal welfare in this state. Of that \$18.6 million, I believe it is something in the order of \$2.65 million that is directly associated with those recommendations.

MINISTERS STATEMENTS: WOMEN'S LEGAL SERVICE VICTORIA

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:14): Last week I had the great pleasure of visiting the women's legal service to speak directly with them about the critical assistance that that community legal centre provides. The women's legal service assists women experiencing disadvantage to address predominantly their legal issues, but usually it is not just legal issues that people have. They have a multidisciplinary integrated practice model, meaning they provide wraparound services where clients are assisted by lawyers as well as social workers and financial counsellors. When it comes to family violence, legal issues such as intervention orders are often tangled up with housing and tenancy issues, financial and social security issues and, in many sadder cases where children are involved, child protection.

Community legal services like the women's legal service understand how gendered violence and gendered legal issues manifest. They see it in the 2800 clients that they see each year. That is why I want to thank this service for their support and particularly the conversation and the welcome that they have provided for the affirmative consent laws. In a recent media release they are quoted as saying:

In a relationship involving family violence, sexual abuse is often part of a pattern of violence and controlling behaviour across multiple aspects of a victim-survivor's life. The fear of force or harm felt by a victim-survivor of family violence can be ongoing. It can be maintained by the accused through subtle and non-verbal ways, meaning that consent for sexual activity is not given freely and voluntarily.

These are really important matters, and I want to commend the women's legal service for their leadership in prevention of violence against women through their project Starts With Us. This project aims to change the attitudes, cultural norms and social and structural positions that underpin violence against women. The law should be accessible by everyone, no matter their pay cheque or postcode, and I am so proud of organisations and individuals that work tirelessly in this aim, such as the women's legal service.

WRITTEN RESPONSES

The PRESIDENT (12:16): Regarding questions and answers today: Dr Cumming, while I understand the first question was for the Minister for Health and the second question was for a different minister, the Minister for Mental Health, both question and supplementary for the Minister for Health; Mr Davis to Minister Stitt, the substantive question, one day; and Mr Quilty for police, two days, question and supplementary.

Constituency questions

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:16): (1940) My constituency question today is for the attention of the Minister for Transport Infrastructure, and it again concerns the issues that are faced at Surrey Hills and Mont Albert at the crossings there. We still have not seen the release of the full plans. They have still not been released, and my simple question is: when will the minister release the full detailed plans to the community of those crossing removals? The truth is they are proceeding with the construction and yet the plans that were meant to be the basis of consultation have still not been released.

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:17): (1941) My constituency question is to the Minister for Transport Infrastructure regarding the Euroa railway precinct. The inland rail project will have implications for the greater railway precinct of Euroa, which falls beyond the scope of the Australian Rail Track Corporation and into the hands of the state government. This presents an opportunity for the Euroa railway precinct to be considered in a holistic sense for rail and road users, pedestrians and cyclists and to meet future population, tourism and community needs. The Strathbogie shire has been keen to work with the Victorian government to ensure that planning, funding and timing for a redevelopment of the Euroa railway precinct are collaborative and include the community. I raised this with the minister at our meeting in February, and the minister committed to engaging with the department on a way forward. Strathbogie shire is seeking \$100 000 in funding to develop a business case, and so I ask: will the government provide this funding support?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:18): (1942) My question is for the Minister for Roads and Road Safety. I have previously raised concerns with the minister regarding maintenance on the Doyles Road, Shepparton, alternate route surface, particularly between Poplar Avenue and Broken River. Doyles Road carries a large volume of heavy vehicles each day, and large potholes develop in the road frequently. A constituent has informed me that due to inadequate patch-up repairs on this section of road the repairs need to be redone every six months. Last week my constituent's wife hit a pothole 2 feet deep on Doyles Road, damaging two tyres and wheels on her car. She ended up on the wrong side of the road and narrowly avoided a head-on collision. The maintenance program for this section of road is simply not working, resulting in dangerous road conditions. Will the minister intervene and order a review of the maintenance program for Doyles Road between Poplar Avenue and Broken River so that any repairs last longer than six months?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:19): (1943) My constituency question is for the Minister for Environment and Climate Action. In Northern Victoria our water catchments are full. With forecasts for a wet spring, it is only a matter of time before we will be facing serious flood events. Hume Dam is at 96 per cent capacity, and Dartmouth Dam is at 99 per cent capacity. It has been 26 years since Dartmouth overflowed. All the talk locally is, 'How soon till Dart spills?'. People are planning trips to see the spectacle when it happens. We need to be considering increasing water storage capacity for wet years like this one. Dartmouth, finished in 1979, is the last dam built in this state. Lake Buffalo

recently reached 100 per cent capacity and will soon spill. The Big Buffalo dam has been planned for decades. An expansion would help with flood mitigation in towns downstream, such as Myrtleford and Wangaratta, as well as boosting storage for irrigation in dry years. Minister, will you commit to building new dams in Victoria? It is too late for this wet cycle, but we need to act now before the next time.

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:20): (1944) My question is to the Minister for Public Transport and concerns the ongoing wait for the final report into a train crash in Ballarat on 30 May 2020. A VLocity train was unable to brake and sped through the Ballarat railway station at 100 kilometres an hour, proceeding to smash through heritage rail gates. Lydiard Street was closed at that location for 534 days, no less. The Australian Transport Safety Bureau's preliminary report was handed down in October 2020, but almost two years on the final report is nowhere to be seen. The ATSB has said that any identified safety issues have been addressed and that the final report is currently with direct parties—that would be the Victorian government. Minister, our outstanding candidate for Wendouree, Cr Samantha McIntosh, and I want to know if the delay is due to ongoing safety issues with Victoria's trains, or is there another reason why Ballarat commuters need to wait so long for a report into what could have been a fatal train crash?

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:21): (1945) My constituency question is to the Minister for Planning. Last week I met with Dave Taylor, a local resident who I believe has contacted the minister's office in regard to a home renovation gone horribly wrong. The regulated building surveyor missed finding building faults and gave the renovation the tick of approval. Five faults were subsequently found, the builder disappeared and the surveyor denied responsibility. Despite contacting both the Victorian Building Authority and Domestic Building Dispute Resolution Victoria, Mr Taylor has been left stranded to pay for his own repairs to avoid VBA eviction. My question is: why is there no single streamlined process for complaints against faulty building work and compromised or incompetent work by surveyors so that owners do not find themselves liable in the highly flawed process, as Mr Taylor has?

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:22): (1946) My question is for the Minister for Public Transport. Will the minister urgently fund necessary safety and accessibility upgrades at Heidelberg station? I recently visited Heidelberg station and inspected that station with the Liberal candidate for Ivanhoe, Bernadette Khoury, and I found that since I last was at Heidelberg station it has fallen into a shocking state of disrepair. That station is used by any number of people who are sick, who have injuries or who have accessibility problems, because it is right opposite a major health precinct. There are a whole range of things that I would love to discuss if time permitted, but just one or two examples. The platforms do not even have tactile edges. That must be changed as a matter of priority. There is no lift. The ramps are far too steep. These are all things that I am advised mean that this station is not even in line with the government's own obligations under federal disability discrimination law. The minister needs to urgently fund upgrades at Heidelberg station so the many people who use that station can have a fair go, in particular to access those health services.

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:23): (1947) My question is for the Minister for Local Government. I had a constituent in Manningham contact me regarding rebates on cloth nappies and plastic-free period products. 3.75 million disposable nappies are used each day in Australia and New Zealand. These end up in landfill. Cloth nappies and plastic-free period products are environmentally friendly alternatives. Because of this some councils are providing rebates for these products. Unfortunately this rebate is not provided by the Manningham City Council, so I ask if there are any

plans for rebates on cloth nappies and plastic-free period products to be rolled out throughout the Eastern Metropolitan Region.

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:24): (1948) My question is to the Minister for Early Childhood and Pre-Prep, and it relates to the Serrell Street Kindergarten in Malvern, which is run by the Uniting Church. This is a fabulous community kindergarten, offering 51 places for three- and four-year-olds. But its future for 2023 and beyond is in doubt. Over the past two years there has been a massive disruption due to COVID, as we all know, with not a lot of promotion to the community about what this kindergarten has to offer. As a result enrolments for next year have dropped. The parent committee has written to the minister requesting that its provider application be approved and fast-tracked so that the kindergarten can accept all enrolments for the new kinder year in 2023—in just a few months time. I ask the minister to immediately follow up and action this request to enable these places in this community kindergarten to not be lost and to alleviate the uncertainty for so many parents who are wanting their children to attend the kinder next year.

SOUTH EASTERN METROPOLITAN REGION

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:25): (1949) My constituency question is to the Minister for Transport Infrastructure. Last year the government announced planning for a ‘potential future upgrade’ to Governor Road in Braeside. Now, the use of the phrase ‘potential future upgrade’ raises the spectre that this is merely spin rather than an intention to provide an upgrade to Governor Road, which is an important east–west road carrying a lot of traffic—and a lot of commuter traffic—from the Dandenong area over to Bayside. The Liberal candidate for Mordialloc, Phillip Pease, has been working very closely with the community in Bayside and Waterways Estate, and it is very clear from his engagement and other engagement around this project that there is strong support—over 90 per cent support—from the community for an upgrade of Governor Road; 60 per cent of local businesses have had problems with the use of Governor Road. So my constituency question to the minister is: when will construction on this upgrade commence?

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:26): (1950) My question is to the Minister for Roads and Road Safety. Locals in Leongatha know that the heavy vehicle alternate route stage 1 is a disaster. My constituent, Mr Phillips, who is an avid cyclist and regular user of the rail trail, calls it very dangerous. He often rides along the rail trail, and the intersection of the rail trail—Long Street and Routhead Street—is cause for concern on any given day. Indeed he comments to me that there are many accidents that occur at this intersection and he has no doubt someone will be seriously hurt or even killed. I know my colleague Danny O’Brien in the lower house regularly raises this issue, so on behalf of my constituent I also add my voice. Will the minister deliver the planning finance and capital funding for the Leongatha alternate route stage 2 to fix this debacle of an intersection?

WESTERN VICTORIA REGION

Mr GRIMLEY (Western Victoria) (12:27): (1951) My question is for the Minister for Emergency Services. Armstrong Creek has been earmarked for substantial growth for more than 10 years. One report claimed that by 2030 Armstrong Creek could be home to up to 60 000 people. 2021 census data shows that there are around 20 000 people living in the growth area now, up from 6000-odd living there in 2016. It seems Armstrong Creek’s growth is meeting and exceeding expectations, so why has the government not delivered life-saving services such as the Armstrong Creek fire station? This fire station was promised before the 2018 state election, and we still do not know where or if it will be built. Minister, when and where will the promised Armstrong Creek fire station be built?

Petitions**Following petition presented to house:****TIMBER INDUSTRY**

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the vital importance of Victoria's sustainable native timber industry to the economic and social prosperity of regional communities and timber towns.

The petitioners therefore request that the Legislative Council call on the Government to overturn its flawed and appalling decision to shut down the native timber industry and close loopholes that allow legal action by green lawfare groups to shut down harvesting operations.

By Ms BATH (Eastern Victoria) (84 signatures).

Laid on table.

Bills**ANTI-CORRUPTION AND HIGHER PARLIAMENTARY STANDARDS
(STRENGTHENING INTEGRITY) BILL 2022***Introduction and first reading*

Dr RATNAM (Northern Metropolitan) (12:28): I move to introduce a bill for an act to reform the standards for ministers, parliamentary secretaries, members of Parliament, ministerial officers and lobbyists by establishing the independent parliamentary integrity commissioner and amending the Members of Parliament (Standards) Act 1978, the Independent Broad-based Anti-corruption Commission Act 2011, the Parliamentary Committees Act 2003 and the Public Administration Act 2004 and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Dr RATNAM: I move:

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

Motion agreed to.

**EQUAL OPPORTUNITY AMENDMENT (PROTECTING LGBTIQA STUDENTS) BILL
2022***Introduction and first reading*

Dr RATNAM (Northern Metropolitan) (12:29): I move to introduce a bill for an act to amend the Equal Opportunity Act 2010 to provide that religious educational institutions cannot discriminate against students based on sexual orientation or gender identity by using standards of dress and behaviour in schools, to limit discrimination against LGBTIQA students on the basis of religious belief to the time of admission at a religious educational institution and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Dr RATNAM: I move:

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

Motion agreed to.

Committees**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 12*

Mr GEPP (Northern Victoria) (12:30): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 12 of 2022 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

In doing so I just want to draw the chamber's attention to one matter that is in relation to the Energy Legislation Amendment (Transition from Coal) Bill 2022 brought by Dr Ratnam. Just to clarify, there is a note in the report that says that:

The Committee notes the general purposes of the Bill are to prohibit specified activities by 2030. The Committee draws the Member's attention to paragraph A(iii) of the *Practice Note*.

I just wanted to provide clarity that in ordinary circumstances, what we would do where there is no explanation provided to the house is write to the member and invite the member to then provide that explanation, and we would table that in a subsequent report. However, on this occasion, although it is mentioned in the report, the bill in fact addresses that very issue so there is no need. We felt as a committee that it was important that we put on the record an explanation as to that part of the report.

Motion agreed to.

LEGAL AND SOCIAL ISSUES COMMITTEE*Inquiry into Extremism in Victoria*

Ms PATTEN (Northern Metropolitan) (12:32): Pursuant to standing order 23.29, I lay on the table a report from the Legal and Social Issues Committee on the inquiry into extremism in Victoria, including appendices and a minority report. I further present transcripts of evidence, and I move:

That the transcripts of evidence lie on the table and the report be published.

Motion agreed to.

Ms PATTEN: I move:

That the Council take note of the report.

I would just really like to start by acknowledging the extraordinary team that has guided the Legal and Social Issues Committee not just through this inquiry and this report but also through the other 11 that we have done. This is the 12th report of the Legal and Social Issues Committee and our 11th inquiry. I would also just like to recognise Dr Ratnam in bringing this inquiry to the committee and also her dedicated work on this inquiry, as well as all of the other committee members who took part in this inquiry.

You would not normally expect a state Parliament to be looking at an issue such as extremism—and we certainly followed on from our federal counterparts, who had begun an investigation into extremism in Australia. I think what I took from this is that to address and stop extremism in our community requires a whole-of-government approach, and it requires whole levels of approaches. Some of that is around security and legislation, but a lot of it is around community building. It is around addressing social exclusion. It is about addressing so many of the issues that some of our multicultural community, our First Nations people and many people are experiencing—that sense of isolation that can lead them down some very dark and sometimes dangerous paths.

This is certainly what we heard from—sometimes very brave—witnesses who gave evidence to this committee. They did that at personal risk and at risk not just to themselves but to their families. Many

of them have actually been attacked since giving evidence to this committee. So we are enormously grateful for that. But as I say, this is not the end of this conversation. I do not think it is the end of this conversation in this state Parliament, and certainly it is not the end of this conversation nationally. I feel that this report actually started the conversation about what we can do to address extremism in our community and what we can do to not only address it but prevent it. In doing that we really need to look at community building and other social cohesion measures.

Aside from that but as part of that—and certainly it is something that has been in conversations in the last 24 hours in the media but also in the last few months—is the responsibility that members of Parliament have to their community to support them and to not incite or help perpetrate social isolation or even extremism. To that end we recommended an integrity charter, which will again help build the public trust in our Parliament. We know that that public trust is at a pretty low ebb at the moment, and this committee recommended that we introduce an integrity charter as part of a whole bunch of other measures that we have heard about from IBAC and the Ombudsman in a whole range of areas.

I do encourage members to read this report. I think it covers off on a lot of areas. It does not pretend to provide the answers. What it does do is start opening the conversation. There are some very sensible measures that we have recommended in this report, and I commend it to the house.

Dr KIEU (South Eastern Metropolitan) (12:36): I rise to speak on the report on the inquiry into extremism in Victoria. Extremist movements are a serious matter and have been identified as a significant and growing issue in Australia by ASIO. It is a global issue, particularly regarding anti-immigration and anti-democratic ideas, and particularly in Victoria it has been growing since 2015–16. Young people have been radicalised and recruited by online means. The extremist movement has been disseminating misinformation and conspiracy theories online and also spreading extremist ideology.

The committee have made a multitude of findings and also recommendations. I would like to take this opportunity to thank all the committee members for their work on this inquiry and all the witnesses for their submissions to this very important inquiry. I particularly thank the secretariat for their hard work, not only on this inquiry but on all 11 reports. The number of reports is perhaps more than the number of own-motion committee reports from the Legislative Council, so thank you very much.

Dr BACH (Eastern Metropolitan) (12:38): I also want to make a brief contribution on this important report. Far-right extremism is odious and to be condemned. Indeed extremism in all its forms is odious and to be condemned. Victoria has a proud multicultural heritage, and so much of what we heard in this committee was immensely useful, and thus many of the findings and recommendations of this report are incredibly useful.

However, I am incredibly disappointed, and I know my colleague Ms Burnett-Wake is also very disappointed, that our repeated calls to expand the terms of reference to cover extremism rather than one narrow form of extremism went unheard. It is interesting that the former speaker referred to ASIO and the findings of ASIO. Well, ASIO does not use this definition of ‘extremism’. Indeed I am not aware of any expert body that talks about far-right extremism or far-left extremism. We heard so much wonderful evidence from expert witnesses that the complex causes of extremism are the same no matter which particular ideological bent an extremist takes. So not expanding the terms of reference, as the Liberals and Nationals argued for in this chamber a long time ago and as we argued for throughout the period of the committee hearings, was a significant missed opportunity. Ms Burnett-Wake and I took the opportunity to write a minority report of our own, not finding fault—certainly not with the excellent witnesses, nor with the findings, quite frankly—but simply arguing again that in reading this report we should read the recommendations, many of which are very sound, as pertaining not to just one narrow form of extremism but indeed to extremism in all its manifestations. Like Dr Kieu, I would like to thank the chair. I would also like to thank the excellent secretariat for all the work they did.

Dr RATNAM (Northern Metropolitan) (12:40): I too rise to commend this really excellent report before us on the rise of far-right extremism in Victoria. I want to acknowledge the commitment of particularly the Legal and Social Issues Committee membership to conduct this inquiry, the support of the government and particularly the staff and secretariat for their deep research and thinking on this very important area of focus. In fact it is the only report of its kind in Australia, after the federal inquiry was effectively shelved. This report and inquiry found that there has been a re-emergence of far-right extremism in Victoria and that it is a threat to our social cohesion, our democracy and our safety.

There are features of these movements, including anti-democratic sentiments, anti-immigration sentiments, misogyny and racism. There are social and economic conditions that exacerbate the growth of these movements—namely, inequality and social isolation. The growing threat is fuelled and fanned by the decline in trust in politicians and institutions and normalised by the mainstreaming of right-wing populism. When our political, economic and social systems fail to support people, society leaves people behind, and it creates more distrust and disengagement.

This report issues a challenge to our governments to act, because we can act to prevent and counter far-right extremism and keep our communities safe. In fact the inquiry found that there are effective ways that all levels of government could embrace to counter this growing threat immediately, and that means more social cohesion and community building, improving integrity measures to build trust in our political systems, our social institutions and our civic institutions. It means supporting anti-racism education, supporting research, building collaboration and supporting youth work and our youth workers, and it issues a challenge to all leaders to take this threat seriously and to act urgently.

Ms BURNETT-WAKE (Eastern Victoria) (12:42): I rise today as a member of the Legal and Social Issues Committee to speak on our recent inquiry into extremism in Victoria. As Dr Bach said, the committee examined the rise of far-right extremism and the associated risk that these groups pose to functioning society. The inquiry was, however, limited in scope, in the sense that we only examined far-right extremism, when in fact all methods of extremism pose threats to our way of life.

Dr Bach and I have included a minority report to make clear our view that this inquiry should have focused on all forms of extremism. We firmly resolve that extremism of any kind is abhorrent, whether it is right wing, left wing or something else entirely. All kinds of extremism should be condemned, and it is wrong to single out one form and label it worse than another. For this reason the Liberals were deeply disappointed that this inquiry only sought to examine far-right extremism. We did try to have the inquiry's scope broadened multiple times but were not successful.

Many witnesses deviated unknowingly from the terms of reference when speaking freely and broadly on extremism and its causes. There were many similarities between the causes of extremism, no matter the ideology. The Liberals therefore recommend that the contents, findings and recommendations of the report be read to concern all forms of extremism. I commend the report to the house and recommend that all findings and recommendations be read considering all forms of extremism.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2022–23 Budget Estimates

Ms TAYLOR (Southern Metropolitan) (12:44): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table the Public Accounts and Estimates Committee report on the 2022–23 budget estimates, including a minority report. I further present transcripts of evidence, and I move:

That the transcripts of evidence lie on the table and the report be published.

Motion agreed to.

Public Accounts and Estimates Committee End of Term Report for the 59th Parliament

Ms TAYLOR (Southern Metropolitan) (12:44): I present the *Public Accounts and Estimates Committee End of Term Report for the 59th Parliament*, including appendices. I move, by leave:

That the report do lie on the table and be published.

Motion agreed to.

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

Crown Land (Reserves) Act 1978—

Minister's Order of 16 June 2022 giving approval to the granting of a licence at Kings Domain and Alexandra Park Reserves.

Minister's Order of 31 July 2022 giving approval to the granting of a lease at Point Leo Foreshore and Public Parks Reserves.

Minister's Order of 15 August 2022 giving approval to the granting of a licence at Treasury Gardens, Alexandra Gardens, Kings Domain Reserve and Parliament Gardens.

Order of 25 August 2022 giving approval to the granting of a licence at Albert Park Reserve.

Interpretation of Legislation Act 1984—Notices under section 32(3)(a)(iii) in relation to—

Guidelines for Assessing Fitness to Drive (*Gazette S415, 19 August 2022*).

Statutory Rule No. 61 (*Gazette G33, 18 August 2022*).

Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes—

Brimbank Planning Scheme—Amendment C234.

Melton Planning Scheme—Amendment C208.

Moreland Planning Scheme—Amendment C222.

Northern Grampians Planning Scheme—Amendment C61.

Statutory Rules under the following Acts of Parliament—

Alpine Resorts (Management) Act 1997—No. 67.

Electoral Act 2002—No. 68.

Supreme Court Act 1986—No. 69.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule Nos. 62, 63 and 69.

Legislative instruments and related documents under section 16B in respect of Guidelines for rooming house exemption under section 75 of the Land Tax Act 2005.

Victorian Electoral Commission—Report to Parliament on the 2021 South Gippsland Shire Council general election, August 2022.

Victorian Environmental Assessment Council—Assessment of the values of the Strathbogie Ranges and Mirboo North Immediate Protection Areas, July 2022, pursuant to section 26E of the Victorian Environmental Assessment Council Act 2001.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Gambling and Liquor Legislation Amendment Act 2022—Part 2 (other than Division 1), Part 3 (other than Divisions 1 and 3), Part 4 (other than sections 146(3), 147, 148, 149 and 155) and Part 5—1 September 2022 (*Gazette No. S422, 23 August 2022*).

Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021—Whole Act (other than section 11(7) and (8))—1 September 2022 (*Gazette No. S422, 23 August 2022*).

Workplace Injury Rehabilitation and Compensation Amendment (Arbitration) Act 2021—Whole Act—1 September 2022 (*Gazette No. S422, 23 August 2022*).

Business of the house**NOTICES****Notices of motion given.****Notices of intention to make a statement given.****GENERAL BUSINESS**

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:59): I move, by leave:

That precedence be given to the following general business on Wednesday, 31 August 2022:

- (1) order of the day made this day, second reading of the Anti-corruption and Higher Parliamentary Standards (Strengthening Integrity) Bill 2022;
- (2) notice of motion given this day by Mr Davis on referring new evidence to the Ombudsman;
- (3) notice of motion 781 standing in Ms Crozier's name on support for IVF testing and treatments;
- (4) notice of motion given this day by Mr Barton on Uber;
- (5) notice of motion given this day by Mr Barton on integrity;
- (6) order of the day 3, listed for a future day, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022;
- (7) order of the day 1, resumption of debate on the second reading of the Multicultural Victoria Amendment (Independence) Bill 2022; and
- (8) order of the day 53, resumption of debate on a motion relating to Victorian Building Authority fee increases.

Motion agreed to.**Members statements****NORTHERN VICTORIA REGION HEALTH SERVICES**

Ms LOVELL (Northern Victoria) (13:00): It gives me great pleasure to rise and speak on how a Matt Guy led Liberal government will fix Labor's growing health crisis in my electorate of Northern Victoria. Last Tuesday I welcomed Matt to Shepparton to announce that, if elected, we will immediately allocate \$100 million for the development of a new life-saving integrated cancer centre and a new clinical health school at Goulburn Valley Health. The new cancer centre will be four times the size of the current facility at GV Health and will include treatments that are currently not provided at GV Health, including radiotherapy. This new and larger centre will mean that residents will no longer be forced to travel long distances to receive vital cancer treatment. The clinical health school will train up to 300 health workers locally every year to fill the growing need for health professionals at GV Health and other services. Currently GV Health has 80 doctor, 130 nursing and 40 allied health professional positions vacant. These vacancies are placing enormous pressure on other staff and impacting on GV Health's ability to deliver the health services needed in our community.

An elected Liberal government will also invest \$750 million to build a brand new hospital in Mildura and will contribute \$300 million towards a new hospital for the Albury-Wodonga border community. These commitments form part of the Liberals' plan to rebuild Victoria's health system, broken by the years of neglect and underinvestment by the Andrews Labor government, and I look forward to more health announcements in my electorate in the lead-up to the election. Our dedicated healthcare workers deserve far better than what is being delivered by Daniel Andrews and Labor, and only a Liberal government will fix Victoria's healthcare crisis.

AFGHAN INDEPENDENCE DAY

Dr KIEU (South Eastern Metropolitan) (13:01): In recent weeks the community has celebrated Indian Independence Day and Pakistan Independence Day, and on 19 August it was Afghan Independence Day. The day was difficult this year, considering the country's current political state.

However, the Victorian Afghan community still celebrated their 103rd in the south-east at Springvale town hall. The event was reflective, and the fall of Kabul reminded me so much of the fall of Saigon, which I lived through as a young boy. My heart goes out to the community. Australia has a moral and humanitarian obligation to accept more Afghan refugees.

PARLIAMENTARY INTERNSHIP PROGRAM

Dr KIEU: On another matter, the Victorian parliamentary internship program promotes brilliant young minds to engage in politically relevant research. Our own Parliament serves as the best example of the program's effectiveness, because it was successfully completed by our very own Premier, Daniel Andrews. This is why I have always been incredibly proud to supervise an intern in every semester of my term. Earlier this month during the Victorian parliamentary internship graduation ceremony we recognised the interns' remarkable achievements. Congratulations to all Victorian parliamentary intern graduates from Melbourne University and Monash University on this occasion.

JUMPS RACING

Mr MEDDICK (Western Victoria) (13:03): On Sunday I attended a protest. Most of you would not be surprised at that, but what you should be surprised about is that once again it was one held by the Coalition for the Protection of Racehorses and my party at a jumps race meeting in Ballarat. You should be surprised that this state continues to hold jumps, despite every other state already ending it. It is indeed a sorry state of affairs that Victoria, the progressive state, is behind Queensland, which stopped jumps racing in 1903. What you will not be surprised to learn is that seven horses fell and suffered numerous injuries on Sunday and that one horse, By Design, died at the hands of jumps racing. Jumps racing is deadly. It kills horses at an alarming rate, and this state is being held in contempt for allowing it to continue.

VALEDICTORY STATEMENT

Mr ONDARCHIE (Northern Metropolitan) (13:04): The greatest compliment ever paid to me was by the residents of the northern suburbs of Melbourne, by their blessing. The north-north elected me three times to represent them in this Parliament. I thank those residents and the many multicultural communities across Victoria for the opportunity to work for them. I have not always got it right, but I have done the best I can. I thank the Parliament staff right across all departments for their tolerance, their patience and their kind assistance to me. I thank my personal staff, Nadine, Jacky, Phil, Nick, Fiona and Goldy, and those who served before them, Ange, Bec, Akshay, Sarah and many others. We have served our constituents so well with energy, persistence, determination, compassion and love.

To my family—my wife, Gina; my children, Marianne, Matt, Luke, Steven, Megan and Kirsty, and their partners; and my grandchildren—thank you so much for your love and understanding. Dad was always away at community events and functions. Sometimes you had to join me, and I thank you for always understanding that. I love you. To my many, many friends, some who I cannot name individually, thank you for your love, your support, your guidance. May I offer the blessings of my God to this Parliament and all who attend here. I said in my inaugural speech that I am only one person and I cannot do everything but I will try and do as much as I can—and I did. It has truly been an honour and a privilege to serve.

HEALTH SECTOR WORKFORCE

Ms TAYLOR (Southern Metropolitan) (13:05): Every health system in the country is under enormous pressure due to the pandemic, so the best thing we can do to support our hardworking staff is to give them more support on the ground. We all know we cannot deliver a health system with empty hospitals, which is why we are investing in hardworking nurses and midwives, who are helping Victorian patients every single day. So what does this involve? In a \$270 million boost to our health system, more than 17 000 nurses and midwives will be recruited and trained as part of a massive hiring and upskilling initiative, building up our homegrown health workers to care for Victorians. More than 10 000 students will have the cost of their nursing or midwifery undergraduate studies paid for, while

scholarships will be available for thousands more who complete postgraduate studies in areas of need, including intensive care, cancer care, paediatrics and nurse practitioner specialties. All new domestic students enrolling in a professional entry nursing or midwifery course in 2023 and 2024 will receive a scholarship of up to \$16 500 to cover course costs.

Mr Leane: Fantastic. That's awesome.

Ms TAYLOR: It is, isn't it. Students will receive \$9000 while they study and the remaining \$7500 if they work in Victorian public health services for two years. More midwives will join the workforce through an expanded postgraduate midwifery incentive program, which will provide scholarships to cover course costs and salary support for 150 existing nurses to continue working while they complete their specialist studies in midwifery.

SHANNON 'SPUD' MURPHY

Ms MAXWELL (Northern Victoria) (13:07): I rise today to give a sad members statement in honour of Detective Sergeant Shannon 'Spud' Murphy. Spud worked in Melbourne and Benalla as a detective, and his most recent role was within the sexual offences and child abuse investigation team in Wangaratta. Spud was a larrikin, a man who had a sense of humour, and he was a loving husband to his wife, Sarah, and two children. The loss of Spud has once again encouraged me to call on Victoria Police to support those who suffer ill health, and I implore the government to increase investment to allow for ongoing therapeutic facilities to be readily available to those who need them when they need them. Vale, Shannon 'Spud' Murphy. May you rest in peace and no longer bear your pain and suffering.

JASON RONALD

Mrs McARTHUR (Western Victoria) (13:08): I rise to pay tribute to a great Victorian and a good friend. Jason Ronald OAM recently retired as the president of the Royal Overseas League Victorian branch. I was honoured to attend a significant celebration of his amazing service to this worthy organisation, service that was also rightly recognised by His Excellency General the Honourable David Hurley AC, Governor-General of Australia, whose message paid tribute to Jason's role in helping to foster friendship and understanding between commonwealth countries. Fortunately Jason's service to ROSL will continue as the Australian chair.

In 2007 Jason was awarded a Medal of the Order of Australia for his extensive community service, including as a life councillor of the Royal Agricultural Society of Victoria. Jason's OAM cited his service to the community through a range of social welfare, cultural, political—notably the Liberal Party—and agricultural organisations. A great man. Jason and his family before him are renowned for giving generously of their time to their rural communities, for which we are all grateful. I am proud to call Jason a friend and congratulate him on his decades of voluntary service across an array of organisations but especially the Royal Overseas League.

ENERGY POLICY

Mr FINN (Western Metropolitan) (13:10): Working families and already struggling small businesses across Melbourne's west have approached me protesting strongly about power costs that are hitting them hard, and I bring those protests to this Parliament today. The race to destroy the Victorian economy further by the ALP, the Liberals and the Greens mystifies me. The whole of Australia contributes a fraction over 1 per cent of the world's emissions of carbon dioxide. The question must be asked: what percentage of 1 per cent does Victoria produce? It is minimal at most.

I can understand the ALP and Greens going down the zero-emissions path—they do loopy things all the time—but the Liberals, not for the first time this year, have me totally baffled. Why are they doing this? It is even stranger when we consider that the Leader of the Opposition in the other place has previously expressed strong support for my position on this insanity. Strange days indeed. I assure

constituents in Melbourne's west that I will not be following this path. The ALP—sorry, the DLP—stands for cheap, reliable power—

Members interjecting.

Mr FINN: Well, we are the real ALP, if you go back to the Supreme Court. The DLP stands for cheap, reliable power for all. We stand for what is best for Victoria.

On that note, might I extend my very best wishes to the mighty Tigers as they carry the Victorian flag into battle at the Gabba on Thursday night. Eat 'em alive, Tigers.

NATIONAL CHILD PROTECTION WEEK

Dr BACH (Eastern Metropolitan) (13:11): Next week is a very big week. It is my wife's birthday on Tuesday, and that turns into a weeklong celebration. But even more importantly it is National Child Protection Week, so perhaps next week we as a community could have a focus on an area that I think a lot of Victorians understandably would rather not focus on, certainly not when the outcomes that we see are as bad as they are.

I have been talking in this place recently in particular about dreadful outcomes for young Indigenous people in our state, so it will be fantastic to join numerous Indigenous organisations next week at a range of activities that they are doing to mark National Child Protection Week. One in 10 young Indigenous Victorians is in the care of the state today. One in nine Indigenous babies in Victoria today is removed from their mother. These are the worst statistics in the country, but they are not just statistics. Every one of these young people is somebody who has the potential to go forward in our state and to make a huge contribution, but their ability to do so is being robbed at the moment by failures of the Andrews Labor government.

It was interesting to hear my friend—he has just left the chamber—Mr Gepp muttering about privatisation a little earlier when Ms Lovell was talking about health services. The ALP loves a privatisation scare. Well, open up some room for a further privatisation scare. In child protection the government is failing so shockingly to look after Indigenous children that I agree with Auntie Muriel Bamblett that we should empower Indigenous-led organisations to do far more, and that is something I will be talking about in the lead-up into the election, welcoming a privatisation scare by those opposite and their friends in the CPSU.

CLIMATE CHANGE

Dr RATNAM (Northern Metropolitan) (13:13): Recently we have watched with horror as severe floods have devastated Pakistan, killing a thousand people and displacing millions. This follows floods and torrential rain in India and Bangladesh and record-high temperatures across South Asia, and China is in severe drought. These are just the latest in a series of extreme climate events that have hit the world just this year. Europe is experiencing a terrible drought. Riverbeds are drying up, revealing relics of historic wars. All this means that crop harvests will be reduced, affecting food supply. In California there have been more than 5.7 million acres burnt so far this year, with more than 39 000 fires recorded. Climate change is here, and it is wreaking havoc.

As despairing as that reality is, it is important to remember that there is still time to act. There are so many good elected representatives, especially in local government, who have never lost hope and who keep leading the rest of the country and indeed the world. I am so proud that one of those champions of change is Darebin council in my electorate, who were the first jurisdiction in the world to declare a climate emergency, in 2016. They began a global movement, with now over 2000 local governments in 39 countries having followed their lead. Last Monday Darebin endorsed, having implemented their first plan, an approach to developing their next climate emergency plan. This complements groundbreaking work by the Council Alliance for a Sustainable Built Environment, who have lodged a planning scheme amendment to improve our planning laws. These examples highlight that we can

and must act urgently. Thank you to our local government sector for once again leading the way with hope and determination.

DEVON NORTH MEN'S SHED

Ms BATH (Eastern Victoria) (13:14): I would like, on behalf of the Devon North men's shedders, to amend the old adage 'Good things come to those who wait' to include 'and never give up'. With persistent determination good things do come to fruition. Last week I was honoured to open the Devon North Men's Shed at Won Wron. I congratulate Allen Rendell, Des Patton and all of the other fantastic men and women of that community for refusing to take no for an answer when the Minister for Education kept on saying no. I congratulate Lindsay Oates from the Victorian Men's Shed Association, a passionate devotee of men's sheds, and also Lyn Matthews from Traralgon Men's Shed, who just proves that women are certainly an integral part of shedders. Shedders are an important component of their community. They provide physical and mental wellbeing, they are creative, they keep valued skills alive, they provide actions with hardwood timber and they create fellowship in their community. I thank them for letting me be part of that journey.

YARRAM NEIGHBOURHOOD HOUSE

Ms BATH: I also congratulate Yarram and district neighbourhood house coordinator Cathy Cook and assistant Justine Meaker, who do a power of work sharing Foodbank, running programs, providing home-cooked meals—a whole range of things. They need a dishwasher. This is a call-out for a dishwasher to come into the Yarram Neighbourhood House, and I hope that is just around the corner.

COVID-19

Dr CUMMING (Western Metropolitan) (13:16): Professor Brett Sutton on his social media expressed that he has made mistakes and there were mistakes within the systems. Professor Brett Sutton said that he has deep regrets. Could our chief health officer please detail his mistakes publicly? Could he expand on where his shame comes from? Would Professor Brett Sutton publicly support an inquiry into Victoria's response to COVID and publicly support a royal commission? We are seeing that Brett Sutton is feeling reflective about the pandemic, and he believes that there are lessons from the pandemic that we can learn. He has now immunity given to him by this government. While he is being deeply reflective could he actually tell us how much his mistakes have actually cost Victorians? Could he detail his mistakes? Could he explain how much his mistakes have cost Victorians? Professor, I trust the science, but you never showed Victorians the science behind your decisions. Coercion is not science. Withholding data is not science. Manipulating data is not science. Cherry-picking studies is not science. Social conditioning is not science. Fearmongering is not science. It is time now, Mr Sutton, to actually show us the science.

JANMASHTAMI

Ms VAGHELA (Western Metropolitan) (13:18): Recently I had the opportunity to participate in multiple Janmashtami celebrations organised across Melbourne by various spiritual organisations based in my electorate. I was invited by the committee of the International Society for Krishna Consciousness, ISKCON, to join the grand celebration of Janmashtami to mark the birth of Lord Krishna at their Albert Park temple. Victorian Hindus visited the ISKCON temple in their thousands, despite a rainy evening, and participated in the festivities until midnight. The beautifully decorated deities and gods were a sight to behold. The temple ambience was energised by everyone singing and dancing in joy. On another note, I was delighted to attend the fantastic Nand Mahotsav organised by the Vaishnav community from the Krishna Dham in Truganina. It was exciting to participate in their worship ritual and enjoy the cultural performances by the children and women. On a final note, it was exciting to see the enthusiasm of the seniors from the Bhartiya seniors group in Truganina as well as the United Seniors Club in Tarneit, who also celebrated the Janmashtami.

At all four events it was very heartening to see my constituents of all age cohorts celebrating the Janmashtami event successfully and sharing their joy as well as the delicious prasadam with people

from other ethnic backgrounds as well. I thank all these organisations for inviting me to their Janmashtami events and congratulate them for their hard work promoting the Hindu culture in Victoria through such celebrations. Jai Shree Krishna. Hare Krishna.

GOVERNMENT PERFORMANCE

Mr QUILTY (Northern Victoria) (13:19): This government treats Victorians like children. It thinks the average person is stupid, reckless and incapable of looking after themselves. It puts restrictions and controls on risky behaviour even when everyone involved is willing to accept those risks. It is a terrible way to view people, and this belief slides all too easily into appalling behaviour towards people. We saw this play out through the pandemic: all government action was aimed at forcing children to obey rather than trusting adults to make sensible choices. Whether it is choosing to drive at a sensible speed, choosing on occasion to get on the beers, choosing to have a punt, choosing to vape, choosing to use cannabis or choosing to take a job or start a business, they are our choices to make. All choices carry risk and consequence, but free people make choices. We are not the property of the government to be protected from ourselves.

It is time we got rid of the nanny state attitude and let people make their own choices. It is time the government started treating us like adults. We can make decisions for ourselves. We know our own circumstances, and we bear the consequences of our own actions. These are our choices to make about our own lives. We do not need the government to hold our hands and protect us from ourselves. Whether it is about something small like wearing a bike helmet or something large like seeking experimental medical treatments, adults should have the right to make their own choices. We each only have one life, and it is up to us to decide how we spend it and what risks we take with it. The Liberal Democrats have a vision for a Victoria where adults are free to choose for themselves. The Liberal Democrats believe the government should treat Victorians like adults.

Business of the house

NOTICES OF MOTION

Mr TARLAMIS (South Eastern Metropolitan) (13:21): I move:

That the consideration of notices of motion, government business, 683 to 730, be postponed until later this day.

Motion agreed to.

Bills

JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022

Second reading

Debate resumed on motion of Ms SHING:

That the bill be now read a second time.

Dr BACH (Eastern Metropolitan) (13:21): I am very pleased to have the opportunity to rise to make a contribution on this important legislation. There is much need for law reform in the complex areas that this bill seeks to address. Over many years in this place we, and I say we, have shown a willingness to engage in change and to take some calculated risks in order to seek to do better and to do two things principally, in my mind. First and foremost, we seek to drive behaviour change so that women principally, but other Victorians as well, are far safer than they currently are from the scourge of sexual violence, and we also seek to ensure we do far, far better, when offences occur, to punish those who have perpetrated those offences.

At present, I am advised by the Sentencing Advisory Council, only one in five sexual offence complaints and only one in 23 rape complaints result in convictions. Given what we know about the veracity of the testimony of the vast majority of people who have the great courage to come forward

to make complaints, these figures are unacceptable, so I am pleased that the Attorney-General's view is that they are unacceptable. It is my view—indeed it is the view of every member of the Liberal and National team—that they are unacceptable.

I want to flag at the outset of my contribution that we will be supporting this legislation. We have some minor amendments, the nature of which I will discuss briefly, and I would urge other members of the house to support those amendments. In a desire to be as fulsome as possible and as constructive as possible, I note for the benefit of the house that should those amendments fail, we will most certainly still be supporting the bill.

There is a significant need, as I say, to make the efforts that the government is seeking to make now to update the laws surrounding sexual offences to keep abreast of concerns and trends, particularly those that have resulted from technological changes, but also to deal with the core issues that I have already discussed briefly and other members have discussed at length; I refer members of the house back to Ms Taylor's initial contribution on behalf of the government. I also want to say that we are appreciative—I am sure all members are appreciative—of the very hard work that the Victorian Law Reform Commission (VLRC) has put into these reforms.

As I say, those on this side of the house are very supportive of the aims of this bill. After our consultation with a range of different groups we are aware of some drafting concerns that we believe could lead to some uncertainty—concerns that we will seek to remedy through an amendment. That should not take away, as I say, from our support for the overall bill and for stronger measures to keep Victorians and in particular Victorian women safe.

The purpose of the bill is to implement 13 recommendations of the Victorian Law Reform Commission's report entitled *Improving the Justice System Response to Sexual Offences*. These especially relate to issues of consent and sexual offences. For many years I had the privilege to act as the chief wellbeing officer at large schools, and in that role I was the first port of call for students who were dealing with really thorny issues in relation to the behaviour of other students. In that role I came to a far more fulsome understanding than I previously had about the need to do far better in educational settings regarding consent. I know that is the government's view as well. Especially through the actions of numerous brave young women recently, all of us I think have come to a better understanding that that is something that is very important to do.

Also in relation to the second purpose of the bill those roles were instructive for me. The second purpose is this: to elevate image-based sexual offences into the Crimes Act 1958 from the Summary Offences Act 1966. That means of course that they become indictable rather than summary offences and therefore can attract stiffer penalties. This is an area of law, I think, that many of us—perhaps all of us over the age of about 18—struggle with immensely. In my previous roles I was constantly surprised by the way in which this space moved and changed given the ubiquitous nature of online spaces for so many young Victorians in particular. So I think this is a good change.

Finally, the last purpose of the bill is to introduce or in some cases temporarily continue measures to enhance court efficiency. It was back in November of 2021 that the VLRC's report *Improving the Justice System Response to Sexual Offences* was tabled. Then on 12 November that year the government made an announcement about its intention and its initial response to the report. It said this:

... the Government will adopt an affirmative consent model.

... to ... mean a person must confirm they have received consent, shifting scrutiny from the actions of the victim-survivor to those of the accused.

And:

The Government will also amend laws to make it explicit that stealthing is a crime.

Stealthing is not a term that is used specifically in the bill, and we have had discussions about the nature of stealthing already in this debate. From the point of view of the Liberals and Nationals, and

as the first speaker for the Liberals and Nationals, I would concur with the comments of numerous other members about how important it is to include the measures in the bill regarding stealthing. Dr Ratnam in particular made some extended commentary about stealthing and how devastating the impacts of stealthing can be. So did Mr Limbrick, I think. Again, I would refer any members of the house wishing to gain a better understanding of the need for this inclusion and the concurrence of the Liberals and Nationals to the comments of those other members.

At clause 5 the bill seeks to deal with issues of consent, and these are of course central to this bill. We have heard from the Attorney-General previously about her commitment, which I do not doubt is very genuine, to seek to do far better when it comes to dealing with really complex and nuanced issues of consent. My understanding about her desire to do that is twofold. It is to send the strongest possible signal and message to the Victorian community, especially young Victorians, about what is acceptable behaviour and what is not, but then also to update the law to allow, hopefully, in far more cases for penalties to be applied for those who transgress. The bill sets out at clause 5 to change consent from meaning ‘free agreement’ to ‘free and voluntary agreement’. It also sets out a number of circumstances.

Sitting suspended 1.30 pm until 2.03 pm.

Dr BACH: Before the lunch break I was speaking about some of the changes to the law regarding consent that this bill is seeking to usher in and my view that not only do we need to do far better to ensure that there is a more thorough understanding of consent in the Victorian community—not just with young people, perhaps particularly when it comes to young people, but more broadly—but we also need better mechanisms to seek to get justice far more often than is currently the case for Victorians who are the victims of sexual crimes. It is worth saying again that overwhelmingly the victims of sexual crimes are women and children.

Before the break I noted that these changes are contained in new section 36, which sets out a number of circumstances in which a person does not consent to an act. These include:

... just because they do not resist the act verbally or physically—

a very sensible addition, and—

... just because they consented to—

a different act with the same person ...

There are far too many examples of excuses of this nature being used in cases where ultimately the alleged victim does not manage to secure a favourable outcome. Next there is:

the same act with a different person ...

I am not entirely sure why it is that that argument has been used in the past, sometimes with some effect, but it has. So again I do not disagree with the Attorney that an insertion explicitly in the bill of this nature is important. Finally there is:

a different act with a different person.

Again, it would be far better if in the year 2022 we did not have to spell out in such detail exactly what we mean by ‘consent’, but I concur with the Attorney that to do so is important—and I do so as somebody who over many years has provided consent education to teenagers.

Then in proposed section 36AA we see further circumstances in which a person does not consent, and again I would not mind touching upon some of these and then making some brief comments. These include but are not limited to where ‘the person does not say or do anything to indicate consent to the act’; ‘the person submits to the act because of coercion or intimidation’—sadly a not uncommon occurrence; there is unlawful detention—less common, and yet I agree it is important to have this inserted; or ‘the person is asleep or unconscious’—again, an important insertion.

At proposed section 36A we see some, again, useful additions to the law regarding whether or not there is a reasonable belief in consent. There are changes here that affect the application of whether or not a person ‘reasonably believes’, to use the exact language of the bill, that another person has consented to a sexual act taking place. Again, I do not necessarily need to read them in. Suffice to say, the consequence of this change is to put an onus on a person to say or do something to find out if the other person consents to the act. I think in the circumstances we find ourselves in—given the appalling under-reporting of sexual crimes, given the dreadful statistics that make it absolutely plain that so often brave people who come forward to report fail to secure justice—to make this change is a good thing.

As I noted right at the outset of my contribution, it follows in a long line of law reforms in this broad area of law that have so oftentimes received bipartisan support in this place. Now, we need to do better—we need to do far, far better—and yet I am hopeful that we will be able to continue to sensibly and collaboratively work together across the aisle in this place, certainly as we have done since the 1990s, when a series of changes to the law were made regarding sexual assault, including the introduction of the ability of alleged victims of sexual assault to appear in court via video link. That was supported by the Labor opposition at the time, as have been other changes under obviously predominantly Labor governments since then but also Liberal-led governments.

There are some changes to image-based sexual offences. Again, these have been commented upon by other members; I do not necessarily feel the need to go into the detail here. But I think it is really important for us as a legislature to seek to stay abreast of changes in this landscape and changes in the way, I am afraid, that perpetrators can use images in order to humiliate and victimise others. Here it seems to me that the Attorney has done a good job in seeking to capture emerging trends. As she has noted before, this is ongoing work and must be ongoing work. The social web only emerged in 2007, and since then we have seen so many iterations and so many changes. So the fact that this is an area of law that has caught the attention of the law reform commission and, through the law reform commission, the Attorney, the government and the legislature is a good thing.

Finally, before I do seek to explain the nature of the simple amendment that the coalition will move, let me briefly touch upon part 4, regarding jury directions, which I believe is a particularly meritorious part of this bill. Again, it should not be the case that in 2022 so often we hear reports from trials that much was made of what somebody wore—to be clear, ordinarily what a woman wore—or the way she behaved or what she may or may not have done with a different person or what she may have drunk and how much she may have drunk. I think there is a need to clarify the nature of jury directions in this particular area of law. This part provides for changes to jury directions in criminal trials involving sexual offences. For example, the trial judge must give the jury any relevant directions where there is good reason to do so, including direction on the absence of physical injury, violence or a threat and what that may mean, other sexual activity and what that may mean—or perhaps better put, what that may not mean, and in fact certainly does not mean in other cases—personal appearance and irrelevant conduct. Certain statements are also prohibited, including suggestions that complainants who provide commercial sexual services are less credible—that is good; that complainants who have a particular sexual orientation are less credible—that is excellent; and that complainants who have a particular gender identity are less credible. And I do think, given my engagement on these matters over a period of time now, that it is necessary, I am afraid, to seek to be crystal clear on these sorts of matters.

Overwhelmingly the Liberal and National parties welcome this bill. We will be supporting it, but we do have one concern that we will seek to remedy through an amendment. If it pleases the house and my friends the clerks, it would be an excellent thing if that could perhaps be distributed.

Opposition amendments circulated by Dr BACH pursuant to standing orders.

Dr BACH: We will be moving a simple amendment, which I have here, at clause 5, line 6, to omit the words ‘and voluntary’, similarly at clause 15, line 8, to omit the same words and then at clause 22, page 18, line 4, the same omission.

In this regard, as in all regards, this legislation is immensely well intentioned. In numerous regards I hope, as I know the government does, that it will work very well indeed. In fact that is my expectation across many elements of this bill, but I have a concern here. I know the Shadow Attorney-General, Mr Michael O'Brien in the other place, shares this concern, and he spoke about it in the debate in the other place. Some of the amendments that relate to jury directions on the meaning of 'beyond reasonable doubt' are matters that Mr O'Brien discussed. What I wish to touch upon briefly, and this is the direct content of the amendment, is some uncertainty that I feel will be introduced by the use of the language of 'voluntary'.

Changing the definition of 'consent' from 'free agreement' to 'free and voluntary agreement' is something that has elicited some comments from a range of legal groups, in particular the Law Institute of Victoria. Mr O'Brien in the other place referred to the views of a range of other legal groups. I will briefly touch upon the views of the law institute, principally because I agree with them, noting that in the other place there was commentary about the views of some other legal groups. Here is what the law institute says:

The LIV does not support amending the definition of consent in section 35(1) and 36 of the Crimes Act.

The LIV considers that the addition of the word 'voluntary' is wholly unnecessary as it adds nothing to the definition of consent from a legal perspective. Involuntary acts do not constitute free agreement under existing law.

And the law institute goes on. After thorough consultation, our view is in line with the view of the law institute that in actual fact this change, well meaning undoubtedly, could introduce some confusion and that that confusion, we feel as the law institute feels and some other local bodies feel, may in actual fact lead to less good outcomes for victims and alleged victims.

And so that is why we are moving our amendment. We move it wholly in good faith. We hope it receives the support of the house, but again I do want to be very clear: if it does not receive the support of the house, we will vote for the bill because overwhelmingly we think it is a very good one. It addresses a very significant issue that is thorny and complex, yes, but we are thrilled that the committee saw fit to seek to deal with these matters and that then the Attorney has brought them before this place.

Ms MAXWELL (Northern Victoria) (14:16): I rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, which the government says is the first tranche of legislative reform in response to the Victorian Law Reform Commission's *Improving the Justice System Response to Sexual Offences* report. The VLRC made 91 recommendations against the disturbing context that one in five women over the age of 15 has experienced sexual assault in their lifetime and over 85 per cent of these assaults are not reported to police. Standing here today I am simply one of those statistics.

This bill includes a number of reforms. The most highly publicised of these are a change to the definitions of 'consent', the move to a model of affirmative consent, and 'stealthing'. I must congratulate the Attorney-General for not shying away from a complex piece of legislation that aims to put greater emphasis on the rights of survivors over offenders. Some elements of this bill are certainly complex. I have seen a few times in this place the reason of complexity used as an excuse to push some important legislation down the road, and that has been especially disappointing for victim-survivors that we have been advocating for. The move to strengthen consent laws by moving to an affirmative model is to embed that yes means yes and to clear some of the murkiness that exists around what constitutes consent in sexual interactions. This is particularly welcome in cases that I know of where victim-survivors have been portrayed by our justice system as complicit, consenting participants when their realities have been very traumatising sexual assaults.

This follows moves by other states towards the same type of model, but each state is approaching it a little differently. I hope there ends up being enough of a unified approach, particularly in how our young people are educated, that it reflects that we are a federation of states, that there are many cross-border towns and that people travel and do not necessarily confine their sexual encounters to one place

or one state. We need to ensure that what is considered as obtaining consent in one state is similar to another and that there are more similarities between our laws and education programs so that we can actually achieve the desired effect of this legislation. This is not only to educate people on how to responsibly and respectfully engage in sex and hopefully reduce offending in the process but also to inform and protect potential survivors of assault so they understand their rights and legal protections.

These laws make it clear that a person needs to take affirmative steps to gain consent. The bill also provides a non-exhaustive list where consent cannot be assumed, such as silence or because someone is asleep. You would think that would be pretty simple—you ask permission before you act—but there will be a few curls to iron out as this law is applied. These include, for example, what constitutes a reasonable time frame, whether there is a threshold for what would be considered lack of fear or harm, whether this will enable vexatious claims, how much jury directions will be used as a basis for appeal and what level of mental illness is an excuse for having a reasonable belief in consent. The explanatory memorandum points to situations where matters will be determined on a case-by-case basis. I recognise that leeway is important, but history shows in our experience that offenders love a loophole and victim-survivors end up being the losers.

I will note concerns from a number of stakeholders. The chair of the Victorian Bar has expressed some real concern about how the legislation will work in action, such as when people were drunk and neither completely recalls the events or around the nuanced behaviour of teenagers. These concerns were met with some ridicule from the government, which I found surprising because the views of the bar and the Law Institute of Victoria have certainly been used by the government to justify voting against some of my amendments. I would have hoped that the consultation process could have really worked through some of these issues so we could have the best possible legislation for victim-survivors of these crimes. I have read reports where a spokesperson for the Australian Lawyers Alliance said that Tasmania's changes have not made a difference to the number of cases coming before the court or the number of people coming forward or to increased conviction rates. He said there is still 'an air of unreality about affirmative consent in many situations'.

Perhaps the real benefits of these laws will be further down the road, once we have educated a generation of young people about doing better than other generations and showing greater respect—to ask instead of take. I hope that future surveys will show a reduced number of reports and non-reports because the incidence of sexual assault reduces.

The Victorian Law Reform Commission chairman suggested the barrier to implementing the concept of free agreement is an entrenched culture amongst lawyers and judges. We tried to gain a better understanding of this during the inquiry into Victoria's criminal justice system; however, the committee was restrained by legislation from being able to gain the evidence that could have unpacked this a lot more.

We hope that an alternative sexual assault reporting option, which is a policy of Derryn Hinch's Justice Party, is provided for victim-survivors sooner rather than later. This was the topic of my colleague Mr Grimley's motion in the Parliament earlier this year. I believe that consultation is continuing, which might be code for 'next year', but I hope whoever is our state government in 2023 makes this a priority. We also welcome the response to stealthing, a mystifying and repugnant act. This was another reform that Mr Grimley had drafted and at the ready before the VLRC report was released, as he did with the right for survivors to defend their confidential communications.

Image-based sexual offending is a growing area of offending that can cause serious distress and harm. Making these offences indictable will help Victoria Police in relation to search and arrest powers as well as reflect the serious nature of these acts. We also welcome the expansion of ground rule hearings as a measure to support the experience of a complainant. This recognises how traumatising the trial experience can be and that there is a need to create an environment that ensures a complainant is treated with respect so that they feel safe and able to present their best evidence. When the government announced these reforms some nine months ago it promised \$5.2 million in funding to specialist sexual

assault services to respond to increased reporting and demand. I will be interested to know what funding will be attributed to educating young people in schools, the general public and judicial officers.

In closing, I want to confirm that we will not be supporting the Greens' amendments to change the definition of 'intimate image' to mean a person who is female or has breasts. We all have breasts because we are mammals. Men get breast cancer, for heaven's sake. This amendment could allow a photo of any male at the beach or mowing their lawns without a shirt to be considered an intimate image. This continued moving of language, like trying to change the term 'breastfeeding' to 'chest feeding', is simply ridiculous and something that our party will not support.

Ms WATT (Northern Metropolitan) (14:24): I rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, and I do so as a member of the Andrews Labor government, which is committed to delivering justice for victim-survivors. The reforms today are a win for the tireless advocacy and campaigning of victim-survivors, and may I take this opportunity to pay tribute to survivors who have contributed to this bill. I know that it would not have been easy, but I hope that you are able to feel supported and heartened by the passage of these vital reforms. Sexual violence continues to be an unacceptably prevalent social, criminal and human rights issue. The reforms will shift scrutiny from victim-survivors onto their perpetrators and make it clear that there is no place for this behaviour in our state. The bill includes amendments that will adopt an affirmative consent model and provide better protection for victim-survivors of sexual offences.

This bill implements a number of changes, most notably making it clear for the first time in law that stealthing is a crime. The term 'stealthing' refers to the act of intentionally not using, removing or tampering with a condom when consent to engage in intercourse was given on the basis that a condom would be used. Such behaviour is a clear violation of dignity and bodily and sexual autonomy. It is a fundamental breach of trust between partners. It exposes victim-survivors to significant consequences, including ongoing trauma and psychological distress, transmission of STDs and unplanned pregnancies. This is just one of five new or amended circumstances in which under this bill there can be no consent.

If someone is coerced or intimidated into engaging in a sexual act, there is no consent. If someone submits to intercourse due to force, harm or fear of force or harm, there is no consent. If someone abuses a position of power or authority to make another person engage in intercourse, there is no consent. If someone makes a false or misleading representation about payment to a sex worker who then engages in the act on that basis, there is no consent. Consent is something that cannot be assumed or coerced. This is why we are implementing a model of affirmative consent with this bill, so that every Victorian knows they have a responsibility to get agreement from a partner before engaging in sexual activity. Under existing law the onus is on the victim-survivor to prove that they did not consent, placing enormous pressure on them and exposing them to scrutiny and retraumatisation. The focus should not be on the victim-survivor to show their non-consent, and that is what this bill rectifies. This bill will require in simple terms a clearly communicated and enthusiastic go-ahead for consent to be given.

More than that, reasonable belief in consent can only exist when a person takes steps, be that through words or actions, to find out if the other person consents. This bill also updates the definition of 'consent' through the addition of the word 'voluntary', reinforcing the fact that involuntary bodily reactions are not indicative of consent. It builds upon this to further highlight the need for clear communication of consent, acknowledging that a lack of resistance or any other such action does not equal consent. This shifts the focus from victim-survivors' actions to the accused person's actions in sexual offence trials and makes it explicit that consent cannot be obtained through coercion, threats or other inappropriate means. The simple fact is that the existing undercurrent of consent as hinging on the amount of resistance offered by the victim-survivor is entirely outdated and unhelpful and, to put it bluntly, perpetuates an unacceptable culture of victim blaming.

Of course our goal is not just to provide greater protection for victim-survivors but also to ensure that adequate preventative and educative measures are in place to stop sexual violence before it even occurs. We know that when these reforms are understood they will have an enormous potential to change people's behaviour and attitude so that we all can reap their full benefits. As announced in this year's state budget, this government is committed to working with local organisations and specialist services to deliver community-based consent education, ensuring that all Victorians have an opportunity to learn about and become familiar with the concept of affirmative consent. This will complement existing education initiatives like Respectful Relationships in schools, making sure every Victorian understands, supports and adopts these reforms and enabling us to embed a culture of consent and respect in young people and across the community.

It is also important to recognise that in an increasingly digitised society, online sexual offences are a significant issue that really does need to be addressed. This bill includes stronger laws to target image-based sexual abuse, which includes taking intimate photos of someone without their consent and distributing or threatening to distribute intimate images, including deepfake porn. As the Victorian Law Reform Commission (VLRC) recommended, the bill will take the existing offences from the Summary Offences Act 1966 and elevate them to the Crimes Act 1958, where they can be tried at higher courts and with higher potential penalties where appropriate. This will better reflect the seriousness of this conduct.

The bill also amends the definition to better cover persons of diverse genders in line with New South Wales and other jurisdictions. Under the change an 'intimate image' will include an image that depicts the breasts of a transgender or intersex person identifying as female. The government acknowledges that there is more work to be done to improve the inclusivity of language relating to gender and gender identity in the Crimes Act and Victorian legislation more broadly. We have heard specific advocacy to further expand these provisions right now. However, these suggestions have not been properly worked through yet, and we have to obtain policy advice about implications and better understand views from a range of stakeholders. The government has committed to this long-term project affecting these offences and others, and this will be done in close consultation with LGBTIQ+ stakeholders.

The bill also provides a narrow exception to the requirement to say or do anything, to address cases where the accused person's failure to do this was substantially caused by a cognitive impairment or mental illness. This ensures a person with serious diagnosed cognitive impairment or mental illness will not be unfairly disadvantaged by the new affirmative consent requirement. To be clear, this exception is not a loophole or a get-out-of-jail-free card—it will only apply if the impairment is a substantial cause of their failure to say or do anything. The exception will not apply where the cognitive impairment or mental illness is an effect of self-induced intoxication caused by drugs or alcohol. Even if the exception is made out, the decision-maker will still have to consider whether in all circumstances the accused person had a reasonable belief in consent. This means that an accused person can still be found guilty of the offence.

The consent provisions have a default commencement of 30 July 2023, but they can be proclaimed to commence earlier. It really is so important that these reforms commence soon, but it is also important that we allow time for education and training to be delivered in our community to support their operation. With this in mind, the government is considering the most appropriate time for commencement. Given the significance of these affirmative consent reforms, the government will review their operation and assess how the provisions will apply in practice. We are not stopping there. We will also be able to draw upon experiences from our other state colleagues in New South Wales and the ACT, who have committed to their own reviews.

There are currently difficulties with prosecuting historical sexual offending, particularly when it is hard to pinpoint the exact time of a historical offence and there were changes in law around that same time. The VLRC recommended that this be addressed. The change will enable the prosecution to rely on whichever offence carries the lesser maximum so we can ensure that prosecutions can still be brought.

The current law already prohibits a ‘confidential communication’ from being compelled, produced or used in a proceeding without leave of the court. This protects the privacy of victim-survivors and ensures that they are not discouraged from seeking counselling. As the VLRC recommended, this bill will expand and strengthen protections in criminal proceedings for sexual offences, including expanding protections to include health information such as the personal information about a sexual offence victim-survivor that is collected in the course of providing a health service. The bill will also ensure that victim-survivors’ concerns regarding the use of their sensitive records are heard and considered, by including notification requirements and providing a clear right to appear in any such application.

The reforms in this bill before us today are the result of extensive consultation with victim-survivor groups, community organisations, service providers, legal stakeholders and multicultural and First Nations groups. As a government we are committed to ensuring that reforms such as these really do centre the voices of victim-survivors. I recently met with key stakeholders to discuss this bill and the broader movement for justice for women within our society. Last week I met with Safe and Equal, the peak body for specialist family violence services, who provide comprehensive support to victim-survivors in our state. I have consulted with leaders from Our Watch, an organisation committed to the eradication of violence against women and children, who have provided expert insight into the root causes of violence and how we can work towards eradicating it. Even before my time in this place I channelled my passion for improved conditions for women in this state through my time on the Women’s Health Victoria board, where we considered the gender appropriateness of health sector services, including those in sexual and reproductive health.

I really am proud to be a member of the Andrews Labor government, which has a long history of delivering major reforms for victim-survivors. We recognise that sexual violence in any form has no place in our society, and we have been working hard each and every day to eradicate it within our community. However, there is always, always more work to be done, and the Victorian government recognises the need for further reforms for victim-survivors going forward.

This bill forms part of an ongoing commitment from the Andrews Labor government to develop the whole-of-government, 10-year strategy to address sexual violence and harm. The vital consultative work that underpins this strategy is continuing and will shape the strategy’s release next year to ensure it delivers meaningful change. The time for change is now, and we must act decisively to protect the community from sexual violence and ensure the criminal justice system can respond effectively to these abhorrent crimes. Through the passage of this bill Victoria is seeking to take a step towards achieving justice for victim-survivors, and I commend it to the house.

Mr MEDDICK (Western Victoria) (14:35): First and foremost violence against women, any violence against women, is a men’s problem. It is men who perpetrate it. It is men who objectify and vilify women from when men are young, leading to assault, rape and murder as adults. It begins with the way fathers speak to boys about their relationships with their sisters and other girls. It is continued in the locker room talk mentality of sporting clubs, and it is what makes men feel justified in taking the actions dealt with in this bill today. Every step of the way it is up to all men to change this, to prevent it. All men have a responsibility to call other men out when they see or hear the crass jokes, the unwanted physical advances. In our society we have a terrible record, a systemic attitude of victim blaming led by the rejected male who could not possibly entertain the fact that the woman would not want him. We almost never put the onus on the behaviour of the perpetrator.

I for one am sick and tired of the missives, ‘What was she wearing?’, ‘She shouldn’t have drunk so much’ or ‘If she didn’t want that to happen, she shouldn’t have sent the photo’. Toxic masculinity is all too real, and it is a scourge. What she was wearing is irrelevant. She has a right to wear whatever she wants without fearing assault. Being intoxicated does not give anyone a free pass to commit rape. If she trusted someone she loved with an intimate picture, she has a right for her privacy to be respected, particularly within the confines of that relationship. It is men who are the problem. It is men who must stop it. How about we just stop being scumbags? Sexual violence is rife in this country, in

this state, and the reality is that we truly do not understand how deep it runs. That is because for too long the onus has been on victim-survivors to prove what happened to them.

I know I do not need to tell the women in this place that the legal system is not easy for survivors of sexual assault to navigate. It is stacked against them. It intimidates them, and too often it brings them no justice. All of us will know someone who has experienced a sexual assault. Disgracefully it is a feature of most women's lives at some point. But very few of us will know a woman who has taken action on her assault, because they know it could further prolong their pain, their suffering and their trauma.

Sexual assaults and sexual violence can take many forms, and this bill addresses many of them, giving power back to victim-survivors and further avenues to seek justice. All men need to know is that anything less than a yes is a no. Affirmative consent, featured in this bill, makes it clear that everyone has a responsibility to gain consent before engaging in sexual activity. Too many survivors are scared to speak out, because they were silent or were too scared to show resistance to their perpetrators. The fact that these women were too terrified to sometimes even move has been used as the excuse to dismiss legal action in our courts—a disgraceful fail-safe used by perpetrators to attest consent, backed by magistrates too weak to believe the truth. This has created countless barriers to survivors seeking justice, especially if they were intoxicated or froze during that attack—the common fear response.

This bill also bans the disgraceful act of stealthing, the non-consensual removal of a condom during sexual intercourse. Again, disgracefully, stealthing is a feature of far too many women's sexual experiences. It is traumatic. It takes away agency and self-determination. It creates a lack of trust in relationships and is linked to post-traumatic stress disorder. Stealthing is not only an assault, it puts victims at risk of sexually transmitted infection and pregnancy. In Australia one in three women have been stealthed. This is a disgraceful statistic to reflect on, because it makes not only one-third of women victim-survivors but one-third of men perpetrators of sexual assault. Stealthing is indicative of a deeper, more insidious problem: men viewing women as objects or possessions. It leads to further sexual and physical violence, removes dignity and autonomy and leads men to believe that sexual experiences are only for a man's enjoyment.

Until recently stealthing was not widely known about or understood. My female staff reflected on this with me while considering this bill—that stealthing is a common occurrence, particularly for young women. But often the experience was minimised due to so many not realising it was a sexual assault, despite the feelings of violation it gave them. It is important to talk about young women when considering stealthing, because girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence—almost triple the national average. This means that men are learning violence young, and it is displayed in their sexual relationships. By having strong laws that make it clear stealthing is a crime, we are teaching young men and boys about having respect, that their actions have consequences and violence against women is never okay.

Finally, the targeting of image-based sexual abuse in this bill is another much-needed change. The rise of technology, smartphones and sexting has in turn seen the rise of outing and revenge porn. Outing ruins lives and careers and in some circumstances can even result in someone deciding their life is no longer worth living. We cannot let the 'If you don't want them to be released, don't send them' narrative to continue any longer. It is the leaking of private, intimate images that is shameful, not the decision of someone to take them. As more and more young people, particularly women, grow up with digital footprints, we must drive this message home. I understand the Greens have some amendments to this section of the bill around the definition of 'intimate image' to protect trans and gender-diverse Victorians, which of course I will support.

I want to thank the government for bringing this important bill today. We have a long, long way to go to end sexual violence in this state, but this is an important first step and I thank you.

Mr MELHEM (Western Metropolitan) (14:44): I also rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. I echo the contribution made earlier in relation to this bill, and Mr Meddick was right in his contribution and the way he described eloquently what we are trying to do. There is no place for sexual violence of any kind in Victoria. We need to drive cultural change, and that is why the Andrews Labor government will overhaul the way the justice system deals with sexual violence. I think we are all in agreement that what we are doing here is the right thing to do, and we will have more to do in relation to making sure we can eliminate sexual violence. No-one should be subjected to sexual violence, full stop. But unfortunately the majority of acts of sexual violence are committed against women. That is the single-biggest act of bastardry, I call it; it is abhorrent. You would think in 2022 sexual violence against women would be a thing of the past, particularly in this country, where we call ourselves a civilised society respectful of people's rights, but unfortunately sexual violence is still running rampant in our society.

I have got to say there has been a lot of improvement over the past decade or couple of decades and we are making some headway, but we have still got a way to go. We know that we need to do more. It would be lovely if we could come back here and say we do not have any more sexual violence in this state, in this country, but unfortunately we are not there yet. The other problem is conviction rates for sexual offences remain very low. Only one in 23 rape cases that are reported result in conviction, plus we know that under-reporting is another serious problem we have, because there is always the onus of proof on the victim.

What the bill will do is actually change that around to make it easier for victims to come forward and put their cases before a court and make sure that we redefine consent. Some people will come out and criticise it, saying this bill is putting too much onus on the definition of 'consent', but I have got a simple answer to that: for an adult, yes means yes and no means no. You do not assume what the other party is saying. Do not apply the mind-reading strategy. Consent is very simple. If you say the person did not object—'She didn't say no. She didn't push me back'—well, there would be a number of reasons probably why that happened. Was it an issue of power? Was it an issue of fear? Was that why that person had not wanted to say no? Or did the person who committed the act basically not hear or not want to hear that that person did not want to participate in a sexual relationship? It is all about respect. I will call it what it is. If a man is going to have a sexual relationship with a woman—or any relationship: man and woman, woman and woman, man and man—it has to be based on consent. It is very simple. It is one party saying, 'Yes, I want to freely participate in that act', regardless of your sex. It is a no-brainer, and let us not twist things—'Oh, I assumed there was consent'.

This bill will make a number of changes to make sure there is a clearer definition of 'consent'. There has been some criticism that the bill is going to create some problems where people have not proved there was consent, but to me it is very simple. If you are going to use your position to have a sexual relationship with an employee, for example, and you are going to use your power and that person is fearful of that imbalance in the relationship, to me it is a problem. It is problematic. To me it has to be two people freely consenting to these sexual activities.

The bill gives some examples of circumstances when there is no consent. The bill will introduce a new provision that will re-enact and build upon the existing consent circumstances. For example, it will address cases where a person submits to or engages in a sexual act due to force, harm or fear of harm of any kind. That strengthens existing circumstances in recognition that harm is not just physical but can include psychological, economic or financial harm and subtle emotional manipulation. The issue can arise from a single act or an ongoing pattern of behaviour. The other one is coercion and intimidation. That is another way of describing the current situation and has a similar rationale to 'fear of harm'. The provision better reflects the family violence dynamic and how the ability to give free and voluntary agreement is negated in these circumstances. A lot of men unfortunately use that position of power to intimidate and coerce women into sexual activities.

Abuse of a relationship of authority or trust is another example. This provision will capture the situation where a person abuses their position of power in a relationship in such a way as to cause the

other person to submit to a sexual act or feel they have no choice but to submit. That provision is consistent with the language used in New South Wales and the ACT, and again it is an area we need to watch. A person may say, 'Well, there was no objection at all', but if you are in a position of power where that person is fearful of, if she said no, what would happen to her, to me it is not consent even if that person did not come out and say 'No, I do not want to have or engage in a sexual relationship with you'. That is another example where to me there is no consent. It is an absolute abuse of power.

False or misleading representation about payment for commercial sexual services is another example. Previous speakers talked about the non-use of or tampering with a condom, for example, which is stealthing. Mr Meddick talked about that as well. I mean, that is another abuse of power. He said something along the lines of particularly for women from the ages of 16 to 24, even if they agree to engage in a sexual relationship, in that age group they might not want to end up with a pregnancy, for example. If the male decides, 'Well, okay, I'll take the condom off and then I'll go for my life', that is not consent. That is rape. That is abuse, and that should stop. One of the wonderful arguments that comes up from time to time is being asleep, for example. I mean, to me that is not on.

The bill goes a long way to addressing some problems that still exist unfortunately in the 21st century in our society, where predominantly men think that if they have got the physical power or they have got the financial resources, they can deploy those to basically take advantage and commit these sexual offences. To me it is a no-brainer: consent has to be genuine consent between two people, between adults. Consent should be free from intimidation and blackmail. If a person has economic means and uses that against women to carry out sexual activities, to me that is not consent. To me that is rape.

When a person says no, the word means no. But what worries me the most is when the person does not have the ability and the means to actually say no for various reasons, which I talked about earlier, whether it is the power dominance, fear of safety, economic pressure—all sorts of reasons where that right to say no is taken away—and predominantly it is women. That is what worries me the most, and a lot of these cases go unreported. So hopefully this legislation will go a long way to saying, 'We're shifting the balance from victim blaming to we're going to be on your side', and now the perpetrators have to come forward to be able to establish that it was not rape and there was no sexual assault. Some of the commentators will probably say some of the aspects of this bill could be problematic and cause more problems. I would actually err on the side of caution and put more toward looking after the victims than the alleged perpetrators.

This bill will be subject to review. So if we get it right, that is great. If we got some of it wrong, we can always review that. I would rather err on the side of not blaming the victim but supporting the victim. If you do not commit the crime, you will not do the time and you have got nothing to worry about. That is why some of the changes in this bill hopefully will go a long way to stamping out this sexual behaviour predominantly committed by men because we have got the physical and the economic means and think we are entitled to commit these hideous crimes, in my view, against women. I think in 2022 it is time to stamp these things out. It is time to treat women as equal. We are equal. We are not better than them. In fact I think they are better than us. I think women are better than men in a lot of aspects in life, but because we have got the economic means and the physical means we just go out there and commit these horrible crimes against women. I am hoping this bill will go a long way to stamping that out.

I commend the minister and the Attorney-General for bringing this bill to the house. That has been a hallmark of the Andrews Labor government since we took office in 2014—to continually reform areas in relation to family violence and violence against women in particular over the last eight years. I am looking forward to continuing the reform in that area so we can live in an environment where we do not talk about these things in the future. I see a future where sexual violence, particularly against women, is a thing of the past. So with these few words I commend this bill to the house.

Ms PATTEN (Northern Metropolitan) (14:58): I am pleased to rise to speak briefly to the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. It has been interesting and really fruitful listening to this debate. I think when the public thinks about what we do, to hear the very heartfelt and sensible comments that are being made in this chamber about this bill I hope builds some faith in the Parliament itself, because this is an important bill. It will reform the way sexual violence, rape, is dealt with in Victoria by adopting an affirmative consent model, something that advocates have been calling for for not just years but I would say probably decades. It acquits the recommendations of the Victorian Law Reform Commission and makes it clear that a person cannot have a reasonable belief in consent if they did not say or do anything to find out.

The way someone dresses is not consent. How much that person has had to drink is not consent. How that person walks home at night is not consent. We have all been, I am sure, involved with the Me Too movement, some of us probably in a more personal way than others, and before that we would march in the streets. We had marches in the street to keep women safe at night, and that started in the 1970s. Also for many years I was involved in a group called SlutWalk, which was again about saying that consent has to be affirmative. Consent is not suggesting ‘Well, she seemed to like me’ or ‘Gosh, she looked like she liked me’ or ‘She was dressed in a certain way’. So I think this is a proud day to be here to see this campaign come to fruition and see affirmative consent introduced into our justice legislation.

I was sexually assaulted as a young person, and I am not alone. The statistics show that if there are five women in a room there will certainly be number of them who have been assaulted. When you look at the LGBTIQA community those statistics become even higher. Particularly for our transgender community, the statistics are alarming. I did not report it to the police. I did speak to the person—he was an acquaintance—and made him understand very clearly that there was no consent there and that it was in actual fact sexual assault and in fact it was rape. That did not stop him. After that happened I actually went and spoke to his mates and told them what happened, and I am very grateful for those fellows—those young surfer guys. They immediately acted. They immediately asked that man to leave and they told him they never wanted to see him at the camp ever again, and we did not; he never came back. Had there been affirmative consent, had we had these conversations—because this was a long time ago, and it is still not much better. Most women or most people who are sexually assaulted will not go and report it, because they are worried that they will not be believed. They are worried that the bar is set at a certain level of proof so that in some ways they have to prove that they have been sexually assaulted, and basically they do. Affirmative consent takes this back, so that the perpetrator has to show that there was consent and has to show it in explicit and clear ways. The only person responsible for sexual assault is the person who did it.

So this change I hope will affect women today, and I hope that the outcome of this legislation will mean that more women will want to report and that, more importantly, less people will be raped or sexually assaulted. This is part of an education campaign, this is part of a worldwide movement. We saw that New Zealand has actually prosecuted people under some affirmative consent laws and some stealthing laws that I will mention in a moment, and we have seen other jurisdictions follow this path. We will see the ability for us to run national campaigns. This is yet another tool for us to address sexual violence in our community.

The bill also makes some important changes around stealthing and image-based sexual offences, and I am happy to support those. As someone who is a bit involved in the sex worker community, the term ‘stealthing’ is actually abhorred. Sex workers prefer not to call it stealthing. They prefer to call it sexual assault. When we were discussing this years ago there would be concerns about people saying ‘stealthing’. I think it came into our dictionary about five or six years ago, and sex workers would say that that kind of diminishes the harm that that action does to a person.

If a sex worker is working and someone pulls off a condom without consent, that is sexual assault, and this legislation goes to that, which I am very pleased about. So despite the term, the impact is that stealthing is now seen as sexual assault. For a sex worker this often would mean that they could no

longer work, because they would have to take time off for sexual health checks to ensure that it had not caused any transmission of any STIs. There would also be the mental harm from this as well. So for sex workers I think there was a sense of urgency for this to be addressed, and I think if I remember rightly this was also raised in the debate around sex work law reform.

I would just like to touch on the proposed amendments by the opposition. I listened to Dr Bach presenting those amendments, and I have some sympathy for those arguments. Certainly if there is a person in this room that knows about educating and speaking to young people it is Dr Bach. The reason I could not get there was the consistency of the Northern Territory, the ACT, Queensland and New South Wales. In having the same interpretations, in having the same definitions, I think we can approach this on a national level. Having a standardised interpretation also provides for a body of precedent from the other jurisdictions in other areas, and I think I have enough faith in the judicial officers to navigate around the word 'voluntary' here. As I said, importantly it will assist us in consistent education across the state and across the country, to assist in changing—frankly, and as Mr Melhem put it—men's behaviour.

The Greens have put up some amendments to this legislation as well, and while I agree entirely with the purposes of these amendments—and I absolutely support the advocacy from my friends at the Victorian Pride Lobby and Equality Australia—I think what these amendments do is actually highlight that we need to rework the Crimes Act 1958, that actually our whole Crimes Act needs to be updated. So there is a little bit of homework for the Attorney-General—I suspect possibly not before this election, not before the end of this term. But I think it is a very important piece of work that needs to be done, and I would compel the Attorney-General to consider putting that on the to-do list if they were to form government or the opposition if they were to form government after this year's election—that they would also consider having a whole update of the Crimes Act.

Mr GRIMLEY (Western Victoria) (15:08): I rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, and it is with great support that I speak on behalf of Derryn Hinch's Justice Party on this bill. It will introduce an affirmative consent model, an offence for stealthing and confidential communication provisions to protect victims' counselling and health records. It will also tighten up existing provisions surrounding jury directions in sexual assault matters and clarify laws about image-based sexual assault, among other things.

Firstly, I will speak to the most significant part of the bill, which is an affirmative consent model, and Derryn Hinch's Justice Party welcomes this move. It is something I know will be a huge celebration and frankly relief for a number of victim-survivors who we work with. For too long our system has victim blamed. For too long our system said, 'Why didn't you just say no?'. For too long the criminal justice system has required a woman to take the stand and be cross-examined about the fact that 'She said yes before, so she clearly wanted it on this occasion'. It is rubbish, and I am looking forward to victim-survivors being believed. Needless to say, these reforms need to be accompanied by significant educational campaigns. This is not a statement to excuse bad sexual behaviour—in fact far from it—but many of us in this place have sons and daughters, and while some young people, young men mainly, might think they have gained consent, it may not be satisfactory under these new laws.

I refer to much of the commentary within the legal fraternity at the moment. They think that this could create real problems with clients who did not intentionally do anything wrong but, under the eyes of these new laws, may have. Consider things like: how drunk is too drunk to give consent? Some might say, 'Well, any drinking means they can't give free and voluntary consent'. Others might say, 'If they're unable to put their words together, then that's the level at which they can't give consent'. Others might say it depends on X, Y or Z. Further, not many people talk about the circumstances where both parties were drunk and could not have possibly, either of them, freely consented. But you can see there is no definition of how alcohol or other drugs might intersect with informed consent. That is just one example of the complexities of sexual assault law. It is going to be quite difficult for our state to move to this model in terms of changing attitudes, but I think we are heading in the right direction and I think it is absolutely necessary.

I am glad to see the bill refers to pressures outside of that moment constituting lack of consent. For instance, in family violence where the victim-survivor feels threatened due to a course of conduct and is pressured to have sex, that would not be consensual. The bill has extensive provisions relating to submission from force or fear of force or harm or fear of harm, whether from a single incident or a pattern of behaviour. We have spoken to many victim-survivors who have experienced this kind of coercion. In terms of potential loopholes, there is one which is reasonable in one eye and a defence lawyer's breakfast in the other. If you can prove you have a cognitive impairment or mental illness, you are exempt from the requirement to take steps to confirm consent. Obviously the protection here is that the status quo remains. But I am cynical, and I am sure that there will be mental health assessments to try to access this loophole.

I have to say the explanatory memorandum to this bill is quite substantial and very prescriptive in its direction. It is the first that I have seen like it. Where federally the explanatory memorandums are very in depth and contextualised, we do not seem to have that in the state versions generally speaking. But given the complexity of this bill and the need for courts to interpret according to the Parliament's intention, it is extremely in depth. I welcome such documents like that in the future.

Moving on, under the bill the removal of a condom without permission will remove consent. This is sometimes known as stealthing, but it is primarily and essentially a sexual assault. Coincidentally I drafted amendments to the Sex Work Decriminalisation Bill 2021 last year and was planning to announce them the day after the government's announcement when they released the Victorian Law Reform Commission report. In fact the *Herald Sun* had written our article, and it was ready to go. We had drafted it even before the VLRC *Sexual Offences* report had been released. So we were very glad, though not surprised, having spoken to many survivors, to see it in there. We had consulted victim-survivors as well as Dr Brianna Chesser, who is a senior lecturer in criminology and justice and the program manager for the bachelor of criminology and psychology at RMIT. Dr Chesser worked on implementing the ACT stealthing laws. Given this, you could say we are pretty happy with the inclusion of this amendment within the bill. When I was at Victoria Police I dealt with several sex workers who submitted allegations of sexual assault by removing of the condom, but we were unable to prosecute these offences. This legislation seeks to amend this, and I welcome it wholeheartedly.

I am also grateful to see changes to image-based sexual offending which will take these crimes more seriously. I have to say it is about time. This is something which has had universal support in this place and in the community and should have been done years ago as mobile phones and computers started being used as weapons. The bill moves these offences into the Crimes Act 1958 but allows them to be tried summarily, so the statute of limitations on them will be removed, I presume. The definition will be broadened to include crimes like deepfake porn and the alteration of images without consent. There are reasonable exemptions to this clause which ensure that there are hopefully no unintended consequences.

I now move to the confidential communications provisions that have been included in the bill. Quoting my own press release from earlier this year, the amendments:

... will allow victims of sexual assault the right to defend their confidential communications ... and will create a system of checks and balances to ensure courts are satisfied that victims are aware of applications to access their—

private—

information.

I introduced these amendments in March this year and withdrew them on the commitment that they would be introduced in this affirmative consent bill, and they have been. I did note that in the crossbench bill briefing the Attorney's office did not make any reference to this amendment being due to the hard work and advocacy of Derryn Hinch's Justice Party, which was a little disappointing. These confidential communication amendments are a six-year-old Victorian Law Reform Commission

report recommendation and have not been codified since. Nonetheless I thank the Attorney for keeping her word in introducing them and extending the provisions to health records. It is a small step, but for some out there it will make a huge difference.

I want to finish on two issues—sexual assault and how we can reduce this horrible crime. It was interesting to see that I was mentioned in the 2021 VLRC *Sexual Offences* report. The mention was about my concern for a lack of data collection around failure to report and attrition rates. I saw it firsthand when I was at the sexual offences and child abuse investigation team at Victoria Police—the lack of data collection, the lack of de-identified narrative speaking to reasons for attrition. We simply do not have that data that we desperately need. The VLRC report made a number of recommendations around data collection, but I had beaten them to it a year or so earlier. My motion on improving data collection for sexual offences in 2020 was voted down by the government, the Greens, the Animal Justice Party and the Reason Party. My motion would have gone some way to fixing this issue of data collection. Ms Patten said at the time that it was a Trojan horse for a sex offender register, of all things. If that was the case, then the VLRC were perhaps pushing for a sex offender register as well when they recommended the same thing in their report.

I want to pick up something that Dr Ratnam said in her second-reading speech on this bill, which was:

Less than one-fifth of sexual offences reported to police result in a conviction in court. The vast majority do not progress past the police investigation stage, and of course most sexual offences are not reported at all ...

The true extent of sexual violence in our community is much greater and much more concerning than those statistics would suggest. Some suggest less than 1 per cent of sexual assaults result in convictions.

I say to those crossbenchers: if we only knew what the reasons were behind this data, then we could perhaps move some way to fix the problems. It is so very frustrating in this place when we propose commonsense motions and amendments that continually are voted against by the same parties—in the interests of what? I have no idea. It is certainly not in the interests of victims of sexual assault. I urge members in this place who have voted against proposed reforms previously to speak with victims of crime and to speak with the sexual assault agencies and academics that suggest the changes are so desperately needed to improve the system. It is difficult for me to forget that vote, because it was playing politics over an issue that we have seen here today is clearly very significant. Our party's ideas for motions and amendments do not come from me and they do not come from a political base. They generally come directly from victims and from support service agencies.

Just before I wrap up I want to speak about another piece of advocacy from Derryn Hinch's Justice Party in relation to sexual offending and where it is up to. Earlier this year we passed a motion in the house about sexual assault reporting options. It asked the government to commit to an online mechanism to report sexual assaults. I will not rehash the entire speech here and now, but it was supported unanimously in this place. The motion required the government to table a report on the findings of the Engage Victoria consultation outlined in the motion in the Legislative Council by 1 September 2022. I was advised by the Attorney's office just last month that they will not have anything to table on 1 September. The consultation will not have been completed, and they cite that the matter is complicated and that they would prefer it be done properly instead of being half-baked. Whilst I tend to agree, it has also been 4½ months since this motion passed the chamber, and it was five months prior to that that the VLRC sex offences report came out. I hope, regardless of whether I am in this place or not next term, that this reporting option happens and it happens as soon as possible to encourage more survivors to come forward.

Lastly, while we may not agree with everything in the VLRC *Sexual Offences* report, overwhelmingly we are supportive of their work and their recommendations. Let us not forget that the government have only committed to implementing a handful of the 91 recommendations. The VLRC's 2016 report into similar matters had many recommendations implemented, but it took until this year to implement others, only due to the advocacy of Derryn Hinch's Justice Party. I hope the same does not happen with this 2021 report. The latter report also recommended a grab and drag offence. I am grateful for

the recommendation, as you would have heard me say last week. The government has been avoiding making a commitment to implementing this particular offence for the time being, and I hope this will come to fruition next year. Given that it had the endorsement of every single party in this chamber bar the government, I think it was well supported—not to mention the 100 000-odd people who signed the petition calling for this loophole to be fixed.

In summary, we welcome the contents of this bill and hope to see more recommendations of the report acquitted as soon as possible to assist victims of sexual assault get their justice. I commend this bill to the house.

Mr QUILTY (Northern Victoria) (15:20): I will be brief. The idea of affirmative consent is a good one. To a Liberal Democrat, freedom is our highest value and freedom is based on consent. The Liberal Democrats are the party of consent. If more people valued consent, we would be less likely to have laws that violate consent. We would have fewer mandates and restrictions and a greater degree of choice.

The Labor Party is not the party of consent. I am pleased that this government is just now learning how consent works. However, the fact that they are now trying to lecture others about the importance of consent shows a staggering lack of self-awareness. This government has been responsible for many laws and decrees that ignore and violate consent. Nearly every law that passes this place is about removing consent. The cheek, the utter gall, of this government talking about consent is just staggering, breathtaking. The arrogance astounds me. Where was the consideration of consent throughout the pandemic? What has changed between then and now that has made this government re-evaluate its stance on consent? This government still keeps in place the emergency powers and is still coercing people that do not agree with it. If you had any self-awareness at all, you would slink from this chamber in shame.

The Liberal Democrats will support this bill because we support the fundamental idea of consent. I think there are some issues with enshrining these things in law and there are problems that will arise down the track with the implementation of this legislation. Improving community understanding of the concept of affirmative consent is a valuable cultural project, but it is not clear to me that this legal framework is the best way to do that. Even after this bill passes, consent will not be clear cut. It will still rely on interpretation and be at risk of retrospective revision. Perhaps everyone involved will need to record all intimate encounters to establish consent or otherwise, which will then make consent around sharing of intimate recorded details even more pressing. However, consent matters. We will support the bill, but I remain shocked that members of this government can, after the last two years, stand here with straight faces and talk about consent. Shameless.

Dr CUMMING (Western Metropolitan) (15:22): I do rise today to speak to the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. I have been listening to the debate today, reading the amendments that are suggested by the government and hearing how the Justice Party wanted just some simple amendments that there was great support for but this government seems not to have put into this. I am very disappointed. It would seem that, on reading this, they are making a lot of what are not really complicated previous bills into something a lot more complicated, and I will explain why I am saying what I am saying. A lot of the debate here today has just really felt very heavy on women being victims of sexual offences and sexual assault. A lot of men fall victim to sexual assault. So do gay people, as well as lesbians and others. It is really biology in lots of ways. It would seem that we are complicating the language. I am really absolutely struggling to understand why we are making it as complicated as the government has. The government wants to remove the word 'vagina' and put the word 'genitalia'. I understand that. It is a broader term. But I also understand why the word 'vagina' is in there and why you would be talking about penetration of the vagina, not just genitalia and having a general, broader term. Normally they talk about other biological terms for our body parts, our anus and the like. But to give it just a broad term I am going to find really difficult, and I wonder how the judges will find this interpretation of sexual offences into the future.

We consider a breast part of sex. You can remove it and say it is not part of being in a sexual offence—just totally remove it. I understand why you would not want to put the word ‘chest’ in this legislation, because a lot of men have chests. Women have chests when they have their breasts removed. You could just say that maybe breasts are not sexual organs, but they have gone into a really complicated description now of what is considered as identifying what you would call a woman’s breast. So I am really struggling with the language that has been used. I understand why this government continually wants to push different language and complicates a piece of legislation, but I am also really perplexed with one of the other goals of this government within the amendments.

Now sex work is contingent on payment. Making a false or misleading representation about payment to a sex worker, who then engages in the act, therefore makes it non-consensual. This conduct is currently only captured by the lesser offence of procuring a sexual act by fraud. The bill makes it clear that in some situations this conduct would be rape or sexual assault. Now we have got money complicating rape. I find that this government, the way they have put this together—the language that they are using throughout this piece of legislation and what they are trying to achieve—is becoming almost nonsensical. I will be struggling to support a lot of the amendments and changes today.

I understand the intent, but I do not actually believe it goes far enough to protect men from sexual assault. There are a lot of men who are sexually assaulted—young men who get drunk and get raped. It would seem that there still seems to be a real lack from this government of protecting men during family violence, protecting young men when they are raped or offering services that are available to them regarding what we are doing to actually help those young victims, who get extremely embarrassed and do not feel that they can actually come forward because we have no real services available for them. When it comes down to the rape of lesbians and gay men it would seem that we are getting better at providing those services to them, but when it is a young man who is raped by a young woman or an older woman, and they are of the age of consent, there just seem to be not enough resources for when they are the victims of rape.

I would hope that this government somehow, when they are looking at equality, look at everybody as humans as well as discussing our biology and actually using terms. I am fine with you deleting certain terms if you feel that that is not the term to be used, but you are complicating the language. It would seem from doctors and otherwise that the confusion is ranging from the bottom up and the top down. I will leave it at that.

Mr TARLAMIS (South Eastern Metropolitan) (15:30): I move:

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

Motion agreed to and debate adjourned until later this day.

**ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND
OTHER MATTERS) BILL 2022**

Second reading

Debate resumed on motion of Ms SHING:

That the bill be now read a second time.

Mrs McARTHUR (Western Victoria) (15:31): I am happy to speak on this piece of legislation because I am a great fan of waste to energy. I go to various councils in my electorate, and they are all complaining about the issue of waste, and I say, ‘Why don’t you see waste as an opportunity, not a problem?’. Many people around the world see waste as an opportunity, not a problem. We need to make use of waste in a very productive way, and what better way to do it than translating waste to energy? It goes to the whole issue of the circular economy, which is a model of production and consumption which involves sharing, leasing, re-using, repairing, refurbishing and recycling existing materials and products for as long as possible. In this way the life cycle of products is extended. In practice it implies reducing waste to a minimum.

I have been to waste-to-energy plants in the UK and Scandinavia, and I have to say they are very impressive. One I went to in London processes 30 per cent of London's waste, and there is not an odour, not a skerrick of dust; there is nothing to indicate that you are in a situation where waste is being disposed of, and not anything is left. The energy it produces goes into the grid, the waste that is in the form of dust or very small particles becomes bricks and the slightly bigger particles become road-making materials. It is a very successful operation, run totally by the private sector. It does not need any government subsidy. Councils pay the firm to take the waste. It is shipped down the Thames on a barge to the plant, and there it is disposed of in these gigantic furnaces. There are of course no emissions. The argument against waste to energy is that it produces emissions, but it does not any longer. That has all been solved; it was solved in about the 1980s.

I also went to plants in Scandinavia, including one plant run by several municipal councils. They recycle absolutely everything. I saw cartloads of garden waste being brought in on trailers—it can be delivered over a 24-hour period. That gets converted into compost, which is then purchased by farmers to use in improving the productivity of their land. All the glass is recycled, the paper is recycled seven times, and again no emissions. Can you imagine? Nowhere in Scandinavia would you have emissions from anything. It is a very clean, green economy over there. In fact in Copenhagen I noticed there were seven recycling receptacles. I am not sure where you put them all if you live in a flat or whatever, but still you are able to recycle basically everything.

This is absolutely the way we should go. I am curious that this legislation puts a limit on how many tonnes we can utilise in this fashion in a year. I do not think there should be any limits at all. We should utilise as much as possible. I think it is appalling that we put waste in holes in the ground. I cannot believe that we still do something like that. We should have waste-to-energy plants, but of course you do need large volumes if you are going to have a very decently sized plant.

There are so many benefits from this method of dealing with waste, and it is something that we should have done long ago. We only have to look at where it is done elsewhere in the world to know that it works. I always notice the Greens are very opposed to this, and I would only say they must favour methane coming from the ground whilst we bury our waste in a hole. Surely it is much better to utilise it in a productive way. It creates jobs as well. I see that there are many benefits in other places in the world, and in the EU much is saved. It reduces the total amount of greenhouse gas emissions to a considerable extent. In fact currently the production of materials we use every day accounts for 45 per cent of CO₂ emissions. Moving towards a more circular economy delivers benefits such as reducing pressure on the environment, improving the security of the supply of raw materials, increasing competitiveness and stimulating innovation. It is boosting economic growth to the point of an additional 0.5 per cent of gross domestic product and creating 700 000 jobs in the EU alone. Those are the potential job results by 2030 in this whole circular economy area.

I think that we should have embraced it a long time ago, as I have said. The Victorian Liberal Party has a *Zero to Landfill* plan. It involves investing in new and upgraded local recycling systems in order to increase the volumes of recycled materials that can be processed in Victoria, and this visionary *Zero to Landfill* policy will also bring energy-from-waste technology currently being used in central Paris, Amsterdam, Germany and Singapore to Victoria. Large-scale energy-from-waste facilities will also create a low-emission baseload energy supply to help meet Victoria's growing energy needs. Our policy will work with industry and councils to achieve a 33 per cent reduction of household waste going to landfill by 2025, a 66 per cent reduction of household waste going to landfill by 2030 and a 100 per cent reduction of household waste going to landfill by 2035. We will also commit \$120 million over four years for the Sustainability Fund to create a zero-to-landfill fund with two streams: a recycling futures stream to upgrade recycling technology standards, rules and facilities and partner with local councils; and an energy-from-waste stream to deliver projects that recover energy from non-recyclable waste. We will also commit state government departments to work with industry to expedite approvals to get Victoria's waste management and recycling back on track as quickly as possible. We will require the state government agencies such as Parks Victoria and the Victorian School Building

Authority—I do not actually know why we have a school building authority, but anyway—to prioritise fully recycled plastic products as part of their purchasing policies.

There is a waste-to-energy facility in Western Australia currently. It is the Kwinana waste-to-energy facility, and it is an important and significant renewable energy project for Western Australia and Australia. It will be the first thermal utility-scale waste-to-energy facility constructed in the nation, diverting approximately 25 per cent of Perth's post-recycling rubbish from landfill sites. That project will develop a waste processing facility which will use moving grate technology to process approximately 400 000 tonnes of municipal solid waste, commercial and industrial waste and/or pre-sorted construction and demolition waste per annum to produce approximately 36 megawatts of baseload power for export into the grid. Macquarie Capital estimates that approximately 486 000 tonnes of carbon dioxide emissions will be avoided per year compared with the carbon dioxide emitted from grid-generated electricity in Western Australia. The facility will also export 36 megawatts of electricity into the local grid, sufficient to power 50 000 households.

So what is not to like about waste to energy? There is so much to like about it, and I think that we all ought to do what we can to ensure that these projects get off the ground. I do see that we are trying to limit, as I said, the amount of waste going to waste-to-energy plants, and I hope we are not going to limit the number of enterprises that might get involved in this area. I do not think governments should be picking winners. If there are companies that are capable of providing this technology and performing this very worthwhile service and hopefully making money out of it and employing people, then I am all for as many as we can possibly find. I support the legislation. I will leave it at that and let my colleague Ms Bath continue with the legislation and the speeches. I think that we should all get on board with waste to energy.

Dr KIEU (South Eastern Metropolitan) (15:42): I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. I have something to say about waste to energy, but let us remind ourselves that in 2019, about three years ago, Victoria went through and indeed Australia went through a crisis when the waste and recycling services suffered severe disruption. The collapse of SKM Recycling left in Victoria 33 councils without kerbside recycling services, and that left no other option but to send the recyclable material to landfill. This coincided with the announcement of China's National Sword policy, which banned the import of most plastics and other materials for recycling. This disruption demonstrated how exposed Victoria's waste and recycling systems were to changes in the global markets and the effects those changes could have on local recycling service delivery. At the time, in order to help and assist the system, our government provided a \$6.6 million relief package to assist councils impacted by those disruptions and also worked in partnership with councils, industry and the wider public to develop a policy which would address the issues in our waste and recycling sector.

Following public consultation, in February 2020 the government released *Recycling Victoria: A New Economy*, which is our 10-year circular economy policy. In 2021 the Circular Economy (Waste Reduction and Recycling) Bill 2021 was passed, which provided the legislative framework for achieving many of the commitments outlined in the policy in 2020. This bill follows to provide these further reforms. Under this policy the Victorian government committed to overhauling our household recycling services, introducing a four-bin system and a container deposit scheme to improve the value captured from the materials we recycle. We committed to establishing a new government body, Recycling Victoria, which began operating on 1 July this year, 2022. Recycling Victoria set out four ambitious targets: firstly, to divert 80 per cent of waste from landfill by 2030; secondly, to cut total waste generation by 15 per cent per capita by 2025; thirdly, to halve the volume of organic material going to landfill between 2020 and 2030; and lastly, to ensure every Victorian has access to food and garden organic waste recycling services or local composting by 2030. The recycling infrastructure plan would allow us to mitigate risks to the industry in order to avoid another crisis like the one we had in 2019 as well as to create efficiency in the market to ensure it is operating at its best.

The opposition member talked about waste to energy and how glorious it is. I would like to add to that and also to debunk the myth about waste to energy. It is indeed a technology that we could use, but waste can be either recyclable or non-recyclable. The recyclable waste we recycle so we do not have to find new materials and then further damage the environment and ecosystem and generate further waste. For a small portion of non-recyclables, waste to energy could help, but we cannot be over-reliant on that or build overcapacity on that.

The opposition talked about how European and Nordic countries have been using waste to energy. Let me quote this. This is on the EU circular economy plans:

There is currently a flurry of activity in the EU around the circular economy. The continent's ambitious recycling plans mean that most power production from waste could eventually run out of fuel and become obsolete.

Another statement:

The European Commission's new Circular Economy Action Plan (CEAP) aims to halve residual waste by 2030. The European Parliament's report on CEAP calls for minimising waste incineration and calls on the Commission to define an EU-wide approach for the management of non-recyclable residual ... waste that ensures its optimal treatment. It warns about building an overcapacity of waste incineration that could hamper the development of the circular economy.

That is one element of the bill we will be talking about.

The 2021 circular economy act forms a central part of the Andrews Labor government's once-in-a-generation reform of Victoria's waste and recycling system. This bill will further that. The bill will introduce a thermal waste-to-energy scheme which caps the processing of certain types of waste at facilities that process the waste using thermal waste-to-energy processes—that is, Recycling Victoria cannot issue licences that collectively exceed an annual cap on permitted waste, expressed as 1 million tonnes per financial year. Indeed that is necessary. Take the example of Denmark. They have some waste-to-energy processing, but now they have to import waste from overseas to be able to run their overcapacity facilities or factories. That will hamper their climate change target and also generate more CO₂ in the atmosphere.

This bill also enables the head of RV, Recycling Victoria, to deliver a Victorian recycling infrastructure plan, which consolidates existing multiplan frameworks into a single plan with a 30-year horizon to inform long-term strategic planning and support decision-making. Another element of the bill is to establish a risk, consequence and contingency framework to ensure risks and consequences are identified and then managed and contingency plans are implemented to minimise the impacts of serious disruptions to waste, recycling and resource recovery service delivery. The bill also provides for a new compliance tool on application by RV where courts may make monetary benefit orders to get the illegal profits made from non-compliance with the waste and recycling laws.

A further element, but also an important one, is that there will be an amendment in the bill to allow a new information-sharing regime, including to carry out its functions and to support its continuing close work with Recycling Victoria, the Environment Protection Authority Victoria and local councils. Other elements of the bill are about the protection of the environment. The bill will make amendments to the Environment Protection Act 2017 to improve its efficacy, including amendments to further equip the EPA and local government with powers to effectively undertake their regulatory functions. The bill will also amend the Environment Protection Act 2017 to allow RV to receive funding from the waste levy collected under the act, and certain amendments clarify the transition of permission issues in the repealed Environment Protection Act 1970 into the new framework, which will be applied from 1 July 2021.

To sum up, we as the government are constantly working with industry to promote investment and innovation when it comes to recycling, and this bill reflects those efforts. Analysis has proved that the Australian recycling sector creates 9.2 jobs for every 10 000 tonnes of waste managed, whereas on the

other hand sending material to landfill creates only 2.8—about a third of the jobs that would be created by recycling. This government's waste and recycling reforms will create nearly 4000 new jobs for the recycling sector. I commend the bill to the house.

Ms BATH (Eastern Victoria) (15:54): I am pleased to rise this afternoon to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. From the outset I would just like to put on record that, like the Liberal Party, the National Party will hold a not-oppose position, but we will seek also, with the Liberals, to amend this bill to improve its contents. The bill proposes reforms to the Circular Economy (Waste Reduction and Recycling) Act 2021 and looks at planning, risk, contingency planning and improving market reporting. It will amend a variety of acts—the Circular Economy (Waste Reduction and Recycling) Act 2021, the Environment Protection Act 2017 and the Sustainability Victoria Act 2005—and modernise and enable the thermal energy component that we are seeing the need for in our communities, the technology for which is advancing through a variety of consortiums, some of which are in my electorate and I will speak to today.

One thing that I think is really important was raised during the course of the Environment and Planning Committee's inquiry that delved into renewables in our state—the importance of them, the variety of them and how in the transition to a low-carbon economy they will play an ever-increasing role. To assess this, naturally you must hear from a variety of witnesses throughout those hearings, which we did. It was potentially somewhat truncated for a very large topic. However, one of the startling pieces of information that I took away from that inquiry was the fact that in terms of renewables manufacturing and renewables componentry Australia—it was not broken up into Victoria—only produces 11 per cent of its renewables componentry, the various parts that make up either wind turbines or photovoltaic cells or even batteries as storage vehicles.

The renewables componentry is very important, and here I believe is a very big opportunity for our state; for my region, Eastern Victoria Region; and for the Latrobe Valley, which is very much at the epicentre of the transition. There are opportunities for not only investments in manufacturing of renewables but also looking at the whole-of-life, cradle-to-grave cycle of those components and the recycling of them, because if we are going to stand here and always sound pure about how renewables, when they are manufacturing electricity, do not produce any CO₂, we actually have to be fair dinkum and say, 'Well, what is the cradle-to-grave analysis of the carbon footprint of any componentry?'. That is not to say do not do it—not by any stretch—but it is to say, 'Let's be honest and let's work out the best form to mitigate CO₂ production from the cradle to the grave'. Also, how we dispose of the componentry has a toxic effect—there are various resins and the like. So let us be really honest and let us look at not only ways to manufacture and create jobs through manufacturing of componentry but also how we safely recycle them.

Part of the whole philosophy of this bill is looking at recycling, re-using and repurposing, and one of the particular issues that has been in play for a number of years is the cash-for-containers deposit scheme. The Nationals and the Liberals have been calling for this deposit scheme for a couple of years, and we know that the government has finally come to the table and is looking to introduce that scheme as of next year. Back in 2019, again on a committee, we took the opportunity to go to New South Wales and work out the pros and cons of how they did it. They are not necessarily trailblazers, but we saw what worked in the community at a community level, what worked at a logistical level, what worked for removal of litter and recycling of cans and also how it worked in the practicalities of a municipal waste format as well.

One of the key issues that this bill deals with is Victoria's thermal waste-to-energy scheme. Now, I will put it on record here that I call it 'energy from waste' because in my electorate Opal—which is Australian Paper's mill in Maryvale that for 80 years has been creating jobs and creating paper and is now really moving into the cardboard sector, which is good because we know we are all using far more cardboard—uses the term 'energy from waste'. It is a tremendous opportunity there that is being realised. It has taken at least five years and many millions of dollars through business case studies,

through investigations and through Environment Protection Authority Victoria assessments to get the tick of approval on all of those to move forward.

It was really pleasing to see that my colleague the Honourable Darren Chester, the returned member for Gippsland, made a commitment and had it signed off. It has now been assessed and will certainly go through, the energy-from-waste \$48.2 million grant through the Australian government's modern manufacturing initiative—a Liberal and National federal government initiative. It is good to see that really ramp up and come to fruition. There is much more money required. I think it is in the vicinity of a \$600 million investment. This is about the red-bin waste. This is the non-hazardous residential waste material that would otherwise go to landfill, and it is very important. This is not taking away something that could be recycled; it is the running shoe that cannot have any components taken out of it and would otherwise go into landfill. The maximum capacity that this system will take is 325 000 tonnes of residential waste recovered and turned into energy. Again, this will have a really important effect in that this estimated energy from waste will reduce the net greenhouse gas emissions in Victoria by 270 000 tonnes annually but also, very importantly, provide a sustainable and efficient waste management solution aligned to a circular economy.

I know that there are many people down there, and David Jettner is one of them—he has worked tirelessly for five years on this. It is a huge passion of his, to create positive solutions, reduce their energy consumption, produce that energy from waste and also create jobs and sustainable manufacturing well into the future. One of the other by-products of that is heat, and the next stage that they are looking at is growing barramundi and growing barramundi on a large scale. If you go into restaurants now, it is really common and fantastic to see barramundi. We want to see Australian-grown barramundi. It has nutritious value and is really important as a food source. It is fantastic to have it on our plates in Victorian restaurants. This is the next step in creating jobs—creating a whole, rich, valuable commodity as well with less water, fewer fossil fuels, more energy, less waste to landfill and certainly more sustainability. So I endorse that project and I am looking forward to seeing it come to fruition in a number of years, as that is the lead time to getting that up and running.

One of the other key things about energy from waste is it takes waste out of landfill. We have large centres on the east side of Melbourne that are going to be full to capacity. Hampton Park will be full to capacity. If that is full to capacity and we do not get these recycled, energy-from-waste circular economies in place, then we are going to have to transport waste across to Ravenhall, over the bridge. It would be a disaster. Why don't we find something useful to do and do it on a grand scale? We propose to take the cap. I know this legislation looks at a cap in terms of energy from waste. We feel that that is not a sensible idea. Having a cap does not necessarily serve the community, and I would just like to rebut the former speaker. He was saying we cannot do energy from waste on a grand scale because in the long run we may run out of the ingredient and therefore it has served its purpose. Well, I see Victorian energy systems and recyclability et cetera evolving all the time. Once upon a time we used to use briquettes. Once upon a time we used to use a whole raft of things, and we are transitioning. Wouldn't it be tremendous if in 40 years time or 30 years time we run out of energy-from-waste opportunities because we no longer have any landfill? I think the independent private industry will make those decisions on its own, and I support the process.

Certainly the other thing that I think is really important is zero landfill, and that has been The Nationals and the Liberals' policy—and a very important one. Again on a committee we looked at waste and recycling. The Environment and Planning Committee looked at these circular economies and the importance of having a circular economy, and energy from waste was involved in that. The zero landfill policy really stems from looking at incorporating all of those circular economies. We, The Nationals and the Liberals, have a commitment to do that by 2035, and I think we have to use everything in our arsenal to be able to achieve that. There are some really good examples in Europe where there is very minimal—and I will say 1 to 4 per cent—waste going to landfill. They have a multipronged approach, and energy from waste is certainly part of that.

The other interesting factor that we see coming in is opportunities in a variety of contexts. One consortium that is operating in Gippsland is Gippsland Circular Economy Precinct. They are looking at taking recycled material, residual waste, and turning that into hydrogen. Now, it is not for me to say whether it should go ahead or not. They certainly have been doing a great deal of investigation—finances, expertise and money—and only a couple of weeks ago in Sale H2X, part of that consortium, presented at the Gippsland New Energy Conference. So it is certainly on the landscape. That is where private industry can, if they have got the gumption, go and investigate to see how that can be incorporated. It could be fuel cells in larger vehicles, and that is what they were talking about, in trucks. So that is a real positive as well.

Finally, in terms of container deposit schemes, there would be one word of caution I would put to the government. What we do not want to see—and we have seen it in other elements—is an operation where all of the contracts end up in metropolitan Melbourne. There are opportunities, for example, for the container deposit scheme to have distribution centres and operators working in regional Victoria. We need to be part of that landscape, and we need to have the opportunity not taken away from us in terms of putting out tenders for contracts. There is a special landscape that needs to be looked at. There are opportunities. Also if you talk about CO₂ miles, why are we going to transport waste and containers collected in East Gippsland, for example, in the far east of my electorate, all the way into Melbourne? There should be and could be opportunities, and I encourage the government to investigate those.

The government has also taken away localised contracts in terms of dry-cleaning. This is an example both in the CFA and in Ambulance Victoria. They have taken localised contracts from local drycleaners and are shipping them into Melbourne or into Shepparton, and I think that is absurd. So I also call on the government to make sure when these contracts are being awarded that they look to rural and regional Victoria.

Sitting suspended 4.09 pm until 4.28 pm.

Mr HAYES (Southern Metropolitan) (16:28): I rise to speak on this bill, particularly in relation to the waste-to-energy component that it addresses. The bill will cap the processing of certain types of hazardous waste in the waste-to-energy process, and I am very glad to hear that. I welcome that, and I welcome what the government is doing in the waste and recycling reforms in the bill. As Dr Kieu was saying, there is recyclable material and non-recyclable material. I would like to see that the only material that is considered for the waste-to-energy process is the non-recyclable component. I welcome the government's goal of cutting waste by 15 per cent. That is something. It is not enough. There is a huge amount of waste that is generated. I welcome their progress on food and organics. That is progressing nicely throughout our municipal councils. But the whole purpose is recycling and repurposing of our waste.

Waste to energy forms a part of the circular economy concept. It is not a concept that I have strongly promoted, but it is vital to our future. We cannot continue consuming and disposing of waste as if the earth's resources are infinite. They are not. We are already pushing against capacity constraints in many areas, especially global pollution—CO₂ pollution and plastics in the sea, many forms of pollution—and of course the extreme weather events that we see locally and worldwide are undeniable.

The climate is changing, the planet is warming and people want action. People were taking action, particularly when it came to recycling. They were diligently sorting their waste many years ago and allocating some of it to their recycling bins. Then they saw it taken away by people in a truck, and they assumed it was all recycled and the demand on this planet's resources was being reduced. People were doing their bit. Then the news broke that the system they relied on was actually not working. Recycling was not taking place as people expected. There were big gaps in the system. People were doing their bit, but the system was not. This system failure represented a major and damaging failure for the government—not only this government—but it also represented a breakdown of trust between the

citizens and their government on what they saw as a vitally important issue, and that is recycling. People were very enthusiastic about that many years ago.

One aspect of this bill, as I said previously, is to set the framework for incinerating waste—the so-called waste-to-energy process. Not surprisingly, while good in theory, people do not want such incinerators near their place of abode. They are reluctant to trust regulations around such facilities, and who could blame them? The people who oversaw the breakdown of the recycling systems are the same people who will be regulating the pollution and emissions from these incinerator facilities.

In this regard it is appropriate to revisit the Environment and Planning Committee's 2019 inquiry into waste and recycling management and what it said about incinerating waste. I was on that committee and so were Mr Melhem and Dr Ratnam. Ms Taylor was on that committee too, and Mr Davis was on that committee. One issue that was raised was that these incineration facilities require a steady supply of waste to be economically viable. A number of environmental groups raised concerns that this factor could mean that incineration technology would not be used as it should, as recommended by the committee—that is, as a last resort for waste disposal of what cannot be recycled. The idea, and one that was very much backed by the report, was that there are many aspects to a circular economy and that the disposal of waste by burning should be a last resort for that which cannot be recycled or re-used.

The Boomerang Alliance stated that high demand for incinerator feedstock would 'cannibalise any fledgling recycled materials recovery operations'. I was glad to hear Dr Kieu talk about the situation that has happened in Europe where some recycling facilities are importing waste from overseas to meet their contracts. There is that potential. It has the potential to damage a fledgling recycling industry as it offers an easy way out. A 'Let's burn it' attitude will damage the core messaging around recycling. It is very important that waste to energy is implemented as a process complementary to recycling. It should not in any way replace recycling. I understand there are some models in Europe where burning is used as a last resort, and I believe we must stick as closely as possible to that model.

An area of concern is of course the length of contracts to make privately owned waste-to-energy incinerators viable. We might be faced with a situation where waste incineration contracts will have to be a staggering 25 years in duration. No-one knows what technological advances will have been made by then. There could be new processes, say, in 10 years time that render the whole burning option unnecessary, or we could by then have developed our nascent recycling industries and have a real circular economy, as recommended by the recycling and waste inquiry report. We could have eliminated a lot of plastic waste by then, with any luck. Recommendations have been accepted by the government from this report, so let us hope the government stick with what they have said they are adopting and continue to progress that. We will be stuck with long contracts otherwise, and a 25-year contract is a very long time to tie us to having incinerators.

Lee Bell, a well-recognised researcher and commentator on issues to do with toxic materials—he has been in this field for over 25 years—told the committee that a long-term contract would negate the benefit of future innovations in this sector and that councils would be locked into long-term incineration contracts and the benefits of new innovations could not be so easily taken up. Dr Kieu rightly made reference to that too in his contribution. The Municipal Association of Victoria also submitted that long contracts and their demand for feedstock could produce perverse incentives to generate additional waste, and to cite Lee Bell again, he pointed to recent developments in Europe, where incinerating waste is starting to fall out of favour. He said that Denmark and Sweden have imposed taxes on waste incineration due to its environmental impact and other countries are proposing taxes on plastic waste incineration. To quote the report:

The Europeans now recognise that you cannot burn your way out of climate change.

I now turn to the specific area of pollution from such facilities. The Boomerang Alliance told the committee that such waste-to-energy processes presented serious risks to human health and to the environment. I quote the Boomerang Alliance:

There is no thermal process to capture the embodied energy value of mixed waste that will not create significant pollution and toxic releases.

We have statements from the Victorian government that any incinerator proposal must demonstrate it can meet strict environmental standards. We would expect nothing less, but the enforcer of such standards, the Environment Protection Authority Victoria, has a credibility crisis in the eyes of the public. It has let the state down on a number of environmental issues, and it has been necessary for the government to intervene and shake things up there. Many submitters to our inquiry expressed concern about air-monitoring mechanisms for emissions from waste technologies. The committee report said that strict and effective monitoring would be crucial to ensure public confidence. Public confidence in environmental protection in this state is not high, to say the least.

Given the government's track record when it comes to sites for such incinerators, when they are announced the beleaguered western suburbs of Melbourne are probably where facilities are likely to be located. I know there are some other sites already under active consideration, but it can be confidently predicted that there will be public outcry in the affected areas. It will not be put to a vote, because very few would vote for it, so it is no surprise that any announcement for such sites will occur after the election. And a large union has expressed concerns about air-quality monitoring. The Victorian branch of the Australian Nursing and Midwifery Federation contend that air standards are not being adequately monitored and enforced here in Victoria even now and industry reassurances around pollution levels are unconvincing.

Once again going to Lee Bell, he told the inquiry:

To minimise the risk from the airborne dioxin emissions of incinerators, we also require highly competent regulatory authorities with in-house technical expertise on monitoring and enforcement of POPs emissions.

Well, if you asked the general public if we had some highly competent regulatory authority with in-house technical expertise on monitoring and enforcement, then at best they would say the jury is out and at worst the answer after some laughter would be no. The Victorian public have seen the EPA's track record on hazardous waste management, and they are not impressed.

We turn to the Auditor-General's report of 2017 that found the EPA's limited monitoring coverage does not provide it with information on air quality for most of the state, including parts of metropolitan Melbourne. The report was also critical of the EPA's record on publicly reported data and described public confidence on the subject as having been undermined. The Auditor-General stated that improvements in EPA monitoring and management of emissions and pollutants were needed as a matter of urgency if waste-to-energy projects were to be launched.

The committee report also cited evidence from the Boomerang Alliance to say that emissions from such projects, even if implemented properly, will never be zero emissions, they will be reduced emissions. To quote the report:

... that is where you run into a whole lot of community problems. Some of the communities may already have highly polluted environments, which the waste-to-energy incinerator is adding to, and in the case of New South Wales we have yet to see a scheme that gives full confidence they can even meet the current emission limits with the current technologies they are proposing.

Another issue identified in the report is that of dealing with community concern in regard to these incinerators. The report says:

Adequate and meaningful consultation is crucial in order to take into account public health and environmental concerns.

One can only hope that this will happen, because clearly there is a lot of community concern.

The bill is essentially setting up a framework for waste incineration, but there are other more important aspects of a circular economy. Elimination of much of our plastic waste is really important. Proper labelling of plastics as to their method of disposal is essential, as is a huge public education campaign on how to recycle properly. Which bin does the waste go into? I walk down the streets of local shopping centres and look in the waste bins. They have recycling and they have waste to landfill. Both of them are identical in their composition. Both of them have coffee cups, lids, food containers, masks. There is no public effort to separate waste now—or very little—because people do not know how to do this. This is where the government should be aiming most of its attention in the circular economy.

Product stewardship—where are we on that? Making less waste-producing products and implementing a mandatory percentage of recycled material into government acquisitions of furnishings and road, paving and building materials would be at least a big start. These are all things that should be done. The burning should be a last resort, because if you set up the burning first, the temptation is to put it all in and burn it, so we really do need a cap on that. It is good there is a cap, but there are so many problems with relying on the waste-to-energy incinerators. Selecting the sites that are going to be complying with the standards—all of these things are going to be difficult for us, but it is something we have to tackle. I welcome that aspect of the bill. There may be improvements to come on it.

Other aspects of the bill allow Recycling Victoria to set a waste levy, support information sharing with Sustainability Australia and strengthen the Environment Protection Act 2017 with the further addition of regulatory functions—all of those are worthy of support. There is much to this bill. I wish it were more circular in its reference to the circular economy, not just talking about the disposal of last resort means, as I feel it should be.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (16:43): I am pleased to rise and make a contribution to the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. This bill does quite a bit. It talks about infrastructure planning, risk and contingency planning and market reporting. It provides a legislative framework for the so-called circular economy, establishes a cap on thermal waste and provides a series of amendments to the Environment Protection Act 2017 and amendments to the Sustainability Victoria Act 2005. I should just be quite clear up front that we do not oppose this bill. We think there are some useful steps in the bill. We think there are things we might quibble about, but overall it is not a bill that we seek to oppose.

As Mr Hayes and others have pointed out, there was an inquiry by the Environment and Planning Committee. It looked at a number of these points around waste cycles and made a series of recommendations. I do note there was a minority report that Ms Bath and I wrote, and we pointed to some of the costs, the failure to properly undertake regulatory impact statements and the impacts on families, businesses and the economy. Having said that, many of the principles that were in that inquiry are ones that we agree with, but implementing these things is another matter and it does require care and attention.

In this case the bill, as has been outlined, does introduce major aspects of a circular economy, and I want to particularly zero in on some of the waste-to-energy components. The opposition has made a number of announcements around waste to energy. We support it as a way forward. We think that it is a way to both deliver modest and low carbon dioxide outcomes and particularly use waste in a constructive way, lowering the volume but also providing a useful energy source. It is the truth that in many other places around the world waste to energy is a much more important component than it is in Australia and certainly here. In that sense there is much to learn from overseas.

I do agree with some of the criticisms of the EPA, and I have been a long-term critic of the EPA as a weak and vacillating body that has not always filled the community with confidence about its capacity and its technical abilities indeed. To that extent, I agree with a number of the criticisms that have been made today. The Environment Protection Amendment Bill 2018, which went through in recent times and which in theory was to change it and make it all fabulous, I do not think has changed anything a

bit. It is the same old body with the same old problems, so I just put those on record as perhaps a substrate there. I do believe that the EPA does need to be a more credible body, a body that is actually able to provide confidence to the community that it is in a technical sense beyond reproach, and I do not believe that that is the case.

Perhaps one example will suffice: the management of the toxic soil out of the West Gate Tunnel. What a complete and utter shambles. I have had cause to heavily FOI the EPA on these matters and to see the direct interference in the activities of the EPA, to the extent that Chris Eccles and cabinet ministers are meeting and having meetings pulled forward to, in effect, take over decision-making on matters around the West Gate Tunnel. The documents are, frankly, chilling in the sense that an independent agency is in effect being directed by a group of bureaucrats and ministers. Again, I do not think this is the way it should actually be. I just use that by way of example. There are many others that you could point to with the EPA over a lengthy period of time.

I think to make some of these energy options work well you do need confidence in the regulatory environment, and we are a little way from that. Notwithstanding that, the opposition see the opportunity for waste to energy and have made significant public announcements and have seen significant public support for a waste-to-energy regime. We think that the proposed restrictions in the bill are too narrow. There are restrictions that relate to individual outfits—individual operations—and in this case we have left them alone, but as far as an overall cap on waste to energy goes we have argued that there is not a sound basis for the way the government has structured this. Consequently—and I might ask that the clerks distribute these amendments—the opposition does have a series of amendments, and I will summarise quite succinctly. What we seek to do, with the advice of parliamentary counsel, is to ensure that there is no overall cap and that that restriction is not problematic.

Opposition amendments circulated by Mr DAVIS pursuant to standing orders.

Mr DAVIS: That is the short story of the amendments. There is a series of them and consequential ones that flow from the intent to remove any cap on the aggregate amount of waste or component of waste that can go into a waste-to-energy regime. So that is where we are focused on this—to say there is opportunity. There is no need for a cap of that sort; we do not believe that that has been justified. That is our main point today.

For the minister's benefit—and I did convey some of this to Jaala Pulford, but for Mr Leane as minister with carriage of the bill—I would seek some assistance at the start of the committee in terms of a commitment to provide some detailed reconciliation of the Sustainability Fund, the fund that is held at Treasury which the levies all build up in. I would point as a guide to the material that was provided to me some years ago by Mr Jennings when a similar bill—not a waste-to-energy bill, but an EPA-related bill—went through, and he provided significant reconciliation on the amounts of money that were in the fund. Updated figures to in this case I think 30 June would be the obvious date. But with that question and caveat, I am prepared and content to let the bill proceed.

Ms TAYLOR (Southern Metropolitan) (16:52): I am happy to speak on these reforms, noting that there certainly is an imperative to better manage waste—to repurpose waste first of all, but secondly and perhaps most importantly to reduce the waste we produce in the first place, because nobody likes landfill and certainly not the emissions that flow from that. As part of that, certainly the imperative to drive much better outcomes and really a truly circular economy has really required strong regulation, and so we are cumulatively ensuring that we have stronger management of waste and recycling in our state for very, very good reason.

I did want to just touch on a couple of points that have been raised today. One of them is—and I am going to be a little liberal in my language—this idea of not capping thermal waste to energy. I find that perplexing at best and actually troubling, very troubling, at worst, and I will say why. I have heard the opposition suggest, 'Oh, we should look to Europe and learn from them'. Well, yes, we should learn from them for good reason, and I will tell you why: because we have seen what happens in countries

where investment in waste-to-energy facilities is encouraged without regulation. These costly plants are built which require a constant, ongoing feed of waste in order to remain profitable, and now countries like Denmark are importing waste from other countries just to fuel their plants. This is not the future. I put it to you this is not the future we need or want for Victoria, and we do not have to have that. Today, passing this bill as it is, in the state that it is in, is the best way to protect against that kind of outcome, because there would be a further penalty for us all if we were to allow that to happen, and that would be that this would drive up our CO₂ emissions—this is what they have found in Europe—and it would be a significant obstacle in achieving our climate change targets. So let us not go down this road. Let us pass the bill with appropriate and strong regulation for the betterment of all Victorians.

The other thing that I did want to allude to is that part of the tighter regulation is ensuring that we have cleaner waste streams, because that then enhances the repurposing of waste. We know that if you, for instance, separate out glass from cardboard and do not let the shards get into that cardboard, both of those different waste properties, so to speak, can then be repurposed in a much more efficient way, therefore reducing landfill. And we all know that there is a big imperative to do that.

I should say, as it stands two-thirds of Victoria's emissions from the waste sector result from the decomposition of organic material in landfill, and that is a travesty. This is something that we absolutely can turn around, and this is certainly built into our circular economy policy. I am someone who grew up with parents composting from when I was a little kid, learning the benefits of actually repurposing organic material in the best way possible and having worm farms—and now locally we have got the green bins et cetera, but we are going a further step with that because we are making sure that it is truly accessible across the state.

Having that central body, Recycling Victoria, enables us to truly streamline those waste systems and make sure that we truly repurpose the organic matter in such a way that is beneficial to our environment and not toxic to environment. The four-bin system, on that count, will make a huge difference to our environment. Giving Victorians access to a combined food and garden waste service will divert up to—get this—650 000 tonnes of organic waste from landfill each year, and that will in turn significantly reduce our state's greenhouse gas emissions. That is a very exciting proposition. You can tell I get very excited about repurposing waste but also reducing waste in the first place. I just know there is so much that we can do here—we are already on track to do so—but let us pass this bill as it is to make sure we do not have this sort of uncapped thermal waste to energy. That is not the way to go for Victoria.

Finally, analysis has proved that the Australian recycling sector creates 9.2 jobs for every 10 000 tonnes of waste managed as opposed to going to landfill, whereas sending material to landfill creates only 2.8 jobs. This government's waste and recycling reforms will create nearly 4000 new jobs, and this is exactly what our Andrews Labor government is all about. One, we are tackling climate change directly—we are making sure that we repurpose waste appropriately but also reduce the waste that we produce in the first place—and we are creating jobs at the same time.

Dr RATNAM (Northern Metropolitan) (16:57): I am pleased to have the opportunity to comment on this bill, which is the latest piece of legislation from the government on reforming Victoria's waste system. I acknowledge that this bill introduces several governance and administrative reforms to improve the coordination of waste recycling and provides for the creation of the consolidated Victorian recycling infrastructure plan. These are reforms that the Greens support. However, I will focus my contribution on one concerning part of the bill that warrants more attention.

As we began this term of Parliament, Victoria was facing a serious waste crisis. Successive governments had failed to invest in a local waste management system, instead defaulting to the short-term solution of shipping our waste overseas and forgetting about it. When China stopped accepting our contaminated waste in 2018, our lack of any local recycling infrastructure sent the system into crisis. Recyclables were stockpiled in warehouses, posing serious fire risks. In fact at multiple

warehouses we saw stockpiled recycling go up in flames, spewing toxic fumes into the air. Many councils were forced to send recycling trucks to landfill.

In 2019 the Greens initiated a parliamentary inquiry into Victoria's recycling and waste management system. This landmark inquiry found that our lack of any long-term planning for waste management in this state meant that the system was in dire need of broadscale reform. While the committee made a number of important recommendations for reforming our recycling and waste management system, some of which the government has now adopted, it did not go far enough when it comes to the types of transformation we need to create a long-term sustainable waste system founded on principles of recycling, re-using and reducing. The final report had one glaring omission: it failed to properly describe waste incineration as a threat to the development of a genuine circular economy. In my minority report to the inquiry I noted that:

Waste incineration has the potential to undermine recycling in Victoria and that Victoria is unprepared to deal with over 500,000 tonnes of toxic and other ash by-products that will be produced per annum if all proposals currently tabled proceed.

The Greens call for an urgent moratorium on new waste incineration plants in Victoria until 2030 to ensure that the full environmental and public health impacts are properly investigated. So it is really disappointing today to see this bill putting us on the path to a local waste incineration industry. Waste incinerators are expensive to build and expensive to run. They rely on a dedicated waste supply, which means that by signing contracts for new incineration plants we are basically agreeing to generate enough waste to fuel the plant for its lifetime. For example, a proposed waste-processing facility in our south-east, which would likely involve incineration, asked participating councils to commit to supplying minimum levels of waste over a 25-year period. Many of these councils were rightly outraged. At a time when we are trying to reduce the amount of waste we produce and encourage more re-use within a circular economy, guaranteeing a stream of waste in order to fuel a power plant is hypocritical.

I know that the government will claim that they are addressing this problem in this bill, as the bill caps how much incinerators can burn in a year, but this cap, which the government is setting at 1 million tonnes, is far too high. It also exempts projects that could burn a further 600 000 tonnes, meaning we could see up to 1.6 million tonnes of rubbish burnt in Victoria every year. The government's proposed cap is more than all of the landfill waste collected from all of the household wheelie bins in Victoria in a year. This is not providing the necessary framework for a culture of recycling and re-using but is doubling down on incentives to produce more waste to burn.

I will be moving an amendment in the committee stage to limit the capacity of any incinerators licensed under the bill to just 50 000 tonnes per year. This amendment would put a stop to incinerators becoming an industry in Victoria so that we can commit to developing a genuine circular economy. I am happy for those amendments to be circulated now.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: The last thing Victoria needs is an incineration industry. If we run out of waste, then the incinerators will need to find somewhere else to get the fuel the plants need. In Europe many countries have started to turn their coal-fired power stations into waste incinerators, which generate energy from biomass. But these biomass projects burn wood pellets that come from logging South American forests and from logging forests here in Australia—and they call it renewable energy! We are logging our own precious forests to create enough fuel for these plants to burn.

Here at home in Victoria Alinta Energy's CEO has indicated he is considering turning Loy Yang B into a biomass incinerator and is looking at the European models as an example. Such a move risks condemning our native forests to even more destruction and is totally unnecessary when we can produce enough solar and wind energy to power our state. Thankfully the current Victorian government has exempted burning native forests in incinerators from its definition of 'renewable

energy', but if Victoria allows large-scale incinerators to get up, the pressure on future governments to find more and more material for them to burn will only increase. The dying native forest industry is looking for ways to limp along, and incinerators must not become its lifeline. Our native forests are worth much more to us thriving than burning.

Let us not create an industry that becomes hungrier for things to burn, including our forests. The Greens support other aspects of the circular economy and other matters bill, but as my colleague in the other place put it, we 'do not want the circular economy or our plastics to go up in smoke'.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (17:03): I am pleased to make some remarks this afternoon on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. I must say, listening to the contributions of Dr Ratnam and Mr Hayes, you are left with the feeling that nothing is ever good enough. No matter what is proposed, for Dr Ratnam it is not good enough. And hearing Mr Hayes speak about waste to energy, the fact that it may not be perfect is an argument, in Mr Hayes's view, to not do it at all. I guess if you are in the situation of not having to implement the positions you put, not having to deal with the realities of the situation with waste in Victoria and Australia, you can hold those views—that if an option is not perfect you should not do it. But the reality is that this Parliament and the government have to deal with the waste situation as it is in Victoria and Australia, and that means implementing solutions which may not be perfect, as with most public policy areas that we deal with. We do not have the luxury of waiting for the perfect solutions; we need to work with the solutions that are available to us now.

I found ironic in the title of the bill the reference to the circular economy. The government likes to put the good bit in the title of the bill to mask the fact that what we have actually seen in the area of energy and waste management from this government is essentially incoherent policy. We have seen incoherence in energy policy, where the government has taken the position essentially of, 'Let's shut down our existing sources of energy before we have in place adequate sources of energy to replace them'. In many respects the approach on waste is the same, and I am sure that it is no coincidence that the minister is the same, because we see the approach this government has taken to waste management being one essentially of making it harder and harder for people to use landfill. We have seen a substantial decline in the number of landfills available, both licensed and unlicensed, in Victoria over the last 20 years. We have seen a substantial consequential increase in the cost of using landfill, with a rose-tinted view that this will mean everyone will recycle, and of course that has not been the reality. What we have seen as the cost of using landfill has gone up is increased dumping of waste and rubbish on the sides of roads and in other areas, particularly on the outskirts of rural towns.

The government's view seems to be one of, 'If we close landfills, people simply will not generate waste', and that has not been the case. We saw—and Dr Kieu spoke about this in his contribution—the issue we had with recycling two years ago, where the recycling system in Victoria collapsed and we saw 60 per cent of material that was put into recycling bins end up in landfill. That sent a very strong message to the Victorian community around the lack of importance the government placed on recycling, because the knowledge that 60 per cent of material going into recycling was initially stored and then dumped in landfill sent the message that recycling was not important at the retail level. We have seen an increase, consequently, in the level of mixed content going into recycling bins—content which cannot be recycled and subsequently needs to go to landfill. Of course the government's policy of mandating more and more bins, splitting the waste stream into four streams at the household level, is only going to lead to that problem being exacerbated, because with four bins you have got a 75 per cent change of putting the material in the wrong one. We are likely to see, with the introduction of the fourth bin, that becoming a larger and larger problem—waste being put into the wrong bin. I think it was Mr Hayes who spoke about the fact that many of these bins are indistinguishable in the way in which they are labelled.

One of the opposition's key concerns with this bill—and Mr Davis spoke about it in his contribution—is the intent to cap the volume of waste which can go to waste-to-energy plants. We actually see waste to energy as a viable way of managing the waste stream in Victoria. It has been used very successfully

in the United States and very successfully in Europe for decades. Mrs McArthur in her contribution spoke about visiting plants in other jurisdictions where modern incineration technology has been used to manage waste to generate energy in a way which produces very few emissions and deals with a growing waste problem. By putting a cap in place with this legislation the government seeks to basically undermine that sector, that possibility, before it gets off the ground. We know that it is an industry sector which needs to operate at scale. If it is to be successful, the waste stream going to waste-to-energy facilities needs to be at a viable level, and artificially capping that simply risks undermining the viability of any plants which may be built.

Ms Bath in her contribution spoke about the Australian Paper plant which is being built at Maryvale. It is a substantial investment by Australian Paper to reduce its reliance on third-party energy supply and to create an ability for that facility to produce its own energy to meet its own requirements for the paper processing plant. That plant, at the scale it is going to be built, will require around 325 000 tonnes of waste to operate at full capacity. That is around a quarter of the rubbish stream, the waste stream, from domestic households in Victoria; when you take out the recyclables, the garbage stream that is left is around 1.2 million tonnes. That plant at Maryvale needs around a quarter of that to be viable. That indicates just how significant the waste stream is that is required to make plants like that viable, and that is simply to provide power to Australian Paper. So artificially capping the total volume of waste which can go to plants risks undermining the sector before it even gets up and operating. And given we are seeing problems with landfill and ongoing problems with recycling, the government's decision—the government's intent to handicap waste to energy before it gets off the ground—is absolutely regrettable and a decision that this side of the house does not support.

I would like to turn to the issue of the management of landfills and one which in particular has become of great concern and frustration to constituents in my electorate, particularly at Hampton Park. The Hallam Road landfill is a long-term landfill which is reaching the end of its life, is reaching capacity. That facility has existed, as I said, for a number of years in that area, and increasing frustration has been experienced by the residents of Hampton Park due to the EPA's unwillingness or inability to manage the oversight of that landfill.

There are a number of conditions in place for the operation of that landfill related to issues such as water run-off, litter, noise, odour—all the sorts of things you would expect to be regulated in relation to a landfill—but the EPA and the minister responsible for the EPA have consistently failed to ensure that the EPA is providing oversight of those terms and conditions under the operating permits. Numerous neighbours to that property have raised concerns about particularly issues like run-off and litter on adjoining properties which are used for farming, and the EPA has failed to uphold the permit conditions and the minister has failed to uphold the permit conditions. And while the government acts in such a way, while the EPA fails to do its job, facilities like the one in Hallam Road will continue to be of concern to the local community, and that will make it increasingly difficult for the government to find waste solutions which are acceptable in any community where they are located. If the community cannot have confidence that the EPA will do its job in upholding permit conditions around environmental matters at waste facilities, why would any new community have any confidence that a facility the government wanted to put in place in the future was going to be properly oversighted?

We have seen in the last few months further moves in relation to the Hallam Road facility, with a proposal via the City of Casey, with the imprimatur of the Victorian government, for that facility to become a transfer station. That is at odds with the expectation of the local community, who believed that that landfill was coming to end of life and would become public open space at the end of its life and are now being told that it will become a transfer station. The minister has, I understand from one of the local papers, asked the City of Casey to extend its consultation period in relation to that matter, presumably so it can be delayed until after the election so that the minister does not have to make a final decision on it prior to the election, but that has come absolutely out of the blue for the local community, who expected that facility to close and expected that land to become public open space.

Again, it highlights the way in which community expectations are not being met and the reason why the government will find it increasingly difficult to address the waste issue through the creation and construction of new facilities—because the community will not have confidence in them. Unless they can get their house in order and manage existing facilities appropriately—oversee existing facilities appropriately where they are operated by the private sector—the community is not going to have confidence, and that is going to be an ongoing problem.

We do not oppose this bill. We do have concerns about the way in which the government seeks to arbitrarily cap the refuse flow to waste-to-energy facilities. We believe that undermines their future viability and undermines the capacity of this state to manage its waste into the future. We will therefore be seeking to make an amendment when the bill gets to committee.

Ms WATT (Northern Metropolitan) (17:16): I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. It is a bill I am very happy to be speaking on as it reinforces the Andrews Labor government's commitment to creating a circular economy and a strong recycling system that limits waste in our state. Time and time again we have seen strong environmental legislation brought to our Parliament by the relentless and tireless Minister for Environment and Climate Action and Minister for Solar Homes, Lily D'Ambrosio, and this legislation is just the latest in her steadfast commitment to the Victorian environment as minister. Victoria is now leading the nation in environmental action and emissions reduction. Ever since we came to government in 2014—strongly and ably led by Minister D'Ambrosio—we have worked every single day to deliver climate justice in Victoria.

Only Labor can deliver a circular economy that Victorian households, business and industry can rely upon. We do not just talk about taking action, we get results. We are delivering the largest and most extensive transformation and reform of the state's waste and recycling sector in Victoria's history. These reforms will divert 80 per cent of our waste away from landfill by 2030. Not only is this sustainable and will cut down on our state's waste but it will create good local jobs for Victorians. Indeed it was only a fortnight ago that this government co-announced, with the new federal Albanese government, funding to boost Victoria's recycling and remanufacturing of plastic, paper, cardboard and tyres. It is part of the Andrews Labor government's unprecedented \$515 million investment to deliver our transition to a circular economy. This will support the creation of more than 3900 Victorian jobs, deliver on our climate change targets and ensure that Victorians, our businesses and vital industries have a recycling system they can rely on.

This is in stark contrast to the Greens, who might say that they support the circular economy, but two weeks ago in the other place the Greens' position on waste to energy was to have none in Victoria. They proposed an amendment to that effect. This week their amendment seeks to place a cap at 50 000 tonnes a year. Victorians might rightly be asking themselves what position the Greens will take two weeks from now. Modelling shows that waste-to-energy facilities usually have less emissions than landfills. It is simple science. Methane is more than 25 times as potent as carbon dioxide at trapping heat in the atmosphere. Landfills release methane, and burning that methane turns it into carbon dioxide, which is significantly less harmful, not to mention that by burning that methane for energy you are feeding back into the grid and displacing other non-renewable energy sources—aka, we burn less coal.

The Greens might say they fully support a circular economy with no material going to landfill or waste to energy, but as is usual, that is not the world we live in. Victorians send over 4 million tonnes of material to landfill each and every year. While our government is making great strides to reduce that figure with over \$102 million in grants allocated to support new and developing recycling technologies, this will not happen overnight. In the meantime landfills are filling up, and that rubbish needs to go somewhere. Waste to energy has its role to play, and our government has always said that it is better than sending things to landfill. While we do not support letting it develop completely unregulated, as we have been clear, a 50 000-tonne cap would effectively prevent any new waste-to-energy plant from coming online in our state. The Greens have not properly consulted on this policy.

This is evidenced by the fact that they have changed their minds in the last two weeks. Unlike the Andrews Labor government, they have not held months of industry and community consultations and forums to ensure that we get policy outcomes that create the best outcomes for the Victoria of today. I would question whether they have thought about the many complexities associated with this number, which to me was seemingly plucked from the air.

Would that 50 000-tonne cap licence be allocated to just one boutique operator? How would the financials stack up for that operator? How would that single facility be located and where would it go? How many trucks would it take to transport waste from all over Victoria to that one single facility? What will be done with the non-recyclable waste currently going to metropolitan landfills that are currently scheduled to close within the next few years? And do they support building new landfills across suburban Melbourne? None of this is surprising. The Greens just truly do not support a just transition across any sector. They ask for power stations to be closed overnight with no thought to the thousands of jobs that would be lost, the necessary upgrades to transmission lines that would need to be completed or the fact that the lights simply would not turn on.

Dr Ratnam: On a point of order, Acting President, I just want to clarify. I understand that the member has misinterpreted my amendment. I just wanted to bring her back to the actual amendment, which is not what she is representing in terms of one plant across Victoria. I am just confused about the representation.

The ACTING PRESIDENT (Mr Gepp): There is no point of order. The member is obviously interpreting the amendment as she sees it.

Ms WATT: They might want to wave their magic wands, but we know that any reform is only possible if you bring the community with you. That is the foundation of our waste industry reforms and that is the foundation of all of our government reforms. We set ambitious, achievable goals based on sound public policy, and we bring the community with us. By contrast, our government has a 10-year plan to address the urgent challenges in the recycling sector and make fundamental changes to prevent those issues from recurring. Under our plan *Recycling Victoria: A New Economy*, we are committed to overhauling our household recycling services and introducing a four-bin system and a container deposit scheme to improve the value captured from the materials we recycle. We also committed to the establishment of a new government body, Recycling Victoria, which began operating on 1 July this year.

Recycling Victoria: A New Economy sets out four ambitious targets for improving our state's recycling system. These are:

Divert 80 per cent of waste from landfill by 2030, and an interim target of 72 per cent by 2025.

Cut total waste generation by 15 per cent per capita by 2030.

Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20 per cent reduction by 2025.

And lastly, the plan will:

Ensure every Victorian household has access to food and garden organic waste recycling services or local composting by 2030.

The plan also includes a commitment to address plastics pollution. In February 2021 our government announced a ban on specific single-use plastics as part of our delivery of this commitment, and under the Recycled First initiative all major Big Build rail and road construction projects are optimising their use of sustainable and re-used materials. Recycled aggregates, glass, plastic, timber, steel, ballast, crushed concrete, crushed brick, crumbed rubber, reclaimed asphalt pavement and organics are all being used in place of new materials on major road projects. 190 million recycled glass bottles are being used in the \$1.8 billion western roads upgrade; more than 400 000 tonnes of high-grade recycled content have been used in the western roads project; and another 200 000 tonnes of recycled materials have been identified for use in the M80 ring-road, Monash Freeway and South Gippsland Highway

upgrades. In fact in a world first, noise walls along the Mordialloc Freeway will be made from 75 per cent recycled plastic, including milk and soft drink bottles and soft plastics like bread bags and food wrappers in what should be marked very publicly as Australia's greenest freeway.

Closer to home, Australia's Melbourne Zoo also takes sustainability and recycling very seriously. The CEO, Dr Jenny Gray, showed me during a recent visit the vast amount of materials diverted from landfill under their waste management scheme. I was truly amazed to find out that Melbourne Zoo has managed to recycle materials as far and wide reaching as animal manure, food waste, garden waste, animal bedding, sludge, comingled waste, food and cardboard, soft plastics, hard plastics, polystyrene, electronic waste, chemicals, mobile phones, office supplies and cartridges. In total that equates to 88.5 per cent of all materials used at Melbourne Zoo being recycled. Not only are they leading the way in protecting endangered species, but they are also a profound community role model in sustainability and contributing to a circular economy in our state. Next time you head to the zoo do not forget to take your old mobile phone with you, the one that you do not use any more, and help give back to our beautiful, beautiful animals.

There are countless more organisations in my community that are making important contributions to the circular economy. I recently met with the CERES CEO, Cinnamon Evans, as well as the chair of the board, Andrew Hewett, at their iconic environmental precinct in Brunswick East to discuss their plans to expand their environmental work, including education for school groups in recycling initiatives. CERES—oh my gosh, it is just so good, and it is a great example of a community and social enterprise that provides environmental education and sustainable food production and, importantly, is a leader in recycling and reducing waste.

Going back to the bill, it specifically implements a waste-to-energy scheme which caps the processing of certain types of waste at facilities using thermal waste-to-energy methods. Waste to energy involves turning waste materials into heat or electricity. After waste avoidance, re-use and recycling, waste to energy is the final opportunity to get value from materials that would otherwise go to landfill. The bill will also make amendments to the Environment Protection Act 2017 which will equip the EPA and local government with the powers to effectively undertake their regulatory functions under the Environment Protection Act 2017, such as enabling the EPA and councils to appoint third parties as authorised officers. Other amendments will mitigate the risk of liquidators avoiding clean-up costs. The bill will also amend the Environment Protection Act 2017 to allow Recycling Victoria to receive funding from the waste levy collected under the act.

Recycling is one of the primary ways most Victorians engage with sustainability policy. Everyone puts things in the bin, and when people put things in the recycling bin, they want to do so with the confidence that those materials will actually be re-used or repurposed. We know that an industry as large as the waste and recycling industry requires strong regulation. Until 1 July this year there had not been one central body responsible for this regulation. Our government changed that by creating Recycling Victoria, a body responsible for overseeing and providing strategic leadership to the sector. This bill includes important reforms that will allow Recycling Victoria to provide that necessary leadership and guidance. They will have the powers to oversee, to anticipate and to mitigate risks to the stability of local waste and recycling markets.

Since the passage of the Circular Economy (Waste Reduction and Recycling) Bill 2021, which established Recycling Victoria, we have continued to develop reforms, including enhanced statewide infrastructure planning and a cap on thermal waste-to-energy processing in Victoria, and these reforms require further legislative change. This infrastructure planning will allow Recycling Victoria to mitigate risks to the industry in order to avoid another crisis like the one in 2019 as well as create efficiencies in the market to ensure it is operating at its very best. The cap on thermal waste-to-energy processing in Victoria will ensure that we do not create an over-reliance on this technology in Victoria. Wherever possible we will seek to maximise our recycling of materials. Waste-to-energy facilities are an important alternative for residual waste, aka that waste that cannot be recycled.

The reforms in this bill build upon the important reforms that the government has already achieved, including our reforms to kerbside waste collection. By 2030 all across Victoria, no matter where you live, every household will have access to four separate waste stream services: food and organics, glass, commingled recycling and residual waste. For most households this will come in the form of four bins. Each bin will have a standard colour, and the rules about what can and cannot go in each bin will be standard across the state. So when you head down the coast on a holiday you will know that you can recycle all the same products as you can back home with confidence. And on bins, I know that many residents of the Greens-led Yarra City Council will be hoping there will be a return to weekly recycling bin collections after they were cut by the then Greens mayor, Gabrielle de Vietri. My office has been contacted several times over this issue, and I am hopeful that the council will listen to the concerns of residents.

This four-bin system is special. It will make a huge difference to our environment, giving Victorians access to combined food and garden waste services which will divert up to 650 000 tonnes of organic waste from landfill each year. That will, in turn, significantly reduce our state's greenhouse gas emissions. As it stands, two-thirds of Victoria's emissions from the waste sector result from the decomposition of organic material in landfill. Delivering these waste reforms is a key part of our state's ambitious climate change strategy—the strategy that stands side by side with global leaders on climate change as we make good on our commitments under the Paris agreement.

A separate glass bin will mean that the quality of our recyclable materials will be vastly improved. Glass creates problems when mixed with other recyclables in a bin and in collection trucks because it often breaks and becomes embedded in plastics and paper, making it harder to recycle and ultimately of a lower value. When we separate out our glass, both the glass and the rest of our recycling in our yellow bins will become much more valuable for industry to re-use. We are constantly working with industry to promote investment and innovation when it comes to recycling, and this bill reflects those efforts. I commend it to the chamber.

Mr LIMBRICK (South Eastern Metropolitan) (17:30): I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. We like to feel good, and often one of the easy ways to get some of those good feelings is to feel like we are doing good, to feel like we are teaching our children to do the right thing. Before 2019 this is probably how many families felt when they were recycling, carefully sorting items into the appropriate bins and feeling like we had made a meaningful contribution to the environment. The sad truth, though, and to some extent it was a global truth, is that much of this recycling was simply waste that was being shipped off to China mostly not to be recycled. So we felt good, but we likely achieved less than nothing. For much of this waste we would have been better off with it just going to landfill or better yet a waste-to-energy plant rather than expending energy and CO₂ emissions to send it to China for it to end up being incinerated or dumped into the Yangtze River and converted to microplastics in the oceans.

Thankfully this bill opens up a better framework for the establishment of waste-to-energy facilities in Victoria. It is far too late, but we have finally got here. While it is clearly a sensible idea to convert waste that is difficult or expensive to recycle into energy, you have to wonder if we might have arrived here earlier if the government had just thought to rebadge it as the circular economy from the outset. It is one of those feel-good, fuzzy kinds of titles for a bill, the circular economy bill. It brings to mind phrases like 'We've come full circle' or the 'circle of life'. Certainly in the other place there were plenty of feel-good vibes not just about the bill but the bill title as well. But what does the bill actually do? Is it all that much? Or is it just another fuzzy illusion to make us feel good that we are doing the right thing?

Before we get to the details in the bill, let us just reflect a little bit on some of the lessons from the recycling crisis that we endured from 2017. As with the toxic waste associated with the production cycle for much of our weather-dependent energy technology—out of sight, out of mind—our recycling was happily sitting in massive stockpiles in China or in warehouses and on industrial sites around Victoria. But then some of these Victorian stockpiles caught on fire from 2017 onwards. This

was not only dangerous but also a complete waste of energy that could have been harnessed. And worse, China decided that it did not want to be the dumping ground for the virtuous illusions of Western nations and banned the import of this waste. This set off a cascading set of events that led to increased stockpiles of waste in industrial areas around metropolitan Melbourne, several more fires at some of these places spewing out toxic fumes and the collapse of SKM Recycling, all leading to a crisis in local government as they scrambled to find a solution to waste management. By the time this all played out, tens of thousands of tonnes of compressed kerbside waste had been sitting in shipping containers for nearly two years and was completely contaminated and unsuitable for recovery. If only we had had some high-capacity waste-to-energy facilities at the time, but alas it went off to South Australia to be dumped in landfill.

2019 can seem like a distant time and place with everything that has transpired over the past couple of years, but it is notable that the first item of business before the Legislative Council Environment and Planning Committee was a comprehensive inquiry into recycling, which took up much of 2019. It would be fair to call this inquiry comprehensive, with over 700 submissions and many days of hearings. As reflected in the committee report, the government and the regulators had been asleep at the wheel, with a lack of planning and infrastructure investment despite clear signals that the Chinese government was shifting towards restricting the import of contaminated recycling. To be fair to this government, they were not alone in leaving this policy area on set and forget.

Other key findings of the inquiry included that there was widespread confusion about what could actually be recycled. Our attempts to be good environmentalists probably decrease the amount and efficiency of recycling. This is due to another key finding: that contamination was a significant impediment to more successful recycling. Several recommendations related to policy uncertainty around waste-to-energy facilities. This is important to provide certainty to investors and local governments. My colleague Mr Quilty has made me aware of at least one proposal from Bendigo shire to develop a small, modular waste-to-energy facility to deal with their municipal waste. They also expressed frustration that the funds from the government's landfill levy have not been made available, particularly for regional projects like this one.

Here we come back to the contents of this bill. It follows on from previous legislation, and while it makes several small changes, perhaps the most significant is establishing a framework for incorporating waste-to-energy facilities into Recycling Victoria and broader waste plans. Importantly this does include thermal waste-to-energy facilities to ensure that, if materials cannot be reclaimed, at least the energy embodied in them can be. It is about time. This bill does however propose a cap on these licences, with the stated concern being that building to capacity could result in stranded assets if rates of waste going to landfill decline, as some other jurisdictions have experienced. This concern should be balanced against the ability of the market to analyse their own investment risk and the problem of setting the cap so low that it guarantees more waste going to landfill when it might be better used generating energy. There is also the issue of border regions, where a facility may be negotiating with local governments both in Victoria and in another state and the capacity constraints would not be determined solely by the amount of Victorian landfill waste.

I would however like to thank the Minister for Environment and Climate Action for personally briefing me and my colleague Mr Quilty on this bill. Ministers often leave this task to senior advisers, so that was appreciated. I would also like to thank her office for responding to some follow-up questions. The bill exempts waste-to-energy projects that are already operating or have planning approvals. I was curious to know how many of these there are, what their operating capacity is and what percentage of Victoria's current landfill this represents. The response that I received from the minister's office is that there is currently one plant in operation and three that have planning approval. The combined operating capacity if they are completed as proposed would be just over 1 million tonnes out of a total 4 million tonnes of waste that goes to landfill every year. This is a good start, and it is encouraging that we are moving forward and starting to get a handle on waste management.

I believe there are amendments from the opposition and the Greens, one proposing to remove the cap on licences and one proposing to restrict the capacity to 50 000 tonnes. I will be supporting removing the cap. It is not the government's role to manage investor risk, and if we reduce waste in Victoria and they have the capacity to seek waste from elsewhere, isn't that better than it going to landfill there? We could utilise the energy here. As far as the amendments from the Greens go, this is perfectly in line with the Greens' vision of society—devoid of any interaction with economics, where housing appears by magic, we drive Teslas and society is powered by unicorns. In an ideal world, maybe we would all reduce our waste to one wheelie bin per month, products would have perfect re-use and nobody would ever drop their litter on the ground. But we live in this world, and sometimes a decent solution is better than a perfect one.

In 2019 I asked the then minister for the environment what they were planning to do with all of the used and broken solar panels when the proposed e-waste landfill ban came into effect. It turned out the government was funding the construction of 121 sheds to stockpile them while they figured out a solution. Presumably they are still in the sheds. I do not know if there is plan for how to handle decommissioned wind turbines, but this was a challenge identified in the federal Parliament's inquiry into recycling, with the last recommendation suggesting that the federal government work with state governments to establish a plan. Hopefully it is a bit better than sticking them in a big shed until someone figures it out. I note that some European countries are actually shredding them and using them in waste-to-energy facilities, but this brings us back to the tension between feel-good solutions and real ones.

If we really wanted to come up with energy and climate change solutions, we would be giving serious consideration to nuclear. It might not perfectly fit into this idea of a circular economy, but perhaps it is better than our current weather-dependent technologies, which need to be replaced every 20 years or so. We know how to manage the waste, very little is produced and we know how to safely store it.

Back in 2019 the government passed a bill to ban plastic bags, or at least that is what was promoted and reported. It did not really ban them though; it simply mandated that they be thicker and larger so that they could be re-used—allegedly. I am not sure if the trendsetters in Melbourne's north realised when they were congratulating themselves for how responsible they were being by staying home during the pandemic and having Uber Eats deliveries that, rather than the old polyethylene plastic bags that required very little energy or materials, these deliveries now come in very thick paper bags; as I discussed at the time, it is just about the most resource-intensive way to create a bag for deliveries.

The minister confirmed at the time that there was no auditing or review process to actually assess whether the ban achieved any significant environmental outcomes. It was just about the vibe of it. While I am generally supportive of this bill, as it does create a framework for further expanding waste-to-energy facilities, I am concerned about the idea that we may keep chasing fluffy ideas with diminishing returns and unknown secondary effects.

I know that several members in the other place have mentioned this company, but it would be remiss to conclude this speech without acknowledging one of the most successful companies in this state at creating profitable and effective solutions for resource recovery. I had the pleasure of touring the facilities of Alex Fraser Group before the pandemic as they were seeking support for ensuring that they had operating certainty at their Clarinda facility in my electorate. My office reached out to them for an update in preparation for this bill, and it is encouraging that their licence has been extended for another 10 years. This company has managed to create a competitive business recycling glass and construction material for road base and asphalt.

Perhaps when I drive down the new Mordialloc Freeway extension I will enjoy some of those good vibes, knowing that it was made from recycled materials—not only that, from a company that, while receiving some small grants from the government, seized a market opportunity to create a needed product that was not just environmentally friendly but market competitive. While the former Minister for Roads declined my suggestion to rename the freeway as the TISM freeway, I will forever know it

as the TISM freeway. Maybe I will throw on their 1996 single *Garbage* with the fantastic cover that states, 'This is garbage. Don't recycle it'. I will close with some lyrics from that single:

Now I know that we should separate our garbage
The environment will give us thanks
It's going too far when teenagers recycle
Their parents' adolescent angst

I commend this bill to the house.

Dr CUMMING (Western Metropolitan) (17:42): I rise today to speak on one of my favourite topics: waste. It is something that I brought up in my inaugural speech. It is something that I have been extremely passionate about for the last 25 years, and in my 21 years in local government I sat on waste boards. In my inaugural speech one of the things that I said I really wanted to achieve in my time here in Parliament was to have some waste solutions for the whole of Victoria. I have had some success, being that in 2019 I brought a motion around organic waste and I sat on the committee that looked into this. I was not on any committee until that committee that sat in 2019, and I was encouraged to go on as a participating member because of my waste knowledge and was then able to happily see what actually came out of that. There were so many groups that I knew of at that time.

But I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. This bill amends a number of acts to include a new thermal waste-to-energy scheme, to deliver a new recycling infrastructure plan and a risk framework and to provide new compliance tools and better information sharing, and these are things that I have raised many times. You have 79 councils with 79 ways of educating the community. It has to be a statewide plan. It has to include statewide education, which over this time, with my personal push, has actually occurred. My other push was obviously for waste to energy, which I am glad to see.

The environment and waste management are longstanding passions of mine. I have been on waste boards for 20 years, and when I was on council various state governments consulted me regarding the solutions to the waste problem. But throughout that time I was very critical of governments in the past not making waste and recycling a priority. It has been a first within this house to see some of the concerns that I have had for 25 years being actually addressed. But I must say a lot of these reforms are still not occurring as quickly as I would like them to occur. I know the reforms cannot be implemented overnight, but some of these have been a long time coming.

In June 2019 the Victorian Auditor-General tabled a report in Parliament about recycling, recovering and reprocessing resources from waste, and in this report the Auditor-General was highly critical of the government's arrangements and the fact that there was no overarching statewide policy governing recycling and waste management. The Auditor-General considered that the statewide guidance was unclear, that there was limited implementation of the statewide strategies and that gaps existed in statewide waste management instruments such as relevant plans, strategies, policies and regulations. So it appears that this government has taken over three years to actually do something about it, to consolidate a plan and be prepared.

In November 2019 the Environment and Planning Committee, which I sat on, tabled a report on the inquiry into recycling and waste management. Four of the recommendations in the report were about waste to energy. The government's waste-to-energy policy was published in February 2020. In November of 2021 the Victorian waste-to-energy framework was released as part of a Recycling Victoria policy, yet here we are at the end of August 2022 and this government is now bringing the legislation to introduce a waste-to-energy scheme.

We have been waiting for our container deposit scheme to start. That was announced in April last year, and we are to wait until sometime next year. Almost 56 per cent of waste in your average red-lid bin is food waste, yet we have to still wait until the end of 2030 for a food and garden organics service. It is still going to be a long time in this government's eyes. It is just not good enough. We need action

on the environment and on waste now. We do not want to have to keep waiting around for years for this government to deliver on what has been announced. It has shown that this government has not made waste a priority. They could have actually pulled the trigger to get any of these things to happen through this time, and they have not. They have waited until the last minute and will still have targets—till 2030—for years to come.

I will not accept the excuse of the pandemic as a reason why all of these policies have not been done. If anything, this pandemic has shown that this government still has not made waste a priority. During this pandemic they were happy for people to walk around with surgical masks even though we knew that the N95 mask was the mask that actually stopped this virus. We have had litter continually for the last three years. We have got face masks everywhere. You cannot walk around Victoria at this time without finding a dirty surgical mask on the ground or a cloth mask on the ground—both masks absolutely useless through this pandemic. And it is sad, because at times when I have brought this issue up over the last three years I have been told, ‘Oh, no, haz waste is somebody else’s responsibility. Even though we’re handling the pandemic, we’re not going to provide hazardous waste bins throughout the community for the community to actually put away their surgical masks, to have good handling of this medical waste’. They virtually encouraged people to throw them in, hopefully, either a bin or their home bin, but it would seem that that never really occurred because this government did not put hand in glove in the way of making surgical masks, medical waste and hazardous waste priorities at the same time. It was another mismanagement throughout this pandemic. There will be others in this room that will espouse that they are all about the environment and not using single-use items but would happily use a lot of these single-use items that were useless as well as not push for the proper disposal of these items.

I feel like I have been the only voice in this chamber who has said that over the last three years, but if I am wrong, please get up and say, ‘No, Dr Cumming, I too pushed regarding the single-use surgical masks that are in every single gutter, on every single beach, in every single park and in every single place around Victoria’. Our beautiful Victoria has been littered with these useless surgical masks as well as these useless cloth masks. You do not see too many of those N95s disposed of incorrectly, but take a photo and send it to me; I would love to see.

I have also brought up in this place the importance of waste to energy and how other countries around the world have done wonderful things, like in Hawaii. Hawaii has the same population as Victoria—around 6 million people. Hawaii is just an island. It does not have any holes. They have had waste-to-energy plants there for 20 years. They have also taken other steps in the way of dealing with their garbage. They have clear garbage containers, and if you are at a bin that is out in public, there is a clear plastic plastic bag over the top. Why is that? We currently just throw our street litter into a bin and there is no clear garbage bag that ties it up. It allows for dumping—when the bin is being collected or if there is spillage, that litter just goes into the street. In Hawaii they have a wonderful way of making sure that that does not happen by doing what we have promoted at home—that is, using a plastic bin liner to keep your waste in. If all the bins within the community had that, you would not have the spillover that occurs. They have clear plastic bin liners so you can see your rubbish, and you can see if you have missed something recyclable, so you can easily pull it out and get it into recycling.

Hawaii also is very clear about what containers can be recycled. They encourage all of their hotels and all of their takeaway businesses to stick to being very strict about what containers can be used that can be put into organics because they are made of paper, ‘These are the only plastics that you can use, because they can be recycled’ and, ‘These ones will be sent to the incinerator or waste to energy to be made into energy’. Obviously the ones that can be recycled are thrown on a boat, and they are taken to mainland USA for recycling.

That is how we should be doing it here in Victoria. There are lessons to be learned on proper waste to energy. We have got so much rubbish, litter, absolutely everywhere in Victoria—in our waterways, along our beaches—that we need to drag out. We need to incinerate it because it is not recyclable any more, and we have to get into making sure that when it comes to the environment and waste we are

self-sustaining here in Victoria, that we look after the waste that we create here in Victoria. We have the facilities here in Victoria that can change it into other products; that should be encouraged. But also the things that we cannot recycle or make into other products we need to get rid of in a sensible way, not just throw them into a hole and cause problems in 50 years—probably all of our holes in the ground and our waste holes will be mined in the future.

We also know that these are archaic methods. Just throwing everything into a bin and throwing it at landfill creates problems such as the fire that we have currently still burning at Barro in the west. It creates fires that seem to not be able to be put out for years. We could actually be making sure that it is not going to landfill in the first place. I will leave it at that. I am grateful that this bill has finally come to this place. I just wish that this government had made it a priority and done it a bit quicker.

Mr MELHEM (Western Metropolitan) (17:56): I also rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022, and I will be brief. I just want to start by congratulating Minister D'Ambrosio and her team for bringing this legislation to this house. That is the result of work of many years under the auspices of implementing the circular economy policy and looking at how we can recycle more and send less rubbish to landfill. The Andrews government has been working on implementing sensible policy in the past eight years to deliver an outcome where we recycle everything we produce. Part of this legislation is in a number of areas, and I had the opportunity to work on that with Minister D'Ambrosio. She convinced me to do a report on this exact issue of waste to energy some years ago and an opportunity to put that in the Western Metro Region. I produced a report for Minister D'Ambrosio, and I am pleased to see that part of that is now actually coming to this house in the form of legislation to look at making sure waste to energy is a reality. In fact one of the companies likely to be the first ones to start the process of waste to energy is in my electorate of Western Metro. I wish them well, and I am looking forward to getting that off the ground.

But I just want to make a number of points about what this legislation is about and what the Andrews Labor government is about. It is about making sure of the circular economy, like the container deposit scheme, for example, and I am looking forward to the implementation of that. I also had the opportunity to be on the Environment and Planning Committee as the chair of that committee with some of my colleagues here—Ms Taylor, Ms Terpstra and the deputy chair, Mr Hayes. We produced a report, and a lot of the content of that report now forms part of this legislation, and many other changes were adopted by this government. So we have got runs on the board.

I was pleased that Minister D'Ambrosio this morning announced that a number of councils are now adopting and we are giving them financial support for the introduction of a fourth bin to make sure glass does not commingle with paper. We are investing seriously and making sure that we move away from sending stuff to landfill. Since I came to this house nearly 10 years ago one of the biggest issues in my electorate has been sending stuff to landfill. I remember introducing a petition signed by 12 000 of my constituents basically demanding that we take action to look at how we can reduce rubbish going to landfill. This legislation, along with the other changes the government has implemented, goes a long way towards achieving that objective, because what I would like to see is us sending zero rubbish to landfill, particularly stuff which generates methane and causes all sorts of health issues. That is why I want to congratulate the minister again for bringing this legislation to this house. I think it is a great start, and it is no secret I am a big supporter of waste to energy. I think what the opposition are proposing is open slather and I think there are some problems with that, but on the other hand with the Greens basically saying 50 000 tonnes a year—God, that will never get off the ground. I think the balance is right. These things can always be up for review as time goes on, but I think it is a step in the right direction, and again I commend the minister on bringing it to the house. I totally support this legislation.

Ms MAXWELL (Northern Victoria)

Incorporated pursuant to order of Council of 7 September 2021:

I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022. I will only make a couple of short points in relation to this environmental policy and investment for regional and rural Victoria.

I had a briefing last week with Minister D'Ambrosio on this bill, as we do with all of her bills that are brought to the Parliament. I appreciate the opportunity this affords me to ask specific questions relating to the impact of environmental policy on regional Victoria, in particular my electorate of Northern Victoria, and I want to thank the minister and her staff for these conversations.

With regard to the circular economy, the Rural City of Wangaratta has a great organics processing plant that has been operating for the past two years. Its current licence allows it to process 5200 tonnes of organic material each year. The current plant has capacity to process more than double this and council is working on upgrades to take its operation to 12 000 tonnes. There is scope to further expand the facility so it benefits the whole region, by increasing its capacity to process 25 000 tonnes of organic material each year.

As a regional facility this would provide a great service to the north-east, providing a saleable product to increase agricultural productivity, as well as the environment benefit of reducing CO₂ emissions and taking waste out of landfill. During construction it would provide 10 full-time jobs and a further \$3 million to the local economy. With increased processing capacity, this would provide long-term additional employment and economic benefits through the supply chain.

In our meeting last week the minister noted the importance of this kind of innovation to achieving the benefits of a circular economy. The project will need investment of around \$8 million to achieve this expansion and I am now seeking a meeting for Wangaratta council with the government to present its business case.

More broadly than these types of specific advocacy, as regional MPs both Mr Grimley and I always push for government policy to give regard to the opportunities, benefits and impacts of policy that are specific to regional and rural Victoria.

This includes recognising the risk and impact of natural disasters such as bushfire and flood, understanding the impact of energy policy on the security and reliability of energy in regional areas, and knowing that policy directives towards large-scale wind farms and solar farms may be seen to provide opportunity but also impacts our valuable agricultural land.

Solar panels are the greatest growing stream of e-waste and how we manage them at their end of life continues to be an elephant in the room. Solar panels are banned from going into landfill, so they are stockpiling while recycling opportunities remain limited. It is estimated that more than 100 000 tonnes of solar panels will be in Australia's waste stream by 2035, and with 83 per cent of the materials not recycled, there either needs to be a cost-effective solution or a shift in policy.

Failure to complete the Murray Basin rail project to its original scope means that 800 000 tonnes of freight will go by road instead of rail every year—that's 19 million truck kilometres, and the carbon emissions and degradation to regional roads that goes with it. On the other hand, completing the plan to scope would add millions to economic productivity, manufacturing and mining opportunities, green hydrogen production and other investment prospects.

I believe that considering the economic, employment and social impacts of policy decisions on rural and regional Victoria should be embedded in our legislation. The independent member for Indi recently made some steps toward this in some amendments to federal legislation, and I have discussed with the minister what opportunities exist for Victoria to do the same.

Analysis that Derryn Hinch's Justice Party had done by the Parliamentary Budget Office last year showed that regional Victoria is at least 11 per cent worse off than our metropolitan counterparts when it comes to asset investment. Earlier this year I called for regional impact statements to be included in the annual budget process, and I believe there are opportunities to embed this across all policy and portfolio areas so our regional areas get the consideration they deserve.

Mr TARLAMIS (South Eastern Metropolitan)**Incorporated pursuant to order of Council of 7 September 2021:**

I'm also pleased to make a contribution on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022.

This legislation is about providing additional reforms to a once-in-a-generation reform of Victoria's waste and recycling system.

In 2021, the Andrews Labor government passed the Circular Economy (Waste Reduction and Recycling) Bill, which addressed significant issues with our state's waste and recycling systems.

The bill we are debating today seeks to deliver additional reforms to strengthen these existing laws and ensure that Victoria's waste system continues to operate effectively.

Before discussing the key aspects of this bill, it is important that we reflect on the reasons why the Andrews Labor government has placed such a high importance on this issue.

In 2019 Victoria's waste and recycling services suffered severe disruptions.

After the collapse of SKM Recycling, 33 councils were left without kerbside recycling services.

This meant that some councils were left with no choice but to send recyclable material to landfill.

On top of this, China announced their National Sword policy which essentially banned the import of most plastics and other materials for recycling.

These disruptions left Victoria exposed and demonstrated how fragile our waste and recycling system was to changes in the global markets and the effects those changes could have on local recycling service delivery.

Since the passage of the Circular Economy (Waste Reduction and Recycling) Bill—which was a direct response to the waste crisis—we have continued to develop reforms, including enhanced statewide infrastructure planning and a cap on thermal waste-to-energy processing in Victoria.

Despite the effectiveness of these reforms, they still require further legislative change.

Which brings us to the bill before the house today.

This bill seeks to deliver additional reforms to three key pieces of legislation:

- the circular economy act;
- the Sustainability Victoria Act 2005; and
- the Environment Protection Act 2017.

All of the amendments in this bill are aimed at supporting our state's transition to a circular economy.

It is important to note that the Andrews Labor government has invested an unprecedented \$515 million to deliver this transition, which will:

- support the creation of more than 3900 jobs;
- deliver on our climate change targets; and
- ensure Victorians have a recycling system they can rely on.

One of the ways we are making the most of these waste and recycling reforms is by introducing a thermal waste-to-energy scheme.

The scheme caps the processing of permitted waste at facilities that process the waste using thermal waste-to-energy processes.

It provides for the head of Recycling Victoria to license thermal waste-to-energy facilities in Victoria.

These licences cannot be issued if they collectively exceed an annual cap on 'permitted' waste, expressed as 1 million tonnes per financial year.

The introduction of this scheme underlines the Andrews Labor government's continued commitment to climate action.

Another key aspect of the bill is that it will enable the head of Recycling Victoria to deliver a Victorian recycling infrastructure plan.

The plan consolidates the existing multiplan framework into a single plan with a 30-year horizon, which can be used to inform long-term strategic planning and support decision-making at all levels of government.

This is an important aspect of the amendments before the house as it ensures that Victoria will continue to strengthen its systems and be ready to address potential issues that may arise in the future.

Whilst it took a perfect storm for Victoria's waste and recycling system to experience distress, we must ensure that the new systems that we have put in place are maintained.

The amendments we are making to the Environment Protection Act 2017 aim to improve the efficacy of the act itself.

These amendments seek to further equip the EPA and local governments with the necessary powers to effectively undertake their regulatory functions under the current act.

These powers would include the ability to mitigate the risk of liquidators avoiding clean-up costs and also appoint third parties as authorised officers.

These amendments—like all of those proposed in this bill—have been formed through an extensive consultation process and expert advice.

Despite the wideranging reforms within the Environment Protection Act 2017 when it passed in the previous Parliament, there is always room for improvement and today we are strengthening the act to further benefit all Victorians.

Whilst I have touched on some key aspects of the bill before us today, there are still many other important elements which my colleagues have astutely outlined in great detail.

I will not seek to go over them again, except to say that they will serve to strengthen Victoria's waste and recycling systems.

Since coming to office in 2014, the Andrews Labor government has not wasted a second in delivering for the people of Victoria—from bold infrastructure projects to much-needed policy reforms.

I am proud to be a member of a government that saw the major problems in our waste and recycling systems and instead of ignoring the problem we took action.

While this government has been working tirelessly to deliver these changes to the recycling industry and to deliver a policy Victorians can rely on, those opposite have no plan to improve recycling in our state.

To their credit, they do have a waste policy; the only problem is it doesn't seek to actually recycle anything—just burn it!

And doesn't that sound great for the environment!

Nevertheless we on this side of the house will continue to deliver the bold ideas that Victorians have come to expect from us.

They know that when a problem arises it is the Andrews Labor government who will listen to the experts, develop sound plans and fight hard to see those plans become laws.

For us it's simple: continue to deliver for all Victorians and that is what this bill does. I commend it to the house.

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (18:00): I will be very brief and go straight to the commentary around the government's position on the amendments. There has been a lot of debate centred around waste-to-energy provisions, specifically the cap, which the government stated its intention was to set at 1 million tonnes. This figure was published in our policy document *Recycling Victoria: A New Economy* released back in February 2020. There was further detail, and it was expanded on in our waste-to-energy framework released in November 2021. Industry has had years now to prepare for the cap and has been consulted throughout the development of the framework.

Dr Ratnam has proposed an amendment to reduce the cap to 50 000 tonnes rather than the 1 million tonnes set by the government in our policy. A 50 000-tonne cap would be so low it would not be viable for nearly any proposed waste-to-energy facility operator. These expensive facilities can only be built on an economy of scale, and at 50 000 tonnes the financials do not stack up. Even if there was a boutique operator who could make the financials work to operate at this level, it would be the only one in Victoria. This would ensure that instead of developing this technology based on need and strategic planning, including geographic location, there would simply be only one facility built somewhere in Victoria, with all the waste trucked around from right across the state.

On the other hand the opposition has proposed an amendment to remove the cap entirely, which completely ignores the complex market reality of our recycling system and emerging technologies.

The recycling crisis we went through in 2019 was caused in part by a lack of market regulation and oversight—a lack of real strategic planning. Our government has been working very hard to fix the system and to deliver a recycling system that Victorians can rely on. The Circular Economy (Waste Reduction and Recycling) Bill 2021, which was passed two years ago with the nearly unanimous support of this chamber, was an important part of that fix, and this bill reforms another important part of it.

I think I will leave my comments there. I know Mr Davis—kindly, I have got to say—said in his second-reading contribution that he wanted certain answers around the Sustainability Fund. I might put that on the record in clause 1 as soon as we go to committee.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (18:04)

Mr LEANE: I will make a statement on clause 1 just to respond to Mr Davis's concerns and the questions he raised in his second-reading speech. I can state that the revenue from the Sustainability Fund is first used to fund core activities of key environmental agencies, including the EPA, Sustainability Victoria and now Recycling Victoria. Recycling Victoria receives the same funding previously allocated to the seven waste and resource recovery groups it replaced. The remaining revenue is reinvested to support local councils, industry and other parts of the community. Victoria's waste levy is closely aligned with other states. The fund publishes a publicly available activities report each financial year, and of course that is something we are happy to provide to Mr Davis. My understanding is that that will be available and tabled in September—next month.

Mr DAVIS: I thank the minister for that. We are obviously keen to get some deeper understanding of the amounts of money in the fund and the disbursement of that money—the government's intentions on that—and I appreciate that the minister could provide that. I will put on record our nervousness about the appearance of key annual reports, because the annual reports are not due to be tabled by law until 15 October but the Parliament rises in mid-September, and that leaves the risk of significant slippage.

The DEPUTY PRESIDENT: The minister has taken that as a comment, Mr Davis.

Mr MEDDICK: I have a number of questions, but if you like I can ask them all in one go on the different clauses, and then you can acquit them as you see fit. Is that okay? It might save some time.

Mr LEANE: Yes, that would be great.

Mr MEDDICK: Just as a general question: who appoints the head of the waste-to-energy review group, and is that public facing?

Mr LEANE: Thank you, Mr Meddick. It can be public facing, and it is the minister that appoints that position on the advice of and with the assistance of the Department of Environment, Land, Water and Planning.

Mr MEDDICK: Thank you, Minister. On page 6, section 3(1) of the Circular Economy (Waste Reduction and Recycling) Act 2021 speaks to definitions of 'material recovery facility'. What does that mean, and is this definition being made to reflect current council bin pick-ups, for instance?

Mr LEANE: Thank you, Mr Meddick. The definition of 'material recovery facility' is being technically amended to refer to both the facilities that receive mixed recyclables and facilities that receive mixed industrial waste for sorting.

Mr MEDDICK: Thank you, Minister. Similarly, in the same clause the bill repeals the definition of 'diverted material'. Why is that?

Mr LEANE: Mr Meddick, there were inconsistent definitions of diverted material in different acts, so this is just to make sure we align the definition. It does not have a policy effect, it is just to amend those acts so they are all saying the same thing.

Mr MEDDICK: Thank you, Minister. Clause 7, on page 9, speaks about giving the minister oversight over the operations of the head, Recycling Victoria. Is that correct that the minister has oversight of the operations of the head?

Mr LEANE: Thank you, Mr Meddick. Part of the head's role is to produce market reports. Therefore the minister has the responsibility for when, how and if those reports are made public.

Mr MEDDICK: Thank you, Minister. On page 13 the bill goes to clause 8, and it speaks to a single statewide Victorian recycling infrastructure plan (VRIP) replacing eight plans as it stands under the current Environment Protection Act 2017. Who is responsible for preparing that plan?

Mr LEANE: Recycling Victoria is responsible for that plan, Mr Meddick.

Mr MEDDICK: Thank you, Minister. The VRIP also will apparently contain a schedule of current and future proposed landfill sites, which will reflect the existing arrangements where current and future landfill sites are set out in the schedules to the regional implementation plans. But in part 3, clause 33 of the bill, will the EPA have to have regard to the schedule in the VRIP, and will they be able to issue a permit if a new landfill site is not listed on that list of proposed future landfill sites?

Mr LEANE: The EPA cannot approve a site if it is not listed on the schedule.

Mr MEDDICK: Thank you, Minister. I want to move on to, if I can for a moment, waste to energy. Given that there will be facilities that are not capped as they are already open or they have permits in the pipeline already and will not be subject to the cap, if those operators choose to open another facility, can they move product from the capped facility to the uncapped facility?

Mr LEANE: Thank you, Mr Meddick. As long as they do not exceed the cap under their current licence, yes, they can do that. But they also of course have to adhere to EPA regulations and licences as well.

Mr MEDDICK: Thank you, Minister. This goes to a little bit more clarification around the same subject but on a slightly different tack. Can the whole cap be filled by the one facility? For instance, if a company chooses to open one and then chooses to open another one, will they receive more of the cap, or are they specifically limited to a certain amount? Or will the whole thing maybe go out to a single tender in Victoria? Is that correct?

Mr LEANE: Thank you, Mr Meddick. When Recycling Victoria are allocating up to the cap they will need to take into account the needs right across Victoria. So that would mean that your scenario would probably not play out, because they need to take into account all of Victoria.

Mr MEDDICK: Thank you, Minister. That is great, that clarification. On to a different subject, I want to talk about the subject of and the clause which talks about banned waste. If someone is caught processing banned waste, is the EPA or Recycling Victoria responsible?

Mr LEANE: Thank you, Mr Meddick. Actually the answer is both of those agencies. They could be subject to penalties from both of those agencies for recycling the banned waste.

Mr MEDDICK: Thank you, Minister. In order for them to be caught obviously there will have to be regular inspections. Are those inspections then to be without notice? There has been criticism in the past of waste facilities getting 24 hours or 48 hours notice or whatever it might be, so they clean things up and everything looks fantastic, but then they just go back to normal afterwards.

Mr LEANE: Recycling Victoria are developing the inspection regime now, but they will learn from other agencies, including the EPA, about the actual success of inspecting without notice.

Mr MEDDICK: Thank you, Minister. I think there are a lot of people that will take great comfort from that one. I just want to come then back to waste to energy, if I can, and in particular with the thermal waste to energy there are two different types of ash that are produced, one of which is bottom ash and the other one is fly-ash. One of those is inert, but the other, which I believe is the fly-ash, is highly toxic. So how is that going to be disposed of? In meetings that I have had with different proposers they have talked about the bottom ash being used to produce building materials, so recycled, but there has not been a lot of discussion around what they do with that toxic ash. How will that be disposed of?

Mr LEANE: Mr Meddick, as you would imagine, that fly-ash is being managed now because of different waste-to-energy plants. Currently and in the future they will have to follow all the EPA regulations about how they dispose of that in a safe manner.

Mr MEDDICK: Thank you, Minister. On page 25 of the explanatory memorandum it speaks about revoking a licence where a licence-holder has obviously done the wrong thing. What is the time frame that they have to do that? For instance, if inspections and everything reveal that a licence-holder is doing terrible things completely in contradiction of their licence, is that cancellation immediate or are we going to wait for six months or 12 months for them to potentially get their act together and then that licence cancellation will not happen?

Mr LEANE: If there is a significant breach, Recycling Victoria can revoke a licence immediately.

Mr MEDDICK: Thank you, Minister. Again, that is great to know. My final question on clause 17 relates to penalties. The clause does not list exactly what the penalty units are. In several other bills where we have these sorts of things introduced it will talk about the penalty units—how many apply for different situations. We do not have that here. It does not also say if those penalties could potentially include custodial sentences. I use the example of what happened at Lara on Broderick Road, where there was an illegal toxic waste facility. That certainly would have resulted in the operator going to jail but for the fact that he passed away. Will that same situation apply, or are we going to be waiting for regulation to see what happens there?

Mr LEANE: Working backward, there are no custodial sentences. The penalty is called a monetary benefit order, and it is determined by a judge. The judge determines that by how much financial gain that operator has made by operating illegally.

Mr HAYES: Minister, I was just wondering if I could get you to indulge in a back-of-the-envelope mathematics problem for me. You say currently there is 4 million tonnes of waste going to landfill, and I presume that is after what has been taken out for recycling, food and organics, and glass as it is. There is going to be 1 million tonnes burnt under the cap. There is already 1 million tonnes for which licences have been issued. So that is 2 million tonnes of that. What do you say would happen to the other 2 million tonnes of waste that is currently going to landfill that is not being burnt under this proposal?

Mr LEANE: I am happy to get advice on any back-of-the-envelope estimation. I thank Mr Hayes. Obviously there is a hierarchy of managing different types of waste as far as the emissions that they create go. Landfill creates higher emissions than waste to energy, but waste to energy creates higher emissions than recycling. The goal of the bill and the previous bill is to reduce landfill as much as possible and really concentrate on the recycling side of activities. I will see if I can get you a further explanation.

Mr Hayes, I have got the back of a piece of paper, and the information I can give you is that there has been \$102 million in grants that have resulted in 957 000 tonnes of resource recovery capacity. It is anticipated a further 933 000 tonnes of capacity will be developed by 2025.

Dr RATNAM: I just have a quick question of clarification if I may, Minister, in response to Mr Hayes's previous question about the tonnage of waste that we are producing that is going to landfill currently. Excluding what is being recycled and composted, my understanding from Sustainability Victoria's reports—the last one I could find was for 2019–20—is that the total waste collected that was going to landfill was 1.22 million tonnes per year. I have heard estimates of 4 million tonnes. Can I just get clarification of how much Victoria is producing that is going to landfill per year?

Business interrupted pursuant to sessional orders.

Mr TARLAMIS: I move:

That the meal break scheduled for this day pursuant to sessional order 1 be suspended.

Motion agreed to.

Mr LEANE: The answer, Dr Ratnam, is 4.8 million tonnes.

Dr RATNAM: Four million tonnes going to landfill, excluding compost and recycling?

Mr LEANE: Yes, 4.8 million tonnes. I think the figure you might have had was for household waste. This is the total.

Dr RATNAM: Okay, household waste. So that is construction et cetera as well that is going to landfill?

Mr LEANE: Yes.

Dr RATNAM: Okay.

Clause agreed to; clauses 2 to 13 agreed to.

Clause 14 (18:31)

The DEPUTY PRESIDENT: Mr Davis, I would invite you to move your amendment 1, which tests your remaining amendments.

Mr DAVIS: I move:

1. Clause 14, page 43, lines 1 to 11, omit all words and expressions on those lines.

With the indulgence of the house, I will be very quick here. I have already spoken to this amendment. In a short recapitulation of the material, this seeks to lift the overall cap so that there is no overall cap. Caps or restrictions will apply to individual premises or individual facilities still, but this would lead to no overall cap. We think that this is a sensible way forward. We are not sure why the government has put in that cap. The cap has already created difficulty for a number of providers, but we think waste to energy offers a number of important opportunities and this process of removing a cap would make sense.

Mr LEANE: The government will be opposing Mr Davis's amendment for the reasons that I put on the record in the second-reading summation.

Committee divided on amendment:

Ayes, 13

Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Crozier, Ms

Cumming, Dr
Davis, Mr
Finn, Mr
Limbrick, Mr

Lovell, Ms
McArthur, Mrs
Quilty, Mr
Rich-Phillips, Mr

Noes, 25

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| Barton, Mr | Maxwell, Ms | Stitt, Ms |
| Bourman, Mr | McIntosh, Mr | Symes, Ms |
| Elasmar, Mr | Meddick, Mr | Tarlamis, Mr |
| Erdogan, Mr | Melhem, Mr | Taylor, Ms |
| Gepp, Mr | Patten, Ms | Terpstra, Ms |
| Grimley, Mr | Pulford, Ms | Tierney, Ms |
| Hayes, Mr | Ratnam, Dr | Vaghela, Ms |
| Kieu, Dr | Shing, Ms | Watt, Ms |
| Leane, Mr | | |

Amendment negatived.**Dr RATNAM:** I move:

1. Clause 14, page 44, line 16, after “licence” insert “to process no more than 50 000 tonnes of permitted waste per annum”.
2. Clause 14, page 44, line 17, after “licence” insert “to process no more than 50 000 tonnes of permitted waste per annum”.

As mentioned in my second-reading contribution, the amendment I am moving limits the capacity of incinerators licensed under the bill to 50 000 tonnes per annum. Our amendment would stop an incinerating industry from undermining the circular economy we need to be building in Victoria.

If I can briefly respond to a couple of comments that were directed at my amendment during the substantive debate which are important to correct, I want to correct a bit of misinformation that was circulating. First, in response to Ms Watt’s contribution, I appreciated her contribution, apart from wanting to clarify some assertions that she was making. She asserted that the Greens had changed position somehow in the last two weeks. Just to clarify what occurred in the lower house, my colleagues put forward a reasoned amendment. One of the main reasons my colleagues moved that reasoned amendment was that we needed more exploration and a strengthening of a particular concern that we have around the amount that is going into incineration as canvassed in this bill. But in the Assembly my colleagues cannot move amendments to bills, because this government refuses to allow for proper debate of bills in the lower house and to democratise the Assembly of the Parliament of Victoria, which gives Victoria the reputation as being the least democratic Parliament—in that chamber—in all of Australia. Should they have had the opportunity to put forward amendments, my colleagues, I am sure, would have done so to improve the outcome of this bill.

The Greens have been consistent and clear in our position. We call for a moratorium on waste to energy and this type of incineration. Since 2019 I have introduced several motions, and we have been absolutely consistent in our position that incineration will undermine—

Members interjecting.

The DEPUTY PRESIDENT: Can we have a bit of quiet? If people want to leave, they can. Unfortunately, because Dr Ratnam has contributed to debate on this, it has gone too long to have a 1-minute bell, so we are going to have to have a 4-minute bell anyway. If people want to leave, they can. Dr Ratnam to continue, without assistance.

Dr RATNAM: Thank you very much, Deputy President. Just to reiterate, the Greens have been consistent and clear on our position about our concerns about waste incineration in Victoria and not setting up an industry that will undermine our circular economy and all the efforts that we are collectively putting into improving recycling and re-use in this state. We maintain those concerns, and I am moving this amendment to improve this bill. I often hear calls to compromise and to put solutions on the table, and here we have one that would limit the nature of this industry being set up and would extract so much waste that we will be locking in millions of tonnes of waste for Victoria for decades to come.

What this seems to be from the government in terms of that claim is a distraction from the real problem that has been proposed in this bill, which is locking Victoria's circular economy into failure by allowing, from what we have heard during this debate, up to 2 million, if not more, tonnes of waste to be burnt every single year. In seeking clarification from the minister about how much waste we are actually producing it is important to clarify that household waste, standing at about 1.2 million tonnes per year, is far less than the 2 million that the government is proposing. There is 1 million already licensed or that has been approved and 1 million that has been proposed in this bill. That takes us up to burning 2 million tonnes of waste per year, far exceeding what we are currently sending to landfill from households.

There is the separate issue of construction waste, and a number of us sat on the waste and recycling inquiry over months a couple of years ago. It is worth interrogating how much of that construction waste is suitable for burning. There is cement; there is concrete. There are all sorts of other pathways for construction waste. I think it is a bit disingenuous to say, 'Oh, there are 4 million and we're just going to burn 2 million of it'. It is not good enough. It will undermine our circular economy and undermine the very good efforts—mind you, good efforts by the government too—to improve recycling and re-use. It is doing good things on one hand and then doing terrible things to undermine all the good work on the other.

I want to speak very, very briefly before responding to a couple more comments. Along with undermining the circular economy and locking Victoria into producing millions of tonnes of waste that it might not have produced had we properly invested in re-using and recycling in Victoria, we also know that incinerators generate large amounts of greenhouse gas emissions, and they generate large amounts of bottom ash and fly-ash, as Mr Meddick canvassed during the debate. We still do not have appropriate facilities to treat the 20 to 30 per cent of the incineration which will result in waste—

A member interjected.

Dr RATNAM: 20 to 30 per cent of the original feedstock results in waste ash. We have to find a facility that can treat this often hazardous material, and our current toxic waste facility is reaching capacity.

We also know that waste incineration is inefficient and expensive. Waste incinerators are an expensive way to produce energy. Very little of the energy embedded in plastic products is recovered by burning. For example, recycling products saves far more energy overall. Studies have found that energy recaptured by recycling plastics was nearly 75 megajoules per kilogram of waste while incineration was a mere 6 megajoules per kilogram of waste.

In terms of job opportunities we also know that landfilling the same amount of waste creates six jobs compared to 36 jobs when you recycle that waste. So we could be creating more jobs by reducing the amount of waste that we send to incineration. We also know that incineration could have a really deleterious impact on public health because of the nitrogen oxide, sulphur dioxides, particulate matter, mercury, lead, dioxins and furans that are emitted from waste incinerators. We have got the industry running around saying, 'Oh, we've got that all sorted', but we had very, very strong evidence during the inquiry about what happened internationally when these waste incineration plants claimed that they had captured the emissions and they had reduced the carbon dioxide but actual monitoring, particularly in China, found that the damage and the pollution was much, much higher. So before Victoria takes this path of incineration—

The DEPUTY PRESIDENT: Dr Ratnam, I just remind you that this is not an opportunity for another second-reading speech. You are just supposed to be moving your amendments, please. Can I just clarify that you have moved amendments 1 and 2?

Dr RATNAM: Yes, I have. Thank you, Deputy President. I am speaking to why we have proposed this much-reduced tonnage for waste incineration—because of the really serious harms that waste incineration poses to Victoria. Once we enter this path there is no turning back. We have seen in

jurisdictions across the world when they have gone down the path of incineration they have locked in tonnes of waste per year for years and years. Some of you might have been familiar with the case in Baltimore County in the United States where Wheelabrator, which has an incinerator plant, sued the City of Baltimore County, Maryland, for failing to deliver on its contracted minimum waste tonnage targets. So what happens if we actually succeed in reducing the amount of waste we generate that goes into those household bins—

The DEPUTY PRESIDENT: Dr Ratnam, it does sound like you are debating now, so can you just move your amendments, please.

Dr RATNAM: No problem. Those are warnings that Victoria should heed before we enter this pathway, which is why I urge you to support our amendments. This is about ensuring we have a really careful look at proceeding down this path with a limited tonnage, which is what my amendments propose.

In conclusion, I just wanted to respond to a couple more comments that were directed my way during the substantive debate. I heard members of the opposition claim that our proposals were fanciful and not based in reality, but do you know what? A jurisdiction just to the north of us called the ACT have banned waste to energy, and do you know what? They are doing just fine. They are reducing their amount of waste; they are increasing the amount of recycling and re-use because they have actually got a sound environmental waste policy. Just finally in conclusion, we heard arguments from the Liberal Democrats that it is not for governments to provide caps on tonnage and regulate industry, but it is the government's responsibility and role to regulate harmful industries, and this is a harmful industry. By agreeing to the tonnage that the government is proposing in this bill we are locking ourselves into failure.

Dr CUMMING: I rise to speak against the Greens motion today, being that—

The DEPUTY PRESIDENT: It is an amendment.

Dr CUMMING: Oh, sorry, an amendment. Thank you, Deputy President. I am happy to be corrected. I am corrected quite often on my feet here. To dismiss some of the claims that she has made and the examples that Dr Ratnam has given, one example she gave was China. Well, that is not the best example to give. I gave the example of Hawaii, which is a beautiful example—absolutely the demographic, the size, the state of Hawaii compared to us has exactly the same population. The Greens would love to do doom and gloom. Technologies consistently change. We have wonderful filters and they will continually improve. Here in Victoria we have the most amount of litter in our waterways, on our beaches, across our countryside. Dr Ratnam did not say anything about the point that I made around the masks that the Greens have continually pushed that have been in our waterways, in our gutters and on our streets. How do you actually get rid of hazardous waste? You normally burn hazardous waste. There is a residual—

Mr Gepp interjected.

Dr CUMMING: No, respectfully, normally these kinds of facilities are placed in an area that is an industrial area. The filters are there to prevent polluting the environment, and they will continually—

Mr Gepp interjected.

Dr CUMMING: There are no filters in waste to energy? There are filters. Once they burn the waste there is a filter.

Mr Gepp interjected.

The DEPUTY PRESIDENT: Dr Cumming without assistance.

Dr CUMMING: Your government is pushing this, Mr Gepp. So then what—are you going to vote against it?

Mr Gepp: Well, maybe—

Dr CUMMING: Good for you! First time I am going to see—

The DEPUTY PRESIDENT: Through the Chair, Dr Cumming.

Dr Ratnam: On a point of order, Deputy President, on a number of occasions you paused my contribution, arguing that it was debate. I am just seeking your clarification about what constitutes debate versus non-debate and what is permissible. I am fine with open contributions; I think all members should be able to contribute. But I am seeking your guidance and ruling about what is appropriate debate, given that this contribution sounds very similar to my contribution in its passion and fervour.

The DEPUTY PRESIDENT: Dr Cumming is fine to lay out her reasons for why she is not voting for your amendments, but I was pulling Dr Cumming and Mr Gepp up because there was becoming a debate between the two of them. Dr Cumming, stick to your reasons. You are not voting for the amendments. And if you can be brief, thank you.

Dr CUMMING: Thank you, Deputy President. I thought I was actually speaking against the amendment that the Greens have put up tonight as well as what Dr Ratnam has actually said within her contribution on her amendments. So for me, I gave the examples—good examples. You can pull out doom-and-gloom examples to support the rationale for your amendment, Dr Ratnam, but I have sat on waste management boards for 25 years begging government upon government to actually do waste to energy. And seeing that Hawaii has done it for 25 years—wonderful, absolutely wonderful. And I did it on my own.

The DEPUTY PRESIDENT: Dr Cumming, just your reasons for voting against, please.

Dr CUMMING: And my reasons are these. Earlier I supported the opposition's having no gaps, because we have so much waste. For the Greens to actually say that now we have to reduce the amount of waste to energy—I cannot support that. We have so much litter within Victoria that needs to be picked up and cleaned so we have clean beaches, clean rivers, clean gutters and clean streets. We need to get rid of all of this hazardous waste of masks that this government has created during this time and the Greens have supported. I would love for all the litter to be removed to a waste-to-energy facility and then for it to be burnt, because there are items that can be recycled but we have to get to a point where the things that cannot be recycled are burnt.

Mr DAVIS: The opposition will not be supporting this amendment.

Mr FINN: I will speak very, very briefly. I just want to make reference to the extraordinary hypocrisy of the Greens on display yet again here in this house this evening. Dr Ratnam will get up here and tell us about the dangers of converting litter to energy, which I think is one of the greatest things we could possibly do, but she does not care about the crap being dumped out in the western suburbs—out at Ravenhall, out at Bulla, out at Tullamarine. A whole range of places out in the western suburbs have had this stuff dumped on them—on us—for years and years and years. It seems the Greens are very selective in their concern for the environment—very selective. If it is in the western suburbs, they could not care less. Get beyond the tram tracks and the Greens just do not care.

Mr HAYES: I just want to explain the way I am going to vote. I was not going to support Dr Ratnam's amendment, because I thought 50 000 was too low. But now looking at the figures supplied on the back of the envelope, which I asked the minister for, we are looking at 5 million tonnes of waste going to landfill and 1 million of those tonnes are already scheduled to be burnt. They are already committed to burning, so one-fifth of it is going to be burnt. Then if we add on the 50 000 or so from Dr Ratnam's amendment there might be more. That is per application, isn't it?

Dr RATNAM: Fifty thousand overall.

Mr HAYES: Overall. Okay. All right. If it is only 50 000 overall, we are also looking at 957 000 tonnes, that is almost 1 million tonnes, of resource recovery capacity now being added. Another 933 000 tonnes of capacity will be developed over the next three years, so that is another 2 million there. I think we are well on the way to achieving a circular economy. We are well on the way to cleaning up the waste. If we get the building waste out of it, which we will have to do over the next couple of years if we are going to take climate change seriously, then I think if we are burning a fifth of it we are doing well. I do not support the majority view, which is that burning is acceptable. I think that it is the way of dealing with waste as a last resort, so I will support Dr Ratnam's amendment in that case.

Mr LEANE: The government will be opposing Dr Ratnam's amendment for the compelling reasons that I presented during the second-reading summary debate.

Committee divided on amendments:

Ayes, 4

Hayes, Mr
Meddick, Mr

Patten, Ms

Ratnam, Dr

Noes, 34

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
Bourman, Mr
Burnett-Wake, Ms
Crozier, Ms
Cumming, Dr
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr

Gepp, Mr
Grimley, Mr
Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
McIntosh, Mr
Melhem, Mr
Pulford, Ms

Quilty, Mr
Rich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendments negatived.

Clause agreed to; clauses 15 to 81 agreed to.

Reported to house without amendment.

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (19:04): I move:

That the report be now adopted.

In doing so I acknowledge Mr Davis, Mr Meddick, Dr Ratnam, Mr Hayes, Dr Cumming, Mr Finn and of course the Deputy President for their contributions during the committee stage.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (19:04): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

MENTAL HEALTH AND WELLBEING BILL 2022

Council's amendments

The PRESIDENT (19:05): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to re-enact, with amendments, the law relating to the treatment of persons living with mental illness or experiencing psychological distress, to repeal the **Mental Health Act 2014** and the **Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021**, to consequentially amend other Acts and for other purposes' the amendments made by the Council have been agreed to.

JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022

Second reading

Debate resumed on motion of Ms SHING:

That the bill be now read a second time.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (19:06): This is a fantastic opportunity to sum up debate on a really important piece of legislation. I would like to thank the speakers from last sitting week and this week who made contributions. This is a bill that I am extremely proud to be delivering. It is taking a significant step to improve Victoria's sexual offences laws. We know that sexual harm continues to be rife in our community. We have serious problems with under-reporting, conviction rates and the way the justice system is supporting victim-survivors.

Sexual violence can affect all people but is overwhelmingly experienced by women and girls, highlighting the need to strengthen gender equality and justice in our society. Too often we get complacent and think the job is done, such as when we see women in positions of power. But we know that gendered, sexual and family violence is insidious, and we must continually improve our systems. As I have said, I am so grateful for the speakers in this house, but I also tuned in to a lot in the other house. Many shared personal experiences, stories and reflections or those of people that they know and care about. It reiterated how pervasive the problem is, and this highlights why we need to work together across party lines to improve it.

I thank the opposition and other members for their support for the bill and its aims. I also want to acknowledge the strong and extremely powerful advocacy for sexual offence reform from brave women such as Saxon Mullins, Grace Tame, Brittany Higgins and many more. This advocacy tells us directly why it is critical to act and make changes now and drive cultural change. These reforms are a step in responding to that advocacy and actually mimic the national conversation and contemporary attitudes about what is free and voluntary consent.

The bill is the first tranche in the delivery of a response to the Victorian Law Reform Commission's report *Improving the Justice System Response to Sexual Offences*. The bill forms part of the ongoing commitment to develop a whole-of-government 10-year strategy to address sexual violence and harm, which will be delivered next year, and to continue to deliver meaningful change.

The bill will embed a clear affirmative consent model, including by amending the definition of 'consent' to be 'free and voluntary agreement', clarifying circumstances in which consent can be given and making it clear that a person cannot have a reasonable belief in consent if they did not say or do anything to find out that there was consent. Quite simply, if you want to have sex with someone, you need to say or do anything to find out if they want to have sex with you. This will in turn shift the scrutiny from the actions of the victim-survivor to those of the accused. The bill will reinforce key

principles such as that consent can never be assumed and must be actively sought by the other person or people taking part in that act. It is an important change because we know the onus in trials very often continues to be on a complainant to show what they did or did not do to show a lack of consent, in effect attributing blame. Our attitudes and expectations of sexual conduct continue to change. Many people, especially young people, are already past the 'no means no' adage and understand that it is only yes that means yes.

Unfortunately I have seen attacks on and trivialisation of this bill. These have included suggestions that people will go to jail for kissing their partner while they are asleep and general claims that the bill will kill romance, that teenagers will be inhibited from discovering their sexuality or that the bill will end the presumption of innocence. A quote from an article from, as I mentioned earlier, an incredible advocate and victim-survivor, Saxon Mullins highlights the issue with this commentary:

Lawyers can work in the hypothetical; as a survivor, I work in the reality ... The laws are not clear, and we need to be clear on what negates consent. It leaves it up to too much interpretation.

Of course I acknowledge that debate is important and new laws should be tested and worked through. That is why we held extensive consultation on all aspects of this bill, particularly the affirmative consent. Advocates certainly tell us that there is much more work to be done beyond this bill, and some people wanted us to go further in this legislation. Some parts of the legal community have suggested we are going too far. As I said, this was subjected to extensive consultation. It was a bill that I took extensive interest in. I have had many conversations with the department and many conversations with people that contributed to the consultations about getting this right, and I feel personally confident that we have struck the right balance.

It is also really important to point out that much of these affirmative consent reforms mirrors recent reforms in New South Wales and the ACT. Consistency with other jurisdictions is important and beneficial as it allows for a uniform understanding of consent across Australia. That can provide a foundation for education and, all importantly, changing behaviours. These reforms will be assessed and reviewed across New South Wales and the ACT and in Victoria and perhaps lead to further enhancements, further improvements. But it will be great to be in the same spot very soon.

I want to touch on the Liberals' amendment, which we can go through in committee, but I will see if I can respond to some of that now. We will not be supporting the opposition's proposed amendment to exclude the word 'voluntary' from the definition of 'consent'. Defining consent as 'free and voluntary agreement' is consistent with most other Australian jurisdictions, including the previously mentioned New South Wales and ACT but also Queensland, South Australia, the NT and WA. As I have said, consistency is important and can really provide a foundation for continued conversations and changing behaviours. In fact it is the Australian Law Reform Commission that previously recommended that:

Federal, state and territory sexual offence provisions should include a statutory definition of consent based on the concept of free and voluntary agreement.

So that is what we are doing here.

The opposition have noted that some stakeholders do not support this proposed change. That is true. I acknowledge that people have raised concerns, but as I indicated, all of these views have been previously given consideration in the development of this bill. The reforms do not displace the existing understanding of free agreement but rather expand on it to make it clear that involuntary bodily reactions are not an indication of consent, for example. It is intended not to substantially change the definition of 'consent' but rather to reinforce and strengthen the definition to ensure that any potential gaps are covered.

Touching on image-based offences, the bill will elevate the existing image-based offences to the Crimes Act 1958. This will better reflect the seriousness of this behaviour and allow for us to address current trends such as matters including deepfake porn.

The Greens have got an amendment, which I am sure we will have another conversation on in committee, but I want to touch on the reasons that the government is not in a position to support these amendments to extend the definition of 'intimate image' to include the breasts of a female or any person who has breasts. These changes of course have been previously put to me by many stakeholders directly, including Equality Australia and the Victorian Pride Lobby, and I certainly appreciate the very legitimate concerns about gender-inclusive language. It is something that I want to commit to addressing. But this is just not the bill to do it with at this time. It is not appropriate to use this specific offence to rush changes that have a much broader impact. The core concerns of inclusivity are not confined to the image-based sexual abuse offences; there is more work to be done to improve the inclusivity of language relating to gender and gender identity in the Crimes Act and indeed our whole collection of statutes in this state. This will be a longer term project undertaken in close consultation with LGBTIQ+ stakeholders. It certainly was important to me to make this commitment explicit in the second-reading speech, which I did, and I want to reaffirm that now.

The government's bill seeks to extend the definition to include transgender and intersex Victorians who identify as female, but broadening the definition further at this stage and without the opportunity to obtain detailed advice and, importantly, test that advice could be a significant policy shift and raise potential inconsistencies with community expectations. For example, most people would not consider an image of a topless man in board shorts at the beach to be an intimate image, and changes such as this could bring that into question.

There are also potential implications for other parts of the Crimes Act, which refer to the breasts of a female such as for forensic procedure provisions, and there is also the potential for fair trial implications in relation to an accused's knowledge. They are complex issues, they are important issues, and I certainly completely understand why people have raised them and why they would like to see an amendment to this bill. But hopefully, as I have explained, it is not an avoidance of wanting to do the right thing, it is just not the right vessel to achieve the change that people want. But I want to reaffirm that I am very committed to the issues that have been raised, just not in this bill at this time.

As announced in our recent budget, the government will work with local organisations and specialist services to deliver community-based consent education. This will ensure that affirmative consent is understood, supported and adopted by Victorians. It will complement existing education initiatives, such as Respectful Relationships in schools, and embed a culture of consent and respect in young people and across the community.

I think I say quite regularly when it comes to justice bills and legal reform that one of the advantages of updating the law is the opportunity to talk about it and for people to learn about it and to have a conversation about it. I think when you are having a conversation about how you should interact with people that you want to have a sexual relationship with, particularly younger people, continue to have a conversation about what constitutes consent, what you should do, the actions you should take to make sure that the actions that you are seeking are reciprocated and that you have taken steps to ensure that you are both on the same page. It is not that complex.

Time and time again we see people fall foul of the law. We see victims try and get justice through the justice system, and they are too often asked about what they did. I really am happy, really proud, that this legislation is going to flip that. It is always going to be difficult to prosecute a sexual offence crime. It is always going to be difficult for a victim to go through the justice system, but this is going to make it that little bit easier when it is about what the accused did. What did they do? What steps did they take? But also ensuring this conversation about how you should behave takes place will hopefully prevent the court having to consider these in the first place. It is a conversation worth having. I will continue to have the conversation as we roll out this legislation, because I understand that it will receive support today, but also those important education campaigns and the continued conversation. Again, particularly for those young women that have been at the forefront of demanding cultural change,

hopefully this delivers on some of that hard work. I look forward to the committee stage of this bill and its ultimate passage this evening.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (19:19)

Dr RATNAM: I have two questions pertaining to clauses 3 and 8, and I am happy to ask them now, in the general clause, if you wish to acquit all the questions now.

Ms SYMES: Let us go to them.

Dr RATNAM: Attorney, I have got two questions. Firstly, on clause 3, regarding tampering with a condom, there is concern that a person could use an oil-based lubricant on a condom, not knowing that it could damage the condom. If they intentionally apply the lubricant despite not knowing the damage it could cause, would it amount to intentionally tampering with a condom?

Ms SYMES: Thank you, Dr Ratnam, for your question. It is a question that we were prepared for. I have received advice in relation to the intention of this—on what happens if tampering is accidental or the parties agree not to use a condom. The provision is intended to only capture intentional non-use of, removal of or tampering with a condom, not accidental conduct or consensual acts, which covers off half of what you said. But further, we discussed specific advice in relation to oil-based lubricants, as in the example that you have provided. Of course we know that in these situations things do not always go to plan and the wrong lubricant could accidentally be used, causing slippage or breakage et cetera. The provision is not intended to criminalise any of that type of accidental conduct. It is targeted at people who deliberately disregard a person's fundamental right to set boundaries before engaging in a sexual act.

Dr RATNAM: Thank you very much, Minister, for that response. My next question regards clause 8 and reasonable belief in consent. There is concern about how this would operate in the scenario of a dark room at a sex-on-premises venue. In that scenario it is generally silent, so nothing can be said to find out whether person B consents to the act, and it is dark, so nothing can be seen to find out whether the person consents to the act. Consent is often negotiated by touch—so person A will touch person B to find out if they consent—but non-consensual touching is also against the law. Furthermore, it cannot be argued that person B consented to the act just because they were in the dark room, and that is regarding proposed new sections 47G(d) and 47I of the Jury Directions Act 2015—clause 48 of that bill. So there is a question about how affirmative consent would operate in this scenario. Attorney, could you clarify how the bill applies in this situation?

Ms SYMES: I thank Dr Ratnam for her specific question in relation to that scenario. In this particular situation the person would still be required to say or do anything to find out whether the other person consented. Fundamentally what underpins this legislation is that consent cannot be assumed just because a person enters a sex premises, for example. A person must seek consent from the other person within a reasonable time before or at the time of the sexual act. A reasonable time before might include verbal or non-verbal interactions about consent and the parameters of the sexual act to occur before entering the dark room, provided they continue negotiating consent through ongoing and mutual negotiation—because, as we know, you can withdraw consent at any time.

The requirement in new section 36A(2) is intended to be flexible enough to apply to a range of different settings. If words cannot be used in this context, consent would need to be negotiated by doing something. This could be through non-sexual touch or gestures. Whether the touch is sexual touching would be a matter for the court to decide in accordance with the definition of 'touching' in

section 35B of the Crimes Act 1958. Any reciprocating response from the person could then indicate consent. For example, if the person is consenting, they might lean their body into the other person or engage in reciprocal touching. Affirmative consent principles are not designed to inhibit sexual practices at sex-on-premises venues but rather to make sure that sexual acts that occur in these settings are safe and done with free and voluntary agreement of all of the parties involved.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5 (19:24)

Dr BACH: I move:

1. Clause 5, line 6, omit “and voluntary”.

The DEPUTY PRESIDENT: The question is that Dr Bach’s amendment 1, which tests his remaining amendments, be agreed to.

Committee divided on amendment:

Ayes, 13

Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Crozier, Ms

Cumming, Dr
Davis, Mr
Finn, Mr
Limbrick, Mr

Lovell, Ms
McArthur, Mrs
Quilty, Mr
Rich-Phillips, Mr

Noes, 25

Barton, Mr
Bourman, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Grimley, Mr
Hayes, Mr
Kieu, Dr
Leane, Mr

Maxwell, Ms
McIntosh, Mr
Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms

Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendment negatived.

Clause agreed to; clauses 6 to 21 agreed to.

Clause 22 (19:31)

Dr RATNAM: The amendments I am moving have been suggested by Equality Victoria and will ensure everyone who has breasts or private upper-body parts similar to breasts is protected from intimate image abuse. As currently drafted, the image-based sex offences do not fully protect people of all genders from discrimination and abuse based on sex characteristics.

While I understand the definition in the bill was adopted for consistency with other jurisdictions, this is not appropriate for Victoria, where we have led the country in recognising non-binary genders and upholding the rights of people who are trans or intersex. My amendments will also respect trans and intersex women by not marking them out as different to other types of women, as is currently the case with the existing wording in the bill, and I so move my amendments:

1. Clause 22, page 17, lines 1 to 3, omit “female, or a transgender or intersex person identifying as female,” and insert “female or has breasts.”
2. Clause 22, page 17, after line 4 insert—
“(e) if the person is a transgender male person or a person whose gender is neither exclusively male nor exclusively female, the person’s chest area;”

Ms PATTEN: I would like to support Dr Ratnam's amendments. As I said in my second-reading speech, it goes to the point that the whole act needs review and needs a modernisation. While I am not certain the amendments are necessarily perfect in this regard, they indicate what we do need to do in renewing, reviving and reviewing the justice legislation, and I think this shows a willingness to do so.

Dr CUMMING: I struggle with these amendments, seeing that I feel there needs to be a definition that everyone can actually understand. We would like to understand what a breast is. Define it. Is a breast sexual, or are we just talking about nipples? Is a chest sexual? If we are going to start to continually add language that for everyone is just not basic language—it should be basic language. You say either the nipple is considered a sexual organ or a breast is considered—which most people would say is not, for breastfeeding. A chest is not considered a part that you would use sexually, but a nipple does actually have—a natural nipple of a man or a woman, not disconnected and reconnected—normal use in a sexual act.

Mr LIMBRICK: The Liberal Democrats will not support these amendments. We are concerned about the potential unintended consequences, and if some amendment of this type was to go ahead I think it would require a far wider review. For that reason we will not be supporting these amendments.

Mr FINN: Dr Ratnam made reference to breasts and other sexual upper body parts. I am wondering what those sexual upper body parts might be, because I am sitting here trying to work it out.

Dr Cumming: Only nipples, Bernie.

Mr FINN: I would have thought they were part of the breasts. I do not know, but look, I have an inquiring mind and I will not be able to sleep tonight unless I know what these sexual upper body parts are that Dr Ratnam has referred to.

The DEPUTY PRESIDENT: Mr Finn, I think we might just leave that there.

Ms SYMES: I just might take some time to go through some of these issues, because they are important issues. I do not disagree with anything that Ms Patten said, except I form a different conclusion, because she was saying that the amendments as put demonstrate a willingness to do something that we need to do. I struggled with this when it was brought to my attention—the language and the disrespectful nature of it. I was like, 'Can we fix it in this bill?'. I was convinced that, no, we cannot. It is not ideal, and I accept that. I gave a commitment in my second-reading speech and in my summing up and give it again now that this is something that we need to look at in a broader sense. But to the issues that Mr Limbrick has picked up on, it creates another problem, trying to fix the situation in this bill.

What I did want to do is just go through a few things, again reaffirming that the government is strongly committed to improving the inclusivity of language across our statutes, specifically in relation to gender and gender identity. We should have that better reflected in a modern Victoria through our statutes; I acknowledge that. Language is important, particularly as it underpins our laws, because our laws apply to all Victorians. I recognise that for too long our legislation has not reflected the diverse, tolerant and inclusive society that we value so highly here in our state.

Having said this, recognising the inclusivity of language in our laws is really a much broader issue than the legislation that we have got here today. As I said, I cannot fix it through this bill. If I could, that would be great, I would do it, but I cannot. We are committed to addressing the issue of inclusive language in the Crimes Act 1958 in the future in consultation with the Victorian LGBTIQ+ communities, other stakeholders and the stakeholders that have brought these amendments that the Greens have sponsored today in particular. But we do need a considered approach, one that will enable changes to be made without creating confusion and complexity of inconsistency and potentially undermining the operation of other important objectives in our laws.

It was not possible to delay this bill to do the broader consultation of the longer term project. It would have meant this bill would not have come through in this term of Parliament, and as I think you have

probably picked up, I was pretty committed to getting this work done this term. Therefore we have proposed an approach that will promote, through this bill, equal protection for transgender women, including those that have intersex variations, under our intimate image laws. We have done this in a way that is consistent with terminology used in the ACT, New South Wales, Northern Territory, Queensland and WA, and it is intended to deliver as best as possible equal protection. I do of course understand that there are people that are unhappy with this language, but it would have led to broader challenges and issues about delivering equal protection to transgender women, including those that have intersex variations, in relation to intimate image offences. I wanted to make sure the protection was there without confusing and potentially undermining the intention of the legislation.

Again, I have complete sympathy for this, but we just cannot support the amendments for the reasons that I have outlined. I think I have probably covered it all. As I said, I wish it was different, but it is not. Thank you to those that have made contributions on these particular amendments, but we are just not in a position to be supporting them at this time.

Ms SHING: I just want to acknowledge from the perspective of engagement with LGBTIQ+ stakeholders and individuals the extent to which this discussion around the way in which definitions have been outlined in this bill has occurred. As the Attorney has indicated, there are a number of further steps that need to be taken as we continue to work our way through the statute book and to address, identify and then manage discrimination as it stands within laws that currently operate. One of the challenges that we do have in seeking to strike a balance here and to draft in inclusive terms is to work within the way in which the statute currently operates, but I do want to place on the record the enormous levels of good faith and engagement that stakeholders from across LGBTIQ+ bodies as well as people who have experienced discrimination and vilification over many years have come with to bring their views, their context and their lived experiences to the work that government is doing. This has informed much of the work that has taken place, including within the justice working groups that have advised government for a number of years now. So I just want to place on the record gratitude for the honesty, the candour and, in many instances, the very raw experiences from LGBTIQ+ Victorians that have not just been part of this discussion but which will no doubt continue to inform the work that we do in the equality space and in examination of the statute book more broadly.

Dr CUMMING: This is just to the Attorney. Attorney, are you looking at just very neutral language? Obviously we all are human with body parts. I understand the language that you just used earlier, as well as the Greens' and Ms Shing's language, around looking for inclusive language, but are we looking for just neutral language, such as nipples and those kinds of things, and being able to define that—as in physical, biological language that we all as humans use?

Ms SYMES: Not through this legislation, no.

Dr CUMMING: Just through that, obviously there is biological language that we use around sex and sexuality, so is the government just looking at neutral language? I would want neutral human language to describe this bill.

Ms SYMES: I am sorry, Dr Cumming, I am a little bit confused about the elements of the bill that you are wanting me to respond to.

Dr CUMMING: We are responding to images, aren't we, of people's upper bodies? Is that what we are discussing? And then we are talking about sexual acts and images that would be considered.

Ms SYMES: I am a little unclear on your question.

The DEPUTY PRESIDENT: Dr Cumming, can you try and make your question a bit clearer?

Dr CUMMING: My question is this. I just heard the Attorney's contribution on Dr Ratnam's amendments, as well as Ms Patten's contribution. The Attorney said that this government understands this debate, is going to go and look further and cannot support Dr Ratnam's amendments, being that this government is obviously looking for language that could be used. My question is this: is this

government just looking at normal biological language that is used—current general language about us all as humans, about nipples and about breasts and about genitalia or vaginas or penises or anuses? Are we going to be using biological language? That is what I would like to know, because I just believe nipples and breasts are different. That is just breastfeeding.

Ms SYMES: Well, my commitment in response to Dr Ratnam’s amendments is in relation to a broader issue outside of this bill, and we have not done the work. This is about inclusive language, and it is about respectful consideration of how people identify and what laws can protect everyone without causing confusion. We are looking for simple language, of course, but making sure that it applies to everyone regardless of how they identify, how they interact in society and making sure that we have the best laws in the most appropriate language that do not cause offence. This language is offensive to some people, and I cannot fix it today. It is a commitment that it is a broader piece of work around how we can update our statutes to ensure that we are as inclusive as possible in the state of Victoria.

Dr CUMMING: But I would believe that the inclusive language is just the physical, biological language that we have used for a long time, which is nipples and penises. It is just that kind of language that we all have no matter how you identify. We are actually talking about, ‘What is an organ that you would consider to be used sexually and biologically?’. There are certain organs that are considered to be used to actually create sexual gratification or stimulation, and they are normally the nipples and the genitalia, whatever you have got.

Ms PATTEN: I cannot see how this line of questioning is even relevant to the amendments and the clause that we are debating. It is not as far as I can understand.

Ms SYMES: I thank Dr Cumming for her contribution, and I will take that as a statement. It is not a matter for this bill at this time.

Committee divided on amendments:

Ayes, 4

Barton, Mr
Meddick, Mr

Patten, Ms

Ratnam, Dr

Noes, 34

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr
Burnett-Wake, Ms
Crozier, Ms
Cumming, Dr
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Gepp, Mr

Grimley, Mr
Hayes, Mr
Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
McIntosh, Mr
Melhem, Mr
Pulford, Ms

Quilty, Mr
Rich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendments negated; clause agreed to; clauses 23 to 95 agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (19:55): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (19:55): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

House divided on question:

Ayes, 36

| | | |
|------------------|---------------|-------------------|
| Atkinson, Mr | Hayes, Mr | Quilty, Mr |
| Bach, Dr | Kieu, Dr | Ratnam, Dr |
| Barton, Mr | Leane, Mr | Rich-Phillips, Mr |
| Bath, Ms | Limbrick, Mr | Shing, Ms |
| Bourman, Mr | Lovell, Ms | Stitt, Ms |
| Burnett-Wake, Ms | Maxwell, Ms | Symes, Ms |
| Crozier, Ms | McArthur, Mrs | Tarlamis, Mr |
| Davis, Mr | McIntosh, Mr | Taylor, Ms |
| Elasmar, Mr | Meddick, Mr | Terpstra, Ms |
| Erdogan, Mr | Melhem, Mr | Tierney, Ms |
| Gepp, Mr | Patten, Ms | Vaghela, Ms |
| Grimley, Mr | Pulford, Ms | Watt, Ms |

Noes, 1

Cumming, Dr

Question agreed to.**Read third time.**

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Adjournment

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (20:02): I move:

That the house do now adjourn.

SUBURBAN RAIL LOOP

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (20:02): (2085) My adjournment matter tonight is for the attention of the Treasurer, and it concerns the state government's allocation of money to the Suburban Rail Loop. It is clear that money has been allocated to the Suburban Rail Loop, nearly \$10 billion initially—about \$2 billion of early works and indeed about \$2.2 billion of federal money to the Suburban Rail Loop. The cost of the Suburban Rail Loop was initially, in three parts, to be \$50 billion, but it is very clear that the state government's investment case of sorts suggests that it will be nearer \$35 billion, and that is before the cost overruns start.

But the Parliamentary Budget Office work that we released last week makes it clear that the total cost of the first two stages of the Suburban Rail Loop will come to \$125 billion for capital and \$75 billion for recurrent costs over the first period of the project—\$200 billion. That is before the calculations start on the third section, and you can well imagine that costing another \$70 billion-odd. It could easily be \$270 billion over that period. Understanding the cost structure of this is important for the community. I note that the investment case of sorts is dependent on the first two stages being completed. The PBO's recent work shows that the benefit-cost ratio is a negative figure, 0.6 or 0.7, so there is actually more cost than is delivered in value by the project. That is an important point.

But my point tonight is to make clear to the chamber and ask the Treasurer to do something. The state government says that a third of the cost will come from state government sources, a third from federal sources and a third from so-called value capture. I am concerned that the state government is going to impose a raft of new taxes across the eastern suburbs of Melbourne, and if you look at the way this applied, for example, on the tunnel in the city here, in the 1970s there was a tax, there was a levy on rates and there was a levy on those nearby with land tax—huge increases and huge layers of tax. What I want the Treasurer to do is to release the full costings for the value capture, because people in the eastern suburbs deserve to know how much in new tax they are going to be paying. Release the full details of the value capture.

POULTRY INDUSTRY

Mr MEDDICK (Western Victoria) (20:06): (2086) My adjournment matter this evening is for the Minister for Agriculture, and the action I seek is for her to advocate for a faster phase-out of battery cages in the egg industry. Last week after a seven-year review of the poultry industry a commitment was made for Australia to finally phase out the use of battery cages. It is long overdue, but shockingly it will not be complete until 2036—14 years away. Right now across the country over 12 million hens are confined to battery cages. Their space to move is no bigger than the size of an A4 sheet of paper. They have no ability to enjoy the simple pleasures of a chicken, such as scratching or dust bathing. They will not see sunlight until the day they are killed. Europe phased out battery cages in 2012. New Zealand phased out cages this year, as did 10 US states. A 14-year phase-out for Australia is a disgrace. It leaves everyone, the industry included, with too much uncertainty and too much room for a change of government to overturn the decision. Until 2036, 55 million individual hens will be confined to cages. The public expects better. Victorians expect better. I hope the minister will lead the way and push Victoria to a much faster phase-out. Doing any less would be supporting one of the most shameful forms of animal cruelty.

ZOE BUHLER

Mrs McARTHUR (Western Victoria) (20:07): (2087) My adjournment matter this evening is for the Minister for Police and concerns the withdrawal of a charge of incitement against a Ballarat mother relating to a social media post during the 2020 COVID-19 lockdowns. Many Australians and others across the world are familiar with the vision of Zoe Buhler being handcuffed by police in her kitchen, accused of inciting a protest in breach of public health orders. Unfortunately it is the stuff of COVID legend. The charge was withdrawn by Victoria Police in court in Ballarat on Tuesday. It has taken two years for the police to do the right thing. It was always a trumped-up charge, one of excess and one designed to put fear into every Victorian, knowing they had two options: to kowtow or face a judge.

During this time Victorians experienced and observed things that they never thought they would in a free country, one in which democracy and respect are fundamental tenets of our peaceful way of life. Other than Black Lives Matter gatherings, Victorians observed their right to protest being annulled with rubber bullets. Citizens were running from police officers, who used batons, bullets and a bravado barely seen in this nation. Had these crowds been assembling in the streets to riot, to burn buildings, to loot, to murder, to wreck or to create mayhem, then Victorians would have understood such aggression by the police, but these crowds had gathered for freedom. They gathered for the right to go to work, the right not to be forced to take vaccines and the right for their children to go to school. They rallied for democracy, for the return of the Parliament making decisions and not a gang of eight all in homage to one man, the Premier. It was under his incessant diktats for ultimate authority and control that the police chased protesters, hurried on grandmothers from park benches and handcuffed pregnant mothers.

The Premier offended many Victorians during this time, locking them out of their state, stopping them from being with their dying parents or children or going to their funerals. One of his most offensive statements was, 'We had no choice'. Let me be very clear: the police had a choice about whether to charge Zoe Buhler. The action I seek of Minister Carbinis is for him to offer an apology to Ms Buhler,

to explain to the Victorian people why police were instructed to act so aggressively towards her and why it took two years for the charge to be withdrawn.

GOULBURN VALLEY HEALTH

Ms MAXWELL (Northern Victoria) (20:10): (2088) My adjournment is to the Minister for Health, and the action I seek is for the government to support Goulburn Valley Health with funding towards its rural clinical school. I met with GV Health CEO Matt Sharp in July, and we spoke about the critical shortage of health, aged and community care workers that is challenging health services across the state, including their own. Acute shortages are being felt in nursing, midwifery and allied health. As an example, this year GV Health had 65 vacancies for nurses and 23 vacancies in allied health. By 2025 they expect this vacancy rate to escalate to a shortage of 241 full-time nurses and 26 full-time allied health positions. GV Health has been working in partnership with La Trobe University and GOTAFE to propose a purpose-built centre of excellence in rural nursing, midwifery and allied health education for the Goulburn Valley. They have determined this could be placed at the main Graham Street campus of GV Health. This grow-your-own strategy will be achieved through a combination of student-led clinics, onsite teaching, integrated learning approaches, skilled clinicians and technology-enabled student experiences to simulate a clinical environment.

The clinical school will increase GV Health's reputation as an employer of choice and help attract students and workers to the region. This has an important flow-on effect for professional development and improving models of practice. Value-add benefits of the GV rural clinical school will be seen in the vocational pre- and post-registration nursing and allied health programs that will provide pathways for local secondary students into health services. It will also provide additional clinical support for new graduates and postgraduate education opportunities. GV Health see this project as critical to supporting the rural health workforce pipeline and giving us a long-term solution to chronic and projected health and social needs in northern Victoria. We have a longstanding shortage of midwives. This affects not only hospitals but our child and maternal health services as well. Increasing the annual number of nursing and midwifery undergraduate students will help GV Health and neighbouring health and aged care services.

They will need \$19.5 million to deliver the project, but it will provide an excellent return on investment. For every \$1 million spent on the project, the clinical school is expected to generate an additional \$4.4 million of economic and community benefit. It will provide more than 45 additional full-time jobs. I am really excited about this project and congratulate GV Health, La Trobe University and GOTAFE for bringing a practical solution to the significant workforce issues our health services are currently experiencing.

AGRICULTURE WORKFORCE

Ms LOVELL (Northern Victoria) (20:13): (2089) My adjournment is directed to the Minister for Agriculture, and it the concerns the required labour workforce for this year's fruit harvest throughout my electorate. The action that I seek from the minister is for the minister to reveal what plans she has put in place, including what discussions she has had with the federal government, to ensure that Victoria's horticultural industry has access to sufficient seasonal workers to harvest our valuable fruit and vegetables this coming harvest season.

Over the last two years Victoria's horticultural industry has been severely impacted by the lack of seasonal harvest labour workers to pick the fruit and vegetables that feed Victorians, the rest of Australia and the world. The closure of the country's borders due to the pandemic saw our horticulturalists unable to access or restricted in accessing their traditional workforce of Pacific Islanders, backpackers and working holiday-makers, causing a devastating harvest labour shortage. This resulted in farmers throughout Victoria, including the many horticulturalists in my electorate of Northern Victoria Region, losing millions of dollars due to fruit not being harvested at its premium. Industry warnings on the severe impact of labour shortages the last two seasons were ignored by the

Andrews Labor government, who seem more focused on encouraging Victorians to work on farms rather than accessing an available workforce from overseas.

The 2022–23 harvest season will commence in northern Victoria’s horticultural industry with cherries in early November, and once again harvest labour shortages are the biggest concern for our horticulturalists. Victorian horticulturalists are looking at the current mango harvest season in the Northern Territory, where farmers are struggling to employ enough workers to pick and pack their produce. The Albanese Labor government has scrapped the agricultural visa program and has expanded the Pacific Australia labour mobility scheme, but the processing of applications to join the scheme will take at least three months.

Victoria’s horticulturalists need clarity and reassurance from the minister that the Andrews Labor government is standing up to its federal counterparts to ensure we have the workforce available to pick our valuable produce. The Andrews Labor government have failed to address labour shortages in Victoria’s horticultural industry over the last two years, and the minister needs to provide clarity on her plans to ensure that Victorian growers have the workforce needed to harvest their produce. This year, with the shortage of workers in all areas, this is going to be even more challenging for our horticulturalists, who will not be able to access local labour as there is such a shortage of that for all industries in Victoria.

WEST GATE NEIGHBOURHOOD FUND

Dr CUMMING (Western Metropolitan) (20:15): (2090) My adjournment matter is to the Minister for Transport Infrastructure in the other place, and the action that I seek is for the minister to contribute an additional \$10 million to the West Gate Neighbourhood Fund and extend its operation until the end of the project. The West Gate Neighbourhood Fund was established to compensate residents in the inner west for disruption during the construction of the West Gate Tunnel, especially residents of Hobsons Bay and Maribyrnong. The \$10 million contributed to the fund was offered in two components: partnerships and grants. The West Gate Neighbourhood Fund allows not-for-profit groups to access funding for projects that bring people together and build community capacity. Round 1 has been completed, but round 2 is still in progress. Apparently the grants have been significantly delayed because of COVID.

Construction started on the project in early 2018, and it was meant to be completed this year—that is, the West Gate Tunnel Project. In fact it was meant to be completed on 30 September. It is running not only over budget but over time, and the communities in Hobsons Bay and Maribyrnong and a lot of other residents in the west have to cope with this disruption, the noise, the air pollution and the inconvenience for another three years. They have delays in getting to work. They have delays in getting to the shops. They have delays in getting their children to school. They have even more trucks going through their streets. They have delays in even getting home at night, not knowing which exit is going to be open because there just seems to be no proper communication.

The initial funding should have been allocated by now. After all, the tunnel was meant to be nearly completed by now. The minister needs to ensure that the funds are distributed in a timely manner. Instead, 4½ years into the project \$3 million is waiting in this fund to be allocated to the community. The residents deserve better than this. They also deserve additional compensation for the extension of the project. An additional \$10 million should be immediately transferred to the fund and all future funding rounds should be carried out annually and in a timely manner. My community in the western suburbs deserve this. We were given a pitiful \$10 million from this multibillion-dollar project for the disruptions around the West Gate Tunnel in these neighbourhoods, and the government have not allocated these funds. Do not give COVID as an excuse.

ST PAULS ROAD, SORRENTO, PEDESTRIAN SAFETY

Ms BURNETT-WAKE (Eastern Victoria) (20:18): (2091) My adjournment matter is to the Minister for Roads and Road Safety. The action that I seek is for the minister to consult with the

St Pauls Road safety action group and then work with the Mornington Peninsula council and provide additional funding to address the urgent pedestrian safety issues on St Pauls Road, Sorrento. I thank the Liberal candidate for Nepean, Sam Groth, for raising this matter with me. He is a fantastic candidate.

St Pauls Road, Sorrento, is a very busy road used by motorists, buses, trucks, cyclists and many pedestrians. It runs across the width of the peninsula. It is a main thoroughfare. There are currently no pedestrian crossings to cross Nepean Highway or Melbourne Road for pedestrians to safely get to the Sorrento foreshore playground or the beach near or adjacent to the very busy St Pauls Road. VicRoads has, however, committed to the installation of a pedestrian crossing on Point Nepean Road near Holyrood Avenue to give pedestrians safe access to the beach. This is a few streets over from St Pauls Road, with both of these roads running off the Nepean Highway across from the foreshore. The VicRoads project development team has assessed the Holyrood Avenue location as the priority based on safety and accessibility. However, it was recently revealed that no pedestrian surveys were conducted prior to deciding on this location.

Sam Groth was recently contacted by the St Pauls Road safety action group. The action group firmly believe the crossing would be better situated near St Pauls Road. Given that St Pauls Road runs directly down to the beach, it is regularly used by pedestrians and mothers with prams who are walking down to the foreshore. There are over 10 bus stops along the road, which results in even more people crossing the road. School-aged children use the road to ride to school, and there is currently no footpath for this to be done safely. The speed limit on St Pauls Road is currently 60 kilometres an hour, but many motorists and buses travel over this speed. It is a built-up street with shops and no footpaths for pedestrians, but it is not uncommon for cars to be travelling at over 70 kilometres an hour. Speed limits on surrounding streets with arguably less pedestrian traffic have been reduced to 40 kilometres an hour.

The road desperately needs a pedestrian path or designated markings for pedestrians. Police have been called in the past for hoon driving and near misses. On top of this, the condition of St Pauls Road is deteriorating, and it regularly floods. Vehicles must swerve to avoid potholes and the sides of the road are crumbling. The residents need to be listened to and consulted. I call on the minister to consult with the St Pauls Road safety action group about the issues raised and their concerns and then work with the Mornington Peninsula council to provide additional funding to address the urgent pedestrian safety issues on St Pauls Road in Sorrento.

CARLTON PUBLIC HOUSING ESTATE

Dr RATNAM (Northern Metropolitan) (20:21): (2092) My adjournment matter tonight is for the Minister for Housing and relates to safety issues at the Carlton public housing estate in my electorate. Over the past few years reports of unsociable, aggressive and intimidating behaviour on the estate have increased, and although residents have been attempting to share their concerns with the department, they feel they are not being heard. Frequent complaints include yelling and other loud disturbances, violence, vandalism and damage to residents' property and squatting in empty apartments, and drug use and overdoses in common areas such as hallways and laundries are also common. Some residents are aware of illegal activity in their buildings but are too afraid to report this to police out of fear there might be backlash or simply because they no longer believe that the police will do anything about it. Many residents say they do not feel safe in their homes, and countless residents have reported a serious deterioration in their mental health due to ongoing safety issues.

While demographics on the estate have shifted dramatically over recent years, there has been no investment from the government to address the impacts of these changes. Community support workers are concerned about the number of visitors to the estate who present with complex needs, including alcohol and other drug dependencies and acute and chronic mental health issues. Residents tell me that doors are often jammed open or broken to facilitate entry by non-residents, and in some buildings forced entry has become so common that people are afraid to leave their apartments. For older

residents living at 530 Lygon Street, attempting to enter or exit the building has become a terrifying experience as they are often confronted by people aggressively trying to force their way into the building.

The Carlton Estate Tenants Association has formed a volunteer safety group, which is working hard to improve outcomes for residents, but in spite of strong community advocacy nothing has been done to address these serious safety concerns. This compounds ongoing concerns about a lack of maintenance and support that is needed for residents. Residents need meaningful action to address the ongoing safety issues around their homes and are calling on the government to implement the same security system that has been successful at neighbouring estates such as Fitzroy, Richmond and Collingwood. This model requires anyone entering the building to sign in and provide contact details alongside information about who they are visiting and acts as a deterrent for unsociable behaviour at the point of entry. The action I seek is for the government to urgently invest funding to implement a secure check-in model at the Carlton public housing estate.

WONTHAGGI PRIMARY SCHOOL

Ms BATH (Eastern Victoria) (20:23): (2093) My adjournment matter is for the Minister for Education in the other place, and it relates to the Wonthaggi Primary School. The action I seek is a commitment of funding to upgrade the school buildings and overhaul the school rather than maintain the current bandaid approach to fixing up a school in dire need of an overhaul. It was established over a century ago, in 1911, and it has very high aims, quality staff and supportive parents. It aims to provide a happy, safe, friendly and stimulating learning environment and a physical environment that meets the needs of the students, somewhere they can go and learn new challenges and develop their school life and potential.

The Nationals candidate for the seat of Bass, Brett Tessari, has engaged with the school on a number of occasions and recently met and walked through the school with the school community. It is in a terrible and dilapidated state of disrepair. It is totally inadequate to serve the students and the staff. The school's maintenance program is not equipped to remove asbestos, and it has been stretched out by consistent repairs upon repairs. The children's toilets in the study area are in such disrepair that they cannot be used, so in one part of the school they have children's toilets but they have to run across to the other side of the school just to use the bathroom. The school canteen has been transformed into a science room, but the space is so small that there are no chairs or tables there and students have to sit on the floor.

Caroline Moore is the school president, and she has written to me—thank you, Caroline—and also engaged with Brett, outlining a three-stage development plan for its regeneration. The stages include: stage 1, the demolition of the wooden quadrangle and introduction of a new STEM building, incorporating a library with a science space; stage 2, building an administrative building, allowing for redevelopment of the block with a brick quadrangle and appropriate classrooms; and then the last stage, building a gym and a sporting precinct, all with working toilets no less. I ask the minister, therefore, to work with the school community, with Caroline and with Brett Tessari to help to provide an environment where students in 2022 have a learning environment that actually supports their needs.

TRANSMISSION EASEMENT TAX

Mr QUILTY (Northern Victoria) (20:26): (2094) My adjournment matter is for the Treasurer. In 2005 the government introduced the high-voltage transmission line easement tax. This is a tax that all Victorians pay, but most do not know that it exists. Victoria's taxation system is a case of death by 1000 cuts—1000 small taxes. This tax costs each Victorian about \$30 a year, and it is paid as part of your electricity bill. The tax was introduced to subsidise the Alcoa aluminium smelter in Portland. The goal was to take money away from working people and to give it to a corporation. The subsidy provided to Alcoa has decreased, but the tax has increased. As the saying goes, nothing is more permanent than a temporary tax. Both Liberal and Labor governments have maintained the tax, and though the tax is paid by electricity consumers, it is charged against AusNet Services based on

easements for their transmission lines. Essentially the government will forcibly acquire an easement on farmland and then charge the public a tax for using the government's new easement. That is where the recent AusNet towers issue comes in. AusNet is trying to get a new set of easements to build overhead high-voltage transmission lines on farmland to bring renewable energy to Melbourne. Again, the regions suffer for the benefit of Melbourne—Melburnians and their clean energy fever dreams. The communities are fiercely opposed to the plan, so AusNet will likely resort to colluding with government to forcibly acquire the easements.

Regardless of how this issue is resolved, we are left with the issue of the transmission easement tax. The tax should be scrapped. I would prefer to see Victoria free of all these petty taxes and nonsense levies. It is my belief we should not be forcing people to support corporations through tax subsidy schemes and we should not let governments entrench temporary levies into permanent taxes. However, the other option would be to use this tax to compensate farmers for the use of their land. Easements are an ongoing frustration for landholders, and it makes sense that electricity consumers would compensate landholders for the use of their land. And the problem about where to put the easement lines might just disappear if the farmers were getting fair compensation. I call on the minister to either scrap the transmission easement tax or pay it out as ongoing compensation for those whose property rights have been forcibly acquired to create these transmission easements.

HEALTH SYSTEM

Ms CROZIER (Southern Metropolitan) (20:29): (2095) My adjournment matter this evening is for the attention of the Minister for Health. As we know, Victoria's health crisis is not resolving. In fact we have got over 90 000 people on Victoria's waitlist. The official figures are 87 000, but we know that not all Victorians who are waiting for vital surgery are included in that list. Those in Mildura, Wangaratta and Bairnsdale are not included in the list, and they are growing by hundreds each and every month. These Victorians have been waiting on the elective surgery waitlist, like Phil Strickland, who was spoken about today. He had been waiting for three years for his surgery and finally gave up, went to Adelaide and out of pocket paid \$28 000 to get a total knee replacement. His life had been severely impacted because he could not work, he was in ongoing pain and he could not pay his bills. If he could not work, he could not pay his bills, so he had to take out that loan, and now he has got this huge debt—but he had no choice. These are the impacts of the decisions made by this government, such as a code brown and the extended lockdowns that forced people into seeking alternative care interstate.

Today the government made an announcement on the urgent care centres—25 to be established in Victoria. The Rural Doctors Association are concerned about GPs in country Victoria. There are not enough GPs in country areas already, and they are worried about where they are going to get these GPs to staff these urgent care centres that are largely based in Melbourne. The Australasian College for Emergency Medicine have said that these urgent care centres may result in a decrease in the small number of low-acuity patients who are presenting to urgent care centres but they will not relieve the enormous pressures that are, in their words, being 'fuelled' by patients who are seriously ill. These are not patients that can be seen in these urgent care centres. They need emergency care. The college for emergency medicine are saying that this initiative is not going to take away from these pressures because of the failure of the government to plan and to invest in and properly support our health system. This has not occurred—not over the last two years and certainly not over the last eight years—and we know that.

There are many, many issues around this. There are 25 clinics. They have to be staffed 16 hours a day, seven days a week, but there is no clarity around how they are going to be staffed. We know that there are ongoing failures through the government's inaction in this space. The action I seek from the health minister is to provide where those staff are going to come from, because the government has announced today that they will commence in September or October. It is September in two days time, so I am seeking that urgent assurance from the minister.

TAXI FARES

Mr BARTON (Eastern Metropolitan) (20:32): (2096) My adjournment matter this evening is for the minister for transport. Just last week channels 7 and 9 and radio station 3AW reported on taxidrivers who refused to turn on the meter even while sitting at a taxi rank. Instead of the driver turning on the meter, passengers are being quoted prices in the realm of \$60 to \$80 to get from Rod Laver Arena to Richmond or to the city. There is no doubt that blame lands at the feet of the regulator. What this means is that taxidrivers, who have received only one fare increase in the past 14 years, are following the Uber model and surge pricing.

Let us be clear: they are allowed to negotiate a fare. This is not their fault. They are in a market with 120 000 drivers, all fighting for a smaller piece of the pie. They are forced to watch on as Uber exploit demand and surge prices whenever it suits them, and it suits them a lot. Meanwhile the taxidrivers sit handcuffed by price ceilings enforced by a system that up until recently did not really even consider the financial viability of operating a taxi when setting fares. In real terms their wages have decreased consistently. Now taxidrivers are some of the most vulnerable workers in this state. However, the solution is not to match the exploitative Uber model. We need a regulator that protects Nonna from Northcote, who wants to get home from the footy match at the G on a rainy Sunday. If nothing is done, vulnerable Victorians will suffer.

I have been raising this issue for some time and have just been ignored. We must do something to stamp out these practices that just do not match the expectations of the community. Firstly, we need to increase the maximum fares for taxidrivers to alleviate their financial suffering. I believe we are on track for this to happen shortly. Taxidrivers have families to feed. Many have legacy debts from the reforms of 2017, and they make decisions every day based on these hard facts. Minister, the action I seek is: will you instruct Transport Safety Victoria to perform their role and start regulating to protect passengers and the drivers from this exploitation?

RESPONSES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (20:34): There were 12 adjournment matters raised this evening. I will deal with one that was referred to me; the others will be referred to the relevant ministers.

The one that I wish to pick up is the matter that Ms Lovell raised, and that is the issue of labour shortages, particularly in the area of seasonal workers. Ms Lovell has called for the government to increase the number of overseas workers so that there can be seasonal harvests concluded in a way that producers will be satisfied with. The fact of the matter is, as we all know, that there is a worldwide shortage of labour. There is a shortage of labour domestically and there is also a shortage overseas. There is constant competition for workers. There are also skills shortages right across the world as well, and there can be no way that anyone could—

Ms Lovell interjected.

Ms TIERNEY: Listen. I listened to you; out of respect I would expect that you would do the same for me, Ms Lovell. What I am about to say is that you could not have a government—whether that be federal or state—here in Victoria at the moment that is more occupied with the fact of skills shortages and labour shortages. That is why we have been so fortunate to have had free TAFE since 2019. Can you imagine a Victoria where we did not have free TAFE, where we did not have all of those 115 000 people that have already gone through the system?

Ms Lovell: We need fruit pickers.

Ms TIERNEY: The federal government is the level of government that issues visas, not the state government. But having said that, Ms Lovell, out of respect, it is this federal government that has also made sure that this country is bringing all the key people together in Canberra towards the end of this week for the Jobs and Skills Summit that will be looking at a whole range of things. Whether it be

overseas workers, skilled migration, domestic skilling up of locals—a whole range of things will be discussed.

Ms Lovell interjected.

Ms TIERNEY: Excuse me—respect again, Ms Lovell. The fact of the matter is that there is no silver bullet in the situation that we have here or anywhere else in the country, let alone the world. But what this government and the federal government have is an effort to collaborate. We want ideas, we want practical solutions, and as I said, there is no silver bullet. But the fact of the matter is that we constantly have Ms Lovell standing up and saying, ‘What about this? What about that?’, but she never offers a solution. Not once have I heard her offer a solution on anything, and I have got to say she never wants to talk about collaboration. My understanding of and my relationships with people in the agricultural sector since I have become minister have been matters of collaboration. They want to sit down and talk things through with people for the benefit of not just their own businesses but those of their local communities.

I would expect that it would be better for Ms Lovell to make an appointment to see me and to sit down and work through some of the issues that she has around the Shepparton area, just like Agriculture Victoria is doing in a whole range of local government areas—working with local government, working with peak bodies, working with agricultural organisations so that we can work out the most effective ways that we can have not just long-term sustainable labour demands met in a whole range of parts of Victoria but a long-term strategy that ensures that we do not have this hit-and-miss situation that has developed over time and has got worse as competition for labour has increased.

We understand that you cannot do this alone. As I said, there is no silver bullet, but we are making sure that we have got the right people around the table and that we have got action. Murray Watt was actually here in Parliament on the last Wednesday night that we sat. I met with him and went through a whole range of issues, and of course he was well across the issue of the need for overseas labour for our seasonal and harvesting activities. This will be another topic that will be worked through at the Jobs and Skills Summit in Canberra during the course of the week. Again, this is a worldwide issue that everyone is grappling with, and I would expect that Ms Lovell will want to participate in that instead of being on the sidelines wanting to throw stones all the time. With that, I would encourage Ms Lovell to come and see me. I am happy to take her through what Agriculture Victoria is doing here in Victoria and happy to convey her views to others.

Ms Lovell interjected.

Ms TIERNEY: Again Ms Lovell is not listening. She is just wanting to throw stones and is expecting people to provide a silver bullet when she knows that hard work delivers the outcomes that we are all seeking, not the laziness that we constantly see from those opposite.

The PRESIDENT: The house stands adjourned.

House adjourned 8.40 pm.