Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 16 August 2023

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

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Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

Members of the Legislative Assembly

60th Parliament

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

1 ALP until 5 August 2023

2 Resigned 27 September 2023

3 Resigned 7 July 2023

4 Elected 3 October 2023

PARTY ABBREVIATIONS

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

CONTENTS

CONTENTS

CONTENTS

Wednesday 16 August 2023

The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Announcements

FIFA Women's World Cup

The SPEAKER (09:33): Members will be aware of the longstanding practice of this house concerning standards of dress. I advise the house that today I intend to relax these rules and that members will be allowed to show their support for the Matildas while in the chamber – but only the green and gold, other colours will not be permitted – and I very much look forward to relaxing the rules tomorrow as well. This is just a one-off and should not be taken to be a relaxing of rules generally, so I am sorry to say that all those Carlton and Geelong supporters will need to keep their scarves in their offices. And just a reminder that all members are invited to join me tonight in Queen's Hall after the house adjourns to watch the game. Staff and guests are also welcome to join.

Brad Battin: On a point of order, Speaker – first of all, I am not going to complain about the Geelong scarf, because I am not that confident we will get there this year – yesterday you made a ruling in relation to the member for Narracan and a comment he made, 'Pull your finger out', which you stated was unparliamentary and should not be used in Parliament. However, the term 'Pull your finger out' is a nautical term. When a cannon had a small amount of powder poured into the ignition hole near the base of the weapon, in order to keep the powder before firing, a crew member pushed one of their fingers into the hole, and when the time came for ignition the crewman was told to pull their finger out. This term has also been used by the member for Eltham, who complained yesterday that it was unparliamentary. It has been used by Greens members. It has been used in the upper house, and quite traditionally it has been used in this house. I could go through a list from *Hansard* of when it has been used. Can I please get a ruling on that, because I do not believe that it is unparliamentary when we talk about 'pulling your finger out and getting back to work'.

The SPEAKER: Thank you, member for Berwick. I will get back to the house on my ruling around 'pulling your finger out'.

Documents

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Auditor-General – Cybersecurity: Cloud Computing Products – Ordered to be published.

Motions

Early childhood education

James NEWBURY (Brighton) (09:35): I desire to move, by leave:

That this house:

(1) notes that:

(a) Knox City Council's kindergartens are closing;

(b) Mornington Peninsula shire is assessing the viability of its kindergartens; and

(c) these actions are due to the state government's funding model;

(2) condemns the Andrews Labor government, which promised free kinder, for a cruel hoax on Victorians.

Leave refused.

Members statements

Gisborne Secondary College

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (09:36): I rise today to extend my congratulations to the students and staff of Gisborne Secondary College for their remarkable production of *Freaky Friday*. I was delighted to attend a performance last Friday, and I am proud to acknowledge the achievements of these young people, who have worked hard to showcase their creativity and teamwork. The success of *Freaky Friday* is a testament to the talents of the cast, led by drama captain Laura Matthews, dance captain Jessica Summers and the leads Keyanah Butcher, Keira Welch, Rose Miles, Christian Murray and Tamara Adams. Together with the ensemble cast, every performer brought their character to life with authenticity, flair and a bit of homegrown Gisborne Secondary College humour. Congratulations also to the crew of 24 students. With their attention to detail, creative vision and technical expertise they deserve equal applause for creating an entertaining theatrical experience for the audience. Big thanks to the dedicated teaching staff Hayley Townsend, Christopher Hewitt, James Mifsud and Kitty Skeen, who made this production happen.

I also want to congratulate wellbeing captains Emily Dober and Zoe Phillips for creating the fundraising art show *What Is In your Emotional Backpack?* held on Saturday 22 July. I very much enjoyed both performances and exhibits. What a great way to showcase the many talents of the students at Gisborne Secondary College in music, performance, craft, art and creative writing.

Eat Up

David SOUTHWICK (Caulfield) (09:37): Eat Up is a not-for-profit feeding hungry kids across the country. It was a pleasure to join founder Lyndon Galea, CEO Elise Cook and a number of their volunteers along with 141 students and families from Kilvington Grammar. Together we made over 5700 cheese sandwiches in little over an hour. Unfortunately too many children go hungry to school, and this is a really important charity that is making a huge difference.

Aliya Youth Space

David SOUTHWICK (Caulfield) (09:38): Rabbi Menny Overlander runs Aliya. Aliya is a youth space for many kids that need somewhere to go, either when they do not go to school at all or after school to drop into for support. I had the pleasure of joining them to play some video games, to learn about the space and to be challenged at table tennis. Yehudah Saffer, who is an absolute legend, beat me. We had a bet, and the bet was that if I lost I would wear my yarmulke in Parliament. So, Yehudah, I am honouring that bet, and thank you for staying true to yourself and all of your friends going to that fantastic youth space. Good luck to you and to all of your mates.

Unlock the Door to Home Ownership

David SOUTHWICK (Caulfield) (09:39): On Monday, unlocking the door to affordable housing was a forum we ran. I want to thank Jess Wilson, Phillip Kingston and Nemesia Kennett from Nightingale. Unlocking housing is an important issue to all of us.

Maribyrnong Park Football Club

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (09:39): I rise today to give thanks to Adrian McDonald, Vince De Fazio and Ryan Mistry. These three gentlemen have been coaches for Maribyrnong Park. Eggie, otherwise known as Adrian McDonald, and Vince have coached the under-14s seconds team this year, and they build on the great work of Ryan Mistry. I want to make this contribution because I think it will be Eggie's last season as coach. It is important to have really strong, positive male role models in the lives of boys as they start to come of age, and Eggie as well as Vince and Ryan have taught the boys so much. It is not just about football, it is about values. It is about sticking with your friends. It is about playing the game fairly and playing it with decency, honesty and

courage. These are lessons that will stay with these boys long after they leave the football field, in whatever they choose to do in life. The contributions these guys have made – literally hundreds of hours over the last few years to do what has been a really important role. From my perspective, I just really want to thank all three guys for what they have done.

Strathaird Reserve

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (09:40): I do want to thank Sharon Mumford. We have been on a long journey, Sharon and I, in relation to the Strathaird Reserve. We had its grand opening recently as a pocket park. This has been a project of many years in the making, and what has been delivered at Strathaird has been outstanding.

Essendon North Primary School

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (09:40): Finally, Kate Barletta, principal of Essendon North Primary School – an absolute legend.

Bob Iskov Scholarship

Tim McCURDY (Ovens Valley) (09:40): A massive shout-out to our three inaugural Bob Iskov Scholarship recipients, who did Wangaratta proud on the Kokoda trail. Hugh Canning, Ella Kidd and Zoe Baguley successfully walked, climbed, clamoured and sweated their way across the rough terrain in Papua New Guinea. Leadership is developed, and these three students are our future community leaders. I also want to thank all of our sponsors who so far have contributed to this scholarship to ensure its success, and I particularly want to single out the Wangaratta masonic lodge, who continue to fundraise and contribute to this extremely worthwhile local scholarship. The Freemasons do such good work that goes unnoticed in and around the Wangaratta region, and the Wangaratta lodge should be very proud of their support for young members of our community. Thank you once again to all of our sponsors and contributors. The Bob Iskov Scholarship will be a starting point for many young leaders to emerge in the Wangaratta community, and I encourage other businesses to support this outstanding journey.

Cost of living

Tim McCURDY (Ovens Valley) (09:41): My office continues to be contacted by residents feeling the pinch of the cost-of-living crisis. Victorian government fees, including business licences, WorkCover premiums and power costs, are hurting local families. I am urging the Premier and cabinet members to seriously look at all the increased taxes and charges and give families and small businesses a break. People across the Ovens Valley from Cobram to Mount Beauty are all telling me that enough is enough. Stop the gouging and help families to survive the big bill – that is spelt B-I-L-L. It is turning into an ego trip to brag about how many tunnels they can build. Premier Andrews and Deputy Premier Allan are leaving a legacy of pain and financial ruin for Victorian families.

Mount Waverley Heights Primary School

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:42): A few weeks ago Mount Waverley Heights Primary School graduated as Australia's first IT Beacon school. This marked a groundbreaking partnership between Mount Waverley Heights Primary and tech companies like Datacom, Google and HP. Students were provided with cutting-edge technology and opportunities for engagement with the tech industry, enabling real-life learning beyond the classroom. I wish to pay tribute to principal Sharon Reiss-Stone for her leadership in pioneering this program at Mount Waverley Heights Primary, the school staff, the teachers, the parents and the sponsors.

Oakleigh Cannons Football Club

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:42): Over the weekend the mighty Oakleigh Cannons had their Australia Cup clash against Melbourne City FC at Jack Edwards Reserve in Oakleigh. It is a huge event where clubs at the grassroots have a chance to compete with those at the professional level. The whole local community got around the Cannons, who sadly went down 2–3 in the dying minutes.

Jack Edwards Reserve

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:43): As a government we have contributed $4 million to redeveloping Jack Edwards Reserve, particularly to increase opportunities for female participation in soccer, which is buzzing right now thanks to the Matildas and the FIFA Women's World Cup. Well done to the Cannons and our inspiring Matildas.

Community Support and Information Service

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:43): I recently visited the Monash–Oakleigh Community Support and Information Service. They play a vital role in our community, managing a food bank, an op shop and a vegie garden and offering emergency relief to those in need. The group is composed of the most friendly, inclusive and passionate individuals that you will ever meet. I want to express my gratitude to them and to Kathy Hosie for her exceptional leadership of MOCSIS, and I extend my appreciation to everybody involved in providing such a vital community service.

Carmel Black

David HODGETT (Croydon) (09:43): I rise today to acknowledge the terrific achievement of Carmel Black, who has recently retired from a position as a school crossing supervisor at Yarra Road Primary School in Croydon North which she has held for 44 years. The Yarra Road school committee campaigned for a school crossing over a two-year period, and the school crossing site eventually opened in 1979. However, the role of school crossing supervisor remained vacant for three months. Carmel, having a love for the school community and wanting to ensure the children's safety, offered to step into the role temporarily, knowing how important the crossing was. Her temporary position continued, leading to an incredible 44 years as a crossing supervisor and making Carmel one of the Victoria's longest serving crossing supervisors.

Carmel loved the role, enjoyed getting to know the children, learning their names, hearing of their achievements and even attending school productions, carols and graduation nights. Her dedication and care for the children and warm welcoming personality led to Carmel becoming a vital part of the Yarra Road Primary School community. Rain, hail or shine, Carmel helped pedestrians of all ages safely cross the road. Her contribution to the community even earned her an Australia Day community service award in 2015. Thank you, Carmel, for your outstanding service to our community, and enjoy your retirement.

Jenny Hall

David HODGETT (Croydon) (09:44): Next I would like to acknowledge the wonderful work of Jenny Hall in holding her annual Jenny's Biggest Morning Tea and raising much-needed funds for Cancer Council Victoria. Jenny is a cancer survivor who knows the importance of support from the cancer council and hopes the fundraising will help find a cure for cancer. Jenny has been holding events for 25 years, which I am always happy to support. Her most recent morning tea raised over $12,000. This is a tremendous effort. Well done to Jenny Hall on her fundraising efforts for this valuable cause.

SPEE3D

Gabrielle WILLIAMS (Dandenong – Minister for Mental Health, Minister for Ambulance Services, Minister for Treaty and First Peoples) (09:45): Today I rise to congratulate Dandenong business SPEE3D on being awarded Leader in Defence, Aerospace and Space in the 21st year of the Victorian Manufacturing Hall of Fame Awards. The annual manufacturing hall of fame awards recognise outstanding individuals and organisations in Victoria's manufacturing sector, and so it was no surprise that a Dandenong business was highlighted given the prominence and size of our local manufacturing industry. SPEE3D is a local startup pioneered by Byron Kennedy and Steve Camilleri which develops and builds rapid 3D printers. Parts that may otherwise take 24 hours to print can be printed in some 20 to 30 minutes using SPEE3D's revolutionary technology. These printers are made in Dandenong and then sold to places like Germany, the US and Japan to build parts for automotive applications as well as general industry.

SPEE3D chose to make Dandenong home because of our proximity to parts and skills, and as they have grown so has our local workforce, as they hire engineers, software developers, front-of-office staff and much more. Manufacturing in Dandenong is a major support not only to our local economy but to the broader Victorian economy, with our highly skilled workforce and expertise attracting major investments. Dandenong hosts more than 1400 manufacturing businesses and more than 21,000 workers. SPEE3D are part of this local story by leading the way with new technologies and innovations, and I am extremely proud to have businesses like this helping put Dandenong and Victoria on the global map of advanced manufacturing.

Eildon electorate roads

Cindy McLEISH (Eildon) (09:46): It was no surprise to locals to see the Melba Highway topping the list of Victoria's worst roads in the *Herald Sun* on the weekend. But whilst the Melba Highway is finally getting a little bit of attention, there are plenty more dodgy highways and major roads in my electorate that need repairing. These include: the Warburton Highway, Whittlesea-Yea Road, Healesville-Koo Wee Rup Road, Eltham-Yarra Glen Road, Marysville Road and roads in and around Eildon township. Our roads need more than temporary pothole fixes and hazard signs; they need real and lasting repairs, including resurfacing and drainage before it is too late.

Vietnam Veterans Day

Cindy McLEISH (Eildon) (09:47): Friday 18 August is Vietnam Veterans Day. This year marks the 57th anniversary of the Battle of Long Tan and the 50th anniversary since Australia's involvement in the Vietnam War ended. I acknowledge the sacrifice of the 523 lives, 2400 wounded and 6000 Australians who served our country in Vietnam. This was a war to attempt to contain or limit the spread of communism throughout the rest of South-East Asia. On their return home Vietnam veterans felt vilified and were treated badly, exacerbating the impact of the horrors of war. The service men and women deserve our support and respect for the sacrifice they made. The Yarra Valley and outer eastern Melbourne Vietnam Veterans Day commemoration took place on Sunday in Healesville. This service brings together veterans and supporters from the Healesville, Upper Yarra, Warburton, Yarra Glen, Croydon, Lilydale and Mount Evelyn RSL sub-branches and the National Servicemen's Association. Further local commemorations are taking place on Friday in Mansfield, Alexandra and Seymour. I am proud of their efforts.

Glen Waverley electorate schools

John MULLAHY (Glen Waverley) (09:48): We have so many excellent schools in the Glen Waverley district, and it is theatre season for our local high schools. Recently I attended the Emmaus College's excellent production of *Little Women* at Alexander Theatre at Monash University. Thank you to principal Karen Jebb for inviting me to a truly great show. Last Friday, I attended Vermont Secondary College's production of *Chicago: Teen Edition*, which was a fantastic performance, and I wish the cast and crew all the best over the continued season this week. Last Sunday I attended the

final dress rehearsal for Brentwood Secondary's production of *School of Rock*. I would like to thank the member for Hastings for attending Brentwood's dress rehearsal last year for *Strictly Ballroom*, where he was able to pass on some great dancing and acting tips from his experience as Scott Hastings. Unfortunately I was unable to organise Jack Black this year; however, I know the *School of Rock* will rock. Thank you to director Joel Batalha for inviting me. Tickets are still available online, so make sure you do not miss the show. From acting, singing and dancing to lighting and stage production, it is inspiring to see such a high calibre of talent in arts in our local community.

On Monday I met with the facilities committee of Vermont Primary School to discuss the needs of the school. I would like to thank Lisa Portell, Nick Beckett and Joe Reilly for their continued advocacy for Vermont Primary. This is an excellent school that is currently a top 10 public primary school in Melbourne. Across the Glen Waverley district we are fortunate to have some of the best public schools. The Andrews Labor government will not rest on our laurels, and we will continue to deliver high-quality facilities, programs and education.

School lunches

Emma KEALY (Lowan) (09:49): Under Labor the cost of living continues to rise, and this is having a major impact on local families. Recently local schools in the Horsham area approached Horsham Rotary Club, concerned about the increasing number of students that were not able to bring lunch to school. I congratulate the Horsham Rotary Club on teaming up with the Eat Up foundation to make and deliver cheese sandwiches to make sure that no student goes without their lunch. I would also like to give a big thankyou to Tim from Horsham City Meats and also the Woolworths bakery for their generous support of this program.

Albacutya Bridge

Emma KEALY (Lowan) (09:50): The Albacutya Bridge is an issue I have raised in this place many times. It was heavily deteriorating and falling apart and had to be closed in October 2021. It was reopened after funding from the state, federal and local governments and was looking fabulous back in May 2022, but less than a year later the road has again been closed. This is a major thoroughfare to the gypsum pits through that area. It needs to be reopened as soon as possible. Given the state government have provided funding previously, I urge the government to provide additional funding to make sure this key route for the agricultural sector is reopened as soon as possible.

FIFA Women's World Cup

Emma KEALY (Lowan) (09:51): I would like to wish the Matildas all the very best for their big game this evening. The impact that it is having on young girls in being their very, very best is huge right across the nation. Congratulations, Tillies, and good luck for the remainder of the finals.

Endeavour Hills Men's Shed

Belinda WILSON (Narre Warren North) (09:51): Recently the Treasurer paid a visit to see some of what Narre Warren North has to offer. We headed down to see my friends at the Endeavour Hills Men's Shed, and these guys are well-known legends of our local community for all the work they do. The Endeavour Hills Men's Shed is all about craftsmanship, good company, social inclusion and a lot of fun along the way. Men's sheds are places that provide mental health support, friendship and a sense of community, and the Endeavour Hills Men's Shed is no different. They gave the Treasurer and me a firsthand glimpse into their diverse activities, and they definitely did not shy away from asking the hard-hitting questions. Thanks to president Doug and treasurer John for always being so welcoming and for showing us around.

Fountain Gate Secondary College

Belinda WILSON (Narre Warren North) (09:52): We also visited a group of year 11 students at Fountain Gate Secondary College in Narre Warren. We got to see an incredible performance of Afghan and Pasifika students in a wonderful display of culture. The Treasurer had a sit-down and a

Q and A session with the students, and we all talked about things governance and economics. They had plenty of questions to ask, and it was great to see their curiosity in action. Thank you to principal Jo and all the year 11s from Fountain Gate for being so welcoming and asking important questions and for sharing their experiences. Your enthusiasm and curiosity really made our day special. Thank you to the Treasurer for coming to visit and see the best of what Narre Warren North has to offer.

Rental accommodation

Sam HIBBINS (Prahran) (09:52): I rise to urge an end to unlimited rent rises here in Victoria, including in my electorate of Prahran. I want to share with the house some of the stories that I am hearing from Prahran renters who are struggling with the skyrocketing cost of housing. From a resident in St Kilda Road:

> … it feels like I can never get anywhere I am not able to save anything I'm living paycheck to paycheck and my rent is so high it takes almost both of my monthly earnings to pay it. I'm left with so little to pay bills and to afford food. It's been so relentless that my mental health has suffered extremely.

Another resident in St Kilda said:

> All my family live interstate, I can't afford to take time off work or the cost of travel fees to try to see them even when there have been health issues because I can't afford to pay my rent and take leave from work at the same time

Another resident in St Kilda East said:

> It's dehumanizing in a lot of aspects. Many rental properties are run down and the cost of rent is expensive. I've often faced near homelessness from financial precarity because of the systemic poverty that the current rental system places me in. I doubt I will ever be able to escape the rent trap.

There are around 60 per cent of residents in Prahran renting their homes. The housing crisis is pushing people to the brink of homelessness, making people's mental health worse and reducing their quality of life. I urge the state government to put an immediate freeze on rent increases and put in long-term rent controls to make sure everyone has a safe and affordable place to call home.

Koonung Secondary College

Paul HAMER (Box Hill) (09:54): I would like to congratulate Koonung Secondary College on their production of *Seussical*, which I saw last month. I would like to praise the fabulous cast of Jesse Pickering, Ben Harding, Alysha Clegg, Maia Mendez, Keira Singleton, Mietta de Luise, Frankie Healy, Bethani Bingley, Lachlan Tolliday, Evelyn Heath, Isabella Triandafyllakos, Indiana Iannotti, Emily Nash, Bella Cidoni, Victor Azubel, Tehmi Harding, Gwen Mander, Zarah Buccanan and Patrick Foster-Johnson as well as ensemble cast members Payoja Basak, Steph Coleman, Izzy Johnstone, Taneka Huber, Millie Ferdowsian, Clio Vassiliades, Alice Lyons and Kaitlyn Lim.

A performance such as this does not happen without many contributors who cannot be seen on stage. A big shout-out to Jamie Tite, Zach Watkins, Romy Simpson, Lachlan Simon, James Pachamtia, Skye Schaper, Hilary Dods, Jeremy Ball, James England, Kady McGrath and Xavier Cronin, who were backstage; Ash Jackson, Ava Booth, Rose McKinnon, Sienna Forrest and Simon Cronin on sound; Michaela Poon, Zoe Newbury, Michael Harding and Sabrina Hutchinson on lighting; Khushi Patel, Odette Roberts, Daniel Goulding, Gabi Huber, Peter Liu, Alessio De Luise, Sophie Newbury, Lukas Yap, Poppy Taylor, Jasmine Missen and Stella Nazzari on hair and make-up; Zoe Ryan-Ferdowsian, Pete Martin, Chris Booth, John Clegg, Andrew Achterbosch, Daniel Ferdowsian, Natalie De Bono and Andrew Harding on set and construction; Sue Clarkson, Katherine Harding, Laura Healey, Julie Donegan, Sandy Mander and Kara Elliott on costumes; and finally to producer and director Chelsea Thomas and Mark Anderson.

For the Love of Good

Jess WILSON (Kew) (09:55): For the Love of Good is a new social enterprise by Servants Community Housing which aims to address loneliness, isolation and barriers to employment for social housing residents. The new brand has released two products: 100 per cent pure Boroondara-made honey, which is harvested from the bees at Servants properties, and 100 per cent organic sparkling apple juice, with all the apples picked by Servants residents at a farm in Warragul.

The local Servants residents have driven the project from start to finish, including building and painting beehives, tending the bees, planting bee-friendly gardens, harvesting and bottling honey, designing the packaging and labels, creating sales strategies and picking the apples, and they will also be involved in the delivery. It has been inspiring to see the residents' entrepreneurial spirit, hard work and creativity, which have underpinned the entire process. I was delighted to join them for the launch of the products and confirm that both the honey and the sparkling apple juice are delicious.

Boroondara Stroke Support Group

Jess WILSON (Kew) (09:56): During National Stroke Week it was an honour to launch Boroondara Stroke Support Group's volunteer manual. Spearheaded by the incredible Vivienne Harkness OAM, BSSG is one of the most active and innovative community-based stroke support groups in Australia. Nationally, one person will experience a stroke every 19 minutes. However, the support for survivors and their friends and family is not always widely available. BSSG fills this gap, supporting stroke survivors, their families and their carers with a range of activities, including their famous Sing for Recovery choir. It was particularly inspiring to hear from Peter, who shared his recovery journey. Peter's mantra to never give up, even when you are experiencing your darkest days, resonated with all in the room.

Pascoe Vale North Primary School

Anthony CIANFLONE (Pascoe Vale) (09:57): Last year on the campaign trail I had the privilege of visiting Pascoe Vale North Primary School, on the corner of Derby Street and Kent Road, along with the federal member for Wills Peter Khalil. First opened in 1956, Pascoe Vale North Primary has been doing a magnificent job for over six decades to educate and prepare generations of local young students for their careers and lives ahead. Guided by the school's 'Excellence in learning' motto, Pascoe Vale North continues to support the learning and wellbeing journey of the over 420 students that are currently enrolled in the school. In meeting with school principal Deborah Crane, it was a pleasure to discuss the school's future needs as well as the benefits of previous federal and state Labor government investments to upgrade the school, which included the previous BER upgrades, which delivered a new, modern learning classroom building, as well as the more recent $91,000 by the Victorian Labor government to deliver a new sensory garden designed to promote mindfulness among students.

Westbreen Primary School

Anthony CIANFLONE (Pascoe Vale) (09:58): On 24 July I joined with the member for Broadmeadows to visit Westbreen Primary School, on the corner of Pascoe Street and West Street. School principal Tony Cerra, along with school captains Maryam and Youkhana, provided us with a tour of the new facilities that have been delivered thanks to the $6 million invested by the Andrews Labor government since 2014, which has provided new classrooms, an art room, outdoor basketball courts and much more for the school's 340-plus students. We also took the chance to answer many of the curious questions from the school's grade 5s and 6s, who include, I believe, many future community leaders as well as future Socceroos and Matildas. As it was first opened back in 1923, I look forward to celebrating the school's centenary coming up in September along with school council president Alice Pryor and the broader Westbreen Primary School community, who are doing a magnificent job.

Peter Anderson

Katie HALL (Footscray) (09:58): Today I would like to take a moment to acknowledge the passing of a cherished member of the Footscray community. Peter Anderson was an active community member who leaves behind a legacy that will endure for many years to come. Along with his wife Lola, always by his side, Peter was instrumental in establishing Cruickshank Park. Last year marked 50 years since Peter and Lola galvanised their friends and neighbours to turn an old quarry site into a jewel of the inner west. In 2021 Peter and Lola were named Maribyrnong citizens of the year for their lifelong commitment to their community and their beloved park, which is adorned with ponds, rain gardens and of course Mimi the dinosaur. Generations of residents have benefited from Peter's work and dedication to the community. Cruickshank Park is a thriving ecosystem for wildlife, heaven for dogs, a place for bush kinder and the Junior Rangers. Local children are now well equipped to carry on Peter's remarkable legacy. Peter Anderson was a shining example of the power of community, and he will be sorely missed. Vale, Peter.

Maribyrnong College and Footscray High School

Katie HALL (Footscray) (10:00): I would like to also acknowledge the students of Maribyrnong College and Footscray High, who last week both performed the *Addams Family* in our community of the inner west. Well done to all the students.

Vietnam Veterans Day

Steve McGHIE (Melton) (10:00): This coming Friday, 18 August, marks the 50th anniversary of the end of the Vietnam War, which began in August 1962 and lasted until March 1972. Over 60,000 Australian troops served in the Vietnam War; 523 died and more than 3000 were wounded in battle. We paused on Vietnam Veterans Day to reflect on the courage and bravery of all the service men and women who fought for this country but also to remember and honour the 523 troops who lost their lives during battle. Whilst the war may have ended 50 years ago, the ongoing physical and mental scars have never left those who returned or their families. Therefore the accessibility of Vietnam War veteran specific support groups is so important.

I would like to thank the Vietnam Veterans Association of Australia, Melton, their president Wayne Gillies and their committee and members. I have been grateful to have worked closely with this incredible group for numerous years now and seen the welfare services they provide to veterans and their families as well as the younger generation of veterans. Throughout our chats I have been able to meet with members, and many veterans are associated with the Melton RSL. Every single person highlights to me the importance of the Vietnam Veterans Association of Australia, Melton, and the welfare support they provide to Melton veterans. The camaraderie and mateship continue on today through the Melton Young Diggers association. The young diggers' use of dogs as a support mechanism for veterans has been such a successful initiative, and I always look forward to their annual calendar. I would like to personally thank all veterans for their service to our country and pay my respects to all those who have served and continue to serve.

Bellarine Peninsula distinctive area and landscape

Alison MARCHANT (Bellarine) (10:01): It is incredibly exciting to stand here today to talk about the signing of the Bellarine distinctive area and landscape, or the Bellarine DAL. Last week the Minister for Planning released the final statement of planning policy for the Bellarine Peninsula. Within this policy the Bellarine has been declared a distinctive area and landscape under the Planning and Environment Act 1987. This policy locks in protected settlement boundaries for all townships on the Bellarine Peninsula, ensuring that the landscape and natural beauty of the peninsula are protected for future generations.

I am very thankful to our predecessor the Honourable Lisa Neville, who worked tirelessly alongside the community to safeguard the unique aspects of our region, and now we have a comprehensive 50-year policy in place for the Bellarine – a plan that not only prioritises environmental preservation but

also seeks to protect our iconic townships. It was a collective goal to ensure the sustainability of our communities remained a priority, and through this DAL we are now providing the highest planning protection for Victoria's most historic environmentally sensitive areas. This policy was prepared with traditional owners the Wadawurrung, the Borough of Queenscliffe and the City of Greater Geelong, with significant public consultation.

I remember when the Premier announced the final DAL at the Ocean Grove Surf Life Saving Club there were literally tears of joy from the community members – happy tears that all their work and advocacy had been heard and their towns mattered. I am very proud to represent the Bellarine and this DAL.

Truganina schools

Sarah CONNOLLY (Laverton) (10:03): It was great to be out last week on site to see the massive amount of construction work being done at the brand new schools our government is delivering for the mighty Truganina. These schools, recently renamed Warreen Primary School and Bemin Secondary College – the elusive high school locals have wanted to see for so long – are set to open their doors to students from the beginning of next year, and it was fantastic to see them begin to take shape. I had the pleasure of meeting several of the team from Hutchinson Builders, the contractors who are building these schools, and it was absolutely wonderful to sit down and hear them talk about how much of a privilege and a pleasure it is for them to be building schools out in our community and in Melbourne's west. Like us, they know our kids in Melbourne's west deserve wonderful local schools with state-of-the-art learning facilities. It has been a really long journey for my community since 2020 to see these schools become a reality, and for the families and for the community members who fought for the Everton Road site to be used as a school, as opposed to it simply becoming another housing block, it is an absolute triumph. There is not long to go now, and I cannot wait to be back there next year to finally open these brand new schools in 2024.

Elizabeth Lewis-Gray

Juliana ADDISON (Wendouree) (10:04): Congratulations to Elizabeth Lewis-Gray, who has been honoured at the Victorian Manufacturing Hall of Fame Awards for services to industry for her work as co-founder and chair of Gekko Systems, a global technology leader in mineral processing based in Ballarat. Elizabeth is the chair of Gekko Medical, who designed, developed and manufactured a fit-for-purpose ventilator in 2020 at the height of the COVID-19 pandemic. Elizabeth's induction into the Victorian manufacturing honour roll is well-deserved recognition for her outstanding contribution to the manufacturing industry.

Katie Jackson and Lucy Richardson

Juliana ADDISON (Wendouree) (10:05): Well done to Ballarat Clarendon College students Katie Jackson and Lucy Richardson on their success at the World Rowing Under 19 Championships in Paris, winning the bronze medal in the women's pair. I am so proud of these inspiring young women and my former students.

Karenne Ann and Heather Horrocks

Juliana ADDISON (Wendouree) (10:05): Congratulations to Karenne Ann and Heather Horrocks on the opening of their *Effacement* exhibition at the Art Gallery of Ballarat. The exhibition is a celebration of these incredibly talented women as well as feminist heroes. The works include photographs by Karenne of Heather wearing her crocheted mask and shrouds made from discarded VHS film tape.

City of Ballarat Youth Awards

Juliana ADDISON (Wendouree) (10:05): Well done to the wonderful young people nominated for the 2023 City of Ballarat Youth Awards. Congratulations to all winners, particularly Delana Wright, Mitchell Hardman, Albert Mumba, Gabriel Gervasoni and Noah Quick, and well done to Jasmine Goon and Keeley Johnson.

Taxation

Brad ROWSWELL (Sandringham) (10:06): It is clear that Victoria's tax system is fundamentally broken, which is why the Liberal–Nationals coalition in July launched our tax discussion paper. I encourage every Victorian who is burdened by Victoria's taxes to visit bettertaxsystem.com.au and have their voices heard.

Statements on parliamentary committee reports

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare

Mathew HILAKARI (Point Cook) (10:06): I rise to speak on the *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. The report was published in October 2022 by the Integrity and Oversight Committee (IOC). It is in many ways the culmination of a number of years of work since 2019 on how we can better support witnesses.

Firstly, I just want to go to the IOC's general role. They are responsible for monitoring and reviewing the performance of the duties and functions of the four Victorian integrity agencies: the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman. They play a really important role in making sure these integrity agencies themselves provide accountability, accountability to the Parliament.

I would like to acknowledge up front former members of the committee – I spoke some time ago about the members of the committee, but these are former members of the committee – the member for Melton; the former member for Altona the Honourable Jill Hennessy MP; a member for Eastern Victoria Region Harriet Shing; and the former member for Ringwood Dustin Halse. They paid particular attention to this report.

In terms of the management and the welfare of witnesses and others involved in integrity investigations, there has been a great deal of discussion both in the media and in the Parliament about how we can do that better. It should always be an objective of integrity agencies and the broader Parliament to look after the welfare of individuals involved in what are really trying and difficult circumstances. Anyone who has been part of a tribunal, part of a court process or part of any investigatory process would know it is a really difficult thing to be involved in. Witness welfare, which provides a light on how the state can run better and how organisations can run better, should be provided with that appropriate support.

The agencies that were being interrogated in these processes appeared before the committee. They provided written submissions and, like with many processes of committees in this place, responded to questions on notice. There were also a number of other witnesses – expert witnesses in the field but also those people who had been through the processes of these committees.

The committee's review says that there were some really good processes in place but also that those processes could be improved. They came up with 16 recommendations, which are included in this report: seven for IBAC, six for the Ombudsman and three for the Victorian Inspectorate. I am going to outline some of these recommendations for the house. This is something that I know we are considering across the whole of the Parliament.

Recommendation 2 goes to procedural guidelines for holding public examinations and making sure that IBAC – because this goes to IBAC's operations – provides a written report of its reasons and an outline of why it would hold public examination and information about those procedures and guidelines. This is a really important thing, that they are able to be accountable for their actions.

Recommendation 4 is that IBAC put forward a special report – and table it in the Parliament – on investigations in which public examinations were held, providing a description of the exceptional circumstances and the public interest that led to it holding those public examinations. This goes to the

fundamental risks that a person endures in terms of their reputation being damaged, remembering that these are not courts that are making findings on individuals of guilt or innocence – these are examinations to make sure we get better outcomes in terms of our public service and our public sector. The committee also asked that IBAC provide data on these examinations and also data on the witnesses and complaints received over the reporting periods.

I take you to recommendation 6 now, again for IBAC to consider and for the government to consider, which is around consultants and making sure that there are periodic check-ins on the mental health of witnesses that have appeared. That is in the time when IBAC has made a report but has not publicised it. We know that is often a considerable period of time, and that considerable period means that we need to look after those witnesses who have been publicly examined.

I can see that I am running out of time to get to the next set of recommendations, but I look forward to being able to discuss those at another time.

Integrity and Oversight Committee

The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate

Roma BRITNELL (South-West Coast) (10:11): I rise to speak on the committee report done by the Integrity and Oversight Committee *The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*. In doing so I will mainly comment on the minority report that was written by some committee members. This is a committee that has now been quite clearly demonstrated to be fraught with controversy, so I am not surprised that my colleagues Brad Rowswell MP, deputy chair of the committee, and the Honourable Kim Wells MP decided to write a minority report.

The audit was done because when the Liberals set up IBAC, they clearly set it up because integrity and transparency – what all Victorians would expect from their leaders – should be things that we value. When you set up a body like IBAC, you would expect it to be reviewed, so the audit was to do exactly that. It was determined when IBAC was set up by the Liberals that it would be reviewed every four years. The auditors were appointed. The auditors seemed to get some real challenges put in front of them. It took a long time for them to be able to work out what they were able to access and what they were not, and the level of secrecy was something that they found difficult to navigate.

What actually occurred more, though, was that the now former IBAC Commissioner was obviously very concerned. As was mentioned in the minority report that was written as a result of this audit, there was a recommendation that the incoming Integrity and Oversight Committee of the 60th Parliament review, with the intention of rewriting, the legislation concerning the audit, the Independent Broad-based Anti-corruption Commission Act 2011. That was the finding of the minority report. Why was that? Well, we saw over the time of the last Parliament, four years, five chairs of this committee – five Labor chairs. The former IBAC Commissioner highlighted after these reports came out that some changes should be made, which is in line with the minority report written by members of this committee. They were to make sure that there could not be a majority of Labor MPs on the committee, because the whole point of the oversight committee is to scrutinise government, and the government should not be in control of a committee that investigates government. It makes complete sense. But that was ignored.

We saw the former IBAC Commissioner Sir Robert Redlich, who was appointed by Labor, respected enough by Labor to be appointed, write to the new Parliament in December last year, and he addressed his letter to the Premier.

Members interjecting.

Roma BRITNELL: It was intended for the Premier. I correct myself: it was intended for the Premier and it was addressed to the Speaker, but unfortunately the Premier felt it was not worth his while to take much notice of it. That is what I believe led to Sir Robert Redlich going on radio and disclosing that the reason we needed to have this oversight committee be fairer and not have a majority of government members in control was that the chair had tried to direct the auditors to dig up dirt on IBAC.

Now, clearly IBAC had a lot of work in front of them, because we have been seeing more and more evidence of this government's secrecy and corrupt behaviours, and this is being identified as we speak with the IBAC reports, the Ombudsman's comments and all the sorts of professionals who are concerned in our community around the government's lack of integrity – most concerning but not surprising given what we are seeing with the failure of this government. It is starting to crumble and the arrogance is starting to take its toll. So it is very pleasing to see in the upper house this week the introduction by the Liberals of legislation, as recommended by Sir Robert Redlich, so that we get some changes and transparency, fairness and integrity are all reintroduced. But let us see if the Labor MPs actually support changes to the legislation, as has been recommended, or whether they ignore this legislation, which is what I strongly suspect will happen. I know the people of Victoria expect integrity.

Scrutiny of Acts and Regulations Committee

Annual Review 2021 and 2022: Statutory Rules and Legislative Instruments

Lauren KATHAGE (Yan Yean) (10:16): I rise to speak on the *Annual Review 2021 and 2022: Statutory Rules and Legislative Instruments* report of the Scrutiny of Acts and Regulations Committee. In doing so, I would like to make a general observation, if I may, that the length, detail and depth of this report I think reflect very well on the members of the committee and indeed of the secretariat who support that committee. I note that the former chair, the member for Greenvale, in his introduction to the report especially thanks the secretariat, including Ms Helen Mason, Katie Helme, Simon Dinsbergs, Sonya Caruana and Professor Jeremy Gans, so I join him in that.

This is a report of the regulation review subcommittee. As well as being formerly chaired by the member for Greenvale – and on the new chair, we have seen reports this morning that local newspapers have narrowed it down to three, so we will see how accurate they are in that – other members of the subcommittee are members for the Southern Metropolitan Region, South-Eastern Metropolitan and Northern Metropolitan and the member for Tarneit.

I can see that in their work, it seems to me, if it is dramatic, you are doing it wrong, because the work of this subcommittee is really focused on the details of statutory rules and legislative instruments and ensuring that they are scrutinised with a technical lens to make sure that they are in compliance with the existing acts and other instruments that we have in Victoria. In some ways this focus on the smaller details – the smaller repairs, the checking and the fixing – is a little bit like what our body does when it is asleep, the way it repairs the tiny cells and scans the body for problems with proteins. I think this subcommittee performs a similar function, and perhaps that is why the work of this committee puts so many people to sleep – with apologies to the member for Greenvale.

What is so important about this? It might be a bit boring for some, but really the devil is in the detail; we know that. One of the most important things that this subcommittee does is ensure that statutory rules do not unduly trespass on the rights and freedoms of Victorians and that they comply with the practical and procedural requirements of the Subordinate Legislation Act 1994. As part of that act, they need to make sure that the rights and liberties of the person are not unduly dependent on administrative rather than judicial decisions, and they also need to ensure that they are not incompatible with the human rights set out in the Charter of Human Rights and Responsibilities Act 2006.

Victoria was the first state to adopt a human rights charter, and that was I believe under the leadership of Premier Bracks. As with so many things, Victoria was the first state to do this. We might still be the only state – perhaps the ACT has something – but the list of things that Victoria was first to do in

Australia seems endless. This human rights charter is one of those. At the time the Victorian Attorney-General Rob Hulls said:

> For the first time in our state's history, key rights are protected in law and in one place. (It) strengthens our democracy and sets out our rights in one accessible place.

This human rights charter also applies to all new policies and programs of the government – as they are developed by departments, we need to make sure that everything we are doing is complying with the human rights charter.

I want to go back to my earlier comments about the soporific qualities of this subcommittee, but you know what? Thank God we have dedicated people such as the secretariat and the subcommittee members going through the fine details of this work, and thank God for the strong foundation of the Victorian human rights charter. The devil is in the detail. We cannot let administrative things rule over us. Our charter ensures that abominations such as robodebt are not able to occur.

Integrity and Oversight Committee

The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate

Tim BULL (Gippsland East) (10:21): It was my intention to use the committee reports this morning to report on the lack of fuel reduction burning in this state, but try as hard as I might, I could not find a link to that in any of the reports that have been tabled thus far, so, like many others, I will resort to making my contribution on the Integrity and Oversight Committee's inquiry on the independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate tabled on 22 October last year.

I want to cover a little bit about the minority report that was put forward at the time. As most will be aware, we had a little bit going on in that period – I do not think any members of the chamber would deny that – with multiple chairs and other things going on. But there were some matters that were raised in the minority report that we do need to consider around transparency and openness. I do not think any members of this place would challenge the fact that they are very, very important elements to have in place. The minority report raises issues around this. I guess it infers that in some cases there was interference by government, and there were concerns raised about actions by the public sector.

We know one of the roles of this committee, and it goes to the very heart of this committee, is to keep our agencies and departments accountable. They do this through monitoring and through reviewing the various performances of those entities. Decisions have to be made with transparency in the best interests of our taxpayers in Victoria, keeping in mind that oversight agencies like IBAC and the Victorian Inspectorate have a very key role to play in overseeing this and giving our taxpayers confidence in the system, so we want them to do their jobs properly. They need to be transparent, and they need to be funded to a level that enables them to do their jobs properly.

Concerns were raised over the level of funding that IBAC does receive and also over the scope of what they can investigate. It was therefore disappointing to hear the recent comments of the former IBAC head Robert Redlich; I will not knight him like the previous speaker on this side. Mr Redlich said he was blocked from seeking more integrity hearings to be held in the public arena, and I think that that is something that does bear strong consideration. He said that in his view political gain had been allowed over time to become more important than public interest. To have a person of his experience and eminence making comments like that is indeed of concern.

In relation to the scope of what can be investigated, that is something that as a Parliament we should consider. Mr Redlich, and indeed not just Mr Redlich but other integrity experts, has recently called for a broadening of the scope of what IBAC can investigate so that the definition of 'corruption' does not have to constitute a criminal offence. I think we could all agree that you can have levels of corruption that need to be investigated without a criminal offence having occurred.

I guess one of the key points that he made – I think it goes to the heart of what I am trying to say here – is that IBAC must be allowed to investigate alleged corruption without the far too onerous provision of a crime having been committed. I want to reference page iv of the preliminaries of the report, which says a role of the committee is:

> to monitor and review … the duties and functions of the IBAC …

I think this statement on page iv goes to the very heart of what I have just been talking about. Taxpayers need to have confidence. They need to have confidence in the oversights and they need have confidence that these entities are resourced well enough to investigate what they need to investigate. One of the concerning matters to me, having read this report, was the publication of an email by the former member for Ringwood on 6 October 2022. Near the end of this email he said:

> For certainty, the Committee will not be in a position to approve the report if the above instructions … are not actioned in their entirety.

Now, what is he saying there? I think Victorians deserve better than this, and they are the very points that these entities should be able to investigate.

Scrutiny of Acts and Regulations Committee

Annual Review 2021 and 2022: Statutory Rules and Legislative Instruments

Iwan WALTERS (Greenvale) (10:26): It is a pleasure to rise and contribute to this important debate on committee reports this morning. I will be making my contribution on the annual review 2021–22 statutory rules and legislative instruments, which is a magnificent piece of work undertaken by the regulations review subcommittee of the Scrutiny of Acts and Regulations Committee. I do this in the slightly unusual position of having just resigned from that committee. But I do not wish the house to construe that resignation as in any way disparaging the fine work of the committee. In fact I will check the record later, but I think that the member for Yan Yean may have implied, unfortunately, that the work of this committee has a soporific effect upon her. If that is the case, then it is important to note in the house that the work of the committee has been most grievously misrepresented. There is a longstanding and well-accepted tradition in Westminster-derived democracies of the executive discharging functions which are subordinated to it. It is entirely right and proper, and really important, that the executive is held to account and scrutinised by a body like SARC and like the regulations review subcommittee, because while it might not be primary legislation, regulations which are enacted as subordinate legislation by ministers have an impact upon the lives of Victorians in ways which might be actually comparable to primary legislation. So this is important work, and it is a shame in a sense that it might be hidden from view a little bit too well so that it takes a report of this substance to showcase the important work that the regulations review subcommittee has undertaken over the last two years.

Just to give the house some examples, this encompasses 181 statutory rules in the 2021 series, 137 statutory rules in the 2022 series, 45 separate legislative instruments published in the *Government Gazette* during 2021 and 44 legislative instruments published in the *Government Gazette* during 2022. The reason I mention those numbers is it gives some insight into the volume of work that has been undertaken by the secretariat of the regulations review subcommittee in particular.

As chair of that committee, it has been my immense pleasure to work with Katie Helme, who has been primarily responsible for the curation of this really substantive report and in the analysis of every single piece of subordinate legislation that is made by ministers, or the executive, in this place. The reason it has been a pleasure to work with Katie and with Sonya Caruana, as the secretariat of that subcommittee, is because their work is incredibly diligent. They are responsive to queries. As chair, they provided me with immense support. I would like to thank them very sincerely for the work that they have done, which is reflected in my foreword, and I thank the member for Yan Yean for drawing the house's attention to that. I thank them for the magnificent work that they have done.

I would like to thank as well colleagues Mr Wight, the member for Tarneit; Ms Payne and Ms Watt in the other place; and deputy chair David Davis, a member for Southern Metropolitan Region. It is a

committee that is conducted I think in the best traditions of a committee system where there is a multipartite representation and the committee seeks to work collegially to ensure that the scrutiny of the legislature is brought to bear in a way that is constructive on the executive. An example was actually touched upon by my colleague the member for Bellarine just before in relation to the declaration of the Bellarine Peninsula as a distinctive area and landscape. The committee wrote to the minister just seeking some clarification about some of the processes of that declaration, without which various things would not have been done, such as the tabling of that declaration, enabling the house and indeed the Parliament as a whole to be able to scrutinise that decision-making. I think that is a marvellous thing that has been done. I know the member for Bellarine is very passionate about that. So in the time remaining to me I want to thank the entirety of the SARC secretariat, including Helen Mason, Jeremy Gans, Simon Dinsbergs, Sonya Caruana and all of the colleagues that I have had the pleasure to serve with as a member and chair of SARC, and I wish them well in future.

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare

Cindy McLEISH (Eildon) (10:31): I rise to make a contribution on the report tabled in October 2022, *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. This report, like one of the others tabled around that time, has a minority report, and I will be making mention of the minority report. But I want to just briefly mention that the Integrity and Oversight Committee was convened in the 59th Parliament and it was the merger of two committees, the Independent Broad-based Anti-corruption Commission Committee, which was a former joint investigative committee of the 58th Parliament, and in March 2019 it merged with the Accountability and Oversight Committee. Interestingly, during that period when we had those committees with oversight for the 58th Parliament there was not one minority report; however, in the 59th Parliament for a number of reasons there were two, and I think that this really stands out. Not only did they have two minority reports in that time, but they had five committee chairs, and in fact the chair's foreword of the report that I have here outlines that the previous chairs were the members for Melton and Altona, the Honourable Harriet Shing MLC in the other place and the former member for Ringwood. You have got to question in a period of four years how it is that they have managed to have five different committee chairs. None of them have even done a year.

This committee report that is put forward makes a number of recommendations about the agencies that it looks at, and we note the integrity agencies, which are IBAC, the Office of the Victorian Information Commissioner, the Ombudsman and the Victorian Inspectorate, are not subject to the directional control of the executive government and are directly accountable to Parliament through the Integrity and Oversight Committee. They had made a number of recommendations: seven around the IBAC, three around the Victorian Inspectorate and six on the Ombudsman. But this one is particularly important because it is about witness welfare. I imagine that anyone appearing before any of the integrity agencies, and in particular IBAC – how harrowing that may be and how stressful that can be. We know that some people get to have their hearings in private. The Premier has been afforded that opportunity, which is different to many others.

What we had happen in this instance, which is actually what brought about this inquiry, was the tragic loss of the former councillor and mayor of Casey Amanda Stapleton, who took her own life in January 2022. Amanda suffered greatly, and the coroner found that the wait between the hearings and the final report affected Amanda's mental health. She had given her evidence some 22 months before she took her life, and the coroner thought that the witnesses were kept in the dark, because it was almost two years that she had of worry and anxiety. The stress on her and her family grew to be such an obviously unbearable situation for her. At that time she did not know that IBAC had no intention of bringing criminal charges against her. But if you think about being in that situation where you have been grilled publicly, the world has been able to see your involvement or lack of involvement, what you knew and what you did not know about Operation Sandon, which brought before it many, many former councillors of Casey and certainly people in this place as well. Amanda had for such a long time lived

with a heightened state of anxiety, which grew because she was kept in the dark. There was no information given to her and no communication with her, so she had this void for such a long period of time, and it ended most tragically.

I think everybody in this place and everybody involved with IBAC and the integrity agencies understood the absolute enormity of what can happen, because the worst that could happen did happen. Many of us on this side particularly will remember Amanda quite fondly, as she was a former candidate for the Liberal Party as well as having been a councillor. I think it was important that the committee had a look at all of the integrity agencies and their welfare management of the witnesses that are involved, because it needed to be done.

Business of the house

Notices of motion

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (10:36): I advise that the government does not wish to proceed with notices of motion 1 and 2, government business, today and ask that they remain on the notice paper.

Bills

Bail Amendment Bill 2023

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:37): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Bail Amendment Bill 2023.

Introduction

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Bail Amendment Bill 2023 (the Bill).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I have this opinion for the reasons outlined in this statement.

Overview of the Bill

Over the past decade, there has been a significant increase in the number of Victorians remanded in custody. The operation of existing bail laws is a major driver of this increase and is disproportionately affecting Aboriginal people, women, children, and people experiencing poverty.

The purpose of the Bill is to create a more proportionate bail response to low-level offending by refining the more onerous bail tests to focus on more serious offending and the gravity of the risks that are presented by a person charged with an offence. In doing so, this Bill will assist in ensuring that Victoria's bail laws strike the appropriate balance between the right to liberty and community safety.

The Bill will amend the *Bail Act 1977* (the Bail Act) to –

- Reduce the circumstances in which reverse-onus bail tests apply so that they only apply to more serious offending, and to children in extremely limited circumstances;
- Better target the application of the 'unacceptable risk' test to re-offending that endangers the safety or welfare of another person;
- Expand the factors in sections 3A and 3B that must be considered when an applicant for bail is an Aboriginal person or a child respectively, to better reflect the unique needs and circumstances of these vulnerable cohorts;
- Subject to limited exceptions, prohibit remand for offences against the *Summary Offences Act 1966* (the Summary Offences Act);
- Introduce new 'surrounding circumstances' in the Bail Act that require bail decision makers to consider (when applying a reverse-onus test or the unacceptable risk test) whether the accused is likely to receive a custodial sentence and, if so, whether they are likely to spend more time on remand than the likely length of that custodial sentence;

- Amend the new facts and circumstances test in section 18AA to encourage represented bail applications at the earliest opportunity;
- Repeal the offences of contravening certain conduct conditions (section 30A) and committing an indictable offence while on bail (section 30B) from the Bail Act; and
- Clarify technical provisions in the Act and modernise the Act.

The Bill will also make consequential changes to other Acts.

Human rights issues

The Bill will amend the Bail Act and reduce the impact of the Act on Charter rights. As discussed in this statement, the operation of the Bail Act does, and will continue to, limit Charter rights, but in my opinion, these are reasonable limitations that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom taking into account relevant factors as outlined in section 7(2) of the Charter.

The human rights protected by the Charter that are relevant to the Bill and the operation of the Bail Act are:

a. right to liberty and security of person (section 21);
b. cultural rights (section 19);
c. right to recognition and equality before the law (section 8);
d. protection of families and children (section 17);
e. right not to have a person's family unlawfully or arbitrarily interfered with (section 13(a));
f. right to be presumed innocent until proved guilty according to law (section 25(1)); and
g. a child's right to a procedure that takes account of their age and the desirability of promoting their rehabilitation (section 25(3)).

While matters relating to remand principally engage the right to liberty, the very nature of being remanded in custody or being subject to bail conditions necessarily involves the limitation of other rights, including freedom of movement (section 12), privacy (section 13), expression (section 15) and peaceful assembly and freedom of association (section 16). This is an unavoidable result of the deprivation of liberty and the powers held by officers in charge of custodial facilities that are necessary to maintain good order and security of the facilities and the welfare of detained persons. The family unit will also be affected when a parent or guardian is remanded, which interferes with the privacy and protection of family and engages both section 13 and section 17(1).

Accordingly, when this statement discusses the Bill's effect on liberty, it is also referring to the bundle of rights that are necessarily affected through the deprivation of liberty and being detained in custody.

Amending the reverse-onus tests under the Bail Act

Section 4 of the Bail Act provides for a general *entitlement* to bail (sometimes referred to as a presumption of bail). However, this presumption may be displaced due to the seriousness of the charged offence or the circumstances in which an offence is alleged to have occurred. For example, the 'show compelling reason' test will apply if an accused is charged with a serious offence listed in Schedule 2 of the Bail Act (such as rape). Alternatively, if an accused is charged with a non-scheduled indictable offence (such as theft), which was alleged to have occurred while the accused was on bail for another non-scheduled offence, they will also face the 'show compelling reason' test. This is known as an 'uplift' into a more onerous bail test.

Where the presumption in favour of bail has been displaced, the accused bears the burden to satisfy the decision maker that bail is justified to the requisite standard – either the 'show compelling reason' test (section 4C) or the most onerous 'exceptional circumstances' test (section 4A). This reverses the onus of proof from the prosecution to the accused.

Currently, due to the existence of the uplift provisions, an accused charged with multiple non scheduled indictable offences may be uplifted into the most onerous reverse-onus category, the 'exceptional circumstances' test. For example, if an accused is charged with a theft while on bail for another theft they will be uplifted into the 'show compelling reason' test. If the same accused is charged with a third theft while on bail, they will face the 'exceptional circumstances' test. This is known as a 'double uplift'. As a result of these provisions, there has been a significant increase in the number of people accused of repeat but relatively minor offending facing reverse-onus tests and, therefore, not being granted bail.

The Bill will preserve the general presumption in favour of bail but make a number of changes to the bail tests that are used to determine whether a person accused of a criminal offence is granted bail or remanded in custody. Specifically, the Bill maintains the reverse-onus tests in sections 4AA, 4A (the 'exceptional circumstances' test) and 4C (the 'show compelling reason' test) of the Bail Act. However, it will modify the application of these tests so that they are better targeted at persons charged with serious offences or who are a terrorism risk or have a terrorism record. The Bill also differentiates between adult and child applicants for

bail. By refining the bail tests to make it more likely that bail will be granted where community safety will not be jeopardised, the Bill seeks to better balance the right to liberty with community safety.

Promotion of the right to liberty (section 21)

Section 21 of the Charter provides that every person has the right to liberty and security (section 21(1)) and that a person must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law (section 21(3)). Further, subsection (6) provides that a person awaiting trial must not be automatically detained in custody. It is plain that a person who does not obtain bail as a consequence of a decision made under the Bail Act has been deprived of liberty on grounds, and in accordance with procedures, established by law. It also the case that the opportunity to be granted bail, including in accordance with the general presumption or under the reverse onus tests means that there has not been "automatic detention".

Subsection (2) provides that a person must not be subjected to arbitrary arrest or detention. The word 'arbitrary' has a particular legal meaning. In section 21(2) of the Charter it broadens the right beyond freedom from unlawful arrest and detention – an arrest or detention will limit the right because it is 'arbitrary' if it is capacious, unjust, unreasonable or disproportionate to a legitimate aim. The Bill, by narrowing the application of the reverse onus tests, ensures that a refusal to grant bail will not be arbitrary for the purpose of section 21(2).

Clause 8(2) of the Bill will narrow the application of the reverse-onus tests to adults charged with serious criminal charges that are specified in the Bail Act schedules by repealing items 1 and 30 of Schedule 2. Item 1 is an indictable offence alleged to have been committed while on bail (among other circumstances). Item 30 is an offence against the Bail Act. Importantly, the repeal of items 1 and 30 from Schedule 2 will eliminate the possibility of 'uplift' into a reverse-onus category for adults charged with repeat, lower-level offences. The effect of this amendment is that only those accused of a serious offence that is listed in the Bail Act schedules (or someone who has a terrorism record or poses a terrorism risk) will face a reverse-onus bail test. The Bill removes the possibility of uplift into a reverse-onus category where the offence is alleged to have occurred in particular circumstances, for example, where a person offends while on bail, rather than because of the gravity of the offence itself or the risk to community safety.

Part 4 of the Bill complements the narrowing of the reverse-onus tests by repealing two of the three Bail Act offences (contravening certain conduct conditions and committing an indictable offence while on bail). These reforms effect a more proportionate response to bail breaches that is more consistent with the right to liberty.

The Bill preserves uplift consequences for those charged with an offence listed in Schedule 2 while on bail (or subject to another order) for another Schedule 2 offence. Divisions 5 and 6 of Part 2 of the Bill change the circumstances in which uplift will occur.

Conversely, clause 25 provides that adults charged with a scheduled offence while on remand or while at large awaiting sentence for a Schedule 2 offence will be uplifted into the exceptional circumstances test. This change will ensure that those charged with serious offences while on remand or at large awaiting sentence are treated in the same way under the Bail Act as those charged with serious offences while on bail or at large awaiting trial.

Clause 26(2) of the Bill provides that a person released on an undertaking under the *Sentencing Act 1991*, will not be considered at large awaiting sentence, or serving a sentence, for the purposes of determining whether the exceptional circumstances test applies per section 4AA(2) of the Bail Act. This change reflects the fact that an adjourned undertaking is lower in the sentencing hierarchy than a fine, which does not attract the same uplift consequences under the Bail Act. This has the effect of ensuring that adults who are charged with a Schedule 2 offence, whilst subject to an undertaking for another Schedule 2 offence, are no longer uplifted to the exceptional circumstances test. The balance of these amendments mean reverse-onus tests are only applied to the most serious offending identified in the Schedules and to those who pose a terrorism risk or have a terrorism record. This reflects a more balanced and targeted approach by responding to the challenges arising from the inflexibility of the current bail laws and their potential for arbitrary outcomes, while maintaining an appropriately robust approach to serious offenders.

While the Bill will narrow the application of the reverse-onus tests, these tests will still apply where appropriate and will result in the remand of accused persons who do not meet the applicable test. This will be considered further below.

Promotion of the protection of children (sections 17(2) and 25(3))

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right embraces modification to laws that apply to children to adequately account for a child's special vulnerability. As a related right, section 25(3) of the Charter also provides that a child charged with a criminal offence has the right to a procedure that takes into account their age and the desirability of promoting the child's rehabilitation. This includes prioritising prevention, diversion and minimum intervention in response to offending by children, in

order to address the causes of offending behaviour at an early stage and divert the child away from the criminal justice system.

Clause 18 of the Bill will remove the application of reverse-onus tests for almost all children charged with a criminal offence. Clause 18 does this by inserting into the Bail Act new section 4AAB. Section 4AAB sets out when the 'exceptional circumstances' and 'show compelling reason' tests apply to a decision about whether to grant bail to a child. Reverse- onus bail tests will continue to apply to children charged with a homicide offence, schedule 1 terrorism offence or who have a terrorism record or pose a terrorism risk in a manner consistent with the current provisions of the Bail Act (see clause 18). This exception reflects the inherently serious nature of terrorism and homicide offences, and expert findings that children are a particular target for radicalisation. While a child may have a lesser status or culpability at law, they may still pose the same level of risk to the community as an adult offender and the same potential to commit terrorist acts that cause serious and catastrophic harm. In order to ensure the community is adequately protected from the threat of terrorism, it is necessary and appropriate that a presumption against bail for those that pose a terrorist risk continue to apply to children without modification, and that children be deterred and prevented from engaging in acts of terrorism to the greatest extent possible.

Maintaining existing limits on the right to liberty (section 21)

The Bill will narrow the application of reverse-onus tests and reduce existing lawful limitations on rights under the Bail Act. Nonetheless, the Bill largely maintains the existing bail framework under which an accused person can be remanded in custody, where that is appropriate. Even though the effect of the Bill is to reduce limitations on rights, I consider it appropriate to discuss the existing limits on the right to liberty in the Bail Act and why these limitations remain reasonably justified.

As set out above, the reverse-onus tests engage section 21(2) of the Charter in that the use of these tests may be considered an *arbitrary* limitation on the right to liberty. In the context of bail laws generally, the right of an individual to liberty must be balanced against the safety of the community, including both protection from serious criminal offending and promoting feelings of safety. These competing rights are reflected in the guiding principles of the Bail Act (at section 1B), which recognise the importance of maximising community safety as well as taking account of the presumption of innocence and the right to liberty. In my view, retaining reverse-onus bail tests for more serious offences and for accused who pose a terrorism risk or have a terrorism record is justified under the Charter as it gives effect to a purpose of the Bail Act, namely striking a balance between the importance of maximising the safety of the community and persons affected by crime with the presumption of innocence and the right to liberty for persons accused of a crime. The limitation on the right is narrow as the reverse-onus tests apply only to those pose a terrorism risk or have a terrorism record or who are charged with serious offences, who it can be reasonably presumed may pose a greater risk to community safety. The offences that attract a reverse-onus test are specified in clear lists appended to the Bail Act.

In my view, these provisions are not arbitrary as they are a proportionate response to concerns about community safety. By targeting those charged with serious offences the bail laws strike an appropriate balance. The Bill will limit the application of the reverse-onus bail tests by removing uplift consequences for those who are charged with multiple offences that are not listed in the Bail Act schedules. This means that reverse-onus tests will only apply to those charged with offences listed in the Bail Act schedules or who have a terrorism record or pose a terrorism risk. Through the Bail Act, Parliament has deemed the relevant offences specified in the Bail Act schedule as serious enough to warrant satisfaction of a more onerous test before bail can be granted. Importantly, even under the reverse-onus tests a bail decision maker has discretion to grant bail if the onus is met and it is appropriate in the circumstances.

Retaining reverse-onus tests also engages section 21(6) of the Charter, which provides that a person awaiting trial must not be automatically detained in custody. As mentioned, the Bail Act retains a discretion for bail decision-makers to grant bail. Further, the Bill maintains a presumption in favour of granting bail in most cases, and the Bill broadens the circumstances in which this presumption applies. Accordingly, it cannot be said that a person will be 'automatically' detained – rather, detention occurs if a bail decision maker decides to refuse to grant bail in accordance with the Bail Act. The Bill does not affect existing provisions regarding obligations of police, bail justices and courts to consider bail applications in a timely manner, nor the obligation of police to bring a person before a court or bail justice following arrest. As such I am of the view that the Bill is compatible with the right at section 21(6) of the Charter.

Presumption of innocence (section 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

As bail is an ancillary criminal process, it is not directly relevant to a determination of guilt. However, the presumption of innocence has been described as the starting point for bail applications. That is, the presumption of innocence must be considered when deciding a bail application.

This Bill will not change the existing guiding principles in section 1B of the Bail Act which recognise the importance of the presumption of innocence (together with the right to liberty). Bail decision makers will continue to have regard to the significance of the presumption of innocence when determining bail applications.

In my opinion, neither the Bill nor the Bail Act limits the right to the presumption of innocence.

Further confining the circumstances for remand – Parts 2, 4 and 5 of the Bill

As well as refining the reverse-onus tests for people accused of low-level offending, the Bill will make other targeted changes to narrow further the circumstances in which a person may be remanded under the Act, through:

- subject to limited exceptions, prohibiting remand for offences against the Summary Offences Act;
- better targeting the application of the 'unacceptable risk' test to re-offending that endangers the safety or welfare of a person;
- requiring bail decision makers to consider, when applying a reverse-onus test or the unacceptable risk test, whether the accused is likely to receive a custodial sentence if found guilty of the charged offences, and if so, whether the likely time on remand is likely to exceed the length of that sentence;
- providing a new exception to the 'new facts and circumstances' test to encourage represented bail applications at the earliest opportunity; and
- repealing two offences against the Bail Act, namely contravening certain conduct conditions (section 30A) and committing an indictable offence while on bail (section 30B).

Each of these reforms promotes the right to liberty by improving the prospect of bail for a number of people charged with an offence and who do not present an unacceptable risk to the safety of the community, as I elaborate on below.

Promotion of the right to liberty (section 21)

Clauses 9 and 10 will further protect against arbitrary interferences with the right to liberty by prohibiting remand for those charged with certain summary offences. Clause 10 does this by requiring the court to grant a person bail or to allow the person to go at large if that person is, subject to limited exceptions, accused of an offence against the Summary Offences Act. Clause 9 inserts into the Bail Act new section 4AAA, which again provides, subject to limited exceptions, that a bail decision maker must not refuse bail to a person accused of an offence against the Summary Offences Act (new section 4AAA(1)), and no exception applies.

The exceptions to the prohibition on refusing bail provided under clauses 9 and 10 are offences against the Summary Offences Act that are specified in the new Schedule 3. Schedule 3 is inserted by clause 11 and sets out offences of a more serious nature. Accordingly, all of the offences for which remand is prohibited are relatively minor Summary Offences that are not sexual, violent or of a more serious nature, and which are often committed by a person experiencing disadvantage. The Bill does not interfere with existing provisions of the Bail Act that empower a court to revoke bail where appropriate.

Clause 36 of the Bill seeks to ensure that bail decision makers carefully consider the likely time of remand as compared to the possibility of, and likely length of, a custodial sentence if the accused person is found guilty of the offence. It does this by introducing additional 'surrounding circumstances' that must be considered by a bail decision maker when applying an applicable reverse-onus test or the unacceptable risk test. The new surrounding circumstances will expressly require a bail decision maker to consider whether the accused is likely to be sentenced to a term of imprisonment (new section 3AAA(1)(aa)(i)) and to compare the likely time on remand against the likely length of any custodial sentence (new section 3AAA(1)(aa)(ii))) but will not mandate that bail be granted. Rather, a bail decision maker will weigh the new considerations against all other relevant surrounding circumstances when determining a bail application. A bail decision maker is required to take into account a similar consideration in respect of children (see clause 35 and new section 3B(1)(k)). It is anticipated that the Bill will reduce the likelihood of persons being remanded in circumstances where they are unlikely to receive a custodial sentence or where the likely time on remand is likely to exceed the length of any custodial sentence (if the accused is found guilty of the charged offence). In doing so, the Bill will emphasise the importance of making bail decisions that are proportionate to any limitation on the right to liberty likely to be imposed by way of a sentence.

Clause 14 will amend the 'unacceptable risk' test (section 4E of the Bail Act) so that it better targets those who pose an 'unacceptable risk' of re-offending that may endanger the safety or welfare of another person. The Bill will therefore distinguish between a risk of serious re-offending and a risk of low-level or petty re-offending and will promote the right to liberty by narrowing the circumstances in which a remand decision can be made.

Clause 14 will repeal section 4E(1)(a)(ii) and amend section 4E(1)(a)(i) of the Bail Act to provide that a bail decision maker must refuse bail if they are satisfied that the accused would, if released on bail, endanger the

safety or welfare of any other person, whether by committing an offence that has that effect or by any other means. This amendment has the effect of excluding from the unacceptable risk test a risk of further offending while on bail that does not endanger the safety or welfare of any other person. Subsections 4E(1)(a)(iii) and (iv) of the Bail Act will remain unchanged, such that a bail decision maker must refuse to grant bail where they are satisfied there is an unacceptable risk the accused will interfere with a witness or otherwise obstruct the course of justice in any matter, or fail to surrender into custody in accordance with the conditions of bail.

Under the revised test, a risk of re-offending that does not endanger the safety or welfare of any other person will no longer satisfy the unacceptable risk threshold. This will limit the remand of those accused of minor offences who pose little risk to the community or to the administration of justice.

Clause 115 will amend section 18AA to limit the circumstances in which a person must demonstrate new facts and circumstances test when making a further application for bail. This is intended to encourage the making of represented bail applications at the earliest opportunity by enabling all accused to make two legally represented applications for bail before a court after being taken into custody without having to demonstrate new facts and circumstances. This reform will reduce instances of short-stay remand in which people are remanded for short periods of time while they prepare for a represented bail application. Following two legally represented applications, an accused person will still need to demonstrate new facts and circumstances to make a further application with legal representation. The reform does not remove an accused person's ability to make a further application for bail without demonstrating new facts and circumstances at any point if the person was not legally represented when bail was refused or revoked. This reform therefore promotes the right to liberty.

As outlined above, Part 4 of the Bill will repeal two of the three offences against the Bail Act, namely contravening certain conduct conditions (section 30A) and committing an indictable offence while on bail (section 30B). This reform will reduce instances of an accused being charged with multiple offences for a single act, which may in turn encourage the granting of bail. For example, at present a person on bail who allegedly commits theft may be charged with both theft and committing an indictable offence on bail. By reducing the number of offences that can be charged for a single act, the Bill encourages more proportionate bail responses.

Likewise, repealing the offence of contravening certain conduct conditions will also encourage more proportionate bail responses as it will remove the possibility of a person being charged for conduct which would not otherwise constitute a criminal offence if not for the person's bail conditions. For example, bail breaches such as failing to report to a police station as required, returning home past curfew or failing to update the police informant about a change of address, will no longer attract criminal charges. Bail revocation will remain an option for bail breaches to ensure appropriate consequences for this behaviour, however repealing the offence of contravening certain conduct conditions will mean people are not further criminalised for low-level bail breaches.

The Bill does not repeal the offence of failure to answer bail (section 30). Ensuring the accused's attendance at court is a fundamental purpose of bail. This offence has existed since the Bail Act first commenced in 1977 and has always been subject to a reverse onus. Until 2004, the offence was also subject to an additional prohibition on remand unless the accused could satisfy the court that the failure was due to causes beyond the accused's control. This prohibition was repealed to reduce any discriminatory impact on disadvantaged cohorts, following a 2001 Victorian Law Reform Commission review. That review was the Commission's first community law project and was prompted by an approach by the Victorian Aboriginal Legal Service. It was only after the 2013 introduction of two new Bail Act offences that remand rates increased significantly. Furthermore, by repealing item 30 of Schedule 2, the reverse-onus tests will no longer apply to failure to answer bail, avoiding 'uplift' to a more onerous bail test, as discussed above. This means that, for the first time since its inception, the offence of failure to answer bail will not attract a reverse onus test. This will also encourage more proportionate bail responses, as a person charged with this offence will not have to satisfy a reverse onus.

New factors to be considered where applicant is an Aboriginal person or a child – Part 3 of the Bill

The Bill provides for new factors in sections 3A and 3B of the Bail Act that must be considered when an applicant for bail is an Aboriginal person or a child respectively, noting that where the applicant is an Aboriginal child the bail decision maker must take into account the factors in both clauses 33 and 35. These provisions will promote the rights to equality (section 8), culture (section 19) and protection of children (section 17(2)) in the Charter.

Clause 33 provides further particularisation of the existing considerations in section 3A to give more guidance to bail decision makers and ensure the considerations are central to all bail determinations where the applicant is an Aboriginal person. The revised provision reflects the persisting systemic issues contributing to the over-representation of Aboriginal people in the criminal justice system and details the experiences of Aboriginal Victorians including factors that make them particularly vulnerable in the bail and remand system. The

expanded list of considerations also recognises the importance of maintaining and developing cultural connection and will assist bail decision makers to make culturally appropriate bail decisions. Clause 33 also requires bail decision makers who have refused bail to an Aboriginal person to identify the matters they had regard to in taking into account the issues set out in section 3A(1), as amended, and to record those matters in writing or state them orally.

Clause 35 will expand and modernise the considerations in section 3B (factors that must be taken into account by a bail decision maker when making a bail determination in relation to a child) to ensure they account for the special needs and vulnerability of a child, and the detrimental impact of remand for children.

Clause 38 amends section 3AAA(1)(h) by listing what may constitute a 'special vulnerability' and adding a physical disability to that list.

Promotion of the right to equality (section 8)

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

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

Clauses 33 and 35 seek to promote equality rights and children's rights by providing an updated list of factors that must be considered by bail decision makers when making a bail determination in relation to an Aboriginal person or a child respectively. These reforms seek to ensure that bail decision makers properly consider all factors relevant to an individual bail application, including those that may mitigate against a limitation on the right to liberty. The revised provisions intend to give effect to the reasons the considerations were originally inserted in the Act. For example, clause 33 acknowledges the 'historical and ongoing discriminatory systemic factors that have resulted in Aboriginal people being over-represented in the criminal justice system, including in the remand population' (section 3A(1)(a), as amended). In respect of children, pursuant to the amendments made to section 3B of the Bail Act by the Bill, 'a bail decision maker must take into account … the need to impose on the child the minimum intervention required in the circumstances, with the remand of the child being a last resort' (section 3B(1)(b), as amended).

The amended considerations in clause 33 promote equality for Aboriginal Victorians by acknowledging the unique disadvantages Aboriginal people have and continue to face and recognises 'the risk of harm and trauma that being in custody poses to Aboriginal people' (section 3A(1)(b), as amended). In effect, the Bill will require specific consideration of factors relevant to the exercise of Aboriginal cultural rights, which in turn will inform bail decisions involving Aboriginal people. This will encourage the making of bail decisions that are consistent with Aboriginal cultural rights to the extent possible. As is currently the case under the Bail Act, clause 33 will be relevant when making all determinations under the Bail Act. This may include extending, granting or revoking bail and setting or varying bail conditions, not just granting or refusing bail.

Clause 33 of the Bill also requires that bail decision makers must take into account the importance of Aboriginal bail support services when setting bail conditions for an Aboriginal person where such services are available and where appropriate, noting that the Aboriginal person may not always wish to engage with an Aboriginal service.

For children, clause 35 will require bail decision makers to consider the fact that some cohorts of children (such as Aboriginal children, children involved in the child protection system, and children from culturally and linguistically diverse backgrounds) experience discrimination, which results in their over-representation in the criminal justice system (see new section 3B(1)(j)).

No limit on the right to equality (section 8)

Section 8(4) of the Charter qualifies the equality right by clarifying that measures taken for the purpose of assisting or advancing persons or groups who are disadvantaged because of discrimination, do not constitute discrimination.

As outlined above, clause 33 of the Bill requires bail decision makers to consider the additional factors in section 3A when the applicant for bail is an Aboriginal person. As a consequence, Aboriginal applicants for bail, including Aboriginal children, are treated differently under the Bail Act than non-Aboriginal applicants.

As the amendments only have the effect of introducing new considerations concerning Aboriginal people, including their cultural rights and obligations, that bail decision makers must ensure their determination

accounts for, I do not consider that this results in unfavourable treatment of other groups of people. However, even if it did, it would not constitute discrimination as it would be a special measure under section 8(4) of the Charter. This is because its purpose is to assist and advance Aboriginal people, who are more likely than non-Aboriginal people to be remanded in custody. The continuing and increasing overrepresentation of Aboriginal people in the remand system is a symptom of the discrimination experienced by Aboriginal people in Victoria.

As such, proactive steps are required by this Parliament to address discrimination which has been a cause of Aboriginal disadvantage in the bail and remand system. The proposed differentiated approach is appropriately limited as it requires a bail decision maker to take into account Aboriginal-specific factors when determining a bail application but does not mandate a particular decision – in other words, the bail decision-maker retains a discretion to grant or refuse bail having considered all the relevant circumstances. Aboriginal people may still be remanded in custody despite a proper consideration of the updated Aboriginal-specific factors and section 3A of the Bail Act.

Cultural rights (section 19)

Section 19(2) of the Charter provides that Aboriginal persons hold distinct cultural rights, including the right to maintain kinship ties and their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Aboriginal culture has its own concept of kinship and Aboriginal kinship networks may extend beyond the immediate family and into other parts of their community. The Bail Act directly affects the exercise of Aboriginal cultural rights because a decision to remand an Aboriginal person may interrupt cultural connections, including kinship networks, and restrict access to places of spiritual significance for Aboriginal people.

By requiring bail decision makers to consider certain factors in relation to Aboriginal people (clause 33) (including a note to remind bail decision makers of the distinct cultural rights Aboriginal persons hold under the Charter) the Bill will support the exercise of Aboriginal cultural rights, including the right to enjoy identity and culture, maintain kinship ties and connection to country, traditional laws and customs. This is crucial to ensuring that there are fewer barriers for Aboriginal people to the enjoyment of cultural rights and, in that way, the Bill will promote the right in section 19.

Protection of children (section 17(2))

As discussed above, the Bill updates the child-specific considerations in section 3B of the Bail Act to better recognise the vulnerability of children and the detrimental impact of remand for children, and to reflect the key themes of recommendation 58 of the Our Youth, Our Way Report. Clause 35 of the Bill will require bail decision makers to take into account:

- the need to impose on the child the minimum intervention required in the circumstances, with remand being a last resort;
- the child's age, maturity and stage of development;
- the common law presumption of *doli incapax*, that a child who is 10 years of age or over but under 14 years of age cannot commit an offence;
- any cognitive impairment, mental illness or disability of the child;
- the child's personal history; and
- any other relevant factor or characteristic.

Where an applicant for bail is an Aboriginal child, the bail decision maker must take into account both clauses 33 (setting out considerations in relation to an Aboriginal person) and 35 (setting out considerations in relation to a child).

In my opinion, the Bill promotes the rights of children and families. The extent to which any limitation remains is reasonable and justified for the reasons discussed above.

Conclusion

In my opinion the Bill does not unreasonably limit any Charter rights. The amendments to the Bail Act achieve a proportionate balance between the rights protected under the Charter and the protection of the community.

I consider the Bill to be compatible with the Charter.

The Hon. Anthony Carbines MP
Minister for Police
Minister for Crime Prevention
Minister for Racing

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:38): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Bill introduces a suite of changes to the *Bail Act 1977* to ensure our bail laws protect the whole community and better target the use of remand to cases where it is necessary to prevent an unacceptable risk to community safety.

The government introduced changes to Victoria's bail laws in 2017 in response to the tragic events in the Melbourne CBD on 20 January of that year, when James Gargasoulas murdered six people and injured many others. Mr Gargasoulas was on bail at the time, and this was not the first violent crime that had undermined public confidence in the bail system.

In response to these events, government asked the Honourable Paul Coghlan QC to undertake an urgent review of Victoria's bail laws, with the aim of increasing community safety and restoring the public's trust in the bail and justice systems. The government then committed to implementing, or going further than, all of the recommendations in Mr Coghlan's first report.

The subsequent legislative changes made Victoria's bail laws the toughest in the country, including by making it more difficult for repeat offenders to get bail. The changes were intended to ensure that offending on bail should have consequences. In order to achieve that, a tougher bail test applied to people alleged to have committed offences while on bail. Those changes have become known as the 'uplift' provisions.

The changes, which came into effect in 2018, resulted in a significant increase in remand numbers. The changes were made to safeguard the community. However, it is our job to make sure that the protection of the community includes all members of the community, especially those who are most vulnerable. The 2018 changes to the Bail Act left some of our community disproportionately exposed to criminalisation and incarceration. In this respect, we got the balance wrong.

We know that the changes we made have had a disproportionate impact on people who were already experiencing significant disadvantage, with a particular impact on Aboriginal people, people with disabilities, children and women. Ultimately, the net was cast too wide.

The reforms we are now introducing seek to ensure that all members of the community are protected, and that low-level offending is responded to proportionately and effectively. We acknowledge that these reforms are urgently needed. They will take effect as of 12 February 2024, which balances this need for change with the time that the courts, police, and legal assistance providers will need for implementation.

The disproportionate impact of bail laws on vulnerable Victorians has been highlighted by the case of Ms Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died at Dame Phyllis Frost Centre on 2 January 2020. Veronica was on remand, having been refused bail in December 2019 for shop theft offences. I express my profound and deepest sympathies to Veronica's family, friends and community.

The recent coronial inquest into Veronica's death found that the bail system has a discriminatory impact on Aboriginal people resulting in grossly disproportionate rates of remand, with the most significant impact being on Aboriginal women. The reforms in the Bill will address well-documented concerns with our current bail laws, which were highlighted in the Inquest into Veronica's death. It will do this by:

- refining the bail tests to focus on serious alleged offending and serious risk;
- reducing the overrepresentation of vulnerable groups in the justice system including women, Aboriginal peoples and children; and
- appropriately balancing the response of the system to accused people with the rights and protection of victim-survivors and the community.

Remand and custody should be used to keep Victorians safe, not to further punish the most vulnerable members of our community. Our new laws will reflect that.

I will now explain the key features of the reforms.

Preventing inappropriate 'uplift' to higher reverse-onus tests

The Bill introduces a balanced and flexible approach to bail decisions for adults that more appropriately targets reverse-onus tests to those accused of serious offending. This should help to avoid the remand of those accused of relatively minor offences who would not pose an unacceptable risk to community safety if they were released on bail.

We have heard of examples such as a man who was charged with stealing less than $2 worth of petrol, then refused bail and held in custody for nearly 24 hours because the 'uplift' provisions meant he faced the most onerous bail test. There should be consequences for breaching bail, but it is clear that the current consequences are too harsh and too broadly applied.

This is just one example of the unintended consequences resulting from the 'uplift' provisions, which were primarily intended to encourage compliance with bail by imposing more onerous bail tests on people alleged to have offended while on bail. However, we now know that the blanket application of the uplift provisions is at least partially responsible for the remand of people accused of minor offences who pose little risk to the community if released on bail.

In particular, the 'double uplift' brought about by the 2018 reforms to the Bail Act resulted in those accused of repeat lower-level offences facing the same tough reverse-onus bail test as those charged with the most serious offences such as murder. For example, a charge of minor shop theft allegedly committed when a person is already on bail for an earlier charge of shop theft results in the person having to 'show compelling reason' to be granted bail. This test applies to serious offences such as rape. A further minor shop theft allegedly committed on bail results in the person having to establish 'exceptional circumstances' in order to be granted bail. This is same test applied to an alleged murderer. The total value of these thefts could be just a few dollars and the risk to community safety minimal.

The Bill addresses this perverse outcome by providing that reverse-onus tests will apply only to the serious offences specified in the schedules in the Bail Act. This will be done by removing uplift consequences from non-scheduled offences and Bail Act offences. Reverse onuses will still apply to the serious offences listed in Schedules 1 and 2 to the Bail Act. These changes will simply reduce the scope for alleged minor offending to be treated disproportionately and inflexibly by the bail system due to the blanket approach of the uplift provisions.

The Bill will not change the treatment of those deemed to be a terrorist risk, or who have a terrorism record – a reverse onus test will continue to apply.

I want to emphasise that accused people must comply with their bail conditions, and that alleged offending while on bail is a serious matter. As with any accused person, alleged minor offenders will still be remanded if they pose an unacceptable risk to the community. When a person is not complying with their bail conditions, police and prosecutors have the discretion to apply for bail conditions to be varied or bail to be revoked. Criminal penalties will continue to apply to the minor offending that is targeted by this reform.

Refining the unacceptable risk test

Refinements to the unacceptable risk test will support the reverse-onus reforms. The current test requires that bail be refused if there is an unacceptable risk that the accused, if released on bail, would:

- endanger the safety or welfare of another;
- commit an offence;
- interfere with witnesses or obstruct the course of justice; or
- fail to surrender into custody.

Under the current test, a person can be remanded due a perceived risk of minor reoffending that would not pose a risk to community safety. If left unchanged, it would frustrate the intent of the reforms to ensure that accused are only remanded where necessary. To address this, the Bill refines the unacceptable risk test so that a risk of minor, non-violent reoffending cannot by itself result in an accused person being remanded.

A bail decision maker will still be able to remand an accused person if their risk of offending on bail poses a risk to the safety or welfare of another person. For example, an accused person who poses a risk of family violence offending must be remanded if they are an unacceptable risk to the safety or welfare of any person, which would include a victim-survivor of family violence. The risk is not confined to violent offending. A risk of property-based offending may pose an unacceptable risk of endangering the welfare of another and in that case the accused must be remanded.

The unacceptable risk test will continue to apply to all offences. The accused will still be remanded where bail is considered to pose too great a risk to the community or to the administration of justice. This reform simply allows decision makers to weigh up the gravity of potential reoffending and associated community safety risk in a more nuanced fashion. Recent cases have clearly demonstrated that custody can be a

disproportionate response to the risk that an accused might, for example, commit minor thefts simply to have enough food to eat.

Repeal of Bail Act offences

The Bill repeals two of the Bail Act offences – commit indictable offence whilst on bail and contravene conduct condition of bail. These offences, which were introduced in 2013, have had a disproportionate impact on women, Aboriginal people and people experiencing disadvantage. Repealing these offences responds to calls from the legal community and recommendations made by the Coroner in the Veronica Nelson Inquest.

Remand data shows that in the years following the commencement of the two new bail offences, there was a substantial increase in the size of Victoria's remand population that was far above the increase in Victoria's crime rate. Data also shows that the offences have particularly impacted those accused of low-level offending, making them more likely to be remanded. Vulnerable individuals whose lives are already subject to instability, or First Nations people whose bail conditions are culturally inappropriate, face an increased risk of non-compliance with their bail conditions. These individuals may end up with more charges for breaches of bail conditions than the initial charge for which they were arrested. Therefore, the retention of these offences risks embedding these cohorts further into the criminal justice system.

There will still be consequences for breaching bail conditions or committing further offences on bail. For example, when a person breaches a conduct condition of bail, police can apply to the court for stricter conditions to be imposed or for bail to be revoked. A person who commits an indictable offence on bail is already facing a charge for that indictable offence. Similarly, non-compliance with bail conditions or further offending on bail must be considered by bail decision makers as part of the surrounding circumstances when deciding whether to grant or refuse bail. These matters are also taken into account in sentencing.

This reform aims to prevent the compounding, negative impacts the 2013 bail breach offences have had on vulnerable cohorts, but it retains the mechanisms to remand serious offenders who blatantly breach their bail and threaten community safety.

The offence of failure to appear on bail is retained. Attendance at court is central to the purpose of the bail system, as well as being necessary to the efficient operation of the courts. The offence of failure to answer bail has existed since the Bail Act commenced in 1977, and it has not caused the kinds of issues created by the new offences. A reverse onus test will no longer apply to this offence, which will further limit the risk of inappropriate remand decisions.

Child bail reforms

The increased diversionary focus articulated in the 2022 *Youth Diversion Statement* has significantly reduced unnecessary remand of accused children and young people. However, some children and young people are still being remanded for committing minor offences, particularly while on bail. A differentiated approach to child bail is necessary to address the unique vulnerabilities and complex disadvantages that children and young people can face. Keeping children out of custody and in the community will encourage them to retain pro-social connections, leading to improved individual outcomes and enhanced community safety in the long term.

The presumption against bail is in many cases an inappropriately high barrier for children. The Bill excludes children from the application of reverse-onus bail tests, with limited exceptions for murder and other homicide offences, so that bail decisions relating to children will be solely based on the unacceptable risk test. These reforms will give better effect to the principle of custody as a last resort for children and better reflect the unique risks and vulnerabilities of children.

As with adults, reverse-onus bail tests will continue to apply to children accused of terrorism offences, who pose a terrorism risk or have a terrorism record. This reflects the unique seriousness and the significant impact of terrorism on victims and community.

The Bill updates the child-specific considerations in the Bail Act to modernise the considerations and ensure they account for the special needs and vulnerability of a child and the detrimental impact of remand for children. In addition to the current considerations in section 3B of the Bail Act, bail decision makers will need to take into account:

- the need to impose on the child the minimum intervention required in the circumstances, with remand of the child being a last resort;
- the common law presumption of *doli incapax*, that a child over 10 but under 14 years of age cannot commit an offence;
- the child's age, maturity, and stage of development;
- the child's personal characteristics and history, including any experiences of abuse, trauma, out of home care or involvement with child protection;

- any cognitive impairment, ill health including mental illness, or disability of the child;
- whether the child would likely be sentenced to a term of imprisonment if found guilty, and if so, whether time spent on remand if bail is refused would exceed the term of imprisonment;
- the importance of supporting the child to engage in education, work or training with minimal disturbance or interruption;
- the criminogenic and other risks that time in custody has been shown to have on children; and
- the fact that some cohorts of children experience discrimination, resulting in their over-representation in the justice system (such as Aboriginal children, children involved in the child protection system and children from culturally and linguistically diverse backgrounds).

Aboriginal-specific considerations

Section 3A of the Bail Act provides a list of non-exhaustive considerations that must be taken into account when making a bail determination in relation to an Aboriginal person, including setting bail conditions. It was intended to recognise the fact that Aboriginal peoples are overrepresented on remand and face unique disadvantages in their contact with the criminal justice system. However, the provision has not always worked as intended. It is poorly understood and applied inconsistently.

Following extensive consultation with Aboriginal communities, the Bill amends section 3A to give greater guidance to bail decision makers. This includes consideration of broader systemic factors that drive inequality as well as circumstances relevant to Aboriginal people, including factors that make them particularly vulnerable in custody. The provision is also intended to support the common law responsibility on bail decision makers to ensure incarceration rates of Aboriginal peoples are not further compounded unless there is good reason (see *Re HA (a pseudonym)* [2021] VSCA 64).

New section 3A requires consideration of:

- systemic factors that have resulted, and continue to result in the over-representation of Aboriginal peoples in the criminal justice system and remand population, and the increased risks of Aboriginal peoples in custody;
- personal circumstances and the lived experiences of Aboriginal peoples that may make a person particularly vulnerable in custody, may be a causal factor for offending behaviour, or may be disrupted by being remanded, such as disability, trauma, family violence, involvement with child protection, housing insecurity and caring responsibilities;
- the importance of maintaining protective factors that play a significant role in rehabilitation, such as connection to culture, kinship, family, Elders, country and community; and
- any other cultural obligations, such as sorry business.

Bail decision makers may consider information that is reasonably available to support decision making. Some factors relating to personal circumstances will not always be relevant, and will depend on the circumstances of the case. The provision recognises that decision makers should consider the importance of giving family, community or Aboriginal support services the opportunity to provide this information, in recognition of the importance of Aboriginal people being involved in decisions made about other Aboriginal people.

In setting bail conditions, bail decision makers must also consider the importance of available Aboriginal bail support services, as this may enable compliance with conditions.

Section 3A also requires bail decision makers to identify and record the relevant matters they took into account when refusing bail to an Aboriginal adult or child to ensure they engage meaningfully with the considerations. Bail decisions are difficult – the decision maker must balance a complex set of circumstances and weigh up many competing considerations under the Bail Act. The requirements under section 3A are not intended to be onerous. The new requirement provides a level of flexibility as to how bail decision makers record the matters they had regard to. Despite this discretion, it is important the relevant matters are recorded appropriately to promote consistency and transparency in decision making and to embed culturally safe practices in the bail system.

While section 3A requires a bail decision maker to take into account Aboriginal-specific factors, it does not mandate a particular outcome. The bail decision-maker retains discretion to grant or refuse bail having considered all the relevant circumstances and tests. The provision is intended to prompt bail decision makers to challenge any unconscious biases and make more culturally appropriate decisions.

Restricting remand for summary offending

The Bill will introduce a provision that prohibits remand for minor offences in the *Summary Offences Act 1966*. This covers offences that often occur as a result of disadvantage, and a custodial sentence is either

prohibited by the Act or very unlikely if the accused is found guilty. This will assist in keeping vulnerable people out of custody where their offending is of such a minor nature. The reform intends to make clear that remand is not an option for these offences. However, the accused may be bailed subject to conditions, and if these conditions are breached then bail may be revoked. This maintains consequences for breach, while ensuring a person cannot be initially remanded for these offences.

This reform does not remove the ability of bail decision makers to appropriately account for community safety. Certain summary offences are sufficiently serious that remand should remain an option. The Bill lists offences that are excluded, such that remand remains an option for violent, sexual, and other more serious summary offences.

Consideration of likelihood of custodial sentence

Existing bail laws may cause an accused person to spend more time in custody on remand than a court would have wished to impose under their ultimate sentence. A person can still be remanded even when it is unlikely they will receive a custodial sentence, if that is required for community safety. However, this should not be something that occurs unless truly necessary.

Recent data shows a considerable increase in the number of fully 'time served' sentences, whereby a person's custodial sentence is equal to the number of days they have already spent on remand. This suggests that, in at least some cases, a non-custodial or shorter custodial sentence would have been appropriate but the time spent on remand was instead deemed to be the person's 'sentence'. This has disproportionately occurred in the case of certain cohorts, particularly women.

To address this, the Bill updates the surrounding circumstances in section 3AAA(1) to require bail decision makers to consider, when applying a reverse-onus test and/or the unacceptable risk test, whether the accused is likely to be sentenced to a custodial sentence. If so, they must consider whether the accused person is likely to spend more time on remand than the eventual custodial sentence, if found guilty of the alleged offending.

This amendment seeks to ensure that remand is being used appropriately, rather than being the de facto sentence for an accused who a court would otherwise have been adjudged to deserve less time in custody, or no custodial sentence whatsoever.

New facts and circumstances

The Bill will amend the Bail Act to allow an accused person to make a second legally-represented bail application before a court without having to establish 'new facts or circumstances'.

Under the current law, an accused who is refused bail following a legally represented application cannot make a further application for bail unless they satisfy the court that they have 'new facts or circumstances'. This requirement ensures people who have had an opportunity to make an application prepared by a lawyer do not continue to make unmeritorious applications and overwhelm the system.

Legal stakeholders advised that lawyers are reluctant to represent a person at the first possible opportunity because of concern that it will mean the person will be excluded from making a better-prepared application in the days following. This means accused people who may have a good case for bail make self-represented applications, or do not apply at the first opportunity. This contributes to a high number of short remands in the system.

These brief remands are not only unnecessary and costly to the community – they are also enormously disruptive to the lives of accused people, particularly those with caring responsibilities, insecure work or insecure housing.

Giving accused people the safety net of a second represented application for bail when they have had more time to prepare will encourage legal representation at the earliest possible opportunity, preventing at least some proportion of short stays in remand. The amendment will only apply to the first two bail applications made to a court by an accused after being taken into custody. Following two legally represented applications, an accused person will still need to demonstrate new facts and circumstances to make a further application with legal representation.

Clarifying the Bail Act and fixing anomalies in application of bail tests

Finally, the Bill makes some procedural and technical changes to address gaps in the current legislation.

The Bill rectifies anomalies in the application of bail tests, by:

- ensuring those charged with serious historical offences are subject to the same tough bail tests as those charged with the equivalent contemporary offences;
- ensuring that consistent bail tests apply to accused people who offend further while subject to certain orders;

- extending the court's power to allow an accused to go at large; and
- clarifying that 'adjourned undertaking' is not 'serving a sentence' to ensure reverse onus test are applied consistently and as intended.

The Bill also makes some simple but important improvements to the Act, including:

- adopting gender-neutral terms;
- updating the definition of 'Aboriginal person';
- replacing outdated terminology such as 'surety' with plain language definitions; and
- making it clear that the rules of evidence do not apply in a bail application.

Conclusion

Ensuring the safety of the community is a core concern of government. These reforms recognise that existing laws have failed to protect parts of our community, and we need to fix that. A person on remand has their life disrupted in ways that can entrench disadvantage and a pattern of contact with the criminal justice system. Remand should only be used where necessary – it is a key tool to help to ensure the safety of the community and the administration of justice. Where the accused poses an unacceptable risk if released on bail, it is appropriate that they be remanded. But the Bail Act can continue to prioritise community safety while ensuring that people are not unnecessarily exposed to harmful custodial episodes.

I wish to acknowledge the legal and community advocacy for these reforms, particularly that of the Aboriginal community. I would also like to again acknowledge the tragic events that shed light on the need for reform, as well as the continuing advocacy of the Aboriginal and Torres Strait Islander community.

I commend the Bill to the house.

James NEWBURY (Brighton) (10:38): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 30 August.

Justice Legislation Amendment Bill 2023

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:40): In accordance with the Charter of Human Rights and Responsibility Act 2006 I table a statement of compatibility in relation to the Justice Legislation Amendment Bill 2023.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Justice Legislation Amendment Bill 2023 (the Bill).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill seeks to improve the operation of the Victorian legal and justice systems by implementing the following reforms:

- making certain temporary provisions in the *Court Security Act 1980* and the *Open Courts Act 2013* permanent, with appropriate modifications, to assist the courts and tribunals to operate safely and efficiently
- legislatively recognising the role of police coronial investigators (to give effect to Recommendation 2 of the Tanya Day coronial inquest findings, Recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody and Recommendation 42 of the Victorian Parliamentary Law Reform Committee Review of the *Coroners Act 1985*)
- amending the *Spent Convictions Act 2021* to address unintended barriers to eligibility to have convictions spent, and data sharing and judgment publication
- amending the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* and the *Forests Act 1958* to expand presumptive rights legislation to three additional female specific cancers

- amending the *Legal Profession Uniform Law Application Act 2014* to clarify the application of the Legal Profession Uniform Law in Victoria and to enhance protections for Victorian consumers of legal services by enabling the register of disciplinary action taken against lawyers to be updated immediately
- amending the *Children, Youth and Families Act 2005* to support the roll-out of the electronic Case Management System Portal in the Family Division of the Children's Court
- amending the *Jury Directions Act 2015* to clarify that certain jury directions are available in all sexual offence trials
- making minor and technical amendments to the *Criminal Procedure Act 2009* to allow specified employees under the *Dairy Act 2000* and *Meat Industry Act 1993* to witness statements that are provided in criminal prosecution briefs
- addressing various legal and procedural issues in respect of VCAT's jurisdiction, by amending the *Victorian Civil and Administrative Tribunal Act 1998*, *Wrongs Act 1958*, *Limitation of Actions Act 1958* and *Domestic Building Contracts Act 1995*
- acquitting a recommendation of the Parliamentary Inquiry into Victoria's Criminal Justice System to require mandatory notification of the Victorian Aboriginal Legal Service (VALS) where a person taken into custody self-identifies as Aboriginal, by amending the *Crimes Act 1958*
- amending the *Victoria Police Act 2013* to maintain the existing ability to prescribe fees for the provision of a broad range of police services.

Human Rights Issues

The following rights are relevant to the Bill:

- Equality (s 8)
- Right to life (s 9)
- Freedom of movement (s 12)
- Privacy and reputation (s 13)
- Freedom of expression (s 15)
- Protection of families and children (s 17)
- Cultural rights (s 19(2))
- Right not to be deprived of property (s 20)
- Right to liberty (s 21)
- Rights of children in the criminal process (s 23)
- Right to a fair hearing (s 24)
- Rights in criminal proceedings (s 25)
- Retrospective criminal laws (s 27)

Part 2 – Amendments to the Court Security Act 1980 and Open Courts Act 2013

Court Security Act 1980

Division 1, Part 2 of the Bill amends the *Court Security Act 1980* (CSA) to ensure courts and tribunals can effectively manage their premises in response to public health risks.

'Authorized officers' have existing powers under the CSA to ensure 'the security, good order or management' of court premises (such as giving reasonable directions, refusing access and seizing prohibited items). The Bill will clarify that these existing powers can be exercised for the health of persons on court premises in relation to pandemic declarations under the *Public Health and Wellbeing Act 2008* (PHWA), and to ensure that relevant pandemic and public health directions under the PHWA are followed at court premises.

The CSA amendments will replace temporary provisions introduced in 2020 to address the COVID-19 pandemic. These permanent provisions will confirm that courts may introduce measures to comply with health and safety obligations to court employees and court users generally, which may mitigate delays to the administration of justice caused by transmission of illness within the courts.

Right to life

Section 9 of the Charter provides that every person has the right to life. Division 1, Part 2 of the Bill promotes this right by ensuring authorized officers can exercise their powers to maintain public health at court premises, in connection with pandemic declarations and relevant pandemic orders and directions under the PHWA.

These powers include restricting physical access to the court and giving reasonable directions. This will ensure that courts and tribunals can respond adequately and in-line with relevant public health advice and to comply with health and safety obligations. These measures protect the health of persons at the premises by minimising the impact of public health risks, and thereby promote the right to life.

Right to fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a fair and public hearing. The right to a public hearing gives effect to the principle of open justice. The CSA reforms engage this right by clarifying that authorized officers may refuse a person access to, or remove a person from, court or tribunal premises. Refusing access may be seen as restricting access to a public hearing, thereby impinging on the right to a fair hearing and the principle of open justice. Further, refusing access may also prevent a person from attending their own hearing, thereby potentially restricting their right to a fair hearing.

However, the provisions also promote the right to a fair hearing by allowing authorized officers to prevent persons who may present a health risk from compromising the health of staff and other court users or impeding the administration of justice. Further, Division 2, Part 2 of the Bill clarifies that courts may provide remote methods of access in certain circumstances, which is likely to minimise the potential impact of a person being refused physical access to court premises. Accordingly, any impact on the right to a fair hearing is reasonable and justified.

Freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely. This includes a right of access to places and services used by members of the public. Division 1, Part 2 of the Bill engages this right by clarifying that authorized officers may refuse a person access to, or to remove a person from, the court or tribunal premises. Refusing access may be seen as restricting access to a place used by members of the public.

However, any impact is reasonable and justified by the underlying intention to protect the right to life and minimise disruption to the administration of justice by courts and tribunals.

Freedom of expression

Section 15 of the Charter provides the right to freedom of expression, which includes the right to access free, independent and uncensored media and the right to seek, receive and impart information.

The CSA reforms engage section 15 by clarifying that authorized officers can exercise their existing powers to give reasonable directions for the purpose of maintaining or restoring 'the security, good order or management' of court premises. This would enable authorized officers, for example, to direct a person to follow a relevant pandemic order or direction under the PHWA, or take certain steps to protect the health of persons at court premises in relation to a pandemic declaration. Similarly, an authorized officer would be able to refuse a person entry to or remove them from court premises if they believe on reasonable grounds that the person is likely to adversely affect 'the security, good order or management' of the premises, because, for example, they are not following a relevant pandemic order or direction under the PHWA.

The exercise of these powers may be seen to impinge on a person's right to freedom of expression in some circumstances. For example, if remote access to proceedings is not available to the public because they are held in a physically open court room, a person's right to access information may be impacted.

However, the Charter provides that the right to freedom of expression can be subject to lawful restrictions that are reasonably necessary for certain reasons, which include the protection of public health. Pandemic orders and directions under the PHWA will have been assessed as necessary under the PHWA for the protection of public health. If a pandemic order does not extend to court premises but applying a requirement in a pandemic order to court users (for example mandating the wearing of masks) may mitigate delays to the administration of justice and/or comply with health and safety obligations, an authorized officer may need to exercise their powers to enforce such a requirement. Any impacts to freedom of expression are therefore reasonable and justified by the need to protect public health.

Further, the requirement for authorized officers, as 'public authorities' under the Charter, to exercise their powers in a way that is compatible with Charter rights, acts as a safeguard to ensure freedom of expression is not unduly limited.

Property rights

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right contains an internal limitation that if a person is deprived of property 'in accordance with law', the right will not be engaged. The CSA reforms are relevant to property rights because

they confirm authorized officers will be able to use existing powers to seize or require the surrender of prohibited items and to retain the items for the new public health reasons.

Property rights are not engaged by the CSA reforms, because any removal of property by authorized officers would be done in accordance with their clearly defined and circumscribed powers within the CSA. An authorized officer must believe on reasonable grounds that the item is a prohibited item, and there are protections to ensure surrendered or seized items are retained for a period before disposal. Further, seizure powers are only enlivened in relation to prohibited items. For the purpose of the CSA reforms, items are only prohibited if they are likely to adversely affect the health of persons on court premises in relation to pandemic declarations, or the following of relevant pandemic orders and directions under the PHWA.

Open Courts Act 2013

Division 2, Part 2 of the Bill amends the *Open Courts Act 2013* (OCA) to clarify permanently that providing remote public access to proceedings does not contravene any rule of law relating to open justice, if the court or tribunal is satisfied it is 'in the interests of justice' to provide public access to proceedings via one of three identified alternative means.

The amendments will support the effective and efficient functioning of the court system by providing certainty that remote hearings can be used as part of business-as-usual operations. They will also ensure that courts and tribunals can provide remote access to hearings conducted in a physical hearing room if it is in the interests of justice not to allow physical attendance by the public (for example, to mitigate health risks that may compromise the administration of justice).

The remote methods of access permitted by the amendments are contemporaneous audio or audio visual broadcast, to the public generally or a member of the public on request, audio or audio visual recording, again to the public generally or a member of the public on request, and, in the case of the Supreme Court, County Court or Coroners Court, a subsequent transcript.

Right to life

Section 9 of the Charter provides that every person has the right to life. Division 2, Part 2 may promote the right to life by ensuring that courts and tribunals can limit public health risks to judicial officers, staff and the community by providing non-physical public access to proceedings, if in the interests of justice. This ensures that the efficient and open administration of justice can continue when public health risks mean that it may not be safe, lawful or practicable to have physically open hearing rooms.

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a fair and public hearing. A fair hearing includes a reasonably expeditious hearing. The right to a public hearing is embraced by the principle of open justice, by ensuring that the work of courts and tribunals is done under public scrutiny, which safeguards against bias and abuse of power.

Division 2, Part 2 is relevant to this right because it permits alternatives to physical public access to hearings, which has been the traditional method of public access to hearings.

The amendments may promote the right to a fair hearing in some ways. Remote access may facilitate attendance and scrutiny of proceedings by a wider sector of the public, particularly where distance, cost, or the ability to travel to a physical court or tribunal is an issue. For example, remote access enables hearings to be observed from the home, office, or a public library, and from other parts of the country (or world).

Further, clarifying that remote access does not contravene rules relating to open justice may promote expeditious hearings and, in turn, assist courts and tribunals to efficiently manage caseloads by decreasing reliance on physical hearing rooms.

Remote public access may, however, limit the right to a fair hearing to some extent. Providing access other than via a physically open hearing room involves a departure from open justice. For example, some people may not have access to the technology necessary to access contemporaneous broadcasts or to download recordings or transcripts. However, the extent of the limitation on the right is not significant, in light of the alternative modes of access provided. Although there is some encroachment on open justice where proceedings are held other than before a judge or tribunal member in a physically open hearing room, the hearing would still be public in the sense it is accessible to the public through the remote method or methods. The court or tribunal would need to be satisfied that it is in the 'interests of justice' to provide access to a proceeding in this manner rather than via a physically open hearing room.

Access 'on request' will require members of the public to seek access from the court or tribunal. In some cases, this may reduce the number of people who observe a hearing. Such request is not needed to walk into a physical hearing room or access a broadcast available to the public generally via, for example, a link on the court or tribunal's website. Again, although this limits the right to a fair hearing, the extent of that limitation is not

significant, as the court or tribunal would need to be satisfied that it is in the 'interests of justice' that access to a proceeding be given 'on request' rather than to the public generally. The option of doing so permits a court or tribunal greater flexibility to ensure the impact on open justice in a particular case is the least restrictive. There may be instances where the court or tribunal wishes to permit a contemporaneous broadcast of a proceeding, but there are concerns around confidentiality that requires the court or tribunal to be able to communicate with, or identify, persons observing the proceeding. In those cases, it may be in the interests of justice to permit access to a contemporaneous broadcast to members of the public on request, rather than at large.

Access to a hearing by way of recording or transcript is not equivalent to an open court in the way that a contemporaneous broadcast or in-person access would be. However, these methods may be necessary in limited circumstances. For example, they represent effective back-up methods of access if technological issues interrupt a broadcast or if a court is unable to respond immediately to a request for access to a contemporaneous broadcast that is received after a hearing has commenced, and physical hearing room access is not available. Providing access solely by way of recording or transcript may be in the interests of justice in some cases if, for example, the need for an expeditious hearing is so great that it outweighs the disadvantages arising from more restricted public access to the proceeding (if, for example, technological constraints mean that a live broadcast cannot be accommodated by the time the proceeding is due to commence).

Again, although this limits the right to a fair hearing, the extent of the limitation is not significant, as the court or tribunal would need to be satisfied that it is in the 'interests of justice' to provide access in this manner.

In deciding the 'interests of justice' question, the court or tribunal would balance a range of competing factors. These factors would include: the presumptions in favour of open court proceedings in sections 4 and 28(1) of the OCA; the impact of the method of access on open justice and other rules relating to open justice (for example, the right to a fair hearing under the Charter); and how justice can best be achieved, taking into account the rights and needs of the parties and broader considerations such as the efficient management of the proceeding, the efficient use of judicial and administrative resources, and the interests of the media and community at large. Bearing in mind the factors to which the court or tribunal will have regard when exercising the discretion; the extent of the limitation on the right (which is not significant); and the purpose and competing rights at which the limitation is directed, including the right to life and the efficient administration of justice, the limitation on rights is justified under section 7(2) of the Charter.

Right to freedom of expression

Section 15 of the Charter provides the right to freedom of expression, which includes the right to access free, independent and uncensored media and the right to seek, receive and impart information. These aspects of the right have been considered to statutorily endorse the open justice principle and apply to information relating to the courts.

Division 2, Part 2 is relevant to these rights because it permits alternatives to physical public access to hearings, which has been the traditional method of public access. It also permits the Supreme Court, Coroners Court and County Court to, if satisfied it is in the interests of justice to do so, make an order restricting or prohibiting publication of any transcript, or part of a transcript, provided under section 8B(1). Existing prohibitions against recording proceedings (and publishing and transmitting recordings) under sections 4A–4C of the CSA will continue to apply to broadcasts and recordings provided under section 8B(1), as they do with proceedings to which physical access is provided.

The amendments may promote the right to freedom of expression because remote access may facilitate observance of a proceeding by a wider sector of the public, as outlined in relation to the right to a fair hearing.

In other circumstances, as outlined above in relation to the right to a fair hearing, remote public access may limit access to hearings for some members of the public. Although the departure from the principle of open justice constitutes a limitation on the right to freedom of expression encompassing the open justice principle, the extent of the limitation is not significant in those cases as the Supreme Court, Coroners Court or County Court would need to be satisfied that it is in the 'interests of justice' to provide access to a proceeding in this manner, having regard to the right to freedom of expression. For the same reasons as outlined above in relation to the right to a fair hearing, the limitation on the right is justified under section 7(2) of the Charter bearing in mind the extent of the limitation on the right (which is not significant) and the enhancement to the administration of justice which the reforms seek to achieve.

The power for the Supreme Court, Coroners Court and County Court to make orders restricting or prohibiting publication of transcripts or parts of transcripts provided under section 8B(1) may limit freedom of expression. This power provides the flexibility for the courts to control distribution of sensitive content in transcripts if appropriate in a particular case, in the event other powers (for example, powers to make closed court orders under the OCA) do not allow for that. This recognises that once a transcript of a hearing is in the public domain, the information it contains cannot be retracted.

Although this limits freedom of expression to some extent, the extent of the limitation is not significant. The power to make orders restricting publication of transcripts or parts of transcripts ensures the default position is that transcripts or parts of transcripts may be published (subject to existing restrictions that may be in place – for example, under copyright laws, or where a non-public or suppression order is already in place over information that may have been disclosed during a proceeding). In this way, the presumption in favour of open justice is not disturbed. Before making such an order, the Supreme Court, Coroners Court and County Court would need to be satisfied that it is in the interests of justice to provide access to a proceeding by way of transcript instead of a physically open hearing room, and also be satisfied that it is in the interests of justice to place restrictions on the publication of the transcript, having regard to freedom of expression and the principle of open justice.

Freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely. This includes a right of access to places and services used by members of the public. Division 2, Part 2 is therefore relevant to this right because it clarifies that a court or tribunal may decide that it is in the interests of justice not to allow the public to physically access a hearing room and to provide access in another way. This may occur, for example, if a hearing is conducted remotely or if a hearing is held in a physical hearing room and there is too great a risk of a serious illness being transmitted if public access is allowed.

While the reforms may restrict the ability to physically access hearing rooms, this will only be possible if a court or tribunal assesses that it is 'in the interests of justice'. Therefore, any impact on this right will be reasonable and justified to support the effective, efficient and speedy functioning of the court system.

Part 3 – Amendments to the Coroners Act 2008

Part 3 of the Bill amends the *Coroners Act 2008* (Coroners Act), and consequentially the *Victoria Police Act 2013*, to legislatively define and recognise the role of a police coronial investigator (CI) assisting a coroner with an investigation into a reportable death. This implements Recommendation 2 of the Tanya Day inquest findings.

Right to life

Section 9 of the Charter provides that every person has the right to life. The positive duty to protect life carries a 'procedural obligation to undertake effective coronial investigations where required', as found in international jurisprudence and outlined by the Explanatory Memorandum to the Charter.[1]

The Coroners Act amendments may promote the right to life as they will improve the effectiveness and independence of coronial investigations into reportable deaths, including deaths in custody and other police contact related deaths. The amendments will enhance the transparency of investigations by formalising the role of CIs, which has operated by way of convention to date. The amendments will provide coroners with an explicit power to direct CIs, who have a duty to comply (with appropriate exceptions), thereby enhancing the independence of coronial investigations.

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a fair and public hearing. A fair hearing must be absent of influence, pressure, intimidation or intrusion. The currently undefined role of a CI may create a perceived conflict of interest in investigations involving a death in custody or other police contact deaths, given the CI's dual role in assisting a coroner whilst fulfilling their duties as a police officer. Without a clear power for a coroner to direct a CI in a coronial investigation, a CI investigating the actions of other police officers on behalf of the Coroners Court may be perceived to be subject to influence, pressure, intimidation or intrusion. The amendments will promote the right to a fair hearing by imposing a duty on the CI to comply with the directions of a coroner, with exceptions, to create a clear separation between the coronial investigation and the CIs role as a police officer and reduce any perception of a conflict of interest arising from police investigating the actions of other police.

Rights in criminal proceedings

These amendments engage, but do not limit, rights in criminal proceedings in circumstances where both a coronial investigation and criminal investigation are on foot simultaneously.

The Bill provides that a CI need not comply with a direction of a coroner where the Chief Commissioner considers that complying would likely compromise a criminal investigation. This exception avoids a potential conflict of interest arising from the competing duties of a CI and preserves police independence in criminal investigations.

Part 4 – Amendments to the Spent Convictions Act 2021

Amendments to the definition of 'term of imprisonment' and eligibility to have convictions spent for children and young offenders

Expanding eligibility for spent conviction order by narrowing definition of 'term of imprisonment' and amending provisions relating to children and young offenders upholds section 8, 13, 17, 19 and 23 rights

The Bill amends the *Spent Convictions Act 2021* (SCA) to include a narrow definition of 'custodial term' in place of the current, undefined reference to a 'term of imprisonment'. These amendments create a narrow definition, including only periods where someone is physically imprisoned or detained, and excluding non-custodial sentences such as suspended sentences. As certain terms of imprisonment make a conviction ineligible to be spent, this narrow definition means that more convictions will be eligible to be spent.

The Bill also removes the requirement that children and young offenders must be sentenced under specified legislation in order to be eligible to have convictions spent under sections 9(1)(a) and 11(1)(a) of the SCA, ensuring all children and young offenders are eligible to have certain convictions spent after a 5-year conviction period or apply for a spent conviction order for relevant convictions.

These amendments may promote section 8 and section 13 rights to the extent that they expand eligibility to have a conviction spent and, as a result, may enhance a person's ability to access human rights such as education, employment and housing, enhance a person's protection from discrimination based on their criminal history and protect the privacy and reputation of a person who has a minor or historic conviction.

To the extent that Aboriginal people are overrepresented in the criminal justice system, these amendments may support the right under section 19(2) of the Charter to the extent that improved access to the spent conviction scheme may remove barriers for Aboriginal people to enjoy culture, maintain kinship ties and maintain connection to land, identity, traditional laws and customs.

Amending the SCA to ensure all young people are eligible to have certain convictions spent after a 5-year conviction period or apply for a spent conviction order for relevant convictions may also promote sections 17(2) and 23(3) of the Charter to the extent that it enhances a child's protection from discrimination based on their criminal history and provides for children convicted of an offence to be treated in a way that is appropriate for their age.

Amendments to allow disclosure of spent conviction information under Family Violence and Child Information Sharing Schemes ensures appropriate exemptions to the SCA

Exemptions to disclosure are proportionate limitations on section 8, 13 and 19 rights, having regard to the need to manage risks of family violence and risks to child safety and wellbeing.

The Bill will clarify permitted disclosures of spent conviction information to enable disclosures under the Family Violence Information Sharing Scheme (FVISS) and the Child Information Sharing Scheme (CISS) in accordance with Part 5A of the *Family Violence Protection Act 2008* and Part 6A of the *Child Wellbeing and Safety Act 2005* respectively.

Disclosure of criminal history information, including spent convictions, between Information Sharing Entities (ISEs) under the FVISS is required for the purposes of establishing, assessing and managing risks of family violence. Similarly, disclosure under the CISS is required to enable similarly prescribed ISEs to share information to promote the wellbeing and safety of children.

To the extent the amendments limit the rights to equality before the law, privacy and reputation and, for Aboriginal people, access to distinct culture rights (sections 8, 13, 19(2) respectively) by further enabling the disclosure of spent convictions information under the FVISS and CISS, the limitations are proportionate having regard to the need to protect individuals from the risk of family violence and risks to child wellbeing and safety.

The amendments allow ISEs prescribed in the *Family Violence Protection (Information Sharing and Risk Management) Regulations 2018*, which include courts, police, corrections, family violence service providers, schools and public hospitals, to carry out their existing functions under the FVISS and CISS. The Bill addresses an unintended omission in the SCA by explicitly permitting the disclosure of spent conviction information for limited purposes under the *Family Violence Protection Act 2008* and the *Child Wellbeing and Safety Act 2005*.

The current provisions of the SCA includes exemptions to allow disclosure of spent convictions for law enforcement functions. In almost all cases, these exemptions already allowed for the FVISS and CISS to operate without limitation. The Bill provides further clarity regarding these exemptions, ensuring that information sharing practices that had been lawful prior to the commencement of the SCA can continue without any limitations from the SCA.

Providing lawful exemptions for disclosure of spent convictions to protect individuals from family violence and to promote the safety and wellbeing of children is also consistent with and may promote the rights of families and children in section 17 of the Charter.

Amendments to allow data sharing for research, access to court records and publication of judgments ensures appropriate exemptions to the SCA

Exemptions to disclosure of spent convictions are reasonable and justifiable limitations on section 8, 13, and 19 rights to support research and analysis of the justice system and the principles of open justice

The Bill includes further, but limited, exemptions to the disclosure of spent conviction information by enabling disclosure by courts in the form of identified data sharing for research purposes, in the publication of judgments and in providing access to court records.

To the extent the amendments limit the rights to equality before the law, privacy and reputation and, for Aboriginal people, access to distinct culture rights (sections 8, 13, 19(2) respectively) by further enabling the disclosure of spent convictions information, the limitations are reasonable and justifiable.

Regarding disclosure of spent convictions for research purposes, the Bill addresses an unintended consequence of existing provisions in the SCA that, in some cases restricted previously permitted data sharing. Prior to the introduction of the SCA, courts and tribunals routinely shared datasets including identifying information and conviction details with research bodies. This sharing of identified data was vital to support research and analysis functions to inform the operations of the justice system. This identified data was not made publicly available and the Bill contains safeguards to ensure that this remains the case.

For example, disclosure of identified court data, including spent conviction information, by courts to the Sentencing Advisory Council (SAC) enables SAC and the courts to fulfil their statutory obligations under the *Sentencing Act 1991* and supports courts to impose appropriate sentences, having regard to statistics on sentencing practices provided by SAC.

In this respect, the Bill may promote the right to equality before the law in section 8 of the Charter by enabling consistent, fair and lawful decision-making by the courts.

Disclosure of identified court data for the purposes of publishing judicial decisions and proceedings and to provide access to court records under relevant legislation, rules, regulations and the implied or inherent jurisdiction of courts and tribunals is consistent with the principles of open justice. These exemptions are consistent with section 24 of the Charter, specifically subsection (2) which provides that all judgments or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless the best interests of a child otherwise requires, or a law other than this Charter otherwise permits.

The Bill also provides a regulation making power to prescribe further bodies that can receive spent convictions information from courts and tribunals and that can disclose spent conviction information to other prescribed bodies, in recognition that such exemptions may be required for limited additional circumstances where disclosure is necessary to support the administration of justice.

Having regard to the purposes of the limitation on a person's right to privacy, reputation and non-discrimination, and for Aboriginal people, access to distinct culture rights, these exemptions are reasonable and proportionate limitations on the rights under sections 8 and 19(2) of the Charter.

Likewise, prescribing lawful exemptions for disclosure supports a person's right not to have their privacy or reputation unlawfully or arbitrarily interfered with, consistent with section 13 of the Charter.

Given this protection, the Bill strikes an appropriate balance between the need to support the rehabilitation of individuals and public safety and the administration of justice, and is compatible with sections 8, 13 and 19(2) of the Charter.

Part 5 – Amendments to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and Forests Act 1958

The Bill will amend the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (FPRC Act) and the *Forests Act 1958* (Forests Act) to extend firefighters' presumptive rights coverage to cervical, ovarian and uterine cancers.

Right to equality and protection against discrimination

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The term 'discrimination' referred to in section 8(3) of the Charter is defined as:

> Discrimination (within the meaning of the *Equal Opportunity Act 2010* (EO Act)) on the basis of an attribute set out in section 6 of that Act.

'Employment activity' is identified as an attribute within section 6 of the EO Act. The proposed amendments to the FPRC Act and Forests Act create provisions that confer an additional benefit on eligible persons on the basis of certain characteristics of their employment or service, including the nature of their employment as a firefighter, volunteer firefighter or other eligible person and the duration of their service, where they are diagnosed with primary site cervical, uterine or ovarian cancer.

'Disability' is identified as an attribute within section 6 of the EO Act. The definition of 'disability' in the EO Act includes 'the presence in the body of organisms that may cause disease'. This Bill creates provisions that prescribe which types of disease qualify for the rebuttable presumption to compensation. The proposed amendments expand the limited list of diseases to which the rebuttable presumption applies to include cervical, uterine and ovarian cancers. Existing provisions also continue to limit access to the presumptive right to those persons that have served for a qualifying period of 10 years and recognition of only cancer diagnoses which occurred on or after 1 June 2016.

'Sex' and 'sex characteristics' are both identified as an attribute within section 6 of the EO Act. The Bill expands access to the rebuttable presumptive right to compensation with reference to additional types of cancer related to sex and sex characteristics, specifically cancers that impact the female reproductive system. These provisions reduce any indirect discriminatory limitation in access to the presumptive rights scheme based on the sex and sex characteristics of the firefighter, volunteer firefighter or other eligible person.

These provisions limit the ability of certain firefighters and staff from accessing the rebuttable presumptive right to compensation by virtue of employment defined by the EO Act. Further, while these provisions expand the number of diseases recognised under the presumptive rights compensation scheme, it nonetheless continues to limit access to the rebuttable presumption for other diseases experienced by firefighters and staff. These provisions therefore may limit the rights to equality and protection against discrimination.

To the extent that these provisions do limit the rights to equality and protection against discrimination, these limitations are minor and are reasonable and demonstrably justified. The provisions will directly achieve their important purpose of assisting female firefighters and staff diagnosed with serious illnesses, by expanding their access to compensation under the *Workplace Injury Rehabilitation and Compensation Act 2013*. The provisions are necessary to promote the intent of the scheme, and ensure female firefighters and staff are not disadvantaged in their access to the scheme by reason only of their sex or gender. They also operate to promote substantive equality for female firefighters by ensuring female- specific reproductive cancers are also included in the presumptive rights scheme alongside male-specific reproductive cancers. Further, limiting the scope of the scheme to any disease diagnosed on or after 1 July 2016 is necessary to ensure compensation entitlements can be costed and implemented effectively, without any risks to the ongoing viability of the scheme.

Right to privacy

Section 13 of the Charter provides that a person has the right not to have their privacy, unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. This right protects informational privacy, including a person's medical records or health status.

An interference with privacy will not limit the right to privacy where that interference is not unlawful or arbitrary – that is, where the interference is provided for by law, and is not unpredictable, unjust, or unreasonable in the circumstances.

These provisions may be relevant to the right to privacy. Under the existing provisions of the FPRC Act and the Forests Act, WorkSafe Victoria will request that the relevant advisory committee provide an expert opinion on whether a claimant is eligible for compensation.

The committee will consider personal information including relevant records, volunteer or employment data and local knowledge. This access to information may interact with a claimant's right to privacy.

However, these provisions do not unlawfully or arbitrarily interfere with a person's privacy. This is because the FPRC and the Forests Act specifies the parameters of the information required to be disclosed, and the Firefighters' Presumptive Rights Compensation Regulations 2019 and Forests (Forest Firefighters Presumptive Rights Compensation) Regulations 2022 provide that a claimant's information must be treated as confidential.

Collection and use of the information is also required to maintain the integrity of the compensation scheme as a whole.

Therefore, any engagement with a claimant's privacy does not constitute an unlawful or arbitrary interference and is consistent with section 13 of the Charter.

Freedom of expression

Section 15 of the Charter provides that all persons have the right to freedom of expression. This includes the right to impart information, including through any medium that the person may choose, or a right not to impart information at all.

These provisions may be relevant to a claimant's right to freedom of expression by requiring that they provide certain information to support the eligibility assessment by the relevant advisory committee. Information required to be disclosed may include personal information including relevant records, volunteer or employment data and local knowledge.

However the requirement to impart personal or confidential information, including medical information, is reasonably necessary to verify the claimant's eligibility to the rebuttable presumption and maintain the integrity of the compensation scheme as a whole.

To the extent that freedom of expression under section 15 is limited by the requirement to provide information, the limitation is reasonable and demonstrably justified.

Part 6 – Amendments to the Legal Profession Uniform Law Application Act 2014

Right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) states that a person has the right not to have their reputation unlawfully attacked. An interference with the right to privacy and reputation is justified if it is both lawful and not arbitrary. An interference will be lawful if it is permitted by law which is precise and appropriately circumscribed and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sort.

The amendments relating to the register of disciplinary action (RODA) engage the right to privacy and reputation by allowing the immediate publication on the publicly available RODA of information about lawyers who are subject to disciplinary action determinations. Section 150C of *Legal Profession Uniform Law Application Act 2014* prescribes the information that may be included on the RODA, which includes a lawyer's full name, address for service, home jurisdiction and particulars of the disciplinary action. The immediate publication of disciplinary action determinations on the register is for the legitimate purpose of promoting transparency and protecting consumers of legal services and accordingly does not constitute an arbitrary interference with privacy and reputation.

The amendment is proportionate to the need to strengthen consumer protections and information will only be published after a determination is made. The proposed reforms will support the community to access accurate and up to date information about a legal practitioner and in turn better equip them to make an informed decision about whether to engage that legal practitioner. Accordingly, the amendments are consistent with the right to privacy and reputation.

Part 7 – Amendments to the Children, Youth and Families Act 2005

The Bill will promote the right to equality before the law (section 8) by increasing access to justice for Victorians. Currently, court users may be required to travel significant distances to physically file documents with registry. These amendments will reduce the need for travel by enabling certain applications to be filed online. As such it will ensure that court users, including those with disabilities and who live in rural or regional areas, can access registry services more easily.

Part 8 – Amendments to the Jury Directions Act 2015

Part 8 of the Bill will clarify that certain jury directions are available in all sexual offence trials. These jury directions address misconceptions about:

- the continuation of relationship or communication after a sexual offence;
- the absence of physical injury, violence or a threat;
- responses to a non-consensual act;
- other sexual activity;
- personal appearance and irrelevant conduct;
- non-consensual sexual acts occurring between all sorts of people; and
- general assumptions not informing a reasonable belief in consent.

These amendments will confirm that trial judges can give these jury directions in trials involving charges that do not include lack of consent as an element, such as trials for sexual offences against children. These directions can assist juries in better assessing the evidence and reaching a verdict. They also guard against a jury making incorrect assumptions as to these issues, promoting victim-survivors' rights and achieving fairer outcomes in proceedings for all sexual offences.

These reforms promote the protection of families and children under section 17, the right to a fair hearing under section 24 and rights in criminal proceedings under section 25 of the Charter. They do so by clarifying the availability of existing directions that make it easier for juries to apply the law.

Limitation of rights

Clause 62 inserts a transitional provision to apply the Bill's amendments to proceedings where offences may have been committed before the new provisions commence. This may engage the protection against retrospective criminal laws under section 27 of the Charter.

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not an offence at the time the conduct was engaged in. Accordingly, while section 27 prohibits imposing criminal liability where previously there was none, it does not prohibit retroactivity in respect of procedural laws. This includes changes to the rules of evidence or other procedural elements such as, in this case, the content of jury directions, given they relate to how the trial is conducted, and do not themselves impose criminal liability. This is consistent with the operation of the equivalent provision of the International Covenant on Civil and Political Rights, whereby article 15(1) does not extend to changes in procedural law. This also reflects the statutory interpretation principle that the presumption against retrospectivity does not extend to laws that are merely procedural.

Accordingly, Part 8 of the Bill, and in particular clause 62, does not limit the right against retrospective criminal laws under section 27 of the Charter.

Part 9 – Amendments to the Criminal Procedure Act 2009

This is a minor and technical amendment that inserts specified inspectors to Schedule 3 to the Criminal Procedure Act to allow witnessing of statements contained in criminal briefs. No human rights are affected.

Part 10 – Amendments to the Victorian Civil and Administrative Tribunal Act 1998, Wrongs Act 1958, Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995

Part 10 of the Bill is compatible with the Charter. The amendments engage the right to a fair hearing (section 24) by increasing access to justice for Victorians. The reforms seek to do this by increasing court and tribunal efficiencies, clarifying jurisdictional uncertainty and preventing previous decisions made in good faith from being invalid. These reforms seek to empower parties to access fair justice.

To ensure that past Victorian Civil and Administrative Tribunal (VCAT) decisions made under the previously understood scope of VCAT's jurisdiction are effective, the Bill deems that parties have the same rights and liabilities purportedly established by those decisions from those decisions until the commencement of this Bill. While recent Supreme Court decisions have only highlighted the consequences of previous High Court decisions that ruled VCAT is not a 'court' rather than extending the meaning, its clarity in holding that VCAT does not have jurisdiction to determine 'indirect' federal law matters has had a significant impact.

This is because there was a widespread assumption and honest belief that VCAT had jurisdiction to determine 'indirect' federal law matters. The curative provisions are therefore considered an appropriate response given the high volume of past decisions made in good faith but which are now invalid.

The Bill provides necessary certainty regarding parties' rights and liabilities, and ensures that past VCAT decisions cannot be challenged solely on technical jurisdictional grounds. Any limitation is confined, because parties may challenge the deemed statutory rights and liabilities, and rights to appeal on other grounds are not affected. For these reasons, the Bill strikes an appropriate balance between the public interest in legal certainty and the right to a fair hearing, and any limitations on fair hearing rights are reasonable and justified.

Part 11 – Amendments to the Crimes Act 1958

Part 11 of the Bill amends the *Crimes Act 1958* to make clear that if a person self-identifies as an Aboriginal person, police must notify the VALS. This is in addition to the existing requirement for VALS to be notified when police are of the opinion that the person is an Aboriginal person.

Over the past decade, there has been a significant increase in the number of Aboriginal people remanded in custody. The potential devastating effects of time spent in custody have been well documented, from the 1991 Report of the Commission into Aboriginal Deaths in Custody to the recent Parliamentary Inquiry into Victoria's Criminal Justice System (the Inquiry) and the Coronial Inquiry into the passing of Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died at Dame Phyllis Frost Centre on 2 January 2020.

Section 464FA of the Crimes Act provides for a process known operationally as the Custody Notification Service. It requires that VALS be notified within an hour of an Aboriginal person being taken into custody. Under the current provisions, Aboriginality is to be determined for the purposes of triggering the notification requirement by the opinion of the investigating official, who must have regard to any statement made by the person as to whether they are an Aboriginal person.

In its submission to the Inquiry, VALS reported that it was aware of incidents in which the validity of a person's self-identification as Aboriginal had been questioned by investigating officials. VALS reports that it has its own processes for cases where a person's Aboriginality is in question, and that it is never appropriate for officials to

prefer their own judgement or evidence from records over a person's self-identification. The report of the Inquiry subsequently recommended that section 464FA be amended to provide that an investigating official must contact VALS in all circumstances where a person taken into custody self-identifies as an Aboriginal person. The Bill enacts this recommendation, thereby strengthening the protection of human rights.

Recognition and equality before the law

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Aboriginal people are disproportionately affected by contact with the criminal justice system, including in respect of overrepresentation in custody. The amendments in Part 11 of the Bill provide for prompt, mandatory notification to VALS where a person in custody identifies as an Aboriginal person, thereby upholding the right to equality by ensuring Aboriginal people have ready access to appropriate legal assistance and other support. It also ensures self-identification is preferred over the opinion of investigating officials, allowing VALS to use its own culturally appropriate processes for determining if a person is Aboriginal. However, investigating officials can still make a referral if the person does not self-identify but the official knows or is of the opinion the person is Aboriginal, particularly in circumstances where an accused may be unable to communicate. This ensures notification occurs as broadly as possible, enabling Aboriginal persons to be appropriately offered cultural support in custody. A person who does not wish to use the support can advise that when VALS offers it.

While this section of the Crimes Act continues to operate to protect Aboriginal people as a group, rather than all people, it will not result in less favourable treatment of other groups of people. However, if it did have this effect, section 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination will not constitute discrimination. The purpose of the amendment is to protect Aboriginal people from discrimination, both in the justice system specifically and more broadly, that results in an overrepresentation of Aboriginal people in custody. In this context, it is appropriate for Parliament to strengthen laws aimed at reducing this discrimination and its impacts.

Liberty and security of the person

Section 21 of the Charter provides that every person has the right to liberty and security, and that the arrest and detention of any person must be both lawful and not arbitrary.

The amendments to the Crimes Act in Part 11 of the Bill promote the right to liberty by ensuring that Aboriginal people, who are overrepresented in the criminal justice system, receive prompt, culturally appropriate legal assistance and support for their needs in custody. Effective legal representation gives accused people a better chance at being granted bail or being otherwise released from custody, and guards against a person being held in custody where it is not warranted. Furthermore, culturally appropriate legal assistance of the kind offered by VALS ensures specific attention is given to the specific needs or sensitivities of an Aboriginal person being held in custody, helping to address the documented disproportionate impact of contact with the criminal justice system on Aboriginal people.

Right to privacy and reputation

Section 13 of the Charter provides a person has the right not to have their privacy unlawfully and arbitrarily interfered with. However, this right has internal limitations that allow for lawful and non-arbitrary interference with a person's privacy.

The amendment requires police to notify VALS if a person self-identifies as an Aboriginal person. Police must also notify VALS if they know or are of the opinion that an accused person is Aboriginal, even where there is no self-identification. In both circumstances, the notification must be made regardless of whether that person authorises the sharing of information. The notification will continue to be automatic upon police entering information about Aboriginality into police records. While this may interfere with a person's right to privacy, the interference is non-arbitrary. The purpose of notification is to protect and promote the rights of an accused Aboriginal person in custody by ensuring that they receive an offer of culturally safe legal assistance, as well as access to appropriate care and treatment in custody.

As a result, the impact on the right to privacy is reasonable, appropriate and justified by the purpose of the amendment.

Part 12 – Amendments to the Victoria Police Act 2013

The amendment to the regulation making power in Schedule 5 of the Act amends a mistaken omission in upcoming legislation. No human rights are affected.

The Hon. Anthony Carbines MP
Minister for Police
Minister for Crime Prevention
Minister for Racing

[1] Explanatory Memorandum, Charter of Human Rights and Responsibilities Bill 2006, 10.

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:40): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Justice Legislation Amendment Bill 2023 amends a number of Acts to support the courts and the Victorian Civil and Administrative Tribunal and improve the operation of the Victorian justice and legal systems.

Making temporary measures permanent to assist the efficient operation of the courts

The Bill will assist the courts to operate efficiently and safely, by making temporary measures in the *Open Courts Act 2013* and the *Court Security Act 1980* permanent, with appropriate modifications.

The Bill will continue to support remote public access to court and tribunal hearings by:

- providing certainty about when remote hearings can be used as part of business-as- usual operations, and
- allowing courts and tribunals to provide alternatives to physical access if hearings are conducted in a physical court room but it is in the interests of justice not to allow physical attendance by the public (for example, to mitigate health risks).

This will, in turn, support more efficient and accessible services and facilitate broader public access to court and tribunal proceedings. For example, non-physical access enables members of the public and the media to observe proceedings from their home, office, or public library. This may enhance open justice by offering greater convenience, particularly where distance, cost, or the ability to travel to a court or tribunal is an issue.

The Bill will also confirm that authorized officers can use their existing powers to effectively manage court and tribunal premises in response to public health risks.

The provisions would allow authorized officers to restrict access to court and tribunal premises and/or give reasonable directions for the health of all persons on the premises when a pandemic declaration is in force, or to ensure that relevant pandemic and public health directions under the *Public Health and Wellbeing Act 2008* are followed at court and tribunal premises.

This will provide certainty that courts and tribunals can take steps to comply with health and safety obligations to their employees and court users generally, and mitigate delays caused by transmission of illness.

These reforms will support courts and tribunals to continue managing their premises safely and to use digital technologies to administer justice flexibly, effectively and efficiently.

Implementing Recommendation 2 of the Tanya Day coronial inquest findings

The Bill will implement Recommendation 2 of the Tanya Day coronial inquest findings to provide clarity around the role of police coronial investigators in coronial investigations into reportable deaths. It will also give effect to Recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody and Recommendation 42 of the Victorian Parliamentary Law Reform Committee Review of the *Coroners Act 1985*.

The role of the police coronial investigator has operated by convention and informal arrangements between the Coroners Court and Victoria Police to date. The Bill will provide a coroner with an explicit power to direct a coronial investigator, who will have a duty to comply with all reasonable and lawful directions. There will be a narrow exception to the duty to comply, for directions that are, in the opinion of the Chief Commissioner, unreasonable or likely to compromise a criminal investigation. The Coroners Act reforms will improve the transparency and independence of the coronial system by providing a clear legislative framework around the role of the coronial investigator.

Improving the operation of the Spent Convictions Act 2021

Addressing barriers to eligibility under the Spent Convictions Act

The Bill will remove unintended limitations to eligibility to have convictions spent. In particular, the reforms remove the requirement for children and young offenders to have been sentenced under specific legislation to be eligible to have their convictions spent automatically after a conviction period of five years or, for serious convictions, to be eligible to apply to the Magistrates' Court to have their convictions spent.

The spent convictions scheme is particularly important for children and young people, giving them a chance to rehabilitate and re-integrate into society despite past offending. These reforms ensure that these benefits are available to all children and young people.

The Bill also addresses the lack of definition of 'term of imprisonment' in the Spent Convictions Act. The length of a term of imprisonment imposed for a conviction reflects the seriousness of that conviction, determining whether and when a conviction can be spent. However, without a definition, imprisonment can be interpreted as including sentences such as suspended sentences, home detention or intensive corrections orders. In these cases, courts have imposed sentences that do not involve physical imprisonment or detention and these sentences should not be given the same level of seriousness as convictions involving actual time in prison or detention.

To address this, the reforms create a new definition of a 'custodial term', which is defined narrowly to include only periods where someone is physically imprisoned or detained. This narrow definition means that more convictions will be eligible to be spent, ensuring that the benefits of the Spent Convictions Act are extended to support more Victorians to rehabilitate and move on with their lives.

Allowing appropriate exemptions to the Spent Convictions Act for family violence and child information sharing, data sharing for research, access to court records and publication of judgments

The Bill addresses urgent, unintended limitations to the Family Violence Information Sharing Scheme, established under the *Family Violence Protection Act 2008*, and the Child Information Sharing Scheme, established under the *Child Wellbeing and Safety Act 2005*.

The current drafting of the Spent Convictions Act includes exemptions for law enforcement agencies and courts to share spent conviction information, recognising that disclosure of past offending, including spent convictions, is crucial to manage safety and risk in our community. In almost all cases, these exemptions allowed for the family violence and child information sharing schemes to operate without limitation. However, this Bill provides certainty, making it clear that all aspects of these important information sharing schemes can operate without limitations from the Spent Convictions Act.

Additionally, the Bill provides for regulations to prescribe further bodies that can receive spent convictions information from courts and tribunals and that can disclose spent conviction information to other prescribed bodies. This allows the flexibility for the Spent Convictions Act to respond to community safety needs by allowing the disclosure of spent convictions where appropriate.

The Bill also clarifies that current practices to share data for research purposes, as well as existing access to court records and publication of court judgments, are not affected by the Spent Convictions Act. Furthermore, the Bill ensures that it is clear that Court Services Victoria can support courts and tribunals to carry out their functions under the Spent Convictions Act. While many of these actions were permitted under the existing drafting of the Spent Convictions Act, the reforms provide clear and appropriate exemptions to support the smooth and effective operation of our justice system.

The Bill supports a robust, effective spent convictions scheme that makes sure the actions of the past no longer unfairly impact people's future, while maintaining access to convictions where needed for our justice system to operate effectively and keep people safe.

Expanding the presumptive rights scheme to include three additional cancers affecting female firefighters

The Victorian Government acknowledges the significant risks and dangers that firefighters and other fire services personnel are exposed to in the course of their service, including increased susceptibility to certain types of cancer. In 2019 the government legislated the firefighters' presumptive rights compensation scheme to make the process of applying for compensation less onerous for Victorian firefighters engaged by Fire Rescue Victoria and the Country Fire Authority. The scheme recognises the invaluable service provided by firefighters and the dangerous work that they do.

In 2022, the Scheme was extended to apply to forest firefighters engaged by Forest Fire Management Victoria and to vehicle and equipment maintenance employees engaged by Fire Rescue Victoria and the Country Fire Authority.

In June of this year, the Government made a public commitment to further extend the scheme to cover three female specific cancers - primary site cervical, ovarian, and uterine cancers. This Bill delivers on this commitment and amends the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* and the *Forests Act 1958* to extend presumptive rights coverage to female career and volunteer firefighters and vehicle and equipment maintenance employees who contract primary site cervical, ovarian, and uterine cancers.

Presumptive rights for cervical, ovarian and uterine cancers will be subject to a qualifying period of 10 years to align with other Australian and international jurisdictions. It will relate to cancer diagnoses on or after 1 June 2016, which is in line with cancers already included under Victoria's presumptive rights legislation.

This expansion of presumptive rights to include the additional three cancers follows consultation with key stakeholders and will ensure more equitable access to cancer compensation for female firefighters.

Clarifying how the Legal Profession Uniform Law applies in Victoria and enhancing consumer protections for legal service consumers

The Bill clarifies legislative uncertainties about how the Legal Profession Uniform Law applies in Victoria and enhances consumer protections for Victorian legal service consumers.

The Bill clarifies that the offences of causing a deficiency in a trust account and the improper destruction of regulated property are indictable offences that are triable summarily. Both offences prescribe a maximum penalty of 500 penalty units or 5 years' imprisonment or both. Despite this penalty exceeding the jurisdiction of the Magistrates' Court, a technicality in the language used to prescribe these penalties in the uniform legislation has resulted in these offences being classified as summary offences in Victoria and subject to a 12-month limitation period for commencing prosecution. This has created a practical impediment to prosecuting these matters as there is often a significant delay in detecting complex trust accounting deficiencies or the mishandling of property. These amendments will support more effective prosecution of this conduct, ensure penalties are commensurate with the conduct and provide an effective disincentive to inappropriate conduct.

The Bill amends the legislative framework for the register of disciplinary action for Victorian lawyers, to increase consumer protections and better align with the frameworks in other participating jurisdictions of the uniform law scheme. Presently, the Victorian Legal Services Board cannot publish on the register of disciplinary action any details of a determination of unsatisfactory professional conduct under section 299 of the Legal Profession Uniform Law. This is because section 150E of the *Legal Profession Uniform Law Application Act 2014* (LPULA Act) provides that the Victorian Legal Services Board must not publish information until the time limit for an appeal against the determination is expired and no time limit is currently specified. The Bill addresses this by providing a 28-day time limit for appealing a determination under section 299 of the Legal Profession Uniform Law. Section 150E of the LPULA Act is also repealed to allow the immediate publication of disciplinary action outcomes on the register of disciplinary action. Correspondingly, if a disciplinary action is quashed on appeal the details must be removed from the register of disciplinary action. Appropriate transitional measures are included to minimise impacts on affected legal practitioners.

Supporting the roll-out of the Case Management System in the Family Division of the Children's Court

Part 7 of this Bill will make technical amendments to the *Children, Youth and Families Act 2005* to support the Children's Court of Victoria in performing its functions electronically. These reforms will modernise registry services and improve the efficiency of court operations by enabling certain documents to be filed electronically. They will deliver an improved court-user experience by reducing the need to print out documents, travel to court locations and join registry queues.

Clarifying that certain jury directions are available in all sexual offence trials

In 2022, new jury directions were introduced to address some common misconceptions that arise in the context of sexual offence trials. This included a direction, recommended by the Victorian Law Reform Commission, addressing misconceptions about why a person would continue a relationship or maintain contact with an accused after a sexual offence.

The current wording of this direction refers to a lack of consent to sexual acts. This reference to 'consent' created uncertainty about whether it could be used in proceedings for offences which do not require the prosecution to prove lack of consent, such as sexual offences against children. As this misconception can arise in such cases, and should be addressed where relevant, the Bill clarifies that the direction can be used in proceedings related to all sexual offences.

Similarly, the Bill clarifies that other jury directions related to consent and reasonable belief in consent may be given in relation to all sexual offences, regardless of whether lack of consent is an element. These directions may address, for example, that sexual offending can occur without physical injury being caused to the victim. Existing processes for determining whether directions should be given will apply – for example, the judge must have good reasons for giving the direction.

Allowing certain authorised officers to witness statements in criminal prosecution briefs

Authorised employees of PrimeSafe and Dairy Food Safe Victoria are tasked with investigating and carrying out prosecutions under the *Meat Industry Act 1993* and *Dairy Act 2000* respectively. But the *Criminal Procedure Act 2009* does not allow them to witness statements that are used to prosecute these matters in court, resulting on this burden falling on others, such as police. To improve justice system efficiency, the Bill will allow these authorised employees to witness such statements.

Addressing various legal and procedural issues in respect of the Victorian Civil and Administrative Tribunal's jurisdiction outlined in *Thurin v Krongold* and other Supreme Court decisions

The Bill will address various legal and procedural issues in respect of the Victorian Civil and Administrative Tribunal's (VCAT's) jurisdiction which have been outlined in recent Supreme Court decisions. These reforms will provide certainty about the jurisdiction and rights of parties in impacted cases, noting that this parliament cannot legislate on matters of Commonwealth constitutional law that limit the operation of tribunals.

The Court of Appeal's decision in *Thurin v Krongold*[1] (Krongold) late last year highlighted that, because of certain provisions in the Commonwealth Constitution, VCAT does not have jurisdiction over cases that indirectly raise matters of federal law. The decision will require the transfer of many cases intended to be heard by VCAT to the courts. Currently, orders to transfer cases can only be made by VCAT's judicial members.

In response to *Krongold*, the Bill will implement several reforms in the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) to minimise delay and clarify uncertainties faced by litigants in affected matters. The reforms will:

- expand the class of VCAT members who can make orders to transfer federal jurisdiction matters to a court for determination,
- provide courts with the power to extend the limitation period for federal jurisdiction matters referred to them by VCAT, and
- preserve the rights and liabilities of parties involved in previous VCAT decisions which are no longer valid due to the matters having an 'indirect' connection to federal law.

The Part 10 retrospective validation amendments have been included as they are considered an appropriate response in this context given the high volume of past decisions which are now invalid on the basis of the recent findings that VCAT lacks the required jurisdiction. Commentary from the legal profession regarding *Krongold and Vaughan Constructions Pty Ltd v Melbourne Water Corporation (Building and Property)*[2] demonstrates that the profession views these decisions as having effectively reduced the previously-understood scope of VCAT's jurisdiction in a significant way. The Bill will provide litigants with certainty, avoid the need for litigants to spend additional time and money having their disputes re-heard at courts, and avoid the risk of the courts receiving an influx of applications to re-hear previous VCAT matters.

The Bill will also support efficiencies by empowering the courts to continue to hear domestic building matters that would otherwise be transferred to VCAT, where an assessment has been made that the action may raise a controversy involving federal subject matter in the future. This will prevent parties from being 'passed back' to VCAT despite there being a strong chance that the matter will need to be transferred to a court due to federal jurisdiction issues arising.

Other recent decisions by the Supreme Court and VCAT have found that the Victorian *Limitation of Actions Act 1958* (Limitation of Actions Act) does not apply to VCAT proceedings, and that VCAT does not have jurisdiction to make rulings on contribution claims and contributory negligence claims under the Victorian *Wrongs Act 1958*. These decisions are both contrary to what had previously been assumed by VCAT and the legal profession and do not reflect government's intention. The Bill will remove these anomalies in VCAT's jurisdiction by:

- clarifying that the Limitation of Actions Act applies to VCAT proceedings,
- clarifying that VCAT has jurisdiction to determine claims under Part IV and Part V of the Wrongs Act, to avoid the need for over a thousand VCAT cases to be transferred to a court for resolution, and
- preserving the rights and liabilities of parties involved in previous VCAT decisions on claims which were unknowingly made without jurisdiction.

These reforms will make critical changes to complex legal issues impacting parties, the legal profession and Victoria's Court system.

Ensuring the Victorian Aboriginal Legal Service is notified in all circumstances when a person taken into custody self-identifies as Aboriginal

Part 11 of the Bill makes changes to the *Crimes Act 1958* to ensure that the Victorian Aboriginal Legal Service (VALS) is contacted in all cases where a person taken into custody identifies as Aboriginal. This change is important to ensure VALS is able to provide prompt, culturally appropriate legal assistance to Aboriginal people who come into contact with the justice system – a key factor in tackling the overrepresentation of Aboriginal people in custody.

Whenever an Aboriginal person is in custody, Victoria Police are required to notify VALS. Currently, a notification to VALS is only required where an investigating official is of the opinion that a person is Aboriginal. While an official must take any statements by the person into account, a statement of self-identification is a consideration rather than a mandatory trigger for notification. This amendment will make sure that a statement of self- identification as an Aboriginal person always meets the threshold for mandatory notification, regardless of any other factors or opinions held by investigating officials. Investigating officials may still notify VALS if they know or are of the opinion the person is Aboriginal. This may be in circumstances where the person is unwilling or unable to self- identify, for example, if they are unwell.

This amendment responds to a recommendation from the report of Parliament's Legal and Social Issues Committee's Inquiry into Victoria's criminal justice system.

Maintaining existing regulation making power to prescribe fees for the provision of a broad range of police services

An amendment is included to the regulation making powers in the *Victoria Police Act 2013*. Currently, the Act enables the regulations to prescribe fees for a range of services provided by police personnel, in particular for the deployment of resources to search and provide information. This amendment will prevent the mistaken removal by a previous Bill of the existing power of the regulations to prescribe the fees for the range of services that police personnel provide.

I commend the Bill to the house.

[1] [2022] VSCA 226.
[2] [2023] VCAT 233.

James NEWBURY (Brighton) (10:40): I move:

That debate be adjourned.

Motion agreed to and debate adjourned.

Anthony CARBINES: I move:

That the debate be adjourned for 13 days.

James NEWBURY (Brighton) (10:40): I am absolutely outraged. I am outraged. I am shocked. I am absolutely outraged. We have had several weeks running where the government has tried to ram through legislation, and it is a very thin number of bills they have. All this shows is the government cannot manage its own legislative program. We have yet to, in this chamber, debate the budget take-note motion this week. We have not had the opportunity to debate it yet.

We spent almost the entire day yesterday debating one of the government's own sledge motions, and we have now seen the government introduce a bill and try to push through this new bill within 13 days, breaching the longstanding convention. This has happened so many times in this Parliament. In fact I would say there have been more instances of this government breaching the convention of a two-week layover of a bill than has ever happened in this Parliament before. In the short life of this arrogant government – a government that frankly is already in civil war – and in the short life of this term they have done it more than it has been done in the entire time of this Parliament. It is not just a convention that has stood in Victoria but a convention that has stood in the Westminster system for the best part of a century. It is a convention that exists for a reason. The convention of a two-week layover of a bill is there for a reason.

We know the government is embarrassed. We know why the government is shouting and full of bluster. It is because they do not want the community to see what they plan to do. That is the problem. They have been caught. They have been sprung. They do not want the community to know what they

are doing. They cannot manage their own legislative program, so they take every opportunity to ram it through – sometimes, as is the case here, when we have not had an opportunity to read the legislation yet. This is the Justice Legislation Amendment Bill 2023, but we saw it with the budget. How outrageous. How outrageous was that, ramming through new tax bills without providing the community any opportunity to see the pernicious taxes that the government was introducing and slamming onto the Victorian community. We have seen it again today. In this short term we have seen the government push through bills in a way that we have not seen in the life of this Parliament. The breaches of convention are absolutely outrageous. It is absolutely outrageous what the government is doing. It is another example of the mismanagement of this place, which is clear for all to see.

It is absolutely clear for all to see. Victorians should have a right to see the bills that are introduced into this place. They should have an opportunity to consider them. Organisations that are interested, that work in the field, and industry should have an opportunity to consider the bills that are introduced into this place. That is why this Parliament, that is why the Westminster system, has a convention of ensuring a minimum time for the community to look at what governments are proposing. But the government does not care. That is why they are doing it again; they are ramming through another bill – another instance of not allowing the community to see what they are doing. This is just a clear example of the government mismanaging this place, mismanaging their program and hiding what they are doing, as they did with the budget taxes. They slammed the budget taxes through this place. What a disgrace. I would say the coalition will oppose what the government is trying to do today, to ram another bill through this place, not allowing the community an opportunity to see it. We will vote against it.

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (10:45): What an absolute load of hogwash from the member opposite. This faux outrage, being lectured on parliamentary standards from the Liberal Party – the Liberal Party who, for example –

James Newbury: On a point of order, Deputy Speaker, this is a tight procedural debate over timing of an adjournment. It is not an opportunity to receive a lecture from, especially, this member about standards.

The DEPUTY SPEAKER: The Assistant Treasurer had just begun, and you did open the door a little bit in your opening, so I would be appreciative if we all stuck to the adjournment of debate in question.

Danny PEARSON: Thank you, Deputy Speaker. The issue here is that the member for Brighton is taking exception to the fact that we are seeking a 13-day adjournment rather than 14 days, and he is complaining that this is somehow in breach of parliamentary standards – this from a party who ratted on a pair deal in our first term of government –

James Newbury: On a point of order, Deputy Speaker, this is not a grievance debate, this is a tight procedural debate.

Danny Pearson: You started it, mate, and I'm finishing it.

James Newbury: Deputy Speaker, may I ask you to ask the member to calm down. I am perfectly entitled to raise a point of order without being attacked from across the table.

Mary-Anne Thomas: Deputy Speaker, on the point of order, the adjournment debate goes to the matter of parliamentary standards, and I ask that you rule the objection raised by the Manager of Opposition Business null and void. The minister on his feet was being entirely relevant to the debate, and I ask that you enable him to continue.

Cindy McLeish: On the point of order, Deputy Speaker, I rise to support the member for Brighton. As you have heard, the minister across the table has –

The DEPUTY SPEAKER: Thank you, member for Eildon. On the point of order, I think the Assistant Treasurer had spoken for 12 or 13 seconds. The Assistant Treasurer to continue on the debate. There is no point of order.

Danny PEARSON: Thank you, Deputy Speaker. As I said, we will not be taking lectures from those opposite on parliamentary procedure, given the fact that they have been serial offenders when it comes to parliamentary procedure, be it in terms of ratting on pair deals, be it on kicking a former Leader of the Government in the other place out for six months –

James Newbury: Deputy Speaker, on a point of order, this is now just grubby muckraking. I would say this is a tight procedural debate, and just because he is throwing muck in a short amount of time does not make it right.

The DEPUTY SPEAKER: Order! There is a bit going back and forth here, and I do not want the next 22 minutes to be persistent points of order. On the procedural debate in front of us, the Assistant Treasurer to continue.

Danny PEARSON: Thank you, Deputy Speaker. What the government is proposing is a 13-day adjournment. If the opposition are incapable of consulting with various stakeholders about this bill – a very important bill which, for example, will ensure that female firefighters have presumptive rights extended to three female cancers – and if they somehow cannot get their act together to get briefed on this bill in 13 days and they want to just save their homework to do it the night before Parliament resumes, that is their problem; that is not our problem. Thirteen days is more than enough time for those opposite to be briefed on this bill and to consult about this bill. Right? It is just faux outrage. For the member for Brighton this is more to do with a job advertisement for a vacancy in the seat of Goldstein.

James Newbury interjected.

The DEPUTY SPEAKER: Member for Brighton, I think I can pre-empt your point of order. The minister had started –

James Newbury: On a point of order, Deputy Speaker, disappointingly the member's behaviour is reflecting on him, and I ask you if you would mind bringing him back to the motion. This is just an embarrassment, and he clearly is not debating the motion at hand.

The DEPUTY SPEAKER: The Assistant Treasurer had started to stray a little bit, and I bring him back.

Danny PEARSON: Thank you, Deputy Speaker. Again, what is being proposed by the government is more than fair and reasonable – 13 days. If those opposite had any backbone, any capacity for work, they would be able to get across the details of this bill within 13 days.

James Newbury interjected.

The DEPUTY SPEAKER: The member for Brighton – recurring points of order on the same. I am listening to the debate. I have not called you. The time is effectively over for the minister, and I think we spent much more time on points of order. I am going to rule them out a lot more quickly if we have persistent frivolous ones.

Annabelle CLEELAND (Euroa) (10:51): I would also like to rise and speak in support of the member for Brighton, because this is absolutely preposterous and outrageous –

A member interjected.

Annabelle CLEELAND: I am not responding to you, because I am freestyling, which I am very, very good at, so pipe down. I am echoing his concerns about due diligence which this government fails to adhere to and then wonders why there are statewide distrust and concerns about corruption. My wonderful member for Mildura wants me to freestyle. I will adhere to parliamentary language, obviously.

A member interjected.

Annabelle CLEELAND: Yes, that is what we believe as well, which is why we think that there should be an adequate two weeks of consultation, and anything less is completely inadequate. What the Minister for Police has presented is a really important piece of legislation which we do take seriously. This is a justice legislation amendment bill. Why does this not deserve the normal two weeks of consultation with our community and stakeholders? Something as serious as this bill must have community stakeholder consultation, and that is non-negotiable. Anything less is reckless, dangerous and absolutely outrageous. Why are we concerned about this reduction? Too often this government is wasting taxpayers money, and Victorians are sick of it, because of this inadequate consultation. Some examples of the government –

Mary-Anne Thomas: Deputy Speaker, it is a legitimate point of order which I raise. As the member for Brighton articulated so many times during the Assistant Treasurer's contribution, the member on her feet is not speaking to the narrow procedural motion, and given the last few words she uttered I think you now have opportunity to advise her before she further embarrasses herself on her feet.

The DEPUTY SPEAKER: Thank you, Leader of the House. I was listening to the member. There is no point of order.

Annabelle CLEELAND: Coming back in relation to the specific adjournment motion –

A member interjected.

The DEPUTY SPEAKER: Order!

Annabelle CLEELAND: Thank you, Deputy Speaker. I am not going to bite. I will mention it afterwards directly to these people. But I just actually want to mention some examples of when this government has failed to have adequate stakeholder engagement. There is a long list here where you have wasted taxpayers money because of that inadequate stakeholder engagement. I would like to mention some examples: backflips when you not have not adhered to adequate stakeholder engagement. The schools tax is a great example. Melbourne airport rail –

Mary-Anne Thomas: On a point of order, Deputy Speaker, I draw your attention once again to the points that were made by the Manager of Opposition Business. The member is straying from the procedural motion and using this as an opportunity to attack the government.

Brad Rowswell: On the point of order, Deputy Speaker, these are legitimate examples of distrust in government. The very fact that the government has given this house 13 days to consider the bill before the house – the member for Euroa is well entitled to use examples to articulate her point.

The DEPUTY SPEAKER: Thank you, member for Sandringham. The member was straying into debating other issues, and I bring her back to reasons for the adjournment.

Annabelle CLEELAND: My connection is two weeks of adequate community consultation, and I would like to raise why it is so critical to respect that. Out of respect to Victorians, they deserve to have adequate stakeholder engagement. It is a convention of Parliament, and why are we eroding that? It is an example of why Victorians no longer trust this government.

I would like to bring it back to why I am supporting the member for Brighton's concerns. We have such widespread statewide distrust in the Andrews Labor government, with report after report of allegations of corruption, poor stakeholder consultation and poor planning. We need to return trust to our democratic process. Cutting corners like this repeatedly is reducing adequate community consultation and why so many Victorians believe this government is arrogant and stale. Victorians deserve better. We need legitimacy, we need accountability and we need a government that respects Victorians and the proper stakeholder process.

Nina TAYLOR (Albert Park) (10:56): I am definitely concerned to hear that the opposition cannot organise themselves to consult in 13 days, that they are not capable. I mean, we could sit down, we could set up a bit of a work plan and maybe give them some ideas on how you reach out to stakeholders, because clearly they are incapable of doing it. I am genuinely concerned that they do not know how to organise themselves in that period of time. Somehow community will be denied consultation because with 13 days they cannot organise themselves, because that is what this debate is really about. They cannot get themselves organised, let me say that. I will not –

A member interjected.

Nina TAYLOR: Yes, exactly. They might also want to have a little look in the mirror. They are talking about a civil war. What about a member for Western Metro Region – is it Moira Deeming? I mean, what is going on there? In talking about a civil war, I think they are looking back at themselves. Hold up the mirror.

Brad Rowswell: On a point of order, Deputy Speaker, this is a member who is clearly freestyling and freestyling quite clearly away from the narrow procedural motion. I ask you to bring her back to the motion before the chamber.

The DEPUTY SPEAKER: I uphold the point of order. The member to come back to the debate at hand.

Nina TAYLOR: It was the member for Brighton who suggested a civil war. He opened the door there, and I felt it was only due and proper to rebut the proposition.

James Newbury: On a further point of order, Deputy Speaker, you have ruled, and I would ask you to remind the member of that.

The DEPUTY SPEAKER: Yes. The member for Albert Park to come back, without commentary on the ruling.

Nina TAYLOR: Duly noted, but just pointing out some of the –

The DEPUTY SPEAKER: Member for Albert Park, I have not called you. I would appreciate that if I do uphold a point of order, you do not comment on that. It is a reflection on the Chair. The member to continue on the debate.

Nina TAYLOR: Sincerest apologies to the Deputy Speaker. Duly noted. Indeed I shall proceed. While we are pontificating here, just helping the opposition to diarise and to plan ahead in terms of their consultation, the bill is there now, off you go. We are wasting time. We are burning daylight here in the chamber pontificating about the bill. Why not just get to it, get out there, start consulting? I am just putting the idea out there. I do not think it is novel; I do not think it is outside the square because clearly they are sweating over it. I do not know what is going on over there, but I think I would suggest that the time is now. You have been duly notified – 13 days. You say you cannot organise yourselves, you cannot consult in that time frame, but it is extraordinary.

Members interjecting.

Nina TAYLOR: No, it absolutely is about you. You are the ones who have –

Sorry, through the Chair. I should say it is my understanding that the opposition say they are incapable of consulting within 13 days. I do not know what to say about that. What is going on over there? Maybe it is because of the civil war they are having in their own party. They are so busy fighting with each other they cannot coordinate their diaries.

A member interjected.

Nina TAYLOR: Moira Deeming, yes.

Brad Rowswell: On a point of order, Deputy Speaker, on two points. Firstly, the member has strayed completely from the motion before the chamber, which is very narrow, again, which you have already ruled on. Also, if the member wishes to make a personal reflection upon another member, it must be done by substantive motion.

The DEPUTY SPEAKER: On the first of your points, the member was starting to stray, and I bring her back. On the second, references to a collection of members are not personal inferences.

Nina TAYLOR: Thank you, Deputy Speaker, for that clarification.

Paul Edbrooke interjected.

The DEPUTY SPEAKER: Without assistance, member for Frankston.

Nina TAYLOR: I greatly appreciate your advice, and I shall heed that advice to the best of my ability. But as I was saying from the outset, if those opposite are as keen as us – and we are very keen; this legislation is extremely important and we are very keen to transact it for the benefit of the whole community – I suggest they get out there. Go on, start consulting now. You will be fine; I have faith. Well, I do not know, actually – that might be going a bit far. But it is possible that you can do it, so set the challenge now. You know, make those phone calls – ding, ding, ding, ding, ding. I do not know if the stakeholders will answer the phone calls, but you can give it a good crack. You have got time. And on that note –

Jess Wilson: On a point of order, Deputy Speaker, I think the member is using 'you' quite often, and speaking through the Chair would be appreciated.

The DEPUTY SPEAKER: I had noticed that too. Thank you, member for Kew. Yes, through the Chair. 'You' is a reflection on the Chair. Let us keep it tidy.

Nina TAYLOR: Yes. Respectfully, Deputy Speaker, I duly note your advice, and on that matter I shall close my argument there.

Cindy McLEISH (Eildon) (11:01): I rise to make my contribution to this narrow debate, and the nature of this debate is the period of adjournment for the Justice Legislation Amendment Bill 2023. When the Minister for Police came and presented that bill, he asked for 13 days rather than the conventional 14 days, so we are debating as to why the 14-day period should be in place. The government provided absolutely zero reason for 13 days. In fact the Assistant Treasurer made it sound as though it is no big deal, but let me tell you the reasons it is a big deal.

But before I do that, I think what this is evidence of – the convention for some time has been 14 days – is that the government has a lack of planning over their legislative agenda. There is a lack of organisation around their legislative agenda. We know the sitting dates well in advance. We know the program: every Tuesday, Wednesday and Thursday it is typically the same. We know when bills are introduced and when they are second read, and we know that it is customary to have a 14-day adjournment period. What we have seen, to back up that this government are so disorganised and lack that planning, is that they are filling that legislative void with motion after motion. I heard the Assistant Treasurer before say, 'We'll just put another sledge motion forward.' I think that is the tactic they are using. I find it quite insulting that instead of focusing on what should be –

Mary-Anne Thomas: On a point of order, Deputy Speaker, I am increasingly concerned at the use of this term 'sledge motion' by the opposition to describe perfectly –

The DEPUTY SPEAKER: The point of order is?

Mary-Anne Thomas: The point of order is that it is unparliamentary, given it is actually a function of this Parliament to debate serious motions of concern to the people of Victoria.

The DEPUTY SPEAKER: Thank you. I will rule on the point of order. It is a matter of debate.

Cindy McLEISH: In this Parliament we have seen more often than not bills brought forward with a 13-day turnaround time. That, as we know, has not been the convention; 14 days has been the convention. I will go back some 90 years to 1932, which was the first disagreement over the adjournment period, and at the time the government had proposed one week and the opposition wanted two – so we know that this 14-day convention has been in place for a very long time. We have had occasions where things have needed to go through very quickly and the period of adjournment was agreed and negotiated with the opposition so things could go through. Not only have we seen 13 days, but we have seen six, and on 30 May we had the State Taxation Acts Amendment Bill 2023, which was going to be debated in one day, and at that point we had not even seen it.

The government are squeezing the time for us to review bills, to go through them, and when you have got a bill that is touching on so many different areas, there are a lot of stakeholders. The government could not give us a reason why we need only 13 days; it was absolutely the contrary. But what we do need is the stakeholder consultation. It is not just us going out to the stakeholders, it is the stakeholders that have to come back with their information. They have to read it, and very often they have not come back in that two-week period. So you will see that between the two houses, the two chambers, with the bills debate, that that is still coming in and we are getting new information, because as organisations and as stakeholders look at it, they are understanding what it means for them. So every day does count.

I think it is such an insult to the stakeholders, the way that the government is carrying on and proposing that they should have less time to try and get back to us. It is very difficult for them, when they are not expecting legislation – depending on what is happening in their organisation, their department at the time – to get that turnaround in the 14 days as it is. It is not about the opposition getting out. We get out there straightaway. It is about the stakeholders that have to come back. I think that there is absolutely zero respect shown to the stakeholders by this Labor government.

There is that convention of 14 days. The government make it sound as though 13 is no problem, six is no problem and one day, 'Well, every now and again we'll spring a one day on you'. That is not good enough. They need to be organised and have a 14-day – *(Time expired)*

Assembly divided on motion:

Ayes (51): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Pauline Richards, Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (31): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Gabrielle de Vietri, Wayne Farnham, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Tim McCurdy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Tim Read, Richard Riordan, Brad Rowswell, Ellen Sandell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Motion agreed to and debate adjourned until Tuesday 29 August.

Statute Law Amendment (References to the Sovereign) Bill 2023

Second reading

Debate resumed on motion of Danny Pearson:

That this bill be now read a second time.

And Jess Wilson's amendment:

That all the words after 'that' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government has provided clarity on the rationale of the amending provisions'.

Nina TAYLOR (Albert Park) (11:12): I am very pleased to continue my discussion on the Statute Law Amendment (References to the Sovereign) Bill 2023. As I said yesterday when I started speaking to this bill, I was quite surprised by the sheer number of amendments that have been proposed, including the reasoned amendment, such is the consternation it is as if the amendments that we are proposing through this bill are somehow revolutionary or an overreach. I even heard the word 'trickery', which is absurd to say the least. And I would say –

A member interjected.

Nina TAYLOR: Treachery, trickery, goodness knows what. It was quite a flourish there and certainly deviated from the core element and the foundation of the changes here, which is really about accuracy. I will substantiate further the contentions that I am raising, but before I do that I do want to zone in on some specific concerns that were raised, I believe, by the member for Kew and some of the other members in the opposition. I hope to allay some of their concerns about the overreach that they contend this amendment bill is intending to bring about, when in fact that is absolutely not the case. For instance, there was a reference made to the Attorney-General and Solicitor-General Act 1972 and replacing references to 'Her Majesty's Attorney-General' and 'Her Majesty's Solicitor-General' with simply – these are the changes proposed – 'Attorney-General' and 'solicitor-general'. I ask my learned colleagues here: how many Australians refer to 'Her Majesty's Attorney-General'? Have you ever heard anyone say that in the modern era? I am scratching my head. A point has already been well made in that argument there alone, and we see a clear demarcation between the progressive Andrews Labor government we have here and the very much out-of-touch opposition that we have over there.

I am going to proceed with some further concerns raised. I would like to specifically, and out of respect, address those concerns. One of them was about removing 'Her Majesty' and not replacing it with 'His Majesty' but simply having 'Crown in the right of Victoria'. This is referring back to that act – I should say, the Attorney-General and Solicitor-General Act 1972. This is the appropriate term as it refers to the body politic of Victoria rather than the King in a personal capacity. There is a very specific and clear and good rationale for the change to be made in that manner. This was perhaps a little sloppy by the opposition and there was a bit of light dismissiveness rather than their looking deeper as to the very solid rationale for that change.

There is a further comment I would like to make about some concerns flagged by the opposition. In the Crown Proceedings Act 1958, removing references such as 'Our Lady Queen' and not inserting 'Our Lord the King', the amendments substitute 'Queen' with 'King' where relevant, referring to the current sovereign as 'King' rather than 'Our Lord the King'. Let me tell you the rationale: it reflects modern drafting practice. Again, in Australia, has anyone heard 'Our Lady Queen' in the modern era or, further, 'Our Lord the King'? Can you imagine, as an Australian, saying 'Our Lord the King'? No, and it is not out of disrespect and it is nothing to do with a debate about monarchy versus republic or otherwise. It simply reflects modern language and modern drafting practice, because when we are speaking within the context of drafting bills, then I think it is right and proper and appropriate to adhere to what is considered and well accepted as modern drafting practice.

I think that the overreach was from the opposition, and the changes proposed are really completely unnecessary because what we are focusing on here, as I have stated from the outset, is accuracy and

not substantive changes, least of all to the constitution proper. I think that is very important. I did wish to address those specific concerns because that if we are really honest about how Australians communicate in the modern era – I am generalising, but for the most part – we should not be referring to some of the amendments that have been proposed here, which are holding us back a century. It does not make sense. Indeed if you want respect for the law or for any changes to laws that we bring through, it makes good common sense that they should reflect, as much as is reasonably possible, the vernacular of the community in the modern era.

I put a caveat that of course with drafting you do have to be prudent and make sure that the meaning is clear and accurate. I am not suggesting that you would import colloquial language to a bill – not at all. However, I am suggesting that within the ambit of the drafting of bills, where it is reasonable and does not in any way vitiate the intention and the meaning that is intended to be delivered, it should reflect modern practice. I think that is only reasonable when we are talking about these changes which, as I said earlier, should not be receiving the consternation that they are from the opposition. It is a democracy – they are fully entitled to put forward their concerns. But I have just got to say it does reflect that they may be a little out of touch. Hence the benefit of having this thorough and proper debate for the benefit of the community, so they understand the rationale behind the changes that we are bringing forward.

Now, I should note a further caveat, and that is that it is true that the Interpretation of Legislation Act 1984 provides that references to 'Her Majesty' should be interpreted as her successor and that words importing a gender include the other gender, so there is that element too when you are looking at that specific piece of legislation; it allows to a certain extent for changes and gender. However, I note the actual wording in each act is incorrect. These amendments will ensure the state's laws remain relevant and accurate. You will note that I am going quite a long way to emphasise the point of accuracy, because that is the fundamental tenet of the changes here. In fact the changes could have been far more significant, but for the purposes of what we are seeking to achieve today, it is purely – well, I should be careful with that word; it is fundamentally, I should say – for accuracy, and I hope that that is the spirit in which it is taken for the benefit of all members in this chamber.

This is what is called a statute law bill, which is the type of bill that Parliament often considers and passes to correct ambiguities, omissions and errors found in statutes. Great, okay – granted. But the further point that I want to get to, and perhaps the most significant one, is that statute law amendment and revision acts are a longstanding and common feature of parliamentary legislative practice. As mentioned, they are periodically introduced to address purely formal issues, make editorial changes and modernise drafting styles. So I proffer – actually I contend – and I say with absolute conviction that the amendment bill here is well within the remit of a statute law bill and not an overreach, as has been proffered by the opposition. They are trying it on – I get it. They are having a crack, but I contend they cannot actually substantiate what they are putting forward. I believe that they are just trying to stir up a little bit of a chat perhaps about monarchy or otherwise or just trying to have a go and suggest that somehow our government is having a lend or otherwise, or that we are outrageously progressive and beyond. But no, what we are doing here is making some simple yet meaningful changes in terms of sustaining accuracy.

Chris CREWTHER (Mornington) (11:22): I rise today to speak on the Statute Law Amendment (References to the Sovereign) Bill 2023 in what should be a straightforward piece of legislative housekeeping. It is a bill which will, among other things, mainly update Victorian laws to reflect the unfortunate death of Her Majesty Queen Elizabeth II after many decades of wonderful service and the accession of His Majesty King Charles III. This bill will update Victorian laws to replace 'Her Majesty' with 'His Majesty' and similar terms such as 'her' to 'his' and 'Queen' to 'King'. Whilst the Interpretation of Legislation Act 1984 stipulates that references to the sovereign in any piece of legislation refer to the current sovereign, this legislation is not strong enough, with the actual wording of each statute being incorrect. The bill therefore improves the Interpretation of Legislation Act. There

will be an amendment that any reference to the sovereign in the present, either a queen or king, will be taken to be a reference to His Majesty or Her Majesty or King or Queen as relevant.

While these changes are welcome, this is not just a routine housekeeping bill that will ensure that the state's laws remain relevant and accurate; in fact some amendments remove references to the sovereign with no valid reason. For example, in the Attorney-General and Solicitor-General Act 1972, the bill does not even replace the formal titles of 'Her Majesty's Attorney-General' and 'Her Majesty's Solicitor-General' but instead removes the references to the sovereign altogether so that the roles are simply referred to as 'the Attorney-General' and 'the solicitor-general'. It is a similar case for the Crown Proceedings Act 1958 and the Parliamentary Salaries, Allowances and Superannuation Act 1968.

The bill changes the words in the oaths of affirmation given by police officers, protective services officers and special constables as they are contained in the Victoria Police Act 2013, omitting all references to 'Lady the Queen' and substituting all references to 'Her Majesty's peace' with 'the peace'. These changes are all indicative of this current government and their processes in diminishing the role of the monarch as our sovereign and trampling, again, over elements of our parliamentary democracy – a government whose Premier has been vocal in his advocacy for a republic for many years. What might seem like a simple bill or legislative overreach is in fact symptomatic of a government seeking to turn Australia into a republic. There is no valid reason to alter or remove references to the sovereign in this bill, because Australia remains a successful constitutional monarchy and any change to our system of government is a matter for the Australian people. It is, simply put, not a matter for the state Labor government, to unilaterally alter our statute books.

This bill calls into question more broadly the deliberate and ongoing suppression of Australia's constitutional monarchy identity. Over the past 25 years the monarchy has come under constant attack from politicians, the media and many others. This was seen recently following the death of the Queen, where a number of elements, even of hate towards her in some circumstances, were astonishing. From alleged colonial sins to other accusations, the calls for a republic have in some circumstances become louder and louder. Other forms of suppression of our constitutional monarchy have come in the form of the removal of royal portraits and symbols; the suppression of the royal anthem, even at events in which the royal family are present; the dropping of the Queen and monarchy from primary and secondary school curriculums; and now this bill, which does not create a full transfer of titles in some circumstances. Our sense of nationhood has long been attacked with respect to our constitutional monarchy. As, I guess, the hard left in particular has weaponised identity politics to sow the seeds of division, we must remember why our allegiance to the Crown is important in the first place. Allegiance to the Crown is universal to us all. Our allegiance to the sovereign is more powerful than any political or social agenda which we might have, and it unites us all to serve the greater good.

I would like to wrap up my discussion of this bill with a short reflection on the life of the Queen and her legacy. Steadfast, reliable and courageous in her leadership, the Queen was a model servant of the public. We know that throughout her life her sense of responsibility, of leadership and of the importance of governance was profound, including her service during the Second World War. Her tremendous ability to work in a bipartisan and indeed multipartisan manner with those from all sides of politics and to provide wise counsel and guidance to others was nothing short of admirable. The Queen witnessed some of the most important events in history throughout her reign, from the Cold War to the landing on the moon; the advent of the internet; the age of digitisation; and, closer to home, 16 prime ministerships in Australia. All this time she remained focused and clear in her role as monarch and head of state in Australia, the UK and other Commonwealth countries. I note that my grandmother, who unfortunately passed away in 2015, had the middle name Elizabeth, having been born just after Elizabeth herself.

In her first televised address to the country, in 1957, the Queen fervently said:

> I do not give you laws or administer justice, but I can do something else; I can give you my heart and my devotion to these old islands and to all the peoples of our brotherhood of nations.

And her heart and devotion were what she gave us. As a model servant to the public, she provided us parliamentarians and indeed public servants generally with many lessons on government and leadership that we can look up to. For the Queen, leadership was not this dry, abstract concept but one which she lived and breathed actively in her everyday life and service. For the Queen, leadership was about balancing the personal and professional, projecting stability and respecting tradition and permanency, being informed and working with all sides to reach the best solutions and acting with wisdom and learning from your mistakes – lessons on leadership that, despite whatever our affiliations may be, are universal.

Bronwyn HALFPENNY (Thomastown) (11:29): I also rise to make a contribution on the Statute Law Amendment (References to the Sovereign) Bill 2023. This bill, unlike what the opposition seem to be suggesting, is a very straightforward and clear bill, and it is a statute bill. There is a bit of a definition of what a statute bill is, and that is: it is the type of bill that Parliament often considers and passes to correct ambiguities, omissions and errors found in statutes. In this case it is about changing legislation that refers to Her Majesty because, as we know, the monarch of England, who also presides over Australia, passed away – that is, Queen Elizabeth – and there is now a King who has taken on that role. So basically this statute bill is about making the necessary changes to a whole lot of pieces of legislation to ensure that they reflect the current-day situation, which is that we have a monarch that is a male rather than a female. In doing that, there have also been some minor changes and updates in language, but again it is all about modernising the legislation – the way it is said. It does not change the legislation in any way, it just modernises it and also takes account of the change in the monarch, as we have said.

This updating of statutes, laws, happens all over the world. In terms of the current situation with the change of monarch, there have been similar changes in other countries across the world in order to reflect what the situation is now. If people want to go to the legislation, they will see that this bill is actually making changes and amendments to many, many pieces of legislation. But we do it through one bill for efficiency and to make sure that it is done in a consistent way across all those pieces of legislation that refer to 'Her Majesty'. It will now be 'His Majesty' as a result of the change.

Now, the opposition, as I said, has talked a lot about whether this is about the Andrews Labor government trying to infiltrate the system and, on the sly, trying to make Victoria a republic. Of course we cannot do that. That is federal legislation; it is in the federal constitution. This is the old fear campaign to try to get some sort of political mileage rather than supporting legislation that is both practical and necessary to ensure that we are accurately reflecting who is the king or queen of the time and to make sure that the legislation is up to date and reflects what is going on.

The opposition have made such a big deal out of some of these amendments, saying that the word 'Majesty' being taken out of the legislation in a few spots – but it is also kept in many others – somehow or other is going to have such a big meaning. I think about the opposition's stance on the current proposed referendum on the Voice for Aboriginal people and also recognition for Indigenous people in the constitution –

Emma Kealy: On a point of order, Acting Speaker, the member has strayed from the legislation before us today. I ask you to bring the member back to the legislation before us. It has been a narrow debate. Please keep her on track.

Paul Edbrooke: On the point of order, Speaker, the member clearly has not been listening. I have been listening very specifically to the member, and the member has not strayed far from the debate at all. It has been a wideranging debate, but the member has been very, very focused on the bill at hand.

The ACTING SPEAKER (Paul Hamer): Thank you. The member for Thomastown was responding to arguments that had been raised previously in the debate, and I ask her to continue.

Bronwyn HALFPENNY: Thank you, Acting Speaker. As I was saying, the opposition are making a big deal of the changes that we are talking about and saying somehow or other they are going to

water down the monarchy or imply that we are not continuing as a monarchy in this country. Yet if we look at the current referendum that is being proposed, when we are talking about a Voice for Indigenous people or we are talking about recognition of our First Nations people –

Emma Kealy: On a point of order, Acting Speaker, similar to my previous point of order, the legislation that is before us has nothing to do with the Voice referendum. I ask you to bring the member back to the legislation that is before us today, which is the Statute Law Amendment (References to the Sovereign) Bill 2023.

Bronwyn HALFPENNY: On the point of order, Acting Speaker, I think the member on the opposition side is trying to undermine your original ruling, which was that I can continue to speak. It is just the same point of order that it was before, questioning what you have already determined.

The ACTING SPEAKER (Paul Hamer): Thank you, member for Thomastown. I did rule on the point of order previously. It was the same point of order. The debate is about the statute law amendment bill. The member has been speaking for her entire contribution in relation to the bill at hand and was responding to points which have been raised during the debate. The member is entitled to use examples within that context of the debate, but I would ask her to make that point and then come back to the bill.

Bronwyn HALFPENNY: What I was trying to put is that the opposition is saying that the word changes or some of the omissions that have been proposed in this statute bill are very important. Words are very important in legislation or in anything else, but in the case of the coming referendum the opposition is arguing that the recognition of First Peoples is unimportant and of no consequence because it does not actually do anything. I am just sort of highlighting the hypocrisy that the opposition is showing when it comes to the legislation that we are debating today, which is really just about making sure legislation is technically correct based on the current-day circumstances.

Another area we could talk about in terms of the changes that we are making here regarding 'His Majesty' rather than 'Her Majesty' is whether we should also be making amendments around gender-neutral terms. Instead of saying 'His Majesty' or 'Her Majesty' perhaps we could say something such as 'the Crown', but we are not always able to do this. It would take a much more thorough updating of the legislation, and it would have more consequences. That is why we are continuing with 'His Majesty' or 'Her Majesty' rather than looking at gender-neutral terms so that in the future we do not need to come back and address this legislation again and again based on the gender of the person in the role, in terms of the monarchy.

In going back to the legislation that we are talking about here, there really is not a lot that needs to be said other than that it is required because of the change in circumstances. I did previously support the change to become a republic, but that was defeated. We all have to accept that and continue to operate under the system that we have, and that is what we are doing in Victoria. This legislation is really just about making sure that our legislation is up to date and is fit for purpose. It ensures that we are updating references and making changes as the world changes.

We see a lot of legislation come through this Parliament that it is all about updating and making the language more accessible and more modern and not necessarily always about changing how things are or what we are doing in the world or in Victoria, and this is that type of legislation. It is modernising, updating and reflecting the change in circumstances, and that is the change in the gender of the monarch because of the passing of Queen Elizabeth. This is really just the opposition trying to play games, make stuff up and be mischievous, I guess, which is what they are trying to do because they seem to be failing in all other aspects of trying to win government in Victoria.

Annabelle CLEELAND (Euroa) (11:39): I rise today to speak on the Statute Law Amendment (References to the Sovereign) Bill 2023. The purpose of this bill is to amend the Interpretation of Legislation Act 1984 and to amend the statute law of Victoria to revise language and references to the sovereign as a consequence of the death of her Majesty Queen Elizabeth II. It changes references from

'Her Majesty' to 'His Majesty' and from 'Queen' to 'King' and so forth in line with the accession of His Majesty King Charles III. These changes are necessary; however, they could easily have come in the form of a straightforward piece of legislative housekeeping.

But instead we have been presented with this bill. This is a bill that is biting off more than it can chew. It is filled with amendments that go far beyond its original remit and intention and far beyond what is necessary in this situation. Some amendments reflect the need to modernise Victoria's statute books – for example, the removal of references to 'Esquire'. However, there are other amendments that appear to remove references to the sovereign with no valid reason. This is a major area of concern for this bill, considering that Australia remains a constitutional monarchy. Australia's constitutional monarchy is no less current or valid as a result of the passing of Her Majesty Queen Elizabeth II, which was the trigger event for the introduction of this bill.

Despite this, Labor appears to have seen this bill and the passing of Her Majesty Queen Elizabeth II as an opportunity to diminish the role of the monarch as our sovereign. Some examples of these changes include the Attorney-General and solicitor-general both having lost their references to the sovereign, as have the Leader of the Opposition and the deputy leader. Instead of a simple change from 'Her Majesty' to 'His Majesty' we have seen an unnecessary and deceptive flurry of changes. Oaths of affirmation done by police officers, protective services officers and special constables will also have references to the sovereign removed. 'Lady the Queen' does not get changed to a 'King' equivalent, and 'Her Majesty's peace' is now simply 'the peace'. No matter what your thoughts are on this – it does not matter if you are a republican or a monarchist – we cannot just diminish or change the system through some sneaky legislation. This is a matter for the Australian people.

Turning Australia into a republic is still part of the Labor Party platform, so perhaps it is understandable the government is seeking to chip away little by little towards this goal, beginning with references to the monarch in our statute books. Unfortunately it is hard to find a valid reason for many of these changes, hence the coalition moving a series of amendments to this bill to bring it back to its original intent and repair Labor's legislative overreach. These amendments would simply update the bill to reflect what should have been done in the first place: a simple substitution of terms to reflect the accession of King Charles III in our statute books. This can be achieved by simple, like-for-like swaps in terminology. We do not need to shy away from the fact Australia is a constitutional monarchy and that we are part of the Commonwealth.

Now, while we are on the topic of the King, I want to recognise some of the people in my community who were recognised with honours in the King's Birthday awards recently. Three Euroa electorate residents were among nearly 1200 Australians celebrated in the honours list for 2023. These were Sandy MacKenzie of Avenel, Kathy Grigg of Euroa and Pat McNamara of Nagambie. Both Mr MacKenzie and Mr McNamara were appointed Members of the Order of Australia, in part for their services as longstanding Nationals politicians. Ms Grigg received hers for significant service to financial governance, tertiary education and the agricultural industry. I want to congratulate these three outstanding community members on receiving these well-deserved awards. As long-time contributors to our local area these recognitions are a testament to the hard work and time they have all committed to our region.

Ms Grigg has had longstanding ties to the local community, holding a role as community representative for Euroa Health and doing exceptional things for the local area. In this role Ms Grigg has campaigned for the hospital's ongoing financial success and dedicated years of service, advice and expertise to the schools.

The honours list citation for Mr Pat McNamara states that the Nagambie resident received his Order of Australia Medal for significant service to rowing, to the Parliament of Victoria and to the community through a range of roles. Mr McNamara was a National Party MP in the Victorian Parliament from 1982 to 2000, and from 1992 to 1999 he served as the Victorian Nationals leader and Deputy Premier of Victoria. Before his career in state politics he worked in farming, real estate and

local politics as a Goulburn Valley shire councillor from 1974 to 1978 and as president from 1977 to 1978. Mr McNamara has also had a long association with rowing. After serving as Nagambie Rowing Club captain during the 1970s and 80s he served as Rowing Australia president from 2000 to 2009, Commonwealth Rowing Association president from 2000 to 2005 and Oceania Rowing Association chairman from 2010 to 2014. He also served as Rowing Victoria president and is presently a Rowing Australia Victorian councillor.

The last King's Birthday recognition is for Mr Sandy MacKenzie, who received his award for significant service to the people and Parliament of Australia, to education and to conservation. Mr MacKenzie was a federal MP serving as a National Country Party member for Calare in New South Wales from 1975 to 1983. After his career in politics Mr MacKenzie was involved with Landcare at a local, state and national council level. He spent six years on the board of the Goulburn Broken Catchment Management Authority and represented Landcare Australia at the Prime Minister's summit for drought as well as, in 2020, presenting to hearings of the fire and national diseases inquiries. He joined the Australian Council for Children and Parenting in the early 2000s and has continued to be an inspiration to many in our region.

Congratulations to Sandy MacKenzie, Kathy Grigg and Pat McNamara for your contributions to our region. I hope that in the future we will see these awards continue to be recognised and they will continue to have the reference to the sovereign in them despite what this bill might want to achieve.

We are already aware the Labor Party is eager for a republic, and they have also made it very clear they do not want anything to do with the Commonwealth, including the sporting events. Labor's embarrassing handling of the Commonwealth Games was a slap in the face for regional Victorians and just a massive blow in general for the whole of regional Victoria. So far we have only heard about a vague package for the regions that is clearly an attempt to appease the ripped-off regional communities. Housing is a priority for our regional areas and a patch-up commitment to build just 1300 homes will not be enough, nor can we trust that it will actually happen.

Nina Taylor: On a point of order, Acting Speaker, I would put forward to the chamber the proposition that perhaps the member for Euroa could adhere to the premise of the bill. I fear that she is straying in a different direction. Thank you very much.

Emma Kealy: On the point of order, Acting Speaker, as the honourable Chair pointed out to the previous speaker, this has been a wideranging debate. You ruled in favour of the government at that time, and I do ask for consistency from the Chair in ruling. I ask you to allow the member to continue.

The ACTING SPEAKER (Paul Hamer): I am very pleased that you consider me honourable, but the member for Euroa has been given a very long leeway in terms of the discussion of the bill to date. There were a number of points that the previous member had been responding to, debates or issues that had been raised within the debate, and I do ask the member for Euroa to come back to the bill or to respond to other parts of the debate that have already been raised.

Annabelle CLEELAND: I would love to contribute more regarding the Commonwealth Games, but I will move on.

I would like to take the opportunity to thank the member for Kew for her outstanding contribution to this bill. I think her extensive research and scrutiny of what this government has done has highlighted the sneakiness and distrust of their behaviour, so the coalition is moving a series of amendments to this bill to bring it back to its original intent and repair Labor's legislative overreach. These amendments seek to update the bill to reflect what should have been brought back before this Parliament: a simple substitution of terms to reflect the accession of King Charles III in our statute book. With these amendments the bill will be a straightforward matter of legislative housekeeping to ensure all laws in place in Victoria make correct references to the sovereign following the death of Her Majesty Queen Elizabeth II. The relevant acts will be amended only insofar as to switch references

to Her and His Majesty, King and Queen, like for like. If those opposite do not take the opportunity to support these amendments, they need to ask themselves why.

Australia's constitutional monarchy is no less current or valid as a result of the passing of Her Majesty Queen Elizabeth II, which was the trigger event for the introduction of this bill. I must bring it back that while this government does not like the Commonwealth, it is still devastating to understand the neglect of regional Victoria and the ending of the Commonwealth Games, which was touted as the magical golden ticket for our regional towns, spruiking the games as a sign of finally committing to our country communities.

Paul Edbrooke: Come on, Willy Wonka. Sit down.

Daniela DE MARTINO (Monbulk) (11:49): It is my pleasure to rise to speak on the Statute Law Amendment (References to the Sovereign) Bill 2023. Yesterday in the government business program debate yesterday I stated that this bill is not the most earth-shattering piece of legislation this place has ever seen. It is not legislation which may make a material difference to the lives of Victorians per se, but it is an important bill nonetheless. Statute law amendment is a longstanding and common feature of parliamentary legislative practice, with the purpose –

Emma Kealy: On a point of order, Acting Speaker, I know it is not parliamentary to do this; however, at the end of the contribution by the member for Euroa, the member for Frankston said, 'Come on, Willy Wonka. Sit down.' It is entirely inappropriate for any member of this place to reflect on a woman based on what she is dressed in. This is typical of what we see from the Andrews Labor government. While I cannot take offence on behalf of the member, I would urge you to speak to the member about appropriate respect for women in this place but also appropriate commentary across the chamber, because calling anybody names is not something that any member of this Parliament should be undertaking.

Paul Edbrooke: On the point of order, Acting Speaker, anyone in this chamber who feels like they have been offended is entitled to stand up in this chamber and say that. I think the member that just spoke and raised this point of order might be a little bit confused. At the end of the member's statement the member referenced a golden ticket – *Charlie and the Chocolate Factory*, Roald Dahl – and that was all there was to it. There was no reflection on that member themselves.

The ACTING SPEAKER (Paul Hamer): Member for Lowan, I did not hear the member for Frankston. I can refer the matter to the Speaker for her assessment.

Daniela DE MARTINO: Where was I? Statute law amendment is a longstanding and common feature of parliamentary legislative practice, with the purpose of addressing formal issues, making editorial changes and modernising drafting styles. This statute law amendment will change all references to 'Her Majesty the Queen' to 'His Majesty the King' across all affected legislation in our state and will ensure that each Victorian act therefore is accurate and reflects the fact that the head of state is now a man, namely King Charles III. I have lost a bit of time there with the point of order, so I might skip some of my history lessons that I was really excited about introducing.

Members interjecting.

Daniela DE MARTINO: Oh, okay. The old history teacher in me does find it quite interesting that we have only had four changes of sovereign gender in the time that Victoria has been a state as we know it today. The first time was in 1837 with the ascension of Queen Victoria to the throne, and the fourth time was obviously last year when King Charles III ascended to the throne. You have to go back, prior to Queen Victoria, 234 years for the last change of gender, to 1603, when Elizabeth I died and was replaced by James I. So it does not happen that often, but it has happened.

Queen Elizabeth II reigned for 70 years, and her passing was certainly the end of an era. It was a period of time, those 70 years, which saw significant world events and shifting attitudes. I have been an avowed republican for as long as I can remember, but I do have to say I held the Queen in high regard

as a woman very much in a man's world who held her own. Her sense of duty and dedication to a role which she never even chose was beyond admirable. I do not know how many of us could have done what she did for as long as she did.

At the time of her ascension to the throne Australia was very much still wedded to Britain. Our currency was in pounds and shillings, we sang *God Save the Queen* as our national anthem and our trade was predominantly with the United Kingdom, to the extent that when the UK entered the European Economic Community in 1973, the impact on our agricultural sector and exports as a nation was devastating. Our red meat, butter and sugar exports dropped dramatically overnight. The UK was one of Australia's largest export destinations for red meat, the largest market for butter and a major destination also for cheese exports. The UK made a decision 50 years ago, which it was well within its rights to do, to link itself with Europe at the expense of Australia's trade and economy.

I will leave my comments regarding the UK's uncoupling from Europe in recent years – or Brexit, as it is more commonly known – for another time. This is not meant to be a lesson on European politics, even though that was my major at university, but I use this information to highlight a mere smattering of some significant changes which have occurred in Australia and, by extension, Victoria to our relationship with the United Kingdom over the past 71 years. What did remain a constant, though, was the fact that our head of state, as well as theirs, was Queen Elizabeth II. That obviously changed last September with her passing. The Elizabethan era has ended and a new Carolean one has begun. It is therefore apt that our statutes are updated to reflect not only the change in gender of the monarch but in the process some antiquated terms that need modernising as well.

Now, I note that the opposition is opposing some of the modernisation of the terms, as if there is some kind of plot to create a republic of Victoria by stealth. Apart from the fact that it is clearly impossible for this to be done, it is not the intention at all. As my good friend the member for Greenvale elucidated in great detail in his contribution to this debate, several of the terms to be omitted or replaced are of a different era and have little place in a modern country with modern drafting of legislation. I would like to address the opposition's concerns; I do hope they are listening. For example, the oath of police officers – several of them have expressed concerns, commencing yesterday with the member for Kew, that the bill amends all three oaths to omit all references to 'Lady the Queen' and substitute those references to 'Her Majesty's peace' with 'the peace'. The member for Kew stated it was:

> … a significant symbolic change and will result in officers taking a different oath to those that have come before them, despite no change to our system of government actually taking place.

The concern from the opposition is that the changes seek to diminish the role of the sovereign in our political and legal system. The member for Mornington also echoed this, as did the member for Euroa. Now, I would like to assuage the concerns of the opposition in this regard, and I do so with some facts. Twenty-one years ago in the United Kingdom the Police Reform Act 2002 changed their oath. The prior oath stated:

> I, …… of …… do solemnly and sincerely declare and affirm that I will well and truly serve *Our Sovereign Lady* the Queen in the office of constable, *without favour or affection, malice or ill will* –

it continues –

> and prevent all offences against *the persons and properties of Her Majesty's subjects* …

The revised form, which was adopted in 2002, now reads:

> I … do solemnly and sincerely declare and affirm that I will well and truly serve the Queen –

not our sovereign 'Lady the Queen', simply 'the Queen' –

> in the office of constable, *with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people*; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property …

which removes the prior reference to 'persons and properties of Her Majesty's subjects'. That is in the United Kingdom, and the reason for the change came from the Police Advisory Board for England and Wales, on which all of the police main police organisations are represented, who stated that:

> … the wording of the attestation should be changed to make it clear that police officers had a duty to uphold the rights of and protect everyone living or staying in the country, not just Her Majesty's subjects.

So I will say once again: we can assuage the concerns of the opposition by the fact that the United Kingdom itself adopted the changes and replaced the wording 'our Lady the Queen' with simply 'the Queen', and removed references to 'Her Majesty's subjects' to broaden the terms and make them more applicable to all within the country at any point in time, not just subjects of the sovereign.

Guess what happened when they adopted the changes two decades ago? The sky did not fall in, and they remain a constitutional monarchy. So I can say with a fair degree of certainty that the changes this amendment bill proposes will also not cause the collapsing in of the sky. Short of a federal referendum on becoming a republic, which needs to be passed by all of us in a majority of states, nothing, not even this fairly innocuous bill, will result in changes to our status as a constitutional monarchy or will affect our relationship with the monarchy or the United Kingdom.

Now, I note, as I said, that some of this time has been lost, so I do hope that my contribution has been illuminating for all members of the chamber, in particular the opposition. Do not feel threatened by this act. Please do not feel threatened; we are not here to create a republic by stealth, we are merely adopting changes which are accurate and reflect modern drafting terms. And with that, thank you.

Tim READ (Brunswick) (11:59): The effect of this bill is mostly to replace 'her' with 'his' in an act of grammatical housekeeping, much like changing the soap and towels in the palace loo. Had the member for Kew not pointed out a few changes that remove some references to the sovereign, the Greens may not have bothered to vote on this bill at all. However, we are indebted to the member for pointing out that, in a very small way, there are changes that she says 'seek to diminish the role of the sovereign in our political and legal system'. I am sorry that the member for Monbulk has departed, but if this was part of an undeclared Labor plot to rid this state of the trappings of the monarchy, then we are witnessing the beginning of history's slowest revolution given the small scale of the changes. Nevertheless, any diminution of the role of the English sovereign is something the Greens can get behind, and so the Greens support this bill.

Paul MERCURIO (Hastings) (12:00): I am happy to rise and speak to the Statute Law Amendment (References to the Sovereign) Bill 2023. I might just note I have been listening to the arguments, or to the debates, yesterday and today, and they certainly have been incredibly wideranging. I am amazed and bewildered by some of the directions they have gone in, and I certainly plan to stand up and take a very different direction in my debate. I looked at this bill, and actually I would also like to say that I do not support the amendment by the member for Kew. I do not think it is necessary. I think this bill is very straightforward, as a lot of members in this chamber have said. It is basically taking the words 'Her Majesty the Queen' and changing them to 'His Majesty the King'. When I first read this bill I did not think anyone would oppose it, so I am quite surprised that there has been such a wide range of debate and also wide range of argument, and some of it has been good and some has not.

This bill does not change anything. I think the member for Albert Park said very well that this is about making the bills and the acts clear and accurate and relevant. It is not going to change the way we work in Parliament, it is not going to change the way we make decisions, it is not going to change things for the public and what is going on; it is merely correcting ambiguities and omissions and errors that are found in statutes. So it is not groundbreaking. It does affect about 35 different bills or acts, and I think it is necessary to make those changes. If we do not make those changes, then we could have some issues moving forward. I also want to mention what the member for Frankston said and agree; I do not really understand. He said he did not understand the absurd claim that this bill was perhaps an

attempt to move away from the monarchy. I do not see that, and certainly I do not think it is about moving towards a republic either. I think quite simply it is about changing words.

When I think about that, that is what inspired me to stand up and talk to this bill. This is about changing words. Also we had the member for Greenvale talk about the fact that it is about language. I am going to take it a little bit further and say it is about words, and it is about power words. As we know in this chamber, words are incredibly important: the way we use them, the way we throw them at each other, the way we can lead by example by being respectful with our words. But this is about, for me, power words. I have got to say that certainly 'Her Majesty the Queen' and 'His Majesty the King' are not really big power words, but they do have the ability to change how we work in this Parliament, and that is why we do need to change them.

When I started thinking about words – I guess this is why I actually wanted to stand up and have a go at debating this – I did a little bit of research and looked into some quotes about words and power words. The one that I found that spoke to me the loudest and that I think is really important is a quote by Pythagoras. He said, 'The oldest, shortest words – yes and no – are those which require the most thought.' I really like that, especially when you consider what is coming up possibly in October. I am not here to debate the referendum at all; what I am here to talk about is just the power of words. Pythagoras said that the two simplest, most powerful words we have really require the most amount of thought when we use them, and that is great.

Sometimes we look at 'no' as a negative word. But when you say no to hate, when you say no to racism, when you say no to bigotry, when you say no to inequality, it is an incredibly strong, positive power word. It is the same with 'yes'. 'Yes' is such a beautiful word. I like it when you say, 'Do you love me?' 'Yes.' Sorry for using 'you', Deputy Speaker – I was looking at you when I asked.

The DEPUTY SPEAKER: Through the Chair.

Paul MERCURIO: You do not need to respond. I do apologise.

The DEPUTY SPEAKER: I am touched, but –

Paul MERCURIO: I will keep that. 'Yes' is such a positive, affirming statement. There is nothing negative about it, and to me there is something inherently honest about it. I go back to the words used by various people around the referendum and the simple power words 'Vote yes'. What wonderful, clear, affirming, positive, thoughtful words. Pythagoras would be incredibly happy with that. It has thought, it has meaning, it has strength. Unfortunately I go to the other set of words that are being used, and that is 'If you don't know, vote no.' Now, Pythagoras would be rolling in his grave at the thought that anyone would say no without thinking, without giving it consideration, without giving it thought, so I am sorry, Pythagoras. But also, that phrase is so insipid. It is a double negative. It is not going to get anyone anywhere. They are not power words at all.

Just getting back to where I was at, as Pythagoras would say, we really need to put thought into our words, otherwise we are lost as a society, I believe. We need to respect our words. It is unfortunate that in this place, and often on the other side, words tumble out of people's mouths, they cascade to the floor and they are wasted. It is really important that we think about what we are talking about and what we are saying to each other and that we have respect for each other and the words that we use. I think it is important that we give the words the power that they deserve.

When I am thinking about power words, another thing that I have been thinking about is the acknowledgement of country. I just want to state that the first two words of the acknowledgement are so beautiful and so powerful: 'I acknowledge'. In those two words there is no hubris, there is no ego, there is no negativity. What there is –

Emma Kealy: On a point of order, Deputy Speaker, I realise this has been quite a wideranging debate, but I think we have strayed significantly from the bill in front of us, and I ask you to bring the member back to the statute law bill.

The DEPUTY SPEAKER: The debate that I have heard on this bill both yesterday and today has been extremely wideranging, and I ask the member to continue. There is no point of order, but on the bill would be advantageous.

Paul MERCURIO: Thank you, Deputy Speaker. I do find it interesting in looking at debates and the fact that this Parliament is a democracy we all have very significant different points of view. I did consider doing this debate in interpretive dance, but I did not think that would work, although –

A member: A bit of freestyle.

Paul MERCURIO: A bit of freestyle, but I would have had to use the whole room.

A member interjected.

Paul MERCURIO: I could still. But my point there is that in this democracy the way each individual looks at debates is really interesting. We have heard an incredibly wide range of contributions, and I have been surprised by some of the directions people have taken, and amused. I hope I might be amusing some people with this, but I still say this debate and this bill are about the power of words. There is power in changing the words 'Her Majesty the Queen' to 'His Majesty the King', so that is the direction that I am taking, and I only have 1 minute left.

I just wanted to say on the acknowledgement that a lot of people ask why we say the acknowledgement so much. It is just a pure affirmation. I have found over my period of being in Parliament and on council that saying this affirmation, these power words, has taken me closer to the First Nations people, and I think that is a really important thing. That is why we are here. I will not even start talking about the power words of the Uluru statement. I am hoping everyone has read it. If Pythagoras could read it, he would be incredibly pleased.

In finishing my wideranging debate, I just want to bring it back and say for me it is about the power of words. Whether it is about the power of acknowledgement, whether it is about the powerful and simple words of 'yes' or 'no', or whether it is about the powerful words of 'Her Majesty the Queen' or 'His Majesty the King', words are important. We should use them wisely. We should use them with thought and consideration. I commend this bill to the house.

Anthony CIANFLONE (Pascoe Vale) (12:10): As a lifelong and committed Australian republican, I rise to speak on the Statute Law Amendment (References to the Sovereign) Bill 2023. This bill will amend references in Victorian legislation from 'Her Majesty' to 'His Majesty' and other similar terms following the death of Queen Elizabeth II and King Charles III assuming the throne. The bill is not groundbreaking, as the member for Monbulk said earlier, but it is important to ensure that our legislation is accurate. As we know, Queen Elizabeth II passed away on 8 September 2022, and the Queen was on the throne for over 70 years. Whatever we think of the institution of the monarchy, which also represents our head of state, Victorians held great affection and respect for Queen Elizabeth II. As the Premier stated on 9 September 2022, the day after the Queen passed away:

> Very few of us know a world without The Queen in it.
>
> Her presence spanned countries, cultures, language, and continents – her reign transcended decades and generations.
>
> And like no monarch before her, she captured our hearts and our affection.
>
> We treasured her, and the entire world respected her.

In this context, as part of my contribution, I would like to just touch on how much Victoria has changed since Queen Elizabeth II was first crowned on 2 June 1953 to when her son King Charles, His Majesty, was crowned on 6 May 2023. Over this 70-year period Victoria, which was established on the traditional lands of the Wurundjeri people, evolved from a largely Anglo-Celtic ethnic mix to become one of the world's most multicultural, vibrant and diverse communities on the planet.

In 1953 the Queen's first Australian Prime Minister was Sir Robert Menzies, the first of what I believe were 16 Australian prime ministers who served under her reign. Upon her taking the throne, John Cain Sr was the Premier of Victoria, with 12 Victorian premiers serving under the Queen's reign too. Locally in my community Bill Bryson was the federal member for Wills, Charlie Mutton was the state member for Coburg, Peter Randles was the mayor of Brunswick and Walter Morris was the mayor of the old City of Coburg. Over the years we have had a lot of different mayors, including many from multicultural and ethnic backgrounds, such as mayor Joe Caputo, mayor Robert Larocca, mayor Annalivia Carli Hannan and mayor Lambros Tapinos. The population of Victoria as per the 1954 census was around 2.4 million people – 2.4 million – and today the state's population of course sits at over 6.8 million.

The cultural make-up of the population at the time in the 1954 census consisted of 2.3 million Victorians identifying as British, with only 136,000 Victorians identified as 'foreigners', according to the census, consisting of migrants of largely Italian, Dutch, Polish and German backgrounds. 2.1 million Victorians, the overwhelming majority of people in this state, identified as Christian, and just 26,200 Victorians identified as non-Christian. Today people from all over the world have chosen to make our state their home, bringing with them their experience, their culture and their traditions. Today Victorians come from more than 200 countries, speak 260 languages and follow 135 different faiths.

As outlined by the State Library Victoria, the decade of the 1950s, which saw Her Majesty Queen Elizabeth ascend to the throne, was a decade which in many ways did set the foundations and put Victoria on the pathway to where we are today as a state and as a people. I quote from the State Library Victoria, some of which draws on some examples which I believe are still relevant today in many ways:

> After the hardship and turmoil of the previous decade, the 1950s offered Victoria an improved standard of living and a shot towards 'the suburban dream'.
>
> Employment opportunities ramped up, a home of one's own became an achievable feat and post-war migration programs meant Australia's population was enriched with new arrivals from Greece, Italy, Poland, Germany, Hungary, the Netherlands and more.
>
> Peace wasn't taken for granted, however. As well as involvement in the Korean civil war in the early 1950s –

and I note we are coming up to Vietnam Veterans Day on 18 August this week –

> the Cold War had commenced and Victorians were fearful. Tensions rose due to ideological differences and anti-communist fears impacted Australian working-class politics. Compulsory military service for 18-year-old males was introduced as a security measure, in readiness for another war.
>
> In 1956, the Summer Olympics were held in Melbourne as Australia hosted for the very first time. The Olympics were opened by the Duke of Edinburgh on November 22nd and closed on the 8th December. Australia's medal tally was 35, placing Australia third behind USA and the Soviet Union.

Let us hope we go one further tonight with the Matildas game.

> Traditions shifted when, for the first time in Melbourne, the athletes entered the stadium together during the Closing Ceremony as a symbol of global unity.
>
> In 1958, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders was established. This group played a large part in bringing about the 1967 referendum.

And in that respect I do acknowledge the advancement league in the seat of Northcote, which continues to undertake that important work.

The 1950s decade also saw:

- Melbourne's first Moomba parade
- Television arrive in time for the 1956 Olympics
- Polio vaccine produced and rolled out

Queen Elizabeth II of course arrived for the royal tour, with the Queen landing on 24 February 1954 at Essendon Airport, on the border of my electorate and with flight paths that very much go over the seat of Pascoe Vale. It is very likely she flew in over Coburg or Pascoe Vale. Nearly 1 million people

at this time lined the streets to welcome the Queen on the royal road from Essendon Airport all the way to Government House in the city to make the Queen and the Duke welcome, and many of those residents from Coburg and Brunswick certainly would have been part of that welcome.

As I said at the beginning of my remarks, we as a nation and as a state continued to change and evolve over the reign of Queen Elizabeth II. Culturally speaking, we are now a much more independent, self-confident nation and surer of our place in the world as a nation founded on the lands of Aboriginal and Torres Strait Islander people. We are now one of the most multicultural nations on earth.

I actually believe the timeliness of this bill could not be any more fitting than with the Australian Matildas taking on England tonight in the FIFA World Cup semifinals. As described this week by Craig Foster, who is chair of the Australian Republican Movement and a former Socceroo:

> … this game means different things to different Australians.
>
> For some, it's just kicking a ball.
>
> For others, we could call this the 'terra nullius game,' the 'Republic game,' or perhaps better … the 'historical derby,' recognising our shared history by elevating First Nations impacts while celebrating all that is good between us and the positive legacies of our British traditions.
>
> In fact, it is all three.
>
> Emotionally for modern Australia, it has no greater significance than any other matches because –

many of our ties –

> have long faded.
>
> It's simply a chance to make the FIFA Women's World Cup Final which says everything about Australia today.

But in doing so, he says:

> Let's remember, though, that Australia's Head of State will be barracking for the opponents.
>
> And it's high time that changed.

Go the Matildas, and long live the Australian republic. I commend this bill to the house.

Paul HAMER (Box Hill) (12:18): I too rise to speak on the Statute Law Amendment (References to the Sovereign) Bill 2023, and I would also like to, as the member for Pascoe Vale did, put on record at the outset that I am also a committed republican. But this bill does not in any way progress the movement to an Australian republic. That will be done at some future time, hopefully, and, obviously, at the decision of the Australian people. In reference to tonight's big match, I certainly know where my allegiance will lie. Judging from some of the debate that we have heard today I do wonder whether that will be a view shared by all members of this place.

But as has been mentioned, the purpose of this bill is:

> … to amend the **Interpretation of Legislation Act 1984** in relation to references to the Sovereign; and
>
> … to amend the statute law of Victoria to revise language referring to the Queen and Her Majesty as a consequence of the death of Queen Elizabeth II.

And there are other purposes. I do want to touch on a little bit of history, because it has been mentioned that for the duration of European settlement in Victoria the gender of the monarch has changed four times, but in fact if we look at the history and the history of this Parliament, this would be only the second time that this particular chamber has seen this debate. The colony of Victoria was not established until 1851, which obviously was after Queen Victoria acceded to the throne in 1837.

The first legislature that was established in Australia was in 1823 in New South Wales – the Legislative Council. Interestingly, it was set up not as a legislative body but as an advisory body to advise the Governor, who had at the time almost complete autocratic powers over the colony. The election of members to the Legislative Council only came about in 1843, even though the majority of members at that stage were still appointed. A fully elected Legislative Assembly only occurred – this was in

New South Wales, remember – in 1856, and that was about the same time, if I am correct, that responsible government and the first elected representative body sat in this chamber. As I said, that was post 1837, so Queen Victoria was already on the throne at that stage. The next transfer came in 1901 following the death of Queen Victoria and the ascension of King Edward VII.

What else had happened in 1901 was the federation of the Australian states. It had been decided that, given that the future capital of Australia was to be located within a territory in New South Wales, the first Parliament of Australia would convene in this very place. The members of the Victorian Parliament were to convene at the Royal Exhibition Building. The debates that would have happened at that time in relation to the changing of the wording from 'Her Majesty' to 'His Majesty' would not have happened in this place. The only time that has occurred in this very place for Victorian statutes was in 1953 and then obviously today and this week. Given the next in line to the throne and the second in line to the throne are both male, I would hope that this might be the last debate that we have on this particular matter for quite some time, until such time as a republic debate recurs in this country.

There has been a lot made about terminology, particularly changes which are seen as in addition to just a simple changing of words. There seem to be particular issues with the changes to the Attorney-General and Solicitor-General Act 1972, which remove the words 'Her Majesty's' from references to the Attorney-General and the solicitor-general, and the Parliamentary Salaries, Allowances and Superannuation Act 1968, which remove the title of 'Her Majesty's Opposition' from both the Deputy Leader of the Opposition's title and the Leader of the Opposition's title.

The member for Greenvale provided a terrific history on the origin of this term. As he rightly pointed out, it is not a phrase that has been used for eternity or for the life of the British Parliament. It was first coined in the 1820s and actually made as a remark in jest. It was not a serious position representing that office. I did have a look at various sources, and I thought, 'This is obviously a really important point for the opposition, so let's see how often it has been used.' In fact the phrase 'Her Majesty's Opposition' has not been used in *Hansard* since 2011. That is the last time it was referred to in *Hansard*. The phrase 'Leader of Her Majesty's Opposition' has only been used twice in the last 30 years. That is representative of how they truly see the importance of that terminology. Then I thought, 'Maybe I will have a look at the media releases, because surely the media releases of the opposition would clearly state 'Leader of Her Majesty's' – or His Majesty's – 'Opposition', but I could not find anything. It was all about 'The Leader of the Opposition states this', 'The Leader of the Opposition states that' – not a single reference to His Majesty or Her Majesty's Opposition. The Parliament website refers to the Leader of the Opposition as exactly that – the Leader of the Opposition – not the Leader of His Majesty's Opposition or previously Her Majesty's Opposition.

Interestingly, I took the opportunity to look at the British Parliament's website and their *Hansard* reports. Now, the British Parliament's website does refer to the opposition leader as the Leader of Her Majesty's – or His Majesty's – Most Loyal Opposition, although that term is not usually referred to in the context of debates either. The typical reference again is 'the opposition' or 'member of the opposition' without reference to 'Her Majesty' and 'His Majesty'. If it is good enough to be used in the British Parliament, surely it is good enough to be used in the Victorian Parliament, particularly when we see that the opposition, in all of the publications they put out, do not refer to that terminology at all. As a result, I think these changes are very small and incremental changes. They are changes that tidy up the reality of the current situation that we find ourselves in as a result of the passing of Queen Elizabeth II and the accession to the throne of King Charles III. With that I commend the bill to the house.

Ben CARROLL (Niddrie – Minister for Industry and Innovation, Minister for Manufacturing Sovereignty, Minister for Employment, Minister for Public Transport) (12:28): I move:

That debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022

Introduction and first reading

The DEPUTY SPEAKER (12:28): The Speaker has received a message from the Legislative Council sending a bill, the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022:

> The Legislative Council transmit to the Legislative Assembly 'A Bill for an Act to amend the **Independent Broad-based Anti-corruption Commission Act 2011** to facilitate timely reporting by the IBAC' with which they request the agreement of the Legislative Assembly.

Is there a sponsor for this bill? I understand the member for Brighton will take charge of the bill.

James NEWBURY (Brighton) (12:29): I move:

> That this bill be now read a first time.

Assembly divided on motion:

Ayes (29): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Tim McCurdy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Tim Read, Richard Riordan, Brad Rowswell, Ellen Sandell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Noes (49): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Pauline Richards, Tim Richardson, Michaela Settle, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Dylan Wight, Gabrielle Williams, Belinda Wilson

Motion defeated.

Energy Legislation Amendment Bill 2023

Second reading

Debate resumed on motion of Lily D'Ambrosio:

> That this bill be now read a second time.

David HODGETT (Croydon) (12:35): It is a pleasure to rise and lead the debate from our side of the house on the Energy Legislation Amendment Bill 2023. I will state at the outset that it is a fairly straightforward piece of legislation, so we are not opposing this bill. But I want to outline our position here and raise a couple of matters. I thank the minister's office for the bill briefing. By way of an overall summary, this bill is about ensuring the reliable supply of energy to Victorian consumers. As I have been talking to people about this bill, there is already a program for the Australian Energy Market Operator, the AEMO, to make and update a reliability forecast, which will inform the market of any gaps between energy supply and demand and signal potential investment opportunities.

This program provides for the AEMO to request the Australian Energy Regulator to make what is called a T-3 reliability instrument to trigger the RRO, the retailer reliability obligation. The National Electricity Law was recently amended to enable jurisdictional energy ministers to trigger that RRO. If the Victorian energy minister has the power to trigger the RRO, it is in our view – I think in everyone's view – reasonable to place some decision-making criteria around this to ensure consultation occurs, to

ensure appropriate safeguards are in place and to ensure there is a requirement for the minister to publish a statement of reasons as to why the RRO was triggered. That basically, in summary, sets out what this bill is about. There is already a program. The National Electricity Law enables jurisdictional ministers to trigger that RRO, so if they have got that power, it is fair and reasonable in our view to put some decision-making criteria around that and some rules in place to provide a bit of accountability around that. That is all very straightforward.

However, the opposition does note some legitimate concerns with national legislation and potential parliamentary practices and human rights issues that arise. If time permits in terms of my contribution up to the lunch break before question time, I will come back to making a few comments referencing the Scrutiny of Acts and Regulations Committee's *Alert Digest* No. 9 of 2023, the one that was submitted yesterday. I will come back to referencing that SARC document and make a few points out of that just to raise those matters.

This bill is part of the government's commitment to managing the transition of the energy sector to achieve net zero emissions by 2045 while ensuring the reliable supply of energy to Victorian consumers. This omnibus bill amends the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 to deliver better outcomes to Victorian energy consumers. As outlined in the bill before the house:

> The main purposes of this Act are –
>
> (a) to amend the **National Electricity (Victoria) Act 2005** to incorporate decision making requirements that will apply to the Minister when deciding whether to make a T-3 reliability instrument under the National Electricity (Victoria) Law; and
>
> (b) to amend the **National Gas (Victoria) Act 2008** –
>
> (i) to enable regulations to be made that prescribe a civil penalty for a breach of a declared system provision that is prescribed to be a civil penalty provision; and
>
> (ii) to make further modifications to the National Gas (Victoria) Law as it applies as a law of Victoria to enable the Supreme Court to make an order that a person pay a civil penalty for a breach of a declared system provision that is prescribed to be a civil penalty provision; and
>
> (iii) to update references to the ESC Gas Distribution System Code in Part 6 of that Act.

I did want to talk a little bit about, just to put it on record, a bit of detail about the retailer reliability obligation, and I did want to make reference to the parliamentary library and information service. Every time there is a new bill, a new piece of legislation, put into this place, the parliamentary library issues a new bill information link, which has a lot of background. It has the second-reading speech on the bill and the explanatory memorandum but also recent media or media over a period that is relevant to the bill and any acts that it affects. The one thing that caught my attention in particular was a flyer, which I draw members' attention to – those who have got access to the new bills info links – because it is a very good document that outlines the retailer reliability obligation and gives an overview of exactly how the program works.

As I said at the bill briefing to the minister's representative, reading the bill and trying to get your head around it for a layperson can be quite complex and difficult, even though it is a simple piece of legislation. But when the parliamentary library put out material like this, it makes it much easier for members of this place to get an understanding of what the retailer reliability obligation is, how it works and the time frame for that. So I do thank the parliamentary library information service for the new bills info links, because I certainly have a look at them every time there is a new bill put into this place and I found that particularly useful on this occasion.

Just to put a few comments around that, the retailer reliability obligation started on 1 July 2019. The retailer reliability obligation will support a reliable energy system by requiring energy retailers and some large energy users to hold contracts or invest directly in generation or demand responses to support reliability in the national electricity market. The national electricity market (NEM) is undergoing a fundamental transition, as we know, driven by rapid technological change as we move

to a lower emissions electricity system. The large influx of intermittent renewables along with recent and upcoming closures of thermal generators mean we need to take extra measures to ensure the reliability of electricity supply.

The COAG energy council agreed to implement the retailer reliability obligation – the RRO – to help manage the risk of declining reliability. The RRO will ensure energy retailers are accountable for reliability in a way that they have not been before. If the RRO is triggered, it will require retailers to enter into sufficient contracts to meet their share of expected system peak demand. Retailers can choose to contract with any form of generation – for example, solar, hydro, gas, coal and batteries. However, the firmer the contracted generation source is, the greater its contribution will be to meeting their obligation. This will provide an incentive for market participants to invest in the right technologies in regions where it is needed to support reliability in the NEM. That information comes from that parliamentary library material. As I said before, it was a great way of understanding that and how it operates and what it is designed to do.

In terms of the main provisions of this bill, most of it was outlined in the minister's second-reading speech – short but fairly simple and fairly straightforward. The bill will amend the National Electricity (Victoria) Act 2005 to strengthen the retailer reliability obligation – RRO – framework established under the National Electricity Law, which was recently amended to enable jurisdictional energy ministers to trigger the RRO, as I said in my summary at the outset.

The bill will introduce Victorian-specific decision-making criteria and consultation safeguards to be used in the event the Victorian minister needs to trigger the RRO in response to an emerging risk of significant electricity disruption. The decision to trigger the RRO will be made in consultation with the Australian Energy Regulator and the Australian Energy Market Operator as well as the Treasurer and the Premier. It will ensure the decision is informed by the most up-to-date information regarding the energy sector and the broader economy. The RRO puts responsibilities on retailers and large customers to secure contracts with electricity providers during periods of forecast lack of supply. This in turn encourages forward contracting, which, importantly, helps underwrite much-needed new investment in electricity generation and avoid supply shortfalls.

The bill will improve the functioning of Victoria's wholesale gas market by enabling regulations to be made to increase the maximum civil penalties payable for parties that breach the rules. The change will provide additional flexibility to the Australian Energy Regulator and the courts in determining an appropriate response to instances of non-compliance and help ensure any civil penalties issued reflect the severity of the conduct and act as a deterrent. This will ensure the compliance and enforcement regime is fit for purpose so that the Victorian gas market delivers better outcomes for consumers and will align the level of civil penalties with those in place in other east coast wholesale gas markets. Finally, the bill updates several outdated references to the ESC gas distribution system code in the National Gas (Victoria) Act 2008. This will help improve the accurate interpretation of the act.

I will go back to where I started. That is the formal part of the bill, but again, in trying to put it in layman's terms, it is about ensuring the reliability of supply of energy to Victorian consumers. As I said, there is already a program, which I have outlined from that information from the library, for the AEMO to make and update a reliability forecast. Again, the National Electricity Law was amended to enable jurisdictional energy ministers to trigger that. Back to my point: the minister already has the power to do that, this bill just puts some decision-making criteria around that and ensures that consultation occurs with the major players, including the Treasurer and the Premier. There is a requirement for the minister to publish a statement of reasons as to why the RRO was triggered. Given that, it is reasonable for us to be in favour of that and to support that.

As always, I consulted widely with my database of stakeholders in the industry and the sector. Feedback was invited from a range of those stakeholders, and no areas of concern were raised or identified with the bill. I again take the opportunity to thank the minister's office, in particular Nick Parry, who very promptly reaches out and organises a bill briefing and opens it up to our side of the

house, and the two department representatives, Matt Garbutt and Arthi. For Hansard's benefit – I know you are smiling over there, Nick – I will spell Arthi's surname: P-I-L-L-A-P-A-K-K-A-M. Both Matt and Arthi from the department were very helpful during the bill briefing, and I did want to put on record my appreciation for the time they gave and for the answers to the questions that we raised to seek clarification on the bill. Thanks again to Matt, Arthi and Nick.

In the time remaining I want to make a few comments and reference the SARC *Alert Digest* that was handed down on Tuesday. This is not a reason to oppose the bill, because we are certainly not opposing the bill, but it was drawn to my attention and the opposition does note that there are some legitimate concerns with the national legislation and potential parliamentary practices and human rights issues that arise. I just want to make reference to and perhaps even quote a couple of sections here from the SARC report in the time remaining and hopefully time that beautifully with the 1 o'clock pause in business, and then others can make contributions after question time. On page 3 of that SARC *Alert Digest*, under the section 'Comments under the PCA', it states:

> ***Practice Note A … Additional explanatory material – Delegation of legislative power***
>
> Clause [6] substitutes section 16A which provide the Governor in Council may make regulations with respect to a provision of the declared systems to be a civil penalty, a conduct provision and a civil penalty for a breach of a declared system provision that is prescribed to be a penalty provision … It inserts new Division 3 of Part 7 into the National Gas (Victoria) Law to insert sections 70 and 71 which apply the National Gas Law as set out in the Schedule to the South Australian Act as in force for the time being. It appears the penalties that may be prescribed by regulations made by the Governor in Council are referable to section 3A of the South Australian Act. The Committee notes the Supreme Court of Victoria may hear an application by the AER in the case of non-compliance and the penalties to be imposed.

It then goes on to state and make a number of comments, which I will not quote verbatim, around Henry VIII clauses. The SARC report goes on to say:

> By way of historical background in relation to national schemes of legislation the Committee has previously observed: –
>
> Henry VIII clauses

And in particular I noted these couple of sections:

> Professor Pearce described a 'Henry VIII' clause as: – *'the inclusion in an Act of power to amend either that Act or other Acts by regulation.'*

A bit further down it states:

> A Henry VIII clause has also been defined as *'a clause of an Act of Parliament which enables the Act to be expressly or impliedly amended by subordinate legislation or Executive action.'* Or alternately, *'A Henry VIII clause is a provision of an Act that enables the Act (or another Act) to be amended by subordinate legislation.'*

And finally, towards the end of the commentary there by the SARC on the Henry VIII clauses it says:

> Henry VIII clauses may be regarded as having insufficient regard for the separation of powers doctrine. The power of the Executive by means of subordinate legislation to override the intention of Parliament as expressed in an Act may be a matter for Parliament's consideration. A provision in a Bill or an Act that permits subordinate legislation to amend an Act may constitute an inappropriate delegation of power.

And that last line is the one that grabbed my attention in terms of reading this SARC *Alert Digest*:

> A provision in a Bill or an Act that permits subordinate legislation to amend an Act may constitute an inappropriate delegation of power.

That gave rise to just a bit of discussion amongst my colleagues and stakeholders and our party room on how the opposition notes that legitimate concern with national legislation and potential parliamentary practices and human rights issues that arise. In my view, in our view, it was not a means to be opposing the bill for the reasons I outlined before, but I did just want to put that on record because I do respect the work that the Scrutiny of Acts and Regulations Committee do, and I usually have a cursory glance at their reports when they are tabled in this place at the beginning of the sitting week. And given the Energy Legislation Amendment Bill 2023 was coming up for debate, I had a close look

at that, and my attention was drawn to those Henry VIII clauses, so I just put that on record as perhaps an issue or a concern for the house to be aware of. There may be other members on either side that wish to make comments in relation to that and how it affects their perception or views, but that line, 'it might constitute an inappropriate delegation of powers' – if something needs to be considered by this house, it should be considered by this house.

Who is your speaker, Ben? I might go a bit short, mate.

The DEPUTY SPEAKER: Through the Chair, correct titles.

David HODGETT: Sorry, Chair. I did not want to quote more from –

A member interjected.

David HODGETT: No, no. Just in summary again, if I could go back over a couple of points of the Energy Legislation Amendment Bill, it is straightforward. It is really back to that basic issue that was outlined by the representatives at the bill briefing. There is already a program for the Australian Energy Market Operator to make and update a reliability forecast which will inform the market of any gaps between energy supply and demand and signal potential investment opportunities. We know this program provides for the AEMO to request the Australian Energy Regulator make a T-3 reliability instrument to trigger the RRO – the retailer reliability obligation. We know that exists. As has been clearly pointed out to us, the National Electricity Law was amended to enable jurisdictional energy ministers to trigger that RRO. In our discussions we thought that it is good practice, it makes sense and it is very reasonable to place some decision-making criteria around that to ensure that that consultation occurs, that appropriate safeguards are in place and that the minister publishes a statement of reasons why the RRO was triggered.

There is quite a bit material in relation to this bill. But as I said in briefing our party room, you can get tied up on all this stuff around the retailer reliability obligation – about how the program works, about making a reliability forecast and about updating that reliability forecast, triggering the RRO and the T-3 reliability instrument. You can complicate the whole bill trying to wrap your head around that, making comments or asking questions about that. But with all due respect to that, it is does not matter because this is really about the minister having the power and about putting some accountability around that and how that will operate. It is for those reasons we are not opposing the bill.

I might come back and ask this separately – a couple of people on our side were very interested in the time frame. The member for South-West Coast, who attended the bill briefing, had a discussion with me. There are some quite long time frames. The fact sheet states:

> The Australian Energy Market Operator (AEMO) will identify any potential reliability gaps in each NEM region in the coming five years using its Electricity Statement of Opportunities (ESOO).

Again, without getting out of the scope of the bill, we were trying to wrap our heads around these time frames. Five years – how does that work? Is that the forecast of supply and reliability? Equally, when updating the reliability forecast and/or triggering the RRO, there was some commentary. It states:

> Triggering the RRO ('T-3' Reliability Instrument)
>
> If a reliability gap exists three years and three months from the identified gap, AEMO must request the Australian Energy Regulator (AER) make a 'T-3' Reliability Instrument to trigger the RRO. The AER must determine whether to make the instrument at least three years and one month prior to the start of the identified gap.

Again, we are probably guilty of getting a bit bogged down in some of those time frames. What do the five years mean? What do the three years and one month mean? It is outside the scope of this debate, but it would be interesting to get a few details and a bit of a briefing about those time frames so that we can have a better understanding of how some of these things work in practice in the sector and how they will assist. But having spoken at length about all that and made a contribution –

Ben Carroll: Very well.

David HODGETT: Thank you, Minister. We are not opposing the bill. We think it is very straightforward piece of legislation. I do put on record those comments from the SARC report to flag that as a potential issue. We always get a bit concerned when things are done under regulation, but we respect that governments of every persuasion do things under regulation, so it is not something that the current government has a monopoly on. Those practices do occur, but we note that sometimes things should be considered by all of this house and voted on by this house as opposed to just getting done under regulation.

That is my contribution. I look forward to the contributions from other members of the house. I am very pleased to contribute to the debate on another bill in the minister's space of energy.

Sitting suspended 1:00 pm until 2:01 pm.

Business interrupted under sessional orders.

Announcements

Photography in chamber

The SPEAKER (14:01): Order! I advise the house that I have given approval for a photographer to take photos from the public gallery during question time today. The photographs will be used by the Parliament for community engagement purposes and will be forwarded on to members for their use, given today is rather exceptional and there seems to be bipartisan support for the Matildas.

Members

Premier

Minister for Prevention of Family Violence

Absence

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:02): I rise to inform the house that today I will answer questions on behalf of the Premier, and the Minister for Mental Health will answer questions for the portfolios of prevention of family violence, community sport and suburban development.

Questions without notice and ministers statements

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:02): My question is to the Acting Premier. The Acting Premier was away on holidays immediately prior to the government's decision to cancel the Commonwealth Games. What role did the Acting Premier play in the decision to cancel the games, given she was not present in the lead-up to this decision being made?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:03): Noting that the Leader of the Opposition has previously put on record his support for the government's decision to not proceed with the Commonwealth Games, based on the consideration that the government made that $2.6 billion – sorry, between $6 billion and $7 billion – for a 12-day sporting event did not stack up and that the key reason why the government in the first place wanted regional Victoria to host the games was because of the enduring legacy benefits around housing, around community sport, around investment in tourism and in major events in the regions. That is exactly why a range of colleagues are getting on right now and delivering a $2 billion package. I think I neglected housing on the way through; our hardworking housing minister is out there with $1 billion of investment in regional Victoria.

James Newbury: On a point of order, Speaker, on relevance, the question went to the Acting Premier's role in the decision to cancel the games. A minute into the question the Acting Premier has not gone to that question, and I would ask you to bring her back to the question.

The SPEAKER: The minister was being relevant to the question that was asked.

Jacinta ALLAN: As for the day of the media conference that the Premier and I and the Minister for Regional Development in the other place attended out here in the gardens, we went through the process that led up to this decision being made – I and my ministerial colleagues were involved in that decision-making process. As we are members of cabinet, the collaborative decision-making process followed that process. I think it speaks volumes about the Leader of Opposition that he would take this road. It speaks volumes about the sort of person that the Leader of the Opposition is that he would take this road.

James Newbury: On a point of order, Speaker, on relevance, the Acting Premier knows not to debate the question, sledge or be nasty in question time.

Members interjecting.

The SPEAKER: Order! The Leader of the House will come to order. The Acting Premier will come back to the question.

Jacinta ALLAN: I will finish where I commenced and remind the house that the Leader of the Opposition has placed on the record his and his party's support for the decision that the government has taken.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:06): Was the Acting Premier present at cabinet subcommittee meetings which were briefed on and considered the government's stated $7 billion Commonwealth Games cost blowout?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:06): As I indicated in my answer to the substantive question, this went through the normal cabinet processes, the normal collaborative decision-making processes of cabinet, and as the Premier and I have both indicated to this house and to the media, cabinet met on the Monday, the decision was taken on the Monday, overnight Commonwealth Games officials were briefed on the government's decisions and the media conference was held the very, very next day. Again, I note that the reason why the government agreed to host these games in the first place was because of that enduring legacy benefit to regional Victoria, and that is exactly what the government is focused on delivering right now, which is that investment in housing, in community sport, in tourism and major events and in supporting strong and proud regional communities right across the state.

Ministers statements: Victoria's Big Build

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:07): Having access to affordable public transport close to where you live or work or study is at the core of the Andrews Labor government's Big Build program. It is also core to our plan to support more affordable housing across the state. That is where the Premier is today – at national cabinet, talking about these very matters. Consider the foundations we have got here in Victoria as a consequence of decisions that we have made. Whether it is projects like the Mernda rail extension, the Pakenham East rail extension – as part of our level crossing program we are extending the train line to Pakenham East – our Cranbourne line duplication, our Hurstbridge line duplication, the work on the Ballarat line upgrade or the Sunbury line, these projects are all providing more trains more often to our growth areas in the outer suburbs of Melbourne.

And of course there is the Metro Tunnel, with turn-up-and-go services. This is a project that is being built in the heart of the city that will again benefit places like Cranbourne, Pakenham and Sunbury. Also along the way there are key employment areas and key housing areas like Dandenong, Oakleigh, Caulfield, Arden, Footscray and Sunshine that will all benefit from having additional train services closer to where people live and closer to where people work. Of course there is that other transformational project, the Suburban Rail Loop, which will provide access across Cheltenham, Clayton, Monash University, Glen Waverley, Burwood and Box Hill, providing better transport services closer to where people live and providing jobs as well. This simply makes sense. This simply

makes sense – to provide more houses, more jobs, more education services and more public transport. I have mentioned the Metro Tunnel, I have mentioned the Suburban Rail Loop and I have mentioned those rail line extensions, and you are in opposition to each and every one of them.

Members interjecting.

The SPEAKER: Order! I will remove members from the chamber without warning should there be an increase in interjections. I am not going to stand for it today.

Safer Care Victoria

Emma KEALY (Lowan) (14:09): My question is to the Acting Premier. The latest Safer Care Victoria sentinel events report outlines 38 sentinel events related to children. How many of those 38 children have passed away?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:10): In terms of the details of each of those cases, I will refer the member's question to the health minister. The health minister addressed a press conference Monday of last week, when she went into great detail about the sentinel events, the report into each and every one of them and most importantly the reforms that are going to be made to ensure that there is a stronger parent voice in their child's care. As someone with personal experience with how important this is, I am so proud of my colleague for working on this, and I will ask her to come back to you in terms of the details of your question.

Emma KEALY (Lowan) (14:11): In 2016–17 the Minister for Health undertook a review into the deaths of six children that passed away at Casey Hospital. With more children having passed away, as outlined in the latest Safer Care Victoria report, can the Acting Premier confirm that each of the recommendations of the government's previous review were fully implemented?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:11): Again, I thank the member for her question. I will ask the Minister for Health to come back to the member in terms of the questions about previous sentinel events, the investigations that went into those events and the actions that the government is taking, indeed the system is taking. There needs to be system reform when it comes to these most tragic and difficult circumstances. The Minister for Health is taking important reform steps, which she outlined at the start of last week in terms of what reforms need to be made and how parents are central to those reforms, and I am sure the Minister for Health would be pleased to brief the member on these matters.

Ministers statements: First Nations housing policy

Gabrielle WILLIAMS (Dandenong – Minister for Mental Health, Minister for Ambulance Services, Minister for Treaty and First Peoples) (14:12): I rise to update the house on the vital work this Labor government is doing in partnership with First Nations communities across Victoria to provide safe and affordable housing. We know that access to good-quality homes is required for good health, good education and of course for financial prosperity as well. That is why it is a key pillar in our work to close the gap, and it is why this government is delivering on the Aboriginal private rental assistance program, now operating across nine sites in Victoria and using an innovative wraparound support approach to walk side by side with Aboriginal people as they navigate the many challenges of the private rental market.

It is also why we deliver programs like the Aboriginal public housing transfer management pilot that gives Aboriginal people the power to transfer their tenancy from Homes Victoria to a registered Aboriginal community housing provider, an initiative grounded in the principle of self-determination. This Andrews government will deliver 10 per cent of all new social housing from our landmark $5.3 billion Big Housing Build to First Nations Victorians. That is 820 new homes for First Peoples right here in Victoria, and these programs are already making a difference. The *Victorian Government Aboriginal Affairs Report*, more colloquially known as VGAAR, for 2022 shows that we are reducing

mortgage stress and reducing rental stress for First Peoples in Victoria, but of course we all know that there is much, much more work to be done, more houses to be built and more rental barriers to break down – work that has been and continues to be driven by strong community organisations like Aboriginal Housing Victoria, work that will increasingly be led and controlled by community as we continue this historic nation-leading journey to treaty in Victoria and the path to self-determination. We all know that is what gets the very best results.

Commonwealth Games

David SOUTHWICK (Caulfield) (14:14): My question is to the Acting Premier. As recently as June the Andrews government stated the 2026 Commonwealth Games would have a $2.6 billion cost and deliver over $3 billion in benefits. Will the Acting Premier release the business case that supported the assumptions of the June statement?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:14): The member's question actually goes to the heart of the decision that the government has made, which I note has the bipartisan support of those opposite, as to why $6 billion to $7 billion for a 12-day sporting event just simply did not stack up – because that $6 billion to $7 billion cost was more than double the $3 billion estimated economic benefit that would come to the state of Victoria, which is why we have made that decision to instead invest the $2 billion in the key legacy reasons why the government agreed to host the games in the first place – and particularly when there is no bigger issue in regional Victoria at the moment than housing.

David Southwick: On a point of order, Speaker, on relevance, the Acting Premier seems very confident of her numbers. I would ask her to actually release the assumptions to the house and answer the question.

Mary-Anne Thomas: On the point of order, Speaker, as I am sure you are potentially about to remind the member, a point of order is not an opportunity to try and restate a question. I ask that you rule the member for Caulfield's point of order out of order and you let the Acting Premier get on with answering the question.

The SPEAKER: Order! There is no point of order. The Acting Premier was being relevant to the question that was asked.

Jacinta ALLAN: The government has also previously stated that negotiations are underway at the moment, and we are not going to cut across those negotiations. Despite what those opposite may be putting out there we are not going to cut across those negotiations that are underway. We have also publicly stated that once those negotiations have concluded there will be further information provided about the outcome of those negotiations.

Members interjecting.

The SPEAKER: The member for South-West Coast is warned.

David SOUTHWICK (Caulfield) (14:17): Victoria 2026 has confirmed that the total marketing and communications budget for the Commonwealth Games would be between $50 million and $70 million. How much of the money has been spent to date?

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:17): I thank the member for his question, and he is going to get an answer that is consistent with the answer to the substantive question and answers that have been made on this matter on a number of occasions already: there are negotiations underway. Those negotiations we are not going to cut across.

Members interjecting.

Jacinta ALLAN: No, no, no. We are not going to cut across those negotiations. No doubt the negotiations will note the bipartisan support from the Leader of the Opposition for the decision that the government has made, but we are not going to –

Members interjecting.

The SPEAKER: Order! When a question is asked I hope that members will want to hear the answer.

David Southwick: On a point of order, Speaker, on relevance, the question was certainly not about negotiations. It was about how much money has been spent – or wasted – to date, and I ask you to bring the minister back to answering the question.

The SPEAKER: The Acting Premier was being relevant to the question that was asked and has concluded her answer.

Ministers statements: housing affordability

Sonya KILKENNY (Carrum – Minister for Planning, Minister for Outdoor Recreation) (14:18): I am pleased to rise today to talk about this government's focus on achieving great planning outcomes for the people of Victoria. We know how important it is for governments to address housing affordability and housing choice, and as our population grows over coming decades we need more homes. These homes must be affordable, they must be quality homes and they must offer choice. We must deliver a greater diversity of homes in good locations close to transport, jobs and services.

Last week I visited a terrific build-to-rent-to-buy development with my colleague the member for Northern Metropolitan Region in the other place. Under this model residents rent their home for five years while they save to purchase their home, bridging the gap between renting and home ownership and giving people access to live in their home far sooner. Build-to-rent and build-to-rent-to-buy are just some of the new models this government is supporting to deliver more homes and to create more opportunities for people to live in attractive, well-designed, connected and thriving neighbourhoods.

Last fortnight in this house I invited all members to join me in a conversation about the best way to achieve these outcomes, and I reiterate that invitation, because it seems that those opposite cannot quite make their minds up on a housing strategy, as evidenced by the member for Brighton, who stated:

> … we villagers are getting restless … The only way to … cater for …population growth is to expand Melbourne …

This in stark contrast to a Liberal member for the Northern Metropolitan Region, who recently stated:

> … it is immoral that large sections of our inner cities, flush with good transport –

services –

> schools, health care and other infrastructure, remain almost flat … denying young Victorians a chance to buy their first home where they want to live.

It is clear the Victorian Liberals have no plan when it comes to housing and planning. Again I invite those opposite to join me as we on this side take real action on housing and deliver good planning outcomes.

Members interjecting.

The SPEAKER: The member for Eildon is warned.

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:20): My question is to the Acting Premier. The Acting Premier was stripped of the ministerial responsibility for the delivery of the Commonwealth Games on 20 July. Which minister now holds responsibility for the negotiation of the hundreds of millions of dollars in compensation payments for breaking the Commonwealth Games contract?

Members interjecting.

The SPEAKER: The Assistant Treasurer is warned.

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:21): I thank the Leader of the Opposition for his question, and in answering the Leader of the Opposition's question I will remind the house that the Minister for Housing is delivering a billion dollars in regional housing, the Minister for Regional Development is delivering that $150 million regional worker accommodation package, the Minister for Tourism, Sport and Major Events has got a $130-million tourism –

Members interjecting.

Jacinta ALLAN: Yes, $130 million? 170? Goodness me, it has gone up!

James Newbury: On a point of order, Speaker, the Acting Premier was asked who is responsible for the negotiation of the compensation payments. It was a very simple question, and I would ask you to ask the Acting Premier to answer the question.

The SPEAKER: The Manager of Opposition Business knows a point of order is not an opportunity to ask the question again. The Acting Premier was being relevant to the question that was asked.

Jacinta ALLAN: Of course our Minister for Community Sport is going to be very busy with a big and active community sport program, including that fabulous all-abilities program to get more people with a disability into community sporting programs. In terms of the responsibility for the whole-of-government negotiations, of course that responsibility sits with the Leader of the Government, the Premier.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:22): With negotiations on the Commonwealth Games having dragged on for a month without settlement, do Victorians now face the prospect of extensive litigation costs on top of compensation payments?

The SPEAKER: Order! Questions should not seek a hypothetical proposition. The question sought a hypothetical proposition. I ask the Leader of the Opposition to rephrase his question.

John PESUTTO: I ask the Acting Premier: what are the total litigation costs to date resulting from the Commonwealth Games cancellation?

Members interjecting.

The SPEAKER: Member for Frankston, I am reluctant to remove you from the chamber once again, but you are very close.

Jacinta ALLAN (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop) (14:23): I thank the Leader of the Opposition for his question. This bloke used to be a lawyer, didn't he? Didn't you used to be one of those types that would wander around the city as a high-powered lawyer?

Members interjecting.

The SPEAKER: The Treasurer will come to order.

James Newbury: On a point of order, Speaker, the Leader of the Opposition asked an important, simple question. It is not an opportunity for the Acting Premier to be nasty.

Members interjecting.

The SPEAKER: Order! The Acting Premier strayed from the answer to her question. I ask her to come back to the question that was asked.

Jacinta ALLAN: The answer to this question is consistent with the answer to many other questions that have been put on this matter: negotiations are underway. Once those negotiations have concluded, there will be a reporting of the outcome of those negotiations. We are simply not going to cut across those negotiations. Meanwhile, there is a lot of activity for the government to get on with in terms of the legacy benefits of the games. And isn't it interesting? You do not have too much support other than the poor old member for Brighton behind you.

Ministers statements: Big Housing Build

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (14:25): We know at the moment there is no more important issue than housing, in particular the need for more social housing. I want to update the house on our Big Housing Build, where we are building more than 12,000 social and affordable homes right across the state, with $5.3 billion being invested and $1.25 billion being invested in regional Victoria. I was out recently with the member for Glen Waverley at Vermont, where we were inspecting 34 homes that are being built in partnership with Women's Housing Limited –

Richard Riordan interjected.

The SPEAKER: The member for Polwarth can leave the chamber for half an hour.

Member for Polwarth withdrew from chamber.

Colin BROOKS: with the members for Wendouree, Eureka and Ripon, where we were looking at the new mental health housing and announcing $85 million for new mental health homes, with 214 to be built across the state; and with the member for Pascoe Vale, where we were out at the Harvest Square development inspecting 119 homes that are underway with Women's Housing Limited as well. But despite the fact that we get opposition often from the Liberals, Nationals and Greens to these projects, we are building projects in their areas as well – hundreds of homes in Bills Street, Hawthorn; Bangs Street, Prahran, where we were out yesterday with the Prime Minister and the Premier; and Halcyon at Brighton East.

On top of the many, many projects that we are delivering right across the state, we are going to deliver a $1 billion regional housing package to boost social and affordable housing in regional Victoria as well. We will continue to work with the federal Labor government to deliver more social housing through the accelerator fund and encourage people to pass housing through the Senate. We know there is a very clear divide in the country at the moment and here in Victoria between Labor governments, which get on with the job of building social housing, and the axis of evil – the Liberals, the Nationals and the Greens – which always oppose more social housing.

Public transport

John PESUTTO (Hawthorn – Leader of the Opposition) (14:27): My question is to the Minister for Public Transport. With the budget papers showing over $30 billion in cost blowouts on major projects, many of which are public transport projects managed by the Acting Premier, will the Minister for Public Transport seek wider responsibilities to better manage the delivery of public transport projects?

Mary-Anne Thomas: On a point of order, Speaker, the question is not a serious question to a minister. It is not a good use of question time, and I ask that you rule it out of order on the basis that it is nothing other than a misuse of the time.

James Newbury: On the point of order, Speaker, of course it is entirely within order to ask matters that relate to public policy. The question related to a $30 billion cost blowout and whether the minister has made any representation to expand their portfolio. That is entirely within order as a matter of public policy.

The SPEAKER: Order! I rule the question in order. The Minister for Public Transport to answer the question.

Ben CARROLL (Niddrie – Minister for Industry and Innovation, Minister for Manufacturing Sovereignty, Minister for Employment, Minister for Public Transport) (14:29): It is incredible to be able to work with the Deputy Premier, because what we do is build transport infrastructure like the $100 billion Big Build, and what does that deliver?

Darren Cheeseman interjected.

The SPEAKER: Member for South Barwon, you can leave the chamber for 1 hour.

Member for South Barwon withdrew from chamber.

Ben CARROLL: Thank you, Speaker. One thousand train services to the metropolitan line as a result of the Big Build, 800 regional services as a result of the Big Build, 20,000 bus services as a result of the Big Build and we are not finished yet. We have got the Metro Tunnel –

Members interjecting.

The SPEAKER: Leader of the Opposition!

Ben CARROLL: and every regional railway line being built and upgraded under our government. The regional fare cap – this is a government that is bringing equity for the very first time between metropolitan Melbourne and regional Victoria. No matter what your postcode is, you pay the same price under our Labor government, because we are getting on with the job. When you build transport infrastructure, you then add and do all the services. Member for Melton, the Ballarat line upgrade is a great example – a $500 million upgrade that saw level crossings being removed and additional services through the metropolitan line as well as the regional line, because transport infrastructure and public transport infrastructure go hand in hand. Unfortunately, they do not go hand in hand on that side of the chamber. Look at him now. They are just looking at him, saying what a silly question that was.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:31): With Victoria's Auditor-General having identified serious shortcomings in the management of major projects, many of which are public transport projects managed by the Acting Premier, has the minister sought advice from his department about how these projects could be better managed?

Ben CARROLL (Niddrie – Minister for Industry and Innovation, Minister for Manufacturing Sovereignty, Minister for Employment, Minister for Public Transport) (14:30): We are very –

John Pesutto interjected.

The SPEAKER: The Leader of the Opposition will refer to members not by their names but by their correct titles.

Ben CARROLL: We are getting on with the job of rebuilding our transport network. Not since federation has a Labor government invested so much in our public transport network. I am happy to go through it again: every regional railway line is being upgraded. The Metro Tunnel, which was number one on Infrastructure Victoria's and number one on Infrastructure Australia's lists – while they were in office, they did not touch it. They did not do one. Not one project was built when they were in office – not one project. And I have said this before: the ACT government built more public transport trams than they did, and they do not even have a tram network. They do nothing. When they get in they cut services, they cut regional railway lines and they let the Premier call the country the 'toenails'.

Ministers statements: Victorian energy upgrades program

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:33): I am absolutely delighted to update the house on how we are delivering real cost-of-living relief for Victorians through more energy-efficient electric homes. Our nation-leading Victorian energy upgrades program is delivering real energy bill savings for Victorians each and every day. In 2022 alone more than 515,000 Victorian households and 50,000 Victorian businesses received upgrades through this fantastic discount program, and more than 2.3 million households and businesses have taken advantage of it since the program started in 2009. This is the same legislated program that those opposite tried to axe in this very Parliament when they were last in government, but it was only saved because of the rat in their ranks at the time, the member for Frankston – nothing like of course our very own current member for Frankston, who is the exact opposite of the rat in the ranks over there.

Absolutely now we have extended this discount program to include hot water, electric heat pumps, electric space heating and cooling appliances. Buying a new reverse-cycle air conditioner will save a household between $900 and $3600 if it is replacing an old gas heating system. And the savings just do not stop at the point of purchase, they last throughout every year. Just last year more than 26,000 households upgraded their old, inefficient electric water heaters with efficient new ones, helping them save a further $500 off their bills each and every year. That is of course in line with our nation-leading *Gas Substitution Roadmap*.

Those opposite cannot be trusted when they lie low in an election campaign and come out swinging for the gas and the nuclear power industries when they are in this place, guaranteeing one thing: skyrocketing energy bills for decades for ordinary Victorians.

Rulings from the Chair

Constituency questions

The SPEAKER (14:35): Yesterday during his constituency question the member for Ovens Valley did not ask for information but asked the minister to take action. I rule this question inadmissible.

Adjournment

The SPEAKER (14:35): The Deputy Speaker referred the adjournment matter from the member for Narracan yesterday to me for further consideration. The member for Narracan asked the Premier to direct ministers in the performance of some of their duties. I rule that member's adjournment matter was in order.

Unparliamentary language

The SPEAKER (14:35): Earlier today the member for Berwick raised a point of order about my ruling on the use of the phrase 'to pull one's finger out' and its variants. I did enjoy hearing the etymology of the phrase from the member for Berwick. However, on further reflection, I remain of the opinion about the phrase 'pull your finger out', its finger out or any finger out, that despite the origin of the phrase, its use in modern context is markedly different. I am sure I do not need to elaborate on this point. We all know what the phrase is referring to, and I expect all members to find more elegant ways of making their point known in future.

Constituency questions

Hawthorn electorate

John PESUTTO (Hawthorn – Leader of the Opposition) (14:36): (270) My question is to the Minister for Community Sport. Every Australian has caught football fever thanks to the efforts of the mighty Matildas. There is a fantastic opportunity for the minister to promote and support football amongst young Victorians, especially young women. Inner East Community Finance and its associated community banks have advised me that they are considering providing a grant of up to

$500,000 to support the development of women's and girls' sporting facilities at Glenferrie Oval in the fantastic electorate of Hawthorn, which I represent. This would benefit many young players from Boroondara Eagles and Alamein football clubs, to name two. Young women from these clubs play in the National Premier Leagues, the highest level within the Victorian league system. However, they do not have a ground that complies with Football Victoria requirements, which means that their clubs often have to hire grounds outside Boroondara to play games. Will the minister commit to engage with Football Victoria, Boroondara council, Inner East Community Finance and other stakeholders with a view towards upgrading Glenferrie Oval to meet the necessary requirements?

Tarneit electorate

Dylan WIGHT (Tarneit) (14:37): (271) My question is to the Minister for Education. How many free meals have been delivered to students in Tarneit as part of the school breakfast club program? In 2016 the Victorian government partnered with Foodbank Victoria to deliver the school breakfast club program in 500 schools right across Victoria. Building on the success of the original program, the Victorian government provided $58 million to deliver the expanded program in 1000 Victorian government primary, secondary, P–12 and specialist schools over four years from 2019 to 2023. Providing a range of fresh and nutritious foods to schools enables students in need to concentrate and participate effectively in the school day. This program has been running successfully in Tarneit and has helped to keep our local kids happy and healthy whilst at school. Every child deserves access to nutritious foods at the start of the day.

Morwell electorate

Martin CAMERON (Morwell) (14:38): (272) My question is for the Minister for Regional Development in the other place. Minister, when will you deliver Latrobe Valley a plan that shows leadership and delivers new industry for workers to transition to? Last week the Latrobe Valley Authority finally released the transition plan for my community. It has taken over $300 million and nearly seven years for the LVA to produce an Andrews Labor government propaganda piece. Minister, it contains 52 recommendations but not a single one has a measurable action, assigned responsibility or time frame – nothing. The LVA plan is a wasted opportunity. No other region has been impacted quite like my valley. Our community is haemorrhaging jobs, and feel-good words do not do a single thing to transition our community. Morwell's unemployment is a shocking 11.5 per cent, the worst in the state. Labor's track record in the valley is appalling, with no successful investment establishing a new industry. Big job promises like SEA Electric and the Commonwealth Games were farcical, and the SEC is nothing more than a mere headline.

Northcote electorate

Kat THEOPHANOUS (Northcote) (14:39): (273) My question is to the Minister for Education. I ask the minister what the *Victorian Autism Education Strategy* means for students and families in my electorate of Northcote. Across my community I have spoken to parents, carers and students about how our education system supports students with autism and indeed all forms of neurodivergence. The fact is that for a very long time our education system has been one size fits all, yet students learn in all sorts of different ways and our education practice needs to be adaptive if we want students to thrive. Data shows that around one in 70 Australians have autism, making it likely that there is an autistic student in every classroom. We know that students with autism are more likely to disengage from school, often need to change schools to have their needs met and are less likely to finish year 12. For autistic girls it can be even harder – an estimated 80 per cent remain undiagnosed at age 18, and it takes two to three years longer to get a diagnosis. For families, that continual struggle to advocate for their child is deeply felt. Our government has a nation-first autism education strategy, and I would love to hear more about it.

Brighton electorate

James NEWBURY (Brighton) (14:40): (274) My constituency question is to the Premier, and I ask: when will the state Labor government stop turning a blind eye to the sale of illegal nicotine-based vapes and e-cigarettes? Actions speak louder than words. Despite supposed legal protections, the Brighton community is outraged by the lack of enforcement around the illegal sale of vapes and e-cigarettes. Even though it is illegal to sell nicotine vapes without a doctor's prescription, we know that sellers have no fear of getting caught. Recently a new store popped up in the plaza at 72 Church Street, Brighton, advertising the sale of cigarettes. Outrageously, this self-described tobacconist has filled their front window with lollies, which is seen by local parents as an explicit enticement to children. A second new store at 47 Church Street has already emblazoned their front window with vape advertising. We know that e-cigarette liquids contain more than 200 chemicals, some of which are known to cause cancer. They also cause seizures; lung, facial and oral injuries; and nicotine poisoning. Premier, get tough on enforcement and stop the danger of children having access to these harmful products.

Lara electorate

Ella GEORGE (Lara) (14:41): (275) My question is for the Minister for Health, and I ask the minister to provide an update on how the McKellar Kids' Rehab centre is helping families in my electorate of Lara and the wider community. The state-of-the-art kids' rehab centre at the McKellar Centre in North Geelong opened last year and is home to the Barwon Health-operated Victoria Paediatric Rehabilitation Service and the Young Adults Transition Service, providing a purpose-built space for children and adolescents to undergo rehabilitation. The centre supports families in this space, which includes a rehabilitation gym, therapy kitchen, outdoor therapy garden and family-friendly treatment rooms. McKellar Kids' Rehab provides state government-funded specialist rehabilitation services for young people aged up to 25 years who have sustained a traumatic brain injury, spinal injury, stroke or who require treatment after cancer or for other conditions such as cerebral palsy. Again, my question is: can the minister please outline how the McKellar Kids' Rehab centre is helping families in the electorate of Lara and the wider community?

Prahran electorate

Sam HIBBINS (Prahran) (14:42): (276) My constituency question is for the Minister for Early Childhood and Pre-Prep, and I ask: what action is the minister taking to ensure the land Windsor Community Children's Centre is on continues to be used for educational purposes? I understand the owners of the site, Swinburne University, have indicated they are seeking to rezone the site prior to selling it. The site is currently zoned public-use zone – educational. There is a strong demand for kinder and childcare in the Prahran community, with considerable waitlists for families. Rezoning the site would make it much harder for families to access high-quality early learning in the Prahran electorate, such as at the Windsor Community Children's Centre, which I would have thought would be in contradiction to the government's Best Start, Best Life policy. I would have thought that would improve access to early childhood education, not make it harder for families.

Melton electorate

Steve McGHIE (Melton) (14:43): (277) My question is to the Minister for Veterans. Can the minister please outline how the government is supporting and commemorating Victoria's veterans in the Melton electorate and across the state? Minister, this Friday is a very important day in our nation's history. It is Vietnam Veterans Day, and this year marks the 50th anniversary of the end of Australia's involvement in the Vietnam War. I am very proud of the Vietnam Veterans Association in my electorate of Melton. The Vietnam Veterans Association provide valuable services and welfare support to veterans and the families that support them. I give my thanks to Wayne Gillies, president of the Vietnam Veterans Association at Melton, and his committee, who have gone beyond doing phenomenal work for veterans, particularly Vietnam veterans. Today and every day we must not forget what we have been given by those who have served, those currently serving and those who will serve.

I look forward to hearing from the minister on how the Andrews Labor government is supporting Victorian veterans and commemorations, including for Vietnam Veterans Day.

Nepean electorate

Sam GROTH (Nepean) (14:44): (278) My question is for the Minister for Roads and Road Safety. The Mornington Peninsula Freeway is the gateway to our beautiful region. It is the first impression visitors have when they travel to the southern peninsula, and it is what residents see each time they return from Melbourne. Sadly, due to a scourge of dumped rubbish along the freeway, that first impression is being tarnished. The issue has worsened, with numerous reports of dumped rubbish, litter and other debris being brought to my attention over the past few weeks. In fact my office has passed on eight reports to VicRoads, but only two have received a response. It is unacceptable, and local residents and commuters in Nepean expect better from the government and our local authorities. In addition to this, the lack of sound barriers along the freeway continues to cause noise issues for those residents living nearby. Will the minister address these issues and ensure that all rubbish is cleared in a timely manner?

Pakenham electorate

Emma VULIN (Pakenham) (14:45): (279) My question is for the Minister for Public Transport. Could the minister please update me on the government's bus reform agenda, *Victoria's Bus Plan*, and the future for bus transport in my electorate? As my electorate grows I am being regularly approached by constituents and receiving feedback in my new electors surveys from residents interested in local bus services. In my electorate our government has added additional train services to the Pakenham line, and we are removing four dangerous and congested level crossings. I am proud to be part of a government that invests in my community. But with my community growing at a rate of three families a day, there is need for public transport. Not all of my constituents, despite the high level of car ownership, have the option to use a private vehicle, so public transport is essential. I am aware that the Andrews government has commenced a significant bus reform agenda, including looking at the environmental impact of the bus network, with zero-emission bus trials now occurring across the state. This reform ties in well with the level crossing – *(Time expired)*

Bills

Energy Legislation Amendment Bill 2023

Second reading

Debate resumed.

Ella GEORGE (Lara) (14:46): I am delighted to rise today to speak on the Energy Legislation Amendment Bill 2023. This bill is an omnibus bill, which will amend the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008. This legislation is intended to strengthen the electricity and gas regulatory framework in Victoria, and it builds on the Andrews Labor government's commitment to the people of Victoria when it comes to supporting a reliable and affordable energy supply for Victorian households, families and businesses. There are three components to this legislation. Firstly, the bill adds decision-making criteria to the Victorian legislation in the event that the Minister for Energy and Resources triggers the retailer reliability obligation. Secondly, the bill enables alignment between penalties applied to Victorian gas market participants with those in other jurisdictions. Thirdly, the bill changes outdated references to the gas distribution system code, which is now known as the Gas Distribution System Code of Practice. These amendments are very technical in nature but are all intended to strengthen the electricity and gas frameworks here in Victoria and provide confidence to Victorian households, families and businesses that energy markets are working in their favour.

It is important to consider why these highly technical changes are needed and why this bill is being introduced. Victoria's electricity system is undergoing a substantial transition. Ageing and

increasingly unreliable coal-fired generators are exiting the market and being replaced with cleaner and cheaper renewable energy, and this legislation is all about ensuring a smooth transition from the old to the new. Here in Victoria we are investing in renewable energy, like the $1.3 billion Solar Homes program, which not only generates renewable energy but also helps households and families keep their electricity bills down. Programs like this are so important when we know that many households are struggling with the rising cost of living. This year rooftop solar has generated nearly five times the amount of power compared to the amount of power generated by gas in Victoria. This will only grow as we continue to invest in solar homes.

Then there is the $540 million Renewable Energy Zone Fund, which is all about upgrading Victoria's energy grid. Renewable energy zones will make it easier for new renewable projects like solar and wind energy to be connected into Victoria's grid and to power homes and businesses across the state. This $540 million fund also sends a powerful message to the private sector that Victoria is open to investment in new, clean, renewable energy technology. Initiatives like this have allowed Victoria to triple its production of renewable energy since 2014, which is a remarkable achievement. We know that investment is what will drive the transition to renewable energy, but just as important as investment is ensuring that Victoria's network has the appropriate regulations and frameworks, which is why this bill is before the house.

An important part of the transition to renewable energy as Victoria's electrical system is upgraded is strengthening the retailer reliability obligation, or RRO. RROs work by ensuring that the electricity retailers and large energy users have enough capacity contracted to meet the forecast demand. RROs help ensure a reliable energy system by requiring companies to hold contracts or invest directly in generation or demand response to support the reliability across the national energy market. The RRO is an important measure that can be triggered when there is a gap in forecast demand. It is there to ensure a steady supply of electricity for all Victorians and to hold retailers and large energy users to account.

This bill will amend the National Electricity (Victoria) Act 2005 to strengthen the RRO framework established under the National Electricity Law, which was amended in 2022 to enable jurisdictional energy ministers to trigger the RRO in their own states and territories. To strengthen this measure further the bill will also introduce Victoria-specific decision-making criteria and consultation safeguards to be used in the event the Victorian minister needs to trigger the RRO in response to an emergency risk of significant electricity disruption. The decision to trigger the RRO will be informed by up-to-date information about the energy sector, forecast demand and the broader economy, and any decision to trigger the RRO will be made in consultation with the Australian Energy Regulator and the Australian Energy Market Operator as well as the Treasurer and the Premier. Additionally if the minister does trigger the RRO, a statement will be published outlining the reasons. It really is a just-in-case measure and will only be used where the energy market does not address a forecast reliability gap. RROs are important, as they ensure that retailers and large customers are responsible for securing contracts directly with providers during times when it is predicted that there will be a lack of supply, and strengthening regulatory frameworks like these is exactly what is needed to give Victorians confidence in an electricity system that can meet demand.

The next function of this bill is to align penalties applied to Victorian gas market participants with those in other jurisdictions. The legislation will enable regulations to be made to increase the maximum civil penalties payable for parties that breach the rules. The change will provide additional flexibility to the Australian Energy Regulator and the courts in determining an appropriate response to instances of non-compliance and help ensure that any civil penalties issued reflect the severity of the conduct and act as a deterrent. Again, this is about holding energy companies to account and protecting energy users. Finally, the bill updates several outdated references to the Essential Services Commission gas distribution code in the National Gas (Victoria) Act 2008, and this will help improve the accurate interpretation of the act.

In Victoria we are leading the way nationally when it comes to renewable energy. We have set an ambitious target of 65 per cent renewable energy generation in Victoria by 2030 and 95 per cent by 2035,

and in the Andrews Labor government, when we set a target, we meet it. Previously we had a renewable energy target of 25 per cent by 2020, which was exceeded, and we have increased our 2030 target from 50 per cent to 65 per cent. Renewable energy is something that the Victorian community have really got behind. We took a big and bold renewable energy agenda to the state election last year, including record investments in renewables and bringing back the State Electricity Commission to put power back in the hands of Victorians. We are investing $1 billion to bring back the SEC and deliver 4.5 gigawatts of renewable energy, and that agenda was resoundingly endorsed by Victorians in November last year. We know that the best way to improve electricity reliability is to invest in renewable energy and bring new renewable energy into the energy market. Our investment in renewable energy sets an example for the private sector to invest in renewables and move away from old technologies and coal-powered electricity. It is so important to couple this government investment with the appropriate regulations and frameworks, and on this side of the house that is exactly what we are doing.

I must commend the Minister for Energy and Resources for her leadership in this space and say just how exciting it is to visit different organisations across the electorate of Lara who are doing some truly inspiring work in the renewable electricity generation and renewable energy space. The Lara electorate is home to some of the most amazing minds in the state, and I have been blown away by some of the technology that is being developed. Lara is home to the 300-megawatt Victorian Big Battery, which can provide energy to the broader community in times of need. I had the pleasure of taking a look at the Big Battery with the Deputy Premier last year, when we heard that it has the capacity to power the Geelong region for about 3 hours – an important backup in case of an interruption to the energy grid. We have the incredible team at Austeng led by Lyn and Ross George – no relation – who, after receiving $100,000 through our government's Renewable Hydrogen Business Ready Fund, were able to investigate the feasibility of replacing cremation equipment powered by gas with hydrogen technology. I joined the Minister for Energy and Resources to launch this hydrogen burner, which is now ready to roll out to industry.

Locally I have had some very engaging conversations on renewable energy generation projects. I could speak all day on this, but there is just one project that I would like to highlight. Pavilion Farms in Anakie are investing in new technology for their biogas project. Their project will convert approximately 30,000 tonnes of chicken litter and other organic waste from their business, which is a chicken farm, into renewable energy and sustainable green fertiliser. It is a really unique project. The manufacturing facility is planned to produce over 8000 tonnes of high-nutrient organic fertiliser from waste. It will reduce the need to rely on chemical fertilisers but importantly will create energy to sustain both sections of their business and of course will create local jobs in Anakie. I am really proud that our government has supported Pavilion Farms with a $9.3 million grant for their biogas project under the Energy Innovation Fund.

The amendments in this bill will ensure that there are better outcomes for consumers. It will strengthen Victoria's energy network and improve electricity reliability and at the same time enable the transition away from coal generators to clean, green and cheaper renewable energy. I think we all understand the cost-of-living pressure that is affecting families and communities across the state, and this government's energy policies are designed to help ease that pressure with initiatives such as solar homes and the power saving bonus. The more we invest into renewable technology, the sooner we can bring back the SEC and the sooner we can roll on those savings of cheaper energy into the market for households to benefit from. This bill is just one of a raft of measures this government is making in the energy space to ensure that all Victorians have an efficient, reliable and sustainable energy network. That is why I support this bill and I wish it a speedy passage.

Martin CAMERON (Morwell) (14:56): I also rise to talk on the Energy Legislation Amendment Bill 2023. Firstly, I would just like to thank the member for Croydon who led off this legislation debate. This is about the third or fourth one he has done. What it means, as other members have said, is that as we transition out of our coal-fired power systems that we use now and come into renewables, there are more different types of power supply sources that we are going to need to hook up to the grid. We are

just adjusting a few bits and pieces with these amendments so it is easier to make this a lot more bulletproof than it is now, because we have never had to have these bits and pieces in place before.

The bill is part of the government's commitment to manage the transition of the energy sector to achieve their net zero emissions by 2045 while ensuring a reliable supply of energy to Victoria's consumers. That is what we expect; we want that absolute reliable supply. The omnibus bill amends the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 to deliver better outcomes to Victorian energy consumers. The main purposes of the bill are:

(a) to amend the **National Electricity (Victoria) Act 2005** to incorporate decision-making requirements that will apply to the minister when deciding whether to make a T-3 reliability instrument under the National Electricity Law, and

(b) to amend the **National Gas (Victoria) Act 2008** …

to enable regulations to be made that prescribe the civil penalty for a breach of a declared system. Now, I know these are a lot of technical terms, and we do need to get these in place so they can be enacted if we need to do it. The bill will introduce the Victoria-specific decision-making criteria and consultation safeguards to be used in the event of the Victorian minister needing to trigger the retailer reliability obligation in response to an emerging risk of not having the significant amount of power that we need to supply Victoria. We do not want that disruption.

The decision to trigger the RRO will be made in consultation with the Australian Energy Regulator and the Australian Energy Market Operator as well as the Treasurer and the Premier. It will ensure the decision is informed by the most up-to-date information regarding the energy sector and the broader economy, so it will give us a lot more backstops to go to if we have trouble with our power supply and to make sure that we do not have that issue with the power supply. For a long time now we have relied on our coal-fired power stations, so the energy requirements are to make sure that we have got sustainable electricity services in Victoria. As we are heading into the renewable sector, we need to make sure that we have got all these bases covered. The RRO puts in place responsibility on retailers and large customers to secure contracts with electricity producers during periods of forecast lack of supply. This in turn encourages forward contracting, which is important as it helps to underwrite much-needed new investment in electricity generation and avoid supply shortfalls, which are no good for the state and especially no good for the people that live in the state of Victoria.

The bill will improve the functioning of Victoria's wholesale gas market by enabling regulators to increase the maximum civil penalties payable by parties that breach the rules. The change will provide additional flexibility to the Australian Energy Regulator and the courts in determining prescribed civil penalty provisions. The bill will make further modifications to the national gas law as it applies to the law of Victoria to enable the Supreme Court to make an order that a person pay a civil penalty for a breach of a declared system provision that is prescribed to be a civil penalty provision. If there is a breach, there are ramifications, and it can go to the Supreme Court. Finally, the bill will update reference to the Essential Services Commission gas distribution system code in part 6 of the National Gas (Victoria) Act 2008.

As I said, it is a fairly straightforward bill, as the member for Croydon and other members in the house have spoken about today, but we need to have these things in place as we transition to a lot more industries providing power to Victoria. As I said before, for the general public the reliable supply of energy is paramount. It is human nature that people expect that when you turn your light switch on at home the lights come on and if you plug your mobile phone in or, nowadays, you charge your car the supply of energy is there. Instead of it just coming from a coal-fired power station, it is going to be coming from wind and solar, hydrogen down the track and any other newer renewables that come on line in the future.

The government also spoke about how the renewable sector is going to bring down our power prices, which is great, but at the moment we see that the power prices are still going up, whether it be electricity power prices or gas power prices. It is a real strain on the cost of living for the general punter

in the community. Last week I went to the Loy Yang Latrobe energy hub information day down in Traralgon. Obviously Long Yang is one of our power generators down there in the Latrobe Valley. We did have the Minister for Energy and Resources and Minister for the State Electricity Commission down there talking. The question was asked about power prices. The government's rhetoric has sort of changed a little bit. It was that the renewables coming on board would push down the power prices, and now it is that we have to wait for the renewables to come on board so we can see the benefit of those power prices. It is not an immediate effect; we have to wait to see the power prices start to go down when the offshore wind component starts, the solar component starts and the transmission lines are done. We are still a fair way away from having that ability to see substantial drops in our power prices. As we are all paying bills in here, we would love to see that now, but unfortunately we need to wait until the renewables come on. It was interesting to hear the minister speak about that and to sort of get a time line of when that can happen. We know the time line from when we transition out of coal-fired power stations and into renewables is very tight.

Another one I have been to see is the Hydrogen Energy Supply Chain program, which is supplying hydrogen, and all the aspects of what green hydrogen into the future can provide for the whole of Victoria. With the HESC program, which was a pilot program down in the Latrobe Valley, there are outcomes and jobs that will be able to be done once the government ticks off on the approval and gets the ball rolling on our hydrogen future. It is feasible, it is doable and it is done around the world. It is just another one that the government needs to tick off on to start to create the certainty in the Latrobe Valley of jobs and job security. We are a manufacturing hub down there; that is what we do.

The bill will amend the National Electricity (Victoria) Act 2005 to strengthen the retailer reliability obligation framework established under the National Electricity Law, which was amended to enable jurisdictional energy ministers to trigger the RRO. Now, we could talk about the prospect of gas, which we know the government is trying to phase out here in Victoria, but we will have to leave that for another day. I would like to thank the providers that the member for Croydon has spoken to and initiated talks with. As the member for Croydon and everyone from this side of the house has said, we do not oppose this bill. It is work that needs to be done. It is changing the language with the amendment to make sure that going forward we have that supply line so it is able to be done.

John MULLAHY (Glen Waverley) (15:06): I rise to speak on the Energy Legislation Amendment Bill 2023, and firstly I would like to thank the Minister for Energy and Resources and her team for bringing this bill to the house. It is excellent to see so many bills coming through in the energy space, and it demonstrates how the Andrews Labor government is doing what matters when it comes to energy policy. I would also like to acknowledge the wonderful contribution by the member for Lara, who preceded me. The purpose of this bill is to improve and strengthen the framework around gas and electricity in Victoria. This bill seeks to amend the National Gas (Victoria) Act 2008 and the National Electricity (Victoria) Act 2005. This bill can essentially be broken down into three parts.

The first is to add decision-making criteria to Victoria's legislation in the event that the minister for energy triggers the retailer reliability obligation, known as the RRO. To fully understand the necessity of the RRO it is important to recognise the context in which this operates. Victoria's energy and electricity system is undergoing a rapid change. As the state, the nation and the world transition from fossil fuels to renewable energy, increasingly unreliable coal-fired generators are being replaced with cleaner and cheaper renewables. Smaller yet necessary measures ensure that the right regulations are in place to improve reliability. One such measure is the RRO. In its annual electricity statement of opportunities the Australian Energy Market Operator publishes a long-term outlook. This forecasts electricity reliability in the national energy market. However, if a reliability gap remains three years and three months out, the RRO can be triggered. This safety mechanism will act as an additional insurance policy to ensure that the amount of contracted power generation equals the forecast demand well ahead of time. This bill adds additional safeguards to existing Victorian legislation to provide assurances that any triggering of the RRO is justified. And for further transparency, once the RRO has been triggered, a statement of reasons will be published.

The government understands that in order to facilitate an effective and efficient transition we must introduce measures to ensure sustainability of our energy supply. We are continuing to progress our efforts, which will ensure that as coal-fired generators close we have sufficient renewable energy generation and storage capacity. Strong renewable energy targets and programs such as the Victorian renewable energy target auctions, named VRET 1 and VRET 2, are critical to this process. They provide long-term contracts that create investment certainty to build new renewable energy generation projects. After the success of VRET 1 it was great to be with the minister to announce the successful projects for VRET 2 last October in my district of Glen Waverley. Six projects have been successful. VRET 2 will bring forward 623 megawatts of new renewable generation, as well as delivering 365 megawatts and 600 megawatt hours of new battery energy storage. This will be delivered by the six successful projects. It was great to be down at Wilson Transformers in my district where we made that announcement. The successful projects are the Derby solar project, Frasers solar farm, Fulham solar farm and DC coupled battery, Glenrowan solar farm, Horsham solar farm and Kiamal solar farm.

Our government is committed to reaching 100 per cent renewable energy consumption for government operations by 2025, which these six projects will help deliver. VRET 2 is a vital step in Victoria meeting legislated renewable energy targets of 40 per cent by 2025 and 50 per cent by 2030. It will continue to place downward pressure on electricity prices, which will be a relief for all Victorians. Furthermore, our $1.3 billion Solar Homes program has already helped more than 200,000 Victorians receive a solar rebate. By switching to solar Victorians can save over $1000 every year on their energy bills. By incentivising Victorians to make the switch to solar we are facilitating a smoother transition to clean and renewable energy.

As of March this year at least 3375 households in my electorate have applied for the Solar Homes program. A majority of these applications have been for solar panels, but there have also been a significant number of applications for battery and solar hot water rebates. It is great to see so many people in my community that are taking up the opportunity to make the switch to renewable energy. I am proud to be part of a government that is providing decent rebates for Victorians to make the switch to cheaper and more environmentally friendly sources of energy. While I and my team of volunteers were out doorknocking throughout the electorate, we spoke to many households who have already applied for these rebates through the Solar Homes program. Many spoke of the financial difference switching to solar has already made to their finances, and many are also proud to be using renewable energy.

On the subject of solar power I must make mention of my recent visit to a great local public school in my electorate, Brentwood Secondary College. After a heartwarming visit to Glenallen special school I joined the deputy mayor of Monash council Nicky Luo to take part in a tree-planting event at Brentwood. Brentwood Secondary is leading the way on environmental action, having received a 2021 Premier's Sustainability Award, a 2022 Sir John Monash Award and the 2022 ResourceSmart Schools Award as the only 5-star ResourceSmart school in the state. I congratulate the Green Team led by Venkata Kalva, and I was pleased to play my part in protecting the local environment.

Further on initiatives regarding solar, the Andrews Labor government has introduced the $540 million – yes, $540 million – Renewable Energy Zone Fund, which will make it easier for new projects to be connected to Victoria's grid. How could we forget that the Andrews Labor government is bringing back the SEC? The SEC will support Victoria's renewable energy transition. We are investing an initial $1 billion towards delivering 4.5 gigawatts of renewable energy. This government understands the importance of publicly owned renewable energy. Not only will it drive down energy prices, but it will also improve reliability for all Victorians.

The second part of this bill goes to aligning penalties applied to Victorian gas market participants with those in other jurisdictions. The bill will enable maximum civil penalties payable by gas companies to increase. This will allow the Australian Energy Regulator to consistently apply penalties across the east coast gas market. This amendment reflects the government's consistent and tough approach to energy companies that do the wrong thing by Victorians.

It is a shame and a disgrace that under the previous Liberal government big energy companies were given free rein to exploit loopholes. In a short span of just four years for Victorians, gas and electricity disconnections more than doubled and power prices increased by nearly 35 per cent. We cannot accept a situation in which the most vulnerable Victorians are left without access to electricity and heating. That is why these measures are an appropriate incentive for power companies to act appropriately. It is under our watch that the number of disconnections has halved, and we have supported all but more specifically the most vulnerable Victorians with not one or two but four rounds of the power saving bonus.

As of 25 July at least 11,967 households in my electorate of Glen Waverley have applied for the latest round of the power saving bonus. That is almost $3 million worth of cost-of-living support to people in my electorate, which I am sure is something that my constituents appreciate. We have helped hundreds of constituents in the community to apply for the bonus, especially those who struggle with submitting an application online themselves. As an office we have run several power saving bonus application sessions across the electorate, including at Highvale Retirement Village, Aveo Oak Tree Hill and the Australian Unity Victoria Grange retirement community. We also ran two sessions at South East Volunteers in Glen Waverley, including one session with the Premier. The current round is open until 31 August, so to all my constituents: make sure you get your application in if you have not done so already. If anyone in the Glen Waverley district needs assistance in applying, please contact my office. We are always there to help.

This bill will encourage improved cooperation between the state and federal governments when it comes to energy matters, which is a win for everyone. For the last 10 years or so Victorians have faced delays and stagnation on energy policy from the previous coalition government, including the lack of belief and motivation to be serious when it came to adopting renewable energy. As I mentioned before, the Andrews Labor government is doing so much work in the energy and renewables space. This includes our recent budget commitment to introducing 100 neighbourhood batteries across the state, including one in the City of Monash. These batteries will play an integral role in providing power for our local communities. Essentially these batteries will collect energy and store it throughout the day and then feed it back into the grid at night. As a result, an estimated 25,000 homes will be provided with cleaner and cheaper energy from these batteries.

Once again, it is great to see so many energy-related bills being discussed in the chamber, including this bill. I would like to thank the minister once again, alongside her excellent team, for their tireless efforts in improving the energy sector for all Victorians. I am proud to be part of an Andrews Labor government that takes energy policy, including renewable energy, seriously so all Victorians, including those in my electorate, can have widespread access to cheaper and cleaner energy. Because this is the Energy Legislation Amendment Bill, I would just like to digress. I am looking forward to seeing the energy that the Matildas will bring tonight. Kerr, Raso, Fowler and Mackenzie Arnold – I am sure they are going to shock the English into submission, and I commend this bill to the house.

Roma BRITNELL (South-West Coast) (15:16): I rise to speak on the Energy Legislation Amendment Bill 2023. I thank the Shadow Minister for Energy and Resources, David Hodgett, for his earlier presentation where he outlined the bill. But just in a nutshell, before I start speaking about the effects of these sorts of bills in South-West Coast, which is probably going to be my main focus, I would just like to quickly outline that some years ago there was national legislation, or a program, that evolved as a result of the identification that in an emergency situation, usually a natural disaster, there did need to be the ability to trigger a response. The retailer reliability obligation – the RRO – was formed to make sure that there was the ability to have energy available to the community. In 2019 an amendment was made, and the state premiers and chief ministers were given the ability to trigger that RRO in their states.

This piece of legislation has come to our attention, and it puts a bit of a framework in place for the Minister for Energy and Resources if she needs to pull the trigger or use those levers in that sort of time frame of about three and a half years. There needs to be a framework around that and a statement of explanation. The principle of that I get. It makes some sense in that legislation to put a framework

in place – no-one is going to be uncomfortable with that. The bill also does a number of other omnibus-type actions. One of those is around the gas civil penalties.

I am just going to a focus for a minute on the fact that we have a government, the Andrews Labor government, who have been in for the last decade. Over the last decade what we have seen is power bills increase. Whilst it is important to have regulation and some frameworks, what we really need is action at this point in time. We are in the middle of a real cost-of-living crisis. Every day in my office people write to me about the concerns they have about how they are going to cope. I think this is very relevant to this bill. This is from a pensioner, and he says:

> We have just received a notice of increase in electricity charges starting August 1st 2023 which are outrageous –

He goes on and says:

> … The Daily supply charge has also increased we will be paying $542 per year just to have the electricity connected.

Danny O'Brien: What?

Roma BRITNELL: Yes, that's exactly right. This is a rise of almost 700 per cent in costs since he retired in the year 2000. Unfortunately, as he states:

> … my savings have not earned that much. My standard of living like so many other retirees is going backwards.

I think that is the point. There are levers that the government can use, and despite all the years they have had – in fact I said a decade but it is actually 20 of the last 24 years – what we have got is a cost-of-living crisis, and energy sits along with groceries at the forefront of that.

People in the township of Terang, for instance, have written to me, and they say they have increases in their gas bills of over 80 per cent. Terang only has one provider, so they have no way to keep their energy costs down. They just cannot do it. The people who took the gas to the township of Terang did it in good faith, but unfortunately – and I am not standing up for big corporates – there has not been the regulation or the environment put in place by the government that does need to be put in place to make sure that these sorts of exorbitant cost rises do not take place.

So whilst this bill puts a framework around a decision-making process and makes sure the minister puts out a statement of reasons for instigating and triggering the retail reliability obligation to take effect, I asked at the bill briefing, 'If the minister identifies that in 3½ years time there is going to be a gap and we will not have enough energy to meet the requirements, how does this actually encourage, incentivise or ensure that the contractors who have the supply of energy actually invest or make sure there are generators available? What is the actual mechanism for that to take place?' Unfortunately, that is outside the parameters of this bill, but for me I think that we have just gone and raced towards a future that takes away reliability and affordability. And when you have been in nursing like I have, you have had people say to you, 'I'm not putting the heater on in winter because I'm just too frightened of the power bill.' I have actually been in situations where many, in fact probably numerous, clients have ended up in hospital with a chest infection which has then become pneumonia because of the cold of the winter. They are literally too frightened to see the power bills go up, so they are just not turning the heaters on. These are the real consequences. There are real consequences when people are so worried about the cost of living.

I quoted a constituent who talks about a 700 per cent rise in his power bill and how his retirement means have not gone up in any way, shape or form in the last 23 years, since the year 2000. That is pretty similar to the length of time that the government has been in – 20 of the last 24 years. I talk about the people of Terang. So many of them are just so worried. Many people in South-West Coast use wood to warm their homes. That was the only form of heating I ever had on the farm. Getting up at 3 o'clock in the morning was a necessity to make sure the house was warm, because the fire would not stay alight if you did not do that at 3 in the morning. So I totally get how all these wonderful changes might sound great to the minister, like cutting off gas to new homes. But when the industry

has worked so hard towards change and we are putting hydrogen, for example, into houses through the same mechanism that the gas currently goes through, if we are not going to actually put those pipes to the houses, how are we going to work towards an affordable future that gives reliability and affordability and creates the change that we do have to move towards, but not in a way that puts a crisis in place? I think that is what this legislation really is identifying. There will be gaps. There will be gaps in the market, and we will see that, more than likely. I think we went very close last winter, from what the experts who talk to me about this said. So we do not want to see that. The people I referred to that I came across in my community nursing days that were too frightened to turn on the heater – that is only going to get worse.

We have had two sitting weeks since the winter recess, and the bills have not been coming in thick and fast. In fact they have rushed a couple in this week and have only given less than the normal time frame to be able to consult with the community. It feels like this government are just running out of ideas, and when they come up with one it is, 'Let's rush it out really quickly because we probably need something to fill the space,' because it is quite clear they are scrambling.

Whilst, as the member for Croydon said, I do not oppose this bill, I struggle to understand how it is helpful to the community of south-west Victoria, when power has never been more expensive, people are really frightened of what the future brings, we are cutting off opportunity for people and we are spending a lot of time just spinning the wheels and spinning out the spin to make it look like the Andrews Labor government are actually doing something. I think that is sometimes making a fool of our community rather than actually achieving affordable, reliable power and being responsible governors of the state. I will finish on that note. I look forward to legislation that comes to the Parliament that does actually address the cost-of-living crisis rather than just fluff around the edges. I will not say the term that comes to mind that we have just had a ruling on as that would not be appropriate, but the government should get a wriggle on.

Chris COUZENS (Geelong) (15:25): I am pleased to rise to contribute to the Energy Legislation Amendment Bill 2023, and I thank the Minister for Energy and Resources for her work on all the energy policy.

This bill will ensure better outcomes for consumers, particularly some of the most vulnerable in our communities. Victoria is leading the way with one of the fastest energy transitions in the world. We have more than tripled the share of renewables in power generation in just eight years, and I think we should all be very proud of that. We have helped nearly a quarter of a million households install solar panels on their roofs, reducing bills and giving them control over their energy. I know in my community people are taking up those opportunities to have solar panels put on their roofs. There are things like the Victorian Big Battery that we have in our region – it is the largest in the Southern Hemisphere and makes Victoria the home of the Big Battery – things that as a government we are really proud of. And there are actions. We have reduced greenhouse gas emissions by more than any other state in Australia since 2014. We have had hundreds of power saving bonus applications. My office and I have been out there promoting that throughout our community, just as many on this side of the house have been doing, and I understand some members on the other side of the house have been doing that as well. This is making a real difference to so many households, so we are always out there encouraging people to apply for that power saving bonus and promoting that as much as possible.

We also have exciting changes which mean more jobs, cheaper energy and cleaner air for our communities, and these are great opportunities. As I think I mentioned in a previous energy speech, Federation Uni in Ballarat is developing a training course for workers to be able to carry out the important work that needs to be done. These are the sorts of things that help support my community but also many communities around Victoria, particularly in regional Victoria. The fact that the state government saw Federation Uni as the place to do this training is really fantastic for that community but also for communities like mine that are only an hour down the road and particularly for younger people to take up those training opportunities. It is a great opportunity in my community. My community supports all the legislation, all the changes and all the policy directions that this government

has been taking. I have mentioned in this place many times how children and young people come to see me at my office to talk about what we are doing in terms of not only energy but protecting our climate and dealing with environmental issues. It is a really important issue in all our electorates, and I often sit down with people and have those discussions. From the feedback I get, they are very happy with what we are doing as a government. They see that we are leading the way in this country.

We have in Geelong the Geelong Sustainability organisation who work very closely with us – always pushing for more, and that is fair enough. I have regular contact with them and discussions about what needs to happen. They are a great organisation, a community-based organisation, that really does care about what we are doing as a government but, as I said, also acknowledges that Victoria is leading the way in this community.

This bill has three components to it. The first adds decision-making criteria to Victorian legislation in the event that the minister for energy triggers a retailer reliability obligation. The second enables alignment between penalties applied to Victorian gas market participants with those in other jurisdictions. The third changes outdated references to the gas distribution system code, which is now known as the Gas Distribution System Code of Practice. These amendments are technical in nature but provide confidence to Victorians that energy markets are working in their favour. Our electricity system is undergoing a fundamental technological transformation as ageing and increasingly unreliable coal-fired generators exit the market. Those generators are being replaced by cheaper renewable energy. To enable a smooth transition from old technology to new we must introduce measures to ensure that the lights stay on. The primary measures are those that support new renewable capacity to come online in time for the closure of the coal-fired generators. In Victoria those measures include strong renewable energy targets and programs such as our Victorian renewable energy target auctions, our $1.3 billion Solar Homes program and the $540 million Renewable Energy Zone Fund.

Smaller measures that ensure that the right rules are in place to improve reliability are also important. One such measure is the retailer reliability obligation, or RRO. The RRO works by ensuring that electricity retailers and large energy users have enough capacity contracted to meet the forecast demand. The Australian Energy Market Operator, AEMO, publishes a long-term reliability outlook in its annual electricity statement of opportunities – the ESOO. The ESOO forecasts electricity reliability in the national electricity market over a 10-year period, identifying any reliability gaps. This provides a signal to investors and policymakers to bring on new capacity to meet the gap ahead of time. If a reliability gap remains three years and three months out, AEMO or state and territory energy ministers can trigger the RRO. It acts as an additional insurance policy by ensuring that the amount of contracted power generation equals the forecast demand well ahead of time.

The RRO was introduced at the national level in 2019, with the ability to trigger the mechanism initially vested with AEMO. In 2022 the trigger was extended to state and territory energy ministers. The ability of the Victorian energy minister to trigger the RRO already exists in national legislation. This bill adds additional decision-making criteria and consultation safeguards to Victorian legislation to provide assurance to energy users and market participants that a decision to trigger the RRO is justified. Before triggering the RRO the minister will consult with AEMO, the Australian Energy Regulator, the Premier and the Treasurer to ensure that the most relevant and up-to-date data is being used. Once the RRO has been triggered, a statement of reasons will be published outlining the reasons for the decision. The RRO is a just-in-case measure that will be used only when the market does not automatically respond to a forecast reliability gap.

We already know that the best way to improve reliability is to bring renewable capacity into the market, and our government's energy agenda has been hugely successful in doing just that. Our ambitious renewable energy targets are the foundation of that agenda, setting a clear direction for investors to follow. We have set a target of 65 per cent renewable electricity generation in Victoria by 2030 and 95 per cent by 2035, and when we set a target, we hit it. We smashed our 2020 renewable energy target of 25 per cent, and we have increased our 2030 target from 50 per cent to 65 per cent. We have supported the targets with policies that promote the deployment of new renewable energy

capacity. Our first Victorian renewable energy target auction was the largest of its type in Australia when it was launched and supported five projects totalling 800 megawatts of new capacity. Our second auction will bring forward 623 megawatts of new renewable generation capacity and deliver up to 365 megawatts of new battery energy storage.

Our $1.3 billion Solar Homes program is delivering renewables at the household level. We have already helped over 200,000 households access rooftop solar, and as I pointed out, in my electorate that has been taken up by many, many families who are reaping the benefits of that. It is really important that we continue these significant programs. I think the introduction of the SEC was met very strongly by my community as the only way to go. They were very excited about those opportunities. I commend the bill to the house.

Cindy McLEISH (Eildon) (15:35): The Energy Legislation Amendment Bill 2023 before us sets a couple of noble goals, I would say. The government says it is part of their commitment to manage the transition of the energy sector to achieve net zero emissions by 2045 and at the same time have a reliable supply of energy for Victorians. I think a cleaner environment is something that everybody would want. Reducing pollutants, toxins and emissions is something that will do us, our children and the planet the world of good. The purposes of the bill here, though, are around the reliability of energy. We know that there has been a lot of energy supply and there have been a lot of instances where that supply has not been reliable, and I think that is still going to be the case as we go forward, because lots of things do happen that you cannot predict. I will outline a couple of things that have happened that you could not have predicted, regardless of what the government might like to say.

A bit of background here – what is fairly crucial is the retailer reliability obligation. That was something that commenced first of all in 2019, in the middle of the year, and it supports a reliable energy system by requiring the energy retailers and some of the larger users to hold contracts or invest directly in generation or demand response to support reliability in the national electricity market. If you have a look at the movements of power through the state, there is a lot of trading and there is a lot of movement. I certainly know that going through my electorate are the key transmission lines between Melbourne and Sydney, and that is getting a little bit of attention at the moment.

The national electricity market is having a bit of a transition because there is a lot of technological change going on, and that is something that will continue to happen. Where we are now is going to be somewhere quite different to where we will be in 2045, in another 20 or so years. Things have been really moving on in leaps and bounds, and it is important that the governments across the country are mindful of what is happening and what might happen, to be prepared and make sure that we plan and set up for different changes. We have certainly got a lot of renewables coming into the market. Despite that, prices are still going up. This is one thing that I think the government is forgetting – that they talk the talk, but at the same time the prices are continuing to go up, not come down. A lot of people at the last election were expecting that their bills were going to come down and have found actually that is one other element of the cost of living that is really biting, and biting hard.

This bill, with the RRO, the retailer reliability obligation, will introduce Victoria-specific decision-making criteria and consultation safeguards to be used in the event that the minister needs to trigger the RRO in response to an emerging risk of significant electricity disruption. So there will be a risk of disruption. Sometimes we have planned outages and a lot of times we have unplanned outages. The decision to trigger the RRO will be made in consultation with the Australian Energy Regulator, the Australian Energy Market Operator as well as the Treasurer and the Premier. So there are quite a number of people that would be across this when it needs to happen. Now, the shadow minister, the member for Croydon, consulted quite widely with this, engaging with many stakeholders – the energy networks across Australia, the Clean Energy Council, consumers, the Energy Grid Alliance, AGL and Origin – as I said, a lot of the big companies in this field – to get their understanding. It is something that we are not going to be opposing.

I want to talk about some of the issues with reliability of supply, because we know what happened in South Australia in 2016 in September: they had a massive statewide blackout. It is pretty disturbing when everything is out. How do you fix that all at once? They had across the transmission network cascading failures, and it really was something that they did not predict and had to try and get on top of. So these sorts of things do happen. I see it in my electorate all the time; we have planned and unplanned outages. People show me their phones where they have the text messages about the number of planned outages. What really irks people is when they are notified of the planned outages and businesses make arrangements to either close for the morning or to put staff off, and then they go in there and turn the lights on at 7 o'clock and they stay on, and they have already made alternative arrangements. It is very frustrating. It is so important that if the communications say it is going to be a planned outage, it is a planned outage. Of course we have the unplanned outages, which sometimes can be a couple of hours. Depending on what has happened – it might be a trip, a branch over a line – it might be easily fixed, or it could be days or even months. It is very difficult when we have the big outages, say like Black Saturday or the storms in the Yarra Ranges a few years ago. It made a huge impact on people's lives when they saw not just powerlines down but the power poles snapped in half and knew that it was going to be an outage for a significant period of time.

One of the things I like as we transition to renewables is the inclusion of gas in this, and particularly an energy mix. There have been times when the power was out, and if people had gas, they could still cook at home. Or vice versa: if they had gas hot water and the gas was off, they might have been able to boil kettles and things like that through power. So having a mix I think actually is not a bad thing, and I am quite concerned that the government really is moving away from gas, because conventional gas exploration has held us in good stead for well over 100 years. When we are drilling wells and the gas comes out – it is either pumped out or pressure – that is something that is very different from fracking. Fracking is where you have got the cracks in the rock and you put high pressure in there, whether you are injecting water, chemicals or sand, and that can open up those cracks. Fracking is banned here, and everybody is good with that. Conventional gas exploration has kind of been blurred a little bit, and I think there is very much a role as we transition for conventional gas exploration in Victoria. It will help really secure our supply.

A number of government members have talked about, gloated about, the SEC, and there are a lot of issues with that. First of all, when Joan Kirner began selling off the SEC way back when, she was selling it off because it had a debt of $8 billion. A government cannot bail out an agency with an $8 billion debt. I am really hoping things turn around, because at the moment we have such little information. In June we had reports that the SEC's chief executive Chris Miller had warned that power prices were going to continue to rise significantly. This is deeply concerning.

Despite the government at the last election talking it up, we do not know about the first project. Nothing has been confirmed. When will additional information enter the grid? Is it going to be a public–private partnership? A lot of people in my area have asked that question as different renewable projects come onboard. If it is going to go through people's properties, what are the rights of acquisition? A private company does not have any, but if they are in PPP with the government, perhaps they do. These are things that are quite concerning to people in my electorate. Mr Miller also told the Australian Energy Week conference that getting to 95 per cent renewables in Victoria will require a large uptick in bill rates. What does that mean? Prices are going up. The minister said this is not right, but she was still unable to offer any answers, so I think we still have quite a way to go in this field.

What I want to mention briefly is also the Scrutiny of Acts and Regulations Committee report, which was tabled yesterday, and in particular the Henry VIII clauses. This is a provision in a bill or an act that permits subordinate legislation to amend an act and that may constitute an inappropriate delegation of power. So what SARC have noted is that:

> … **the Bill makes amendments to Victoria's wholesale gas market which forms part of a national scheme of legislation. The Committee notes the significant penalties which may be imposed under section 3A of the South Australian Act.**

As a result, the committee is going to write to the minister:

> … **to seek additional information in relation to the imposition of penalties and other matters which may be prescribed by regulations and the intersection and operation with new sections 70 and 71 of the National Gas (Victoria) Law and section 3A of the South Australian Act.**

For reference, that is from pages 4 and 5 of the SARC *Alert Digest* that was tabled yesterday. The committee is seeking additional information in relation to the disallowance process for regulations. The opposition is not opposing this bill, but I think there are still a number of questions that the government needs to be looking at quite carefully.

Jordan CRUGNALE (Bass) (15:45): I rise to speak on the Energy Legislation Amendment Bill 2023, which is an omnibus bill. As we have heard in the chamber so far, it will strengthen the electricity and gas regulatory framework that applies in Victoria by amending a number of acts, including the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008. The changes will enhance the protection afforded to energy consumers and give more certainty to market participants. We are certainly very committed to managing the transition of the energy sector to achieve net zero emissions by 2045 while ensuring the reliable supply of energy to Victorian consumers.

As I have mentioned, the bill does make a number of amendments. These reforms are necessary as they will incorporate the requirements which will guide the Minister for Energy and Resources when deciding to make a T-3 reliability instrument under section 14JA of the National Electricity Law to trigger the retailer reliability obligation, the RRO ministerial trigger. That is amendment 1. I take this opportunity to thank the minister for her work and that of her office and department.

The bill will also amend the National Gas (Victoria) Act 2008 to enable the making of regulations to prescribe high civil penalty amounts for breaches of Victoria-specific provisions of the national gas rules. The bill will correct outdated references to the Essential Services Commission gas distribution system code as well. As I have mentioned, the bill delivers these three amendments, which will result in improvements to the national electricity act and the gas act.

I might have to start talking about renewables, as some of my colleagues have. We are leading the nation in our transition to renewables. We have done so much already in eight years. In fact we have tripled the share of renewables in power generation. We have helped nearly a quarter of a million Victorian households install solar panels on their roofs, reducing bills and giving them control over their energy. We held the Victorian renewable target auction – the country's largest reverse auction for renewables – and we have installed the Victorian Big Battery, which we have heard about also in the chamber during this debate. It is the largest in the Southern Hemisphere and made Victoria the home of big batteries. Through these actions we have reduced greenhouse gas emissions by more than any other state in Australia since 2014, and we have really only just begun. Having comfortably surpassed the 2020 renewable energy target of 20 per cent, we increased our 2030 renewable energy target from 50 per cent to 65 per cent and we have set a target for 2035 of 95 per cent. This target will be backed by separate targets for offshore wind and energy storage.

I thought I would also talk about a neighbourhood battery, because everything sort of feeds into this, both electricity and gas and our renewables commitment to our state and the nation. It was great on 5 June to say hello to the Phillip Island community energy storage system, our neighbourhood battery. I was joined by the minister to open it. We were amongst some very active local community organisations like Totally Renewable Phillip Island, the Energy Innovation Co-operative and Gippsland Community Power Hub. The PICESS, as it is known, replaces seasonal generators used to support peak demands, which we do have on Phillip Island, and helps address short-term imbalances. It all goes towards achieving our energy storage target. It soaks up the power, stores it and dispatches it when needed. This was a $10.92 million neighbourhood battery initiative, which has supported trials from feasibility to implementation. There is always more, and in an election commitment of 100 more neighbourhood batteries I was very pleased to hear that we will have one each for Bass Coast, Casey and Cardinia shires, which will triple the number of homes with access to a battery, provide crucial

extra storage capacity for our communities, drive down power bills and obviously pave the way to getting to our world-leading targets as well.

Our Solar Homes program, as mentioned, has 200,000 installed already. It will power our state with cleaner, cheaper renewable electricity, and our plan will support 59,000 Victorian jobs, because we are all about doing what matters, and community is at the heart of our initiatives, programs, policies and platforms. We are in a renewable energy revolution, and our Andrews Labor government is helping to bring more distributed energy and storage to communities.

It was great mid last year also to be down in Corinella, where we officially celebrated the big install at the Corinella & District Community Centre at their weekly community lunch. We said hello there as well to a big solar power system and battery, which again reduces emissions, saves on their power bills and provides grid independence and resilience during power outages. This was in partnership with the local council and the centre, who met us halfway, funded from our $3.1 million community climate change and energy action program round, which supports our communities to transition to a net zero carbon economy. It was great to be there with the manager, the president, the board and a whole heap of people. We have also installed on the Coronet Bay community hall and at Venus Bay, which is out of my electorate, at the Venus Bay Community Centre –

Danny O'Brien: It's in a good electorate.

Jordan CRUGNALE: I know – and at the Bass Coast Adult Education Centre. It is a great town, Venus Bay. I can see it from where I live.

In June it was great to be at the Bass Coast Children's Centre, where the kids, parents and teachers were absolutely overjoyed at how solar panels have slashed their energy bills thanks to a solar power system supported by grant funding from Sustainability Victoria under the community climate change and energy action program – a very long name – and the centre and Bass Coast shire as well. So it is about these partnerships that we have with local organisations and councils. Their latest electricity bills reveal an outstanding 54 per cent decrease in usage compared to the same time last year, and it is all expected to be paid back within 18 months after electricity bill savings are accounted for. That is huge.

We have also got a very bright future, particularly with Morwell-based Solar Victoria's work, to provide better access to renewable energy for households all over the state. I am a huge fan of solar and wind, and it is great that, alongside my upper house MP in the other place Harriet Shing, we are continuing to champion projects for Gippsland that will deliver jobs, energy and reliability using the new technologies that are continuing to evolve at lightning speed. Of course offshore wind is in the mix, and again it was only earlier this year that I was thrilled to join with our energy minister for a significant milestone down at Star of the South project as they launched their specialist research geotech vessel.

Danny O'Brien: Also in a good electorate.

Jordan CRUGNALE: That is right. We do a lot of work right across the state. This is big, transformational and nation leading, and it is offshore wind energy, and it started right there in Gippsland. We go beyond.

A member interjected.

Jordan CRUGNALE: That is right. This is a whole new industry that is already attracting lots of local and global investment and interest. We are talking a massive transformation of the entire energy sector and a transition to a clean economy, which will help us reach our targets: creating a healthy environment by slashing our emissions and lowering our power bills – and it is great for jobs too. Some of the jobs are quite remarkable, actually, and I am trying to get my kids into trades now that they are in high school. There are huge opportunities for our local training organisations such as Gippsland TAFE and Fed Uni, and having a clean energy curriculum in our schools means we will be creating these pathways early and skilling up our kids for good, secure and intergenerational jobs.

Then there is the whole supply chain and also the opportunities created by energy being produced – anything from manufacturing to food and fibre production – so the opportunities abound.

I have not had a chance to speak on the SEC of course, but other colleagues have.

Danny O'Brien: You should talk about Gippsland South too.

Jordan CRUGNALE: It is the whole of Gippsland, and we work right across electoral boundaries for the benefit of our whole community. I do not know if I could stretch that out for 21 seconds. This bill, as I have mentioned, is designed to strengthen the electricity and gas framework that applies in Victoria by amending the various acts that I have mentioned. I totally commend this bill to the house.

Jade BENHAM (Mildura) (15:55): I am happy to rise today to speak on the Energy Legislation Amendment Bill 2023, and what a week to do so. As we know, this bill amends the National Electricity (Victoria) Act 2005 to strengthen the retailer reliability obligation, the RRO, which we have heard a lot about today. The framework established under the National Electricity Law was recently amended to enable jurisdictional energy ministers to trigger the RRO. The decision to trigger the RRO will be made in consultation with the Australian Energy Regulator, the Australian Energy Market Operator, or AEMO, as well as the Treasurer and the Premier.

AEMO have been top of mind in my electorate for quite some time now. A great number of western Victoria's food producers were out the front yesterday expressing their concern about the lack of consultation that they have had over the Victoria to New South Wales Interconnector West (VNI West) project being rolled out by AEMO. That is what happens when food producers are ignored. It is human nature to want to protect your patch, and these food producers yesterday left their crops. Some spud farmers are in the middle of harvest, and it is not easy to just up and leave your farm in the middle of harvest as those down in Gippsland did. There are some great spuds grown in Gippsland. My next-door neighbours grow spuds for Smith's.

It is not easy to do that, but they are a passionate and committed bunch and they brought 22 trucks carrying 45 tractors here yesterday. They should be congratulated on their conviction and their dedication to this cause. The federal Leader of the Nationals David Littleproud made the trip; we thank him for his support on this issue. My friend and colleague Anne Webster, the federal member for Mallee, also made the trip. All they are asking for from the government and from AEMO is consultation and not to be ignored. It is actually not that hard. They are also asking for a serious look at the solution that has been presented. They recognise that there is a problem – they know there is a problem – they have a solution on the table, and that is plan B. Also, let me just state that no-one involved in the rally is against renewables. In fact they have brought a lot of good things to a lot of our communities with the investment in solar farms, wind farms et cetera. We just want some common sense on this issue, and we are just asking for a look at the plan B that Professor Bruce Mountain, Professor Simon Bartlett and Darren Edwards have presented.

It is a far more elegant solution which presents tangible results in power bill savings if we use existing infrastructure that is already there, and it already needs upgrading anyway – the lines are brittle. It can be done in a far more elegant way. We know if we make food production tougher, prices go up. We are in a cost-of-living crisis. The last thing we need is for our food and grocery bills to go higher, much less our power bills. We need to not ignore our food producers to help out with that cost of living. This would be a great way for the government to illustrate that they want to contribute to solving that cost-of-living crisis in the way of food production.

What that report, plan B, says is that AEMO's modelling of VNI West shows that wind farms in western Victoria will lose about 40 per cent of their energy production, and solar farms up in my patch in particular are much the same, because the transmission system in the AEMO plan would not be able to accommodate the energy that these farms produce, and they produce a lot. Plan B can. By national and global standards of the variable renewable generation curtailment it is a really extremely poor outcome. Plan B can save energy customers all over Victoria because it will cost approximately

$5 billion less. Wouldn't you just start there? Everyone in this room needs food producers every single day, and they just want the respect that they deserve. They want to be heard and –

The SPEAKER: Order! The time has come for me to interrupt business for the matter of public importance. The member for Mildura will have the call when the matter is next before the Chair.

Business interrupted under sessional orders.

Matters of public importance

Housing crisis

The SPEAKER (16:01): I have accepted a statement from the member for Bundoora proposing the following matter of public importance for discussion:

> That this house notes the action the Andrews Labor government is taking in response to the national housing crisis, including:
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> (1) the $5.3 billion Big Housing Build;
>
> (2) the $1 billion Regional Housing Fund;
>
> (3) the affordable housing rental scheme;
>
> (4) investments in critical homelessness services; and
>
> (5) working with the Commonwealth government to deliver more housing for Victorians.

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (16:01): It is a privilege to be able to lodge this matter of public importance today for debate in this house and to be able to listen to the contributions of members on both sides of the house. But I am particularly looking forward to hearing my colleagues on the government benches contribute to this after the last MPI, which was on a housing motion put forward by the Greens, who are not in the house at the moment in this discussion of housing issues. Members of the government spoke very passionately about their support for social housing. The Greens will roll in at some point and show some interest in housing issues more generally, I am sure.

At the outset, I want to indicate that our government acknowledges the housing pressures right across the country and indeed here in Victoria. Every member of Parliament understands the significant pressures that people are under. Whether they are paying off a mortgage – we have seen interest rates go up, and the average mortgage in Victoria is around $600,000. If you put that into a home loan calculator, it spits out just under $3700 in monthly payments, so that is a significant whack for household budgets on average. Of course many people will be paying more than that. Rents are up. We know that rents in Melbourne are well up over $500 a week, and in regional Victoria just under $500 a week – in the high 400s. That is a significant impact in terms of rentals as well. Vacancy rates are extremely low – under 1 per cent in Melbourne and around the 2 per cent mark in regional Victoria. So these are really difficult times for people trying to get into the market, whether it be to purchase a home, to pay off a home, to get into the rental market or to continue renting with rents going up.

That means that people move on to the social housing waitlist, and we have got around 67,000 people on the March figures in terms of people who are on our general housing waitlist. That translates to about 37,000 people on our priority waitlist. These are the people who are most in need of housing. For those new priority applications, if you exclude transfer applications – people already in priority applications – that previous figure was just over 31,000. I have indicated to the house before that the June figures will show a slight drop in the housing waitlist figures, but that is in no way an indication that we think that that will be a long-term trend at this point in time. We know that there is significant pressure on the social housing sector and that more people will need support with social housing as we go forward.

The end result of pressure on the housing system like that, unfortunately, is that we see more pressure further down the housing continuum, in the homelessness sector, and the desperate impact that has on so many people's lives. We know that this is a serious challenge, and that is why we are spending

around $300 million every year to support 130 organisations across the state who provide homelessness services to people who really need it. Since 2020 we have invested $167 million to support the Housing First approach, From Homelessness to a Home, and $66 million for Homes for Families. That means we have supported directly, with housing and support wrapped around people, 1900 adults and around 700 children. That is an Australian first, as a program of its scale, and one that we are absolutely committed to continuing to support.

The most recent budget included $134 million to increase access to housing and homelessness services over the next four years. $67.6 million will be provided over four years to continue delivering that Housing First response and, importantly, to provide some multidisciplinary supported accommodation housing facilities for people who cannot support themselves in their own tenancy or in social housing and need some support to maintain that tenancy. We know that there are many people on our housing waitlists who have more complex needs, and it is important to be able to support them with these sorts of facilities. They will be at Seddon and Make Room in the Melbourne CBD – and I want to acknowledge the great work of the Melbourne City Council. The Lord Mayor there is a passionate supporter of the work that is being done in homelessness and is partnering with government to provide solutions to homelessness in the Melbourne CBD. Also they will be in St Kilda and at two regional facilities that we will determine as well – importantly, in regional Victoria.

There will be $40.5 million provided across four years to continue programs for people who are experiencing homelessness or are at risk of homelessness. There is the H3 Alliance to address homelessness in the expanding Wyndham growth corridor by increasing access to housing supply, outreach services and transitional, legal and health support services; the Corrections Victoria housing pathways initiative, which provides housing pathways for people exiting prison so that they do not fall into homelessness, increasing their risk of reoffending; and the congregate crisis supported accommodation program – this is about onsite delivery of essential health and addiction services at congregate crisis accommodation facilities at Ozanam House, at Southbank and at the Open Door.

I just want to give a shout-out to the people who work in our homelessness sector. I think many members of Parliament will have at various times engaged with people in their electorate who work in the homelessness sector, and they are fantastic people, committed to helping some of the most vulnerable people in our community. I know that the member for Footscray is a strong supporter of the McAuley and the work they do in the western suburbs and the west of Victoria. There is the Carolyn Chisholm Society and the four congregate housing facilities of McAuley House. There is Ballarat, Marrageil Baggarrook, Audrey Rainsford and also Viv's Place, which I had the pleasure of visiting last week with the member for Dandenong – a great facility in terms of supporting women and children fleeing family violence.

Of course there are youth-specific homelessness support services delivered through really exciting initiatives like Village 21 at Preston, which is managed by Anglicare – they do great work in supporting kids coming out of out-of-home care; Holmesglen's Education First Youth Foyer; the Kids Under Cover studio program; and the Homeless Youth Dual Diagnosis Initiative program. I just want to give a shout-out at this point in time also to the work that is being done with the Salvation Army's Magpie Nest Housing program – a great crew there with Brendan Nottle and a range of other people that are involved. There is the Hope Street first response youth service; Frankston Zero – I know the member for Frankston is a big supporter of that program; the great work that is undertaken down at the Sacred Heart Mission; and the Outpost in Geelong, which the member for Geelong has spoken to me about. These all come together to work to support people experiencing homelessness.

But of course while the answer to homelessness is around supports for those people, it is also about providing more homes. We know we need to provide a lot more social housing stock so that people who are experiencing homelessness or are at risk of homelessness have got a home to move into. That is exactly what we are delivering under the Big Housing Build and it is why the matter that I have put in front of the house, the matter of public importance, talks about the Big Housing Build. $5.3 billion is a lot of money, and we are investing that money right across the state to deliver more than

12,000 social and affordable homes right across Victoria. There is $1.25 billion being spent in regional Victoria to make sure that that money is spread right across the state. We know that it needs to be delivered through a range of different delivery channels. At the moment we are delivering small-scale developments on former social housing land and public housing land that is owned by Homes Victoria. We are delivering projects on other government department sites – larger projects; partnering with the community housing sector; investing directly in public housing; and maintaining our public housing properties through the great work of the people who work in our housing offices and in our maintenance teams. So there are a range of different ways we are delivering the Big Housing Build to the Victorians who rely on social housing and will rely on the investment that we are putting in.

It is important to recognise that with that investment across the state that I talked about we guaranteed certain areas where there would be a minimum investment, and in many areas we are already exceeding that. For example, in Ballarat the minimum investment guarantee as part of the Big Housing Build was $80 million and we have already invested $119 million in developing more homes in Ballarat. In Baw Baw the investment minimum guarantee was $35 million and we are already investing $39 million. In Bendigo – Speaker, I know you are passionate about housing in Bendigo; we met about that just the other day – $85 million was the guarantee and we have already invested $110 million in Greater Bendigo. In Greater Geelong there was a minimum investment guarantee of $180 million and we are already up to $191 million. The list goes on. Horsham was $15 million and we are investing $23 million. Latrobe was $60 million and we are investing $66 million. Moorabool was $20 million and we are investing $22 million. Swan Hill was $15 million and we are investing $34 million. Wangaratta was $20 million and we are investing $57 million. Warrnambool, Wodonga – the list goes on. We are making important investments in social housing right across the state.

In metropolitan Melbourne, in Merri-bek we have got 765 dwellings underway with 103 completed already; in Wyndham, 192 underway and 144 completed already; Brimbank, 202 underway, 77 already completed; Whittlesea – part of my electorate – 76 underway, 244 completed already; the City of Melbourne, 621 underway, 1142 already completed. Again, the list goes right through. The City of Banyule, which again I should give a shout-out to – it is in my area – has 255 dwellings underway with 75 completed. That gives you an indication that whilst there are already homes coming on line through the Big Housing Build, in a short period of time you will have many more homes starting to open their doors to people who desperately need them. We have seen already that total social housing dwelling stock in Victoria is going to be up by 3000 this year from 2020, and that will continue to grow as we pump out more housing into the social housing sector.

It was disappointing last sitting week to have an MPI, as I mentioned at the time, put forward by the Greens which did not talk about more options for delivering social housing or positive pathways forward for working together to deliver social housing but actually told us we should not be delivering social housing through the ground lease model. The ground lease model is a fantastic way of delivering more social housing but also delivering mixed use on a site and making best use of sites so you are building more social housing and building better social housing in so many areas across Melbourne. Our first ground lease model includes sites at Brighton, Prahran and Flemington, and that is going to deliver a total of about 1100 new dwellings, 619 of which will be social housing. We are in the middle of a commercial process for ground lease model 2, so I will not go into details on that. But it will deliver around about 1400 dwellings and at least a 10 per cent uplift in terms of the number of social housing dwellings that we are providing there. They are sites at South Yarra, Prahran, Hampton East and Port Melbourne.

In terms of the ground lease model 1 and the project that I mentioned before, I was out yesterday with the Prime Minister and the Premier at Bangs Street, Prahran, where we are delivering 228 social housing dwellings as part of 445 dwellings in total at that site where there were 120 old run-down walk-ups. I still cannot really fathom how the Greens can oppose that project, in the heart of an electorate that is represented by the Greens, when there will be people who will return to that housing who used to live in the old walk-ups and people will come off our social housing waitlist and get those

great, comfortable, modern, energy-efficient homes for the first time. You have to go and have a look at this housing and understand the quality with which it is built and how much of it is being built to understand the importance of it. I think the Greens have really disgraced themselves by their opposition to the ground lease model.

Paul Edbrooke interjected.

Colin BROOKS: Yes, I cannot believe, member for Frankston, they are not in the chamber to be part of this debate. On top of the $5.3 billion Big Housing Build we have the $1 billion Regional Housing Fund that the Premier has announced. This is a further wave of investment in social and affordable housing throughout regional Victoria on top of the $1.25 billion that I mentioned before. I have been out meeting with stakeholders in regional Victoria over the last few weeks, talking to people and listening to what those housing needs are.

We have also got an affordable housing rental scheme, which is a great scheme to cap rents on new accommodation for people who do not fall into the category for social housing but have low incomes and might need to live near where they work – for example, in the inner city or in regional towns. We have got a scheme that provides for, in metropolitan Melbourne, for example, a cap of 30 per cent of the median income or 10 per cent below market rental, providing affordable rentals for people who need them. We have committed to delivering 2400 homes under the affordable housing rental scheme.

Of course it is important for us to work with the Commonwealth, and we are watching the results of national cabinet today. It was great to see previously the $496.5 million accelerator funding that was provided to Victoria by the Commonwealth. It has been quite sad to see the politics that have been played with social housing at the federal level, where in the Senate we have a housing package that has stalled because the Liberals and the Nationals and the Greens have teamed up to block that housing funding coming through to Victoria. So again I repeat my call to members opposite, who do genuinely raise issues with me around housing in their areas: if you want to raise those issues, you really need to be standing up for your communities, for the Victorian community, and supporting that housing funding getting through the federal Senate. Talk to your federal colleagues and say, 'Enough of the politics; just pass that funding through the Senate', so that people in our communities can have access to that extra funding and we can put that extra funding to good use in terms of building more social and affordable housing for Victorians.

Richard RIORDAN (Polwarth) (16:16): It is good to see for the last two weeks the matter of public importance session being dominated by the issues around available, affordable and accessible housing for all Victorians. It is indeed a very important topic. Essentially I think it would be the belief and view of most people in a humane and civil society that the very least government can do is its utmost to ensure everyone has somewhere safe to live and has a place they can call home. We certainly saw in the last sitting week those that work at the coalface in the vital community services that are providing public housing, social housing and urgent and crisis housing come to Parliament, and they left us a very clear message: there simply is not enough housing – public housing, urgent housing or crisis housing – available in the state of Victoria.

It is somewhat disturbing that the government has again put forward to this Parliament a big set of numbers, a broad picture of what they are doing, without the necessary detail for us to properly judge what they have achieved, what they are actually doing and what the outcomes are to address the crisis. The crisis we are talking about was again laid bare in the latest figures that the government has allowed to be produced. I say 'allowed to be produced' because the waiting list of people wanting to get a home urgently is now again running months behind schedule for publication. We are now almost ready for another set of figures, and we have not got the ones from the previous month. We went most of last year without updated figures, and it looks like the government will continue to do that again this year. In order to frame the debate, the minister did not really touch on his waiting list. He indicated that he thought it might be going to go down, and I thought to myself, 'Well, if he'd actually published the

set of figures that he has a moral obligation to publish each quarter, then he'd actually know what the answer was.' Unfortunately he has not done that.

To be very clear on the record, as of 30 March this year 37,079 families were on the urgent priority list. That is 37,079 families, approximately 30,000 more families than were on the list when this government came to power back in 2014. That is a one-way trajectory for those waiting for public housing – 37,079 families. This government, which claims to have public housing as a priority, as a core part of what it wants to deliver, cannot keep Victorians up to date with that figure. That is a figure they actually have in their offices available to them on a daily basis, yet they refuse to declare it and make it available to the community. That is a real worry. It is 37,079 families that are sleeping in cars, sleeping in motels, sleeping in caravans, couch surfing or sleeping under lampposts in their cars to be safe. There are a further 30,906 families – that is an increase just in the last year of some 3000 families – who are living in inadequate housing. That is families who perhaps have three children and only one bedroom; they need some better access. That could be a disability family. That could be someone who is on the third floor, up flights of stairs, and cannot access easily where they live, bathroom facilities or kitchen facilities and so on. So this is a desperate picture, and the overall aggregate, from only March last year – a horrendous figure of 64,304 families who are poorly catered for in this state – has now gone to 67,985.

The reason this figure is so terrible is because last Sunday, a week ago, the Premier and the Minister for Housing stood up and continued to push out to the media and anyone who would listen that they are building 12,000 new homes and have got the $5.3 billion investment. Yet after three years of this investment the waiting list of desperate, needy Victorians continues to go in only one direction, and that is upwards. Worst of all this government refuses to reveal to Victorians on an accurate day-by-day basis what that list is. I can tell you that anyone dealing with a crisis does not wait for information that comes two, three, four, five, six months late. If you are going to take a housing crisis seriously, those figures should be front and centre to this Parliament. We all need to have an eye to where this crisis is heading and whether we are making a difference with the enormous sums of money being expended.

That leads me to the next element of a government that talks big but is acting poorly, is acting inefficiently and is acting unproductively. The next figure of course is how many public and social houses we actually have available in the state of Victoria to help ease this ballooning problem. Well, it frustrates me beyond belief, I know it frustrates the sector and I know it frustrates those who are waiting months and years on the waiting list: this government has not produced a publicly available list of its housing stock assets for more than two years. Here in the midst of a crisis, one of the biggest, most disappointing trends that this government has overseen, apart from all its debt and deficit problems, is a housing crisis – a housing crisis that it is so incapable of dealing with that it cannot even publish what homes it owns. For many, many years at the end of the financial year the government would provide a clear breakdown of what properties it owned – what categories, how many bedrooms. That list was completely missed from last year's Department of Families, Fairness and Housing annual report, and this was described this year in a Public Accounts and Estimates Committee hearing as an oversight. How you accidentally leave the single biggest asset the state owns out of your reporting I cannot fathom, but nonetheless this government's financial recklessness is laid bare on a daily basis. To think that lives and one of the most valuable assets that the state has, the asset that will help give people safety and security, are so poorly treated.

So what of that massive community asset? Well, when the government felt so inclined to provide to the Victorian public an asset list back in 2020 – June 2020 was the last time this government were prepared to tell Victorians how many homes they owned – there were some 85,969 properties. If the Premier and the minister are to be believed about the Big Housing Build of 12,000 – you would think, when you were over halfway through the big building process of 12,000 homes, a fair-minded person might estimate you had completed 4000, 5000, 6000 homes. You might be somewhere near that. Well, the only stocktake that has been made available through the budget figures, the only figure that the public has to work with, is a net gain of 74 homes. Seventy-four homes – $5.3 billion and big talk of

12,000, but a net gain of 74. What does that mean? That means that this government has managed to organise its demolitions. It has managed to organise its sell-offs. It has managed to organise its wheeling and dealing. But in that they have forgotten about the people they are supposed to be helping with public housing. This Big Housing Build is not so much a big housing build but a big housing farce, and the people that are hurting most are the Victorians that this government claims to want to look after and support. Quite frankly, when we look at the history of this government in managing public housing, there are no milestones it can point to that are successful.

I refer specifically to the press release put out only two Sundays ago by the Premier and the Minister for Housing. They were out in Prahran trumpeting the completion of another building. What concerns me is both the Premier and the minister fundamentally do not understand that their responsibility is to grow the housing stock. In a housing crisis with a ballooning population and more demand, you have got to actually provide more houses, not maintain, repair and update existing houses. That is an important task too, but most Victorians would just assume that a responsible government would be maintaining existing stock and growing it at the same time.

I refer to a press release of 15 August 2023. Interestingly it is about the Bangs Street project, and I might remind the minister that he is certainly banging on about it a lot. As does the Labor government, he again repeats his claim of $5.3 billion. I must say that even that figure jumps around a little bit. We have had the former housing minister, in front of the Public Accounts and Estimates Committee, refer to $5.6 billion. But let us assume it is $5.3 billion. He says that more than 7600 homes have been completed or are underway. I guess halfway through a $5.3 billion build where you say you are going to do 12,000 homes, 7600 probably sounds about the right figure. However, the press release then goes on to say that more than 2800 households have either moved or are getting ready to move. So we can make an assumption, then, if we are being very generous to the government, that there are somewhere between 2500 completed homes and 2800. My gut feeling is it is probably somewhere below 2000, but I am going to be generous for the sake of the argument. At that rate either there are 4000-odd homes completed and sitting empty or 4000 other homes still on drawing boards, still in planning and still being thought about, or this government has just lost control of its big build-ing.

Sadly for Victoria, I fear it is the latter. I fear they have lost control of the building, just like they lost control of the Commonwealth Games, they lost control of the airport rail link, they lost control of the West Gate Tunnel and they lost control of fast rail to Geelong. They have lost control of every project that they have put their mind to. All these projects are overdue, they are all late, they are all over budget, and sadly, the most vulnerable in Victoria are going to be left with a Big Housing Build that is big in name only – it is big on promises but it is enormous in underdelivering, it is enormous in being over budget and it is enormous in disappointing people who are waiting.

In the couple of minutes I have left, here is the one area that really is devastating for so many Victorians. Since May, only a few months ago, in the midst of its Big Housing Build, this is the ambition the government had for its own ability to deliver: it had a target of 10.5 months for people on the priority waiting list. There is a whole separate category for those escaping domestic violence – once again, a key priority, allegedly, of this government. They set an ambition of 10.5 months to house families escaping domestic violence. Under their own reporting, under their own budget papers, they have actually got an expected wait time of some 20.2 months. So double the waiting time is what this government expects for people suffering homelessness and despair – at the heart of domestic violence. They expect them to be waiting 20.2 months. That is nearly two years in a cheap motel. That is two years in a caravan, it is two years in a car, it is two years in substandard accommodation because this government cannot manage one of the most precious resources that the state and this Parliament control.

I also refer to public housing for those clients who have received priority access and an allocation as a priority transfer. When you get that phone call in Victoria as someone who has been waiting literally months and years for somewhere to call home, the government budgets that you will still be waiting 10 months before you can move into that house. The budget office has declared that it is not going to be 10½ months, it is going to be 16½ months. You can expect to wait 16½ months after you get the

phone call to say, 'We're going to have somewhere for you to live.' The best part of a year and a half will be spent waiting by the most desperate and the most needy.

This Big Housing Build is not something that this government should be proud of. It highlights the ongoing theme that is constantly rearing its head about this government: it is big on talk, it is big on promises and it is big on a vision, but it simply cannot deliver. It spends enormous amounts of money. It wastes it terribly. Until this government takes a step back, has a look at what it is supposed to be achieving with the money and puts its mind to presenting to the public and to the Parliament what it is actually doing and is accountable, then Victorians have little hope of a big housing future.

Nina TAYLOR (Albert Park) (16:31): I am very pleased to speak on the very important topic of housing. We know that there is huge demand across our state and in fact across the country. Forgive me for being cynical, but I do query the conviction of the member who has just spoken when the Liberal–Nationals and the Greens political party continue persistently to block the Commonwealth's Housing Australia Future Fund. You cannot have it both ways. You cannot wax lyrical and say 'We love social and affordable housing' and then block, block, block at the federal level, knowing full well that that housing fund could unlock so much more social and affordable housing for our country. I am sorry to say the last 10 minutes I have just been rolling my eyes internally because I was like, you cannot have it both ways. All I was hearing was talk, talk, talk and no actual solutions from the opposition, so thank you very much.

But getting onto the very important topic of delivering on sociable and affordable housing, which is what our government is all about, it is certainly an issue that is very close to our hearts. Furthermore, I was thinking about and reflecting on, as we speak on this critical topic, the nuanced elements and the evolution in the standards and what we expect of social and affordable housing in this day and age, because we know that accessibility is very, very important. We know that energy efficiency is very important. Why should those members of our community who are perhaps least able to afford heating and cooling have to endure, over and over and into the future, housing that is not very good when it comes to shielding against different types of weather? We know that they deserve a contemporary and comfortable build which not only is energy efficient but manages costs.

I was reflecting when the member who spoke before was talking about what is being delivered. Only recently I visited some social and affordable housing that has recently been unlocked in South Melbourne – 45 one-bedders and 5 two-bedders, an $18 million investment, working with Housing Choices Australia. I know that the Greens political party has huge problems and has done its best to demonise the community housing sector. I do not know why, because we know that they work closely with the most vulnerable in our community. They are not-for-profits, and they certainly know how to support the most vulnerable in our community. In any case, it is wonderful to see that. I have actually seen it with my own eyes.

While we are talking about the issue of nuance – and I will come further to this when we talk about the issue of the ground lease model – I was thinking about crisis accommodation. I cannot say where this is, because obviously we are protecting very, very vulnerable members of our community, women fleeing domestic violence. I will say it is in the southern region, so I will just be very broad about that. But we worked recently with a local community housing provider. What they have found is that not only is it important that those women fleeing domestic violence have their own safe space, as opposed to having to share with others – that is the nuance and these were the modifications that were made to apartments, and they are in, as I say, the southern region; I am being very broad because I need to protect those members – but also they need healing to actually feel they deserved to have housing and to believe that they deserve it. So we can see those important, nuanced and tailored supports, working often with the community housing sector, are all about helping people not only to get back into safe shelter but to stay in safe shelter and to believe they actually deserve to be supported and to live in an abode of that standard.

So I do take some offence, personally and I think against our government, when we get sledged left, right and centre. I mean, you would almost think that we were doing nothing if you listened to the opposition and to the Greens political party when it comes to our government's investments in social and affordable housing. And I can absolutely refute them. They are just put-downs. They are just sledges. That is all they are; they are empty sledges. They are just scaremongering, because I know I have, as have my colleagues here when we accompanied the current housing minister and also the previous housing minister and before that, seen these housing developments with my own eyes. We know they are actually happening.

But I guess it is not a priority of the opposition or the Greens political party to point out exactly what we are doing for the community, because then what would they have to talk about? You know, they would probably run out of lines. I suppose this is a tactical measure. I do not mean to sound so cynical, but at the end of the day that is what it actually is, because it is certainly a priority for me and I know it is a priority for all government members. I am very confident in saying that because there are specific and targeted decisions to make huge investments, like the $5.3 billion investment in social and affordable housing. That is not a small figure and it is not a light decision. It is targeted, and of course it is being rolled out as we speak.

I can also say, when we talk about having witnessed investment and builds in social and affordable housing, I was the chair on the consultation committee for the New Street, Brighton, social housing renewal development. And also Prahran – I was a co-chair of the consultation committee there. I am not in any way praising myself; I am saying that as a result of that we can see beautiful outcomes delivering for the local community. It is really impressive to see the bricks and mortar actually getting in place there and helping the people in our community who need it most –

A member interjected.

Nina TAYLOR: Well, that is right – and many people who are actually fleeing domestic violence. We know how desperate people are for these homes, and why anyone would want to delay or block them is beyond me. I do not get it. And let me tell you, I have to say being on those consultation committees, plural, I was very proud to see just how positive the local councils were, Stonnington and City of Bayside. They were very, very supportive and the councillors were as well, as were the local communities around these sites, because of course when you are investing and you are rebuilding – and it is not only rebuilding, because contrary to the commentary of the previous member, there is also a uplift at these sites – it is not only maintaining.

I think it is important to be really accurate, because when we are talking about public investment that is from our taxpayer money at the end of the day, then I would hate the community to have a very watered-down and distorted perception of what we are actually doing. I think it is their right to know exactly what we are doing. Therefore when we have to listen to these rather morphed and inaccurate reflections on what is actually happening out there, it is actually quite irritating to say the least, but I also think it is not fair on the community to have to hear a distorted perception of what is actually happening in terms of investment.

The other thing I was going to say was – only a little bit of time there – when we are talking about social housing renewal and the ground lease model, we do have to be practical as well. We completely understand that if you have lived in a certain place for a lot of your life, there is disruption. Nobody is denying that it is an emotional experience and probably quite stressful to have to move from that residence. I do not want that to be understated in any way, but at the same time I do not think it would be fair for residents to have to live on a building site. That would not be safe; that does not make sense. As a government we do not want to just let buildings decay. I think there is an impetus to make sure that they are of a reasonable standard.

We want to ensure that there is accessibility and energy efficiency, as I was speaking to before, and can I say – coming back to the point of nuance – these developments enable a mix of social, affordable,

specialist disability accommodation and market rental dwellings to be delivered without selling public land. Coming back to that issue of scaremongering, I think it is very unhelpful when there are distortions about the exact nature of the arrangements that we have in place. So I will just repeat that these developments are to be delivered without selling public land. I hope for the community's benefit that that is really clear. It has been unfortunate that there have been a lot of different reflections, which I do not believe were accurately portraying the circumstances under which we undertake these renewals. And they do have significant uplifts per site, ranging from 19 to 90 per cent. So we can see – *(Time expired)*

Jade BENHAM (Mildura) (16:41): I would like to thank the member for Bundoora for submitting this matter of public importance, because it certainly is a matter of public importance. In fact it is one of the top two issues that is raised in my office every single week, and largely it is because of lack of rental stock. We have also seen a dramatic increase in homelessness in regional and rural Victoria. That includes the great north-west of the state and, given that the electorate of Mildura goes down into the Wimmera Mallee, it has increased there as well – you can see it. That is the thing: you can really see it; it is quite confronting, and there has been a noticeable increase in recent times.

But when we talk about a housing crisis, and that is what people who are coming to my office are talking about – this housing crisis – of course there is a housing crisis. It is now so hard for mum-and-dad investors to stay in the long-term rental market. The private sector is how we are going to solve some of this housing crisis, particularly for renters. I heard a fact the other day: 80 per cent of rental properties are from mum-and-dad investors, and they have but one additional property that they have acquired through astute investing to help them out in their retirement.

I have been talking to real estate agents, as I do a lot of the time, and Ryan Tierney from Tierney Real Estate in Mildura told me that directly after the budget, when new and increased taxes were introduced, in the two weeks following the budget he lost six houses – rental properties – per week. Either they were going to the unregulated short-stay market – they were just pulling them from the long-term rental market – or they were being sold to owner–occupiers. I just had a message from another real estate agent in Mildura, Ben Ridley, another local sporting icon as well – all real estate agents seem to be icons in the country – and he says he is still losing six to eight long-term rental properties per week. And we wonder why there is a rental crisis. Rental reforms have just gone too far. In my electorate it is only going to get worse.

We have finally seen some little trickles from the Big Housing Build starting to come into Mildura and Robinvale. However, new houses are being built but with half the number of bedrooms – two- and three-bedroom houses are being demolished and properties are being rebuilt as single-bedroom units, which does not help solve that housing problem for people that really, really need it. These are the ones that we see each and every day that are sleeping rough down by the river, camping. We hear of people all the time camping on the river in cold caravans. This is happening even in towns like Birchip, where there is a community housing group that helps to raise funds – they go out there and they raise their own money, and they build community housing. It is a great model. More small towns should adopt this kind of model. But even they are having trouble finding adequate housing for people as young as 23 who cannot get housing. They cannot be at home for whatever reason, and they are having to live in caravans in the middle of winter. The temperature in my hometown last night was minus 3 degrees. Imagine being in an unheated caravan at minus 3 degrees.

I do believe that the private sector also has a huge part to play in this, but they need to be able to do it. They need to be able to move. There may need to be special consideration given to planning in regional and rural areas. There need to be some offices – maybe less public housing agencies – that will actually look at plots of land. There are many plots of land, particularly in rural areas, where water buybacks have affected those areas. Dewatered land has been sitting there, and we are talking 30 acres. Imagine how many houses you could put on 30 acres, yet the planning provisions prohibit rezoning. This could be wonderful housing. It could even allow people to move out of town, out of their city dwellings, and build beautiful rural lifestyle blocks, but we cannot do it because from a desktop someone looks at the

colour of the land and sees it is in the middle of agricultural land and they immediately say, 'No, you can't do it'. I would love the planning minister and some department heads to come and have a look and see what could be done. That would go a long way to solving the housing stock crisis in my part of the world.

There is about to be a jobs avalanche in particularly Mildura, Robinvale and neighbouring Swan Hill with the boom that is about to take off again with mineral resources and renewable energies and the investment that we are seeing there. We have 250 construction jobs ready to go at both Tronox and Iluka. Where are they going to live? These are not fly-in fly-out mines that we see in Western Australia with big mess halls and big accommodation builds. If there was or if we were getting some of the Commonwealth Games investment in Mildura – which we were not getting, so we were not going to get any of that workers accommodation that could have been used after it was an athletes village; we are not getting any of that – it could have solved some of that problem.

There is more exploration going on over the river at Euston. The New South Wales government facilitated an industry workforce forum recently, and top of that list was housing for all. I cannot illustrate – words cannot describe – how different it is standing on the Victorian side of the river and seeing the development going on 550 metres away, or 50 metres away in some cases, on the New South Wales side because people are literally jumping the river. They can still work in Victoria, run their farms in Victoria, but it is much easier to build their dream home in Gol Gol, in Buronga, in Euston, so we do not increase housing stock here at all.

In Robinvale, for example, with the investment into mineral resources and renewables there – we have already had a lot and we have seen it before – there is zero rental stock. We have people that are sleeping rough down on the riverbank, we have them sleeping in caravans and we have people wanting to build their beautiful lifestyle blocks on the river but planning prohibits that. Sometimes it is not only the planning provisions but the lack of planners that are still in the public system. We have a lot of planners in the private sector that have set up their own consultancy businesses, but that does not help with the backlog of planning applications that have been put through, which is a real issue. In fact there is one development in Robinvale where the council had built a levee bank and the people that owned the blocks behind there – again, so they could build their forever home or downsize so that they could free up town properties – were told that after the levee bank was built it would be okay, 'Go ahead and build'. Now they are being told, two years after the levee bank was constructed, that it will be another two years. The planning backlog is killing development and the increase in housing stock in regional and rural Victoria. It is choking that private investment that will go a long way to solving this. And we talk about private investment – if I were to take $777,000 to a builder, he would build me a really nice home.

We talk about the $1 billion Regional Housing Fund, and I spoke about the Commonwealth Games before and the legacy that would be left. In Mildura we were looking for some sort of activity for the Commonwealth Games. We were getting very little, but I know council were working on it. With the $1 billion housing fund, 13 000 houses works out to be $770,000 each, plus land. Land is, comparatively speaking, not that expensive – but $770,000 for a home in the Regional Housing Fund? I could build a really, really nice home for half that. For a quarter of that you could build one-bedroom units. I just think whoever is working the calculator needs to get a new calculator or new batteries. As far as housing goes in the regions and in rural areas, we can see it. It is amplified because we can see it everywhere.

Rental reforms have gone too far. Rent freezes, despite what the Greens are pushing, will only make that worse. I am not sure if you know how it works: renters need landlords. I know they have been called evil property barons before, but like I said, 80 per cent of property investors are mums and dads with one additional property, and renters need landlords. They just want a bit of respect. That is how it works.

Alison MARCHANT (Bellarine) (16:51): It is a great pleasure to rise and speak on this matter of public importance. We know, as has been described, it is a crisis that we are facing at the moment in this state and indeed across the country. It is what everyone is focused on. It is what constituents come to my electorate office about as well, and that is why it is so important. It is why I wanted to speak on this, because it does relate to and affect my electorate of the Bellarine. It affects the Geelong region, our state and our country.

Last sitting week out the front, on Parliament's steps, were 6000 paper houses to represent what was needed to tackle this crisis. Outside I met Rebecca Callahan, who is a coordinator of the Barwon South West Homelessness Network. I really want to thank her for her advocacy and the work that she does in our region. I have gotten to know her over the past few years, and she has a team really dedicated to this cause. I do thank her. She, her team and others recognise, as many in this sector know, that there is this growing concern that the waitlists are long and people are desperately needing houses and a roof over their head. It is that dignity and foundation for a better future. We are not going to sugar-coat it. We understand that with the cost of living, paying mortgages and rent, for those looking to buy a home, it is tough. This mounting pressure then flows on to the Victorian Housing Register for those who are on that waiting list. We have certain groups in our community who are our most vulnerable and who really face a range of challenges, such as our youth, people who experience family violence, our First Nations Victorians and maybe those who have disability or mental health challenges, who need that specialised housing.

In my electorate we have many people who are being evicted because people are selling those homes or are upgrading them, and they are being evicted after being in their rental for a very long time. Housing problems are visible for all of us to see, and that dream of securing a home is becoming a lot harder. Just to add a piece to the jigsaw puzzle, there is a shortage of housing for workers, especially in rural and regional Victoria – for teachers, nurses and hospitality workers, just to name a few. We have towns such as Queenscliff and Portarlington in my electorate who do struggle to find housing for their workforce. Especially in that summer season and that summer period, workers really have been priced out of some of those towns. So I will continue as a local member to advocate for more social and affordable housing in my own community and in our Geelong region, and I know that this government is absolutely committed and working hard to address this housing crisis.

We are under no illusion that that is an issue, and it is one that we are tackling. When you know the problem and when you measure the problem, you can fix the problem, and that is what we are working towards. That is why this government has been ambitious. It is measured, and it has recognised that the key here is supply. That is why we have our Big Housing Build, which is truly reforming this state: $5.3 billion, as has been mentioned, to deliver those new social and affordable homes right across the state. This is one of the biggest investments that we have seen in our state's history, and probably the biggest across the country.

What I am really pleased about, being a proud regional member, is the fair distribution across regional Victoria as well – to have that investment of $1.25 billion. I will just talk a little bit about the Geelong local government area that most of the Bellarine is in, of which the investment through the Big Housing Build is $188 million. 280 new homes have been completed, with 234 new homes on the way. These are homes that are taking people off that waiting list. A further 33 new homes are being completed as part of other capital programs with a $12.5 million investment, and 1500 homes are also in the process of having maintenance or upgrades undertaken. This is key to addressing the issues that we see at hand. In addition to this Big Housing Build though, the government has committed a further $1 billion to the Victorian Regional Housing Fund to deliver at least 1300 new homes across regional Victoria. As I was talking about, for the workforce that comes to regional Victoria we have $150 million for a regional worker accommodation fund. This will provide new housing options for key workers struggling to find affordable places to live.

I believe we now have a serious partner in the federal government. We wasted a decade before that. With the federal government now also committed to addressing this housing crisis, we have an active

partner and are able to build and upgrade more housing. The Albanese government did announce a $2 billion social housing accelerator to deliver thousands of new social houses. I do not want to get ahead of the Premier; I would hate to do that. I am sure he is doing the media now. He has not been in this house today because he had national cabinet. Since we have been sitting here, there has been some breaking news that national cabinet has announced some significant reforms in this space. From what I can tell – from media reports – the Prime Minister has announced 1.2 million new homes to be built in the next five years, starting from July 2024. The target has increased by 200,000 homes than had been previously pledged. And there is $3 billion to be used for a fund for the states and territories to build new homes.

The Prime Minister has said, though, that the Greens are standing in the way of new social and affordable housing. I will quote the Prime Minister, because I think that this sums it up perfectly:

> This is an initiative that shows how serious we are as state and territory governments across the political spectrum as well as the Commonwealth, understanding that supply is the key …
>
> You cannot say you support increased housing supply and vote against the Housing Australia Future Fund.

That is really exciting news that has come out of national cabinet today. As I have said, it is great to have a federal partner now that is actually serious about addressing this issue. These figures are large, the numbers are large and the money is a serious investment, but let us get to the reality of this. This actually changes lives. It changes people's lives for the better. Housing services are a cornerstone of a just and equitable society. They provide access to affordable, safe and stable housing for individuals and families who need it most. I cannot stress that enough – every new home and affordable home built through government is taking pressure off the housing market but it is also providing a home to a family – a family in need – and it does put downward pressure on overall rental prices in the private market. There is a strong pipeline of social housing that we will be delivering across the state. It is clear that only this side of the house and Labor governments get on with doing the things that matter and the things that make a difference. We would like to have other partners in this place, but it seems that we have to do it on our own. It is a shame that the Greens party in particular let politics get in the way.

I want to, just in conclusion, thank the Minister for Housing for his hard work in delivering affordable homes reform and packages for our future. I know that you and your team in the department are deeply committed to building more affordable homes across our state. As I have said, housing does serve as that cornerstone for a just and equitable society, and I am proud to be part of a government that does that. By investing in housing, we create a stronger, more resilient and more inclusive society for everyone. I look forward to advocating for more housing in my electorate of Bellarine and continuing to do the work that needs to be done into the future.

Roma BRITNELL (South-West Coast) (17:01): I rise to speak on what the government has put forward as a matter of public importance (MPI), and it is very much a matter of public importance. It is:

> That this house notes the action the Andrews Labor government is taking in response to the national housing crisis …

I just find this a little astounding, to be honest. We have got a government saying, 'Yep, we're acknowledging we are in a housing crisis, but look at all we are doing,' and the MPI goes on to list some of the things that the government are doing. But I think the facts are speaking for themselves. The government have been in charge for 20 of the last 24 years. It is the government's responsibility to look after those who need assistance – the vulnerable, the disabled, those that need a leg up – and this is the government saying we are in crisis; this is a problem. What has the government been doing for the last decade, at the very least, to say that this is a crisis and to be a bit surprised, perhaps taken aback, and maybe say we are getting on with it? I just heard the last speaker on the Labor side say that there are strong housing projects in the pipeline and they will be delivering – will be delivering.

If we go back to 2014, which was when we had a short period in government, because this government has been in for a very long time, we had the housing list for priority individuals. These are people who are vulnerable, who are disabled, who are at risk of homelessness or who are victims of family

violence. That priority list was at 9900. Now, that is too high. I understand that. It is way too high. Everybody deserves the respect of being able to have a home. But now, a decade later, this government has blown that figure out to 37,079.

The government's responsibility is to build social housing, because that is part of the way we ensure we have a supply chain. Social housing, rentals, land available for building – that is kind of how the supply chain works. But unfortunately what we see is, despite this $5.3 billion Big Housing Build that the government talks about, when you go back to 2020 and you look at the table, the government had on its books 85,969 houses. The next year they sold some and they built some so the net figure was 85,000 at the end of 2020 when they began the big build.

Surprisingly the figures for 2021 have not been released, and they should have been released last year. We still have not seen any figures, and here we are in 2023. The June 2022 figures are not available. The government spruiks about having undertaken all these builds, but we do not have the stocktake which tells us how many new houses – new homes with new roofs – there are for families. It looks like they have been selling a lot. I think they have been building some, but it looks like, from the raw figures that we can discern given the government will not produce them – we are trying our hardest to look deep into the books where we can find the figures – there have only been an extra 74 added to the stockpile. When you look at the stocktake – you know, how many in, how many out, how many net – it does not add up to too many more, and that is evident from the spin that we see coming out of the government.

Just yesterday on 15 August we saw this government's press release about a project in Prahran where the government is, you know, spruiking their big build. I think they are looking at building 12,000 homes with $5.3 billion. And they are saying that since 2020, 7600 homes have either been built, completed or are underway, but then it says only 2800 households have either moved or are getting ready to move – not that 2000-odd people have moved yet, they are getting ready to move. So maybe there is just a slab poured, or maybe there are just some plans still in the wind somewhere. This is appalling. I mean, if you are running a program and you are aiming for 12,000 houses and you have spent or were spending $5.3 billion of taxpayers money and you cannot evidence what you have done with it because you refuse to put out the figures, and then you have got figures like 7600 are close – kind of is the inference there – but only 2800 are ready to maybe move into, it is just not adding up.

We have got a major social housing crisis, and we look at what we have seen in other states. For example, New South Wales has a population of – I will just find those figures – roughly 8 million people and has 162,000, I think, social housing properties on their books – I am doing this from memory because I cannot find the figures – and we have 6.7 million Victorians and only have 89,000 social houses on the books. So there is something clearly wrong in that in the last 10 years this government have not been doing their due diligence and taking on the responsibility when they should have and investing in the social housing to keep up with the population growth. We knew before the pandemic we were getting 125,000 people moving into Victoria every year, and the forecast from the federal government's budgeting for the next four years is another half a million people, so this problem is not going away soon.

In South-West Coast we have a major problem with more and more homelessness. I think that was mentioned by the member for Mildura as well. Just on Sunday I was with a group of friends, and they were horrified that they were seeing people in Warrnambool sitting on the street corner with the sign 'I'm homeless, please help'. This is not something that we have seen a lot of. I know there has been a lot of couch surfing for many years, and when I worked in community health that was starting to be a problem, but now it is really getting confronting and concerning. And we have got so many people trying to sleep rough in different places that just are not equipped for it, whether it be from a toilets perspective, showering perspective or warmth perspective. And the people who do the work – you know, the churches, the Salvation Army, St Vincent de Paul, Anglicare, all those wonderful services – do their best, but it is heartbreaking to say 'All I can offer you is a tent'.

We have got women who have been promised by this government that they will be assisted if they are in family violence situations being told – even the government's own figures in the budget tell us – that they have to wait 10.5 months, that is actually the government's target. That is pretty horrific if you are in a violent situation, but the actual expected outcome in the government's own budget papers is 20.2 months. So I am really sort of not coping with this 'The government's got a problem'. They are saying 'We're worried', 'It's a matter of public importance' and 'This is how we're responding to the national housing crisis'. Well, they have not done the work that they should have done for the last 10 years. That is clear and evident from the figures I have just outlined – their own figures. So it is a problem of their own making.

Then on top of that we have got the rental crisis. I have heard in the last two sittings the government talk consistently about the rental changes they have put into reform. If rental reform was working, we would not have the crisis we do. As the member for Mildura said, it has gone too far. The Real Estate Institute of Victoria are saying so, the property council of Victoria is saying so, and we want improvement, not less improvement. We are not going to get anywhere if we add another rental cap. As the real estate agent representative at Wilsons real estate in Warrnambool said in the paper just this week, Juanita Russell from Wilsons real estate, the issue is that property costs for rental providers are driving up rental prices, and we are only going to see worse if rent freezes come in. That was the gist of what she said in the paper just last week.

We have a major problem. The government have actually, I think, been sitting asleep at the wheel. They have had the levers to pull. We have got a need for housing in places like Portland, Heywood, Warrnambool and Terang. The evidence is there, the work has been done, but the government's management of the project is appalling. The result we are seeing from the spend of taxpayers dollars is that it has not delivered a strong pipeline of work, as I heard the government say before they will be delivering. Well, you have had 20 of the last 24 years. Now we have an opportunity in South-West Coast. We hope that as a result of the mismanagement of the Commonwealth Games we will get some money for some social housing. The women's housing association are waiting; the housing people are ready to do the work. Please, government, deliver for the regions and stop forgetting about us and the people who need it, like the social housing community.

I will leave it at that, but it is actually heart-wrenching to see that we are in the top 50 for homelessness in South-West Coast. Number 25 – it is not something I would be happy to be saying at this point in time. It would be better if we were in government. We would have solved it.

Mathew HILAKARI (Point Cook) (17:11): I am surprised that the previous member did not talk about their record in government from 2010 to 2014. It might have been because it was a little bit embarrassing. It is embarrassing to be cutting support for housing, for social housing and for disadvantaged people every single budget. That is why you do not talk about it. That is why you do not talk about the partners we should have had in Canberra for the last nine years, people who understood that housing is important for people's lives. The member for Bellarine gave us great news a few moments ago: 200,000 more homes nationally, 200,000 homes for people to build great lives in in great communities. Three billion dollars to achieve that, a target of 1.2 million homes over five years, is incredible and exactly what we can do in partnership with a federal government who understands that these things matter. At national cabinet unsurprisingly we could come to those agreements because we have Labor governments across the country – minus Tasmania.

The Minister for Housing set forth the response of the Victorian government prior to the announcement from today: $5.3 billion to the Big Housing Build announced some time ago, $1 billion for the Regional Housing Fund, the affordable housing rental scheme, investment in critical homelessness services and working with the Commonwealth to deliver more housing for Victorians. Well, hasn't that paid off today? It has paid off in spades. This is part of the response to the national housing crisis – public and social housing, housing for people who need it – because without housing you do not have much. You do not have much at all. You do not have a home. You do not have the stability you need. Without a home you cannot have a thriving life in your community. I have not been

homeless, but I have had my fair share of pretty bad rental properties – blackberries growing through the floor, rats in the walls, no insulation, freezing in winter, boiling in summer, leaks that just never got fixed and floors that fell through in the bathroom. But I always had options; I always had opportunities to get out. A lot of people do not have those opportunities or do not have those homes.

I have lived in stable housing all of my adult life, but as a child I did not feel that way, and I mentioned this in my inaugural speech. I spoke up about growing up with a park ranger father and a nurse as a mother. Of course this was under the Liberal Kennett government, and it was a time when public servants were being sacked. My father worked for the Melbourne Metropolitan Board of Works, which then became Melbourne Water, which then became Parks Victoria, and for a long time the parks around our state had rangers living on site. It was a pact that was done by government and the rangers. They looked after the park during the overnight hours and then they went to work that day. We got a home to live in. But when your father's job is at risk because of a Liberal government, that puts real strain on what you think about and where you are going to live next. Where is your home going to be if your dad loses his job? I worried about the future. As a child I went to bed worrying about where we would live in an interest rate market and economic circumstance that were very tough – the last recession that we have had in this country. Where were we going to go if Dad lost his job? Of course I did not talk to my parents about this. Who does? But I went to bed in a way that I should not have, having that fear. Kids should not go to bed with that fear. They do every night. That is why we have got to do something about it. Children should not have to wonder about these things when they go to bed at night. Homes are not capital investments or things for real estate markets; they are places where people live and where our community can grow.

I was lucky. My parents retained their jobs. We were never homeless. Several years later Parks Victoria changed their idea about what parks should be and the house got demolished and made into more parkland – great parkland for Victorians. It was a good thing. We got a home. We got a mortgage. That was a good thing too. It brings me forward to today, where I am proudly part of a Labor government. These are the life experiences that led me to here, that I will not forget and that I hope I keep getting reminded of and remind myself of. I am proud to be part of a Labor government that is doing something about housing, here and nationally. $5.3 billion for the Big Housing Build – what a legacy that is for Mr Wynne, the former Minister for Housing, and what a continuation it is under the Minister for Housing, Minister Brooks. We have already passed the halfway mark, creating 10,000 jobs a year. It was derided a few moments ago that 7600 homes have been completed or are underway. 2800 homes are already completed and welcoming renters – 2800 families. 7600 family homes – places where people can build lives. We need to build new homes that meet the needs of our community. Every new and sociable affordable home that is built takes pressure out of the housing market, and it means a lot to those families who get them.

Our affordable housing rental scheme will deliver 2400 affordable homes across metro and regional Victoria. In the community that I represent, the Hobsons Bay City Council area, four new houses have been completed and 29 are underway. These are great new contributions to the community that I represent. $16 million has been invested, 144 jobs created and 557 homes have been or are being improved through maintenance. In Wyndham City Council, a community I also represent, 65 new homes have been completed and 179 are on the way, $105 million is being invested and 951 jobs have been created. These are numbers that do not tell the significance of what this means to people's lives. There is a billion dollars for the regional fund, which will deliver 1300 more social and affordable housing homes.

The Greens – and it is good to see them in the house to contribute to this debate in a moment, I am sure.

The DEPUTY SPEAKER: Through the Chair.

Mathew HILAKARI: Thank you, Deputy Speaker. Thank you for the reminder. The Greens political party have not always been here for this debate, but even more problematic is they have been

rejecting housing across the state and now across the country. I do not need to remind all these councils – Darebin, Merri-bek – or the Markham estate, where the Greens and the Liberals came together in the upper house – Yarra City Council –

Members interjecting.

Mathew HILAKARI: Yarra, and there is a former Yarra city councillor here today. They just do not want to see people in new homes. They just do not want to see it. And you would know it about the Senate as well, because people here cannot be bothered picking up the phone and saying, 'We want houses built for families in our communities'. You are rejecting more houses than you have ever built. It is never good enough. They are working with the Liberals, the Nationals and One Nation – One Nation. Pick up that phone. It is all about temporary political gain. We have seen it on this and on climate change. It was a lost decade on climate change with the carbon pollution reduction scheme because you made perfect the enemy of the good. We gave a decade away – unbelievable. You just cannot pick that phone up.

Earlier this year I was with the Minister for Housing. We were down in Werribee announcing the youth housing capital grants: investing $50 million in 10 projects across the state to secure housing for vulnerable young people. We heard the stories of pregnant people going from couch surfing to a home and to a job. So I thank you, Minister, for the work that you are doing. I thank everybody on this side of the house, who every day will keep fighting for those people who need it. I ask those opposite: do your job, represent your communities and pick up that phone.

The DEPUTY SPEAKER: Order! I remind members again that 'you' refers to the Chair, and it is appreciated if you do not reflect on the Chair.

Sam HIBBINS (Prahran) (17:21): I must say – and I was going to get to it a bit later on in my speech – I reckon the only people that are hung up on the politics of this have got to be those in the Labor Party. Every time they get up to speak they always talk about the politics of it. They find it very difficult to understand the difference between opposing privatisation of public housing and building more public housing. It is a very easy distinction for us to make; it is a very difficult distinction for neoliberal Labor to make. Build more public housing on public land, not privatise public housing that is on public land. It is a very clear distinction. I tell you, if now is not the time, this is a matter of public importance about the housing crisis and the government's record.

Let us just have a look at what Victorians are facing under this government. More than 30,000 people are experiencing homelessness every single night. It is increasing under this government, an increase of nearly 25 per cent from just five years ago. Over 125,000 people are on the public housing waiting list, increasing under this government. Rents have gone up, by 14.6 per cent in just the last year. We have got rising housing prices, we have got rising interest rates and we have got people being pushed into homelessness and housing insecurity. It is impacting their mental health and their quality of life. This housing crisis has not just happened; it has not just appeared out of thin air. It has been the result of a massive failure of governments over generations abandoning what should be a fundamental role of government – and that is to make sure that everyone has a safe, secure, affordable place to call home. It is not something that governments should do at the margins or rely on the private sector to do, only stepping in when there is market failure. It is the fundamental role of government to make sure that people are properly housed. This used to be at the core of what governments and political parties did many generations ago, but not under the era of neoliberalism, which now dominates the ideology of Labor and Liberal. So to fix the housing crisis, it is not just a change of policy that is needed but a change in how we actually think about housing, where we switch the housing system to one that favours people in need of a roof over their head or buying their first home rather than one that favours people who are buying multiple houses.

There was a lot of talk from the Nationals about it being mum-and-dad investors. Just 1 per cent of taxpayers own 25 per cent of all properties. Housing is seen by governments as a wealth generator

rather than an essential social need. Billions are handed out as tax breaks to investors, which dwarfs spending on new public housing. We need to switch to a housing system where governments see it is as their job to build enough public housing for people. That is what seems so difficult for this government to do. For years the Greens have been calling for, pushing for, campaigning for and raising in this place the need for the government to do one simple thing: direct government investment to build more public housing. It is not that hard, but the government cannot bring itself to do it.

When we first brought this up, when we first came to this place, it was actually mocked by a former housing minister who said, 'Oh, you can't do that. You can't build public housing like we used to do in the 50s and 60s. You'd have to kick people out of their homes and acquire all this land in the inner city.' Then, having left public housing estates to rot, the idea was to sell off public housing land as part of the public housing renewal program for just a marginal increase in new public housing. Now, that is neoliberalism 101: run down a public asset and then say privatisation is the only way to fix it. So that got scrapped. Then we got, 'Oh, yes, we can actually build a lot more homes with the Big Housing Build, but now we're going to call it the ground lease model, and instead of selling it off we're still going to have private dwellings, but we're just going to have a long-term 40-year lease for that' – and still the target is just around a 10 per cent increase of social housing when thousands need to be built every single year.

They are always talking about needing a partner in Canberra to be able to do more. So when we got a new federal Labor government, did they propose direct investment in public housing? No – goodness! We got a Housing Australia Future Fund, not directly investing in public housing but instead using the profits of this fund, gambling on the private market. 'We'll use that to build more housing' – up to a limit of $500 million per year, mind you – 'and if the fund doesn't make any money, as it hasn't done in previous years, too bad, we're not going to fund any more homes.' And how right the Greens were to pressure the federal government to do more – then suddenly $2 billion was found down the back of the couch. Two billion dollars was found to give to the states to invest in social housing. It will be very interesting to see what the Victorian government's proposal to actually spend that money on will be. Will it be for more privatisation or for direct investment?

Why is it so hard for Labor to directly invest in building more public housing? Yes, neoliberalism for starters – that is the ideology that has taken over the Liberal and Labor parties. Again, this is where Labor just gets so confused, saying that we are opposing new social housing. Again, there is a very big difference between opposing privatising public land that needs to be used for public housing and opposing building more public housing. We need our public housing land to be used for the public good, for more public housing – not sold off and privatised, which actually limits the amount of public housing to be put on site. It is absolutely telling that the government cannot seem to bring itself to actually talk about public housing without having to bring in privatisation at the same time.

I was certainly very interested in seeing the comments around Bangs Street, Prahran. The Premier and the Prime Minister were visiting there. It was very interesting to see the media release spruiking the 90 per cent increase in social housing. What they are not telling you is that that was a massive increase to what was very first proposed for that site, which was only going to be 10 per cent. So certainly I welcome again the government responding to pressure on that. Is 90 per cent going to be the norm now across sites for the Big Housing Build and for this ground lease model? No, it is stuck at 10 per cent. Are we going to see the guarantees for open space be protected or increased on these sites? Again, no. I have to say, interestingly enough, on the site you have got different buildings, as there are in many of these developments, for social housing tenants and private tenants. So what does that tell you about the government's privatisation model? It is to avoid what they should have been doing for years, for decades: investing directly in building more public housing.

We have heard continuously that the answer, the solution, is all about supply – supply, supply, supply. Well, the idea that all we need to solve the housing crisis is a developers picnic at a time when we have already got more dwellings per capita than at any time in our history is just absurd. We need direct government intervention in the housing system – build more public housing. We have got

$7.9 billion sitting in a so-called future fund – use that to directly build more public housing. We need inclusionary zoning – actually force developers to build public and affordable housing on private land, not the other way around. We need an immediate rent freeze and long-term rent controls, and they absolutely squibbed it at national cabinet today – squibbed it in doing that.

Homelessness services need to be funded so no-one is ever turned away. Can you believe that we still have people being turned away from homelessness services? We had a successful model during COVID; we could make sure that we could provide shelter and housing in hotels for people. Yet apparently when we are out of COVID we cannot do that. No, we need to make sure that no-one is turned away from homelessness services, and we need public land used for the public good for more public housing.

Katie HALL (Footscray) (17:30): I am mindful that my contribution on the last matter of public importance, which was also about housing, felt quite political. I will just say this in response to the member for Prahran's contribution: do not let the truth get in the way of a good story. I am very frustrated that $10 billion to build 30,000 homes is being blocked in the Senate, so I will just say this on that matter: to accept great reform and to continue to advocate for more – these are not mutually exclusive things. I will always fight for more, and I will always ask for more. That is my job, and that is me living my values. But what the Greens are doing is not doing politics differently, it is doing politics disingenuously, and they should be ashamed.

I am very pleased to make a contribution on this matter of public importance because there is no matter of greater importance in my community of Footscray than housing. Indeed there is no greater issue than housing across Australia. From public housing to social housing and the availability of rental properties, we have a supply problem in housing across the nation, and it is no different in my community. I strongly believe in a housing-first approach to social policy. In simple terms it means that housing is the fundamental anchor, that housing must come first before any other issues in someone's life can be dealt with.

In 2021, when the government consulted on a 10-year strategy for social and affordable housing, we received support for this approach from the community and from stakeholders as well. How can you possibly find employment, how can you tend to your mental health needs, when you do not have a safe and affordable place to call home, when every single moment of your life is consumed by where you are going to sleep that night? From the homelessness we see on the streets to the under-reported homelessness that consumes our young people who are couch surfing to the growing crisis of single women of retirement age and the sometimes appalling rooming houses that end up consuming entire incomes in squalid conditions, there is an almost inescapable cycle that you cannot get out of unless you have housing first, unless you are supported by stable and affordable housing.

The homelessness workers that I work with locally are kind, strong and committed workers who spend every day searching for solutions. They are heroes. They often say that they wish they did not have a job; they wish that they were not needed and that there would be no line in front of the door in the morning when they opened. Instead they are more often than not saying, 'We don't have anything for you apart from a night in a hotel.' Even then a hotel room with no kitchen is no place for a mother with her children. When the member for Melton and I were first elected in 2018 we spoke about the need across the western suburbs, and we formed the Western Homelessness Action Group with these workers. They share their ideas for change, and together we advocate on their behalf, because we can accept the good in public policy and advocate for more.

The solution, of course, is supply. There is no value in arguing over the type or the model of delivery, because every single model has a role and a value to meet the diverse needs of our community. More supply in social housing of course leads to more supply in rental properties. More supply in rental properties reduces rent. Footscray is an ideal place for more affordable and social housing stock. We have some of the best public transport in Melbourne. The new Footscray Hospital is underway, and in 2025 the Metro Tunnel and West Gate Tunnel will open. In our community we understand that density

is okay – so long as it is well designed, and we know that developers can and must do better. In the design standards that we have introduced we ensure that our apartment stock is being improved into the future and that these are homes that we are building for people that are places with dignity. They are new and they are modern. I have been outspoken in my community and in the Parliament about the impact that developers are having, showing a complete disrespect to the public realm through land banking and allowing their large landholdings to turn into bombsites instead of delivering on their permits with more housing stock in my community. This is something I have taken directly to the Minister for Planning, and I am pleased that she is in here. I am really looking forward to the housing statement.

I want to speak about what we are doing now in my community to address the supply issues to help those housing and homelessness workers find homes for people. Under the Big Housing Build 142 new homes have been completed in the City of Maribyrnong and 157 new homes are underway. It is a total Big Housing Build investment of $142 million in my community, and that has created 1281 jobs. A further 11 homes have been completed and another 12 new homes are underway as part of other capital programs, and a massive 643 homes have been or are in the process of being upgraded. These are all investments that are improving supply, making a difference in Footscray and making a difference to those homelessness and housing workers and to their clients.

I think of some of the really innovative things we are doing such as the transitional housing arrangements we have for people who have been in prison. We have repurposed the old Maribyrnong detention centre into a place where men who have left prison, who are at risk of homelessness, get the wraparound supports that they need to find a job, to find a rental property, to reintegrate into the community and to have all the support structures in place that they need. That is not neoliberalism. This is the best kind of public policy to make sure that we change lives, that we intervene in lives.

I will conclude my contribution, I think, just by reflecting on some of the people in my community. The minister mentioned McAuley social services before, another extraordinary service in Footscray, where women who have experienced the worst kind of unimaginable violence in the home are provided long-term wraparound care and support so that they can get economic independence, so that they can live with their children and so they have all of the financial and legal supports to get back on their feet, and to take their time to do it, too. It is an amazing service and one that we are very proud to support. It was the Andrews Labor government that funded McAuley House, and every time I walk past it in Footscray I have a real sense of pride. Every single one of these services is important.

I feel like sometimes I hear those opposite deride social housing, like it is not important, but actually sometimes people need those services in place and public housing is not a suitable option for them. It might be the tiny homes that we have built with Launch Housing, where people have social workers come and visit them and make sure they are okay. It might be drug or alcohol support and rehab, or it might be mental health support, but there are so many ways that we can support people in housing. What I encourage those opposite to do is not pretend that you are doing politics differently – actually do it differently.

Wayne FARNHAM (Narracan) (17:40): I am always pleased to rise on a matter of public importance when we are talking about housing and affordable housing and social housing. I have been listening to the debate today, and I think I will reiterate what I said last time when I spoke about this: that everyone in this chamber knows how important it is for our communities. There is no-one in this chamber who is in any better position than anyone else when it comes to people on a waiting list. We all experience it in our offices, and we field the calls from people waiting to get into homes. That is just the reality of our job. It does not matter what side of the chamber you are on, our job is to help those people and try and get them into homes.

I want to contribute today, and there are a few figures I want to go through. The part that is concerning me the most – it is a pity that the minister just walked out, because the member for Albert Park said earlier, 'You need to be part of the solution. Rather than just attacking the government all the time, be part of the solution.' So today in this I will be part of the solution, and I hope the government takes it

on board. The part that really concerns me is the waiting times that have blown out for real emergency housing – people escaping domestic violence, for example. The target was 10 months; the actual at the moment is a 17-month wait, and it is probably going to blow out to 20 months. Now, that is a real concern for the most vulnerable. We see these people week in, week out in our electorates, and we know we need to help them as quickly as we possibly can. I think what the government needs to do, and it needs to do it quickly, is really start focusing on the most vulnerable when it comes to housing.

When we talk about housing and we talk about the reports, there are some figures that to me are quite confusing. I would love for someone to clear this up, because these are the government's figures, they are not my figures. So we have got a $5.3 billion Big Housing Build, and that is meant to deliver 12,000 homes, according to the figures. That is an average of $441,000 per home. Then we have got another $1 billion for 1300 homes in regional Victoria. Now, that is $770,000 per home. I do not understand the figures. I do not know how they are coming up with these figures on these estimates, because going by the government's own figures – the $5.3 billion for 12,000 homes – we should actually get about 2150 homes in regional Victoria. I made this contribution last time. I actually said, look at better ways of getting more bang for buck.

There is one thing I know that could help the government out. The numbers now are 67,000 applications – 67,000 applications – for 12,000 homes. We are a long way behind, and I said this last time. This program did not come in until 2020. The government has been in since 2014, so we started six years late. The other thing that is going to contribute to this is that our migration levels are going to come up. We all know we are going to have an influx of migration. That is going to put more pressure on the system.

But my suggestion to the government is this: if you are really serious about reducing these numbers, if you are really serious about getting these homes delivered, one way you should look at it is that there is a lot going on in construction. I think part of the problem is that there is so much going on at the moment. The government is probably finding it hard to find the resources to do these builds with everything that is going on in infrastructure and everything else. You know, probably the one bright light of the Commonwealth Games getting cancelled is it could free up some resources to push into this. But maybe the government should think about reaching out to the smaller builders. If there is a house there that is a one-bedder or a two-bedder on a freestanding block, reach out to some smaller builders around Victoria. Do not put all your eggs in one basket. Expand your resource base so you can actually get this delivered quicker, because it is very important. We all know we are in a housing crisis, and it is no more critical than when it comes to the most vulnerable in these communities. And it is communities around the state, it is not just my community.

I did listen to the minister today when he said Baw Baw shire is getting a $35 million investment, and I welcome it. Any investment into Baw Baw I will welcome with open arms. Going on that figure of $441,000, that is about 80 homes. The problem is we have got 1000 applications, so we are a long way short, and it is not just my electorate. I understand this. I know it is across the whole state. But I think the government does need to start updating its data, because the data is not looking good at the moment. If we look at the data, it is only saying we have a net gain of 74 homes. Now, I am sure it is more than that. I am going to give the government the benefit of the doubt; I am sure it is more than that, but I would like to see the accurate data. When we say 2800 households moving in or preparing to move, I would like that to be narrowed to actually say what is happening. When we are talking 7600 homes started or built, let us narrow that down. Give us the data. Is that at planning stage? Have they got the drawings done – the architects, the engineers – or are they at slab stage? Have they started construction? The best way to stop the criticism is to be more transparent. The best way to stop the criticism is to get the data right, and I think that is very important. It is not just important for this side of the house, it is important for all Victorians. But my concern is, with 67,000 applications, we are only talking at the moment of 13,300 builds, so we are a long way short of where we need to be. So how do we improve that? Do we have the budget for that? Because when we look at this, we have got to multiply that by five. That is a long way short. Now, how is the government going to fix this problem?

The government has been here since 2014, and I do get a little bit frustrated when we get attacked. We have been in for four years out of the last 24 years, and when we were in, in 2014, we had 9900 on the priority waiting list. Now we have got 37,000. If I take the minister's word for it, it is going to be about 31,000 for June. So I do not think you can look at this side of the house and be overly critical. We had good figures. The government has had time to fix this, but they were very late out of the box. They introduced this in 2020, and the government had been in for six years already – this is something they should have started in 2014–15. This is something the government delayed, and now we are really paying the price for it – and it is all our communities. It is both sides of this house. Bipartisan pain is the best way to put it.

I have said a lot on this, and this is my second contribution. I will reinforce this message to the government: if you are going to invest a combined $6.3 billion into this, get your best value for money. Use smaller builders, if need be, in regional areas. That will boost their economies and their employment. Look beyond the scope. Look outside the box. That is what the government needs to do to improve this situation, because this situation is not getting any better – it is getting worse day by day. But I am very pleased with my electorate of Narracan that we have been able to contribute to this and at least get four people out of crisis where they have been.

Michaela SETTLE (Eureka) (17:50): I am delighted to rise and talk on this matter of public importance. I obviously have much to talk about in terms of the wonderful things that this government has done in this space, and I will certainly get to that, but I just feel the need to pass comment on some of the other contributions that we have heard today. One of the interesting things that I have heard, both from the member for Narracan but more recently from the member for Prahran, is this sort of talk of the lists growing. It shows a complete lack of understanding about what is actually happening out there in the community – this is a worldwide issue; I was reading an article in the *Age* today about the rent crisis that they are facing in New York. So yes, those numbers have grown since the last time you were in government – which, let us face it, was quite some time ago – but that is the nature of the world, that it moves on, and we are facing very particular issues.

But look, I do need to pass some comment on the member for Prahran's contribution. I was delighted to see that two Greens felt it appropriate to be in the chamber for a couple of speeches, good on them, it is a hard week's work, but they of course have left now. I guess it is an RDO from here on in. But what I wanted to comment on – I have two young sons, they are young adults, so 19 and 22, and listening to the member for Prahran, it is akin to listening to some of their first-year politics mates, you know? They have got hold of this word 'neoliberal' and they think that they are very clever and they love waving it about. I am not sure they really know what they are talking about. I think sadly it is actually a much more cynical prospect from the member for Prahran, because obviously they are the market that they are chasing. You look out on the steps of Parliament today and the member for Richmond has got another one of her little stunts, you know, 'queue for an inspection of Parliament house'. This is obviously the market they are chasing, so I can only assume they are speaking the language of undergraduate politics students, because they are the people that they are trying to chase.

But can I just stop for a minute on the nature of undergraduate politics students. As I say, I have got a young son, and he is a regional boy – he comes from the regions. Coming down to Melbourne Uni for him has been very confronting. He is currently living in a house in North Melbourne paying $100 a week, and there is no window; it is the size of a bed, and he is in the middle of a house. I just reflect on the member for Prahran and the member for Richmond – I believe the median house price in Richmond is $1.4 million and Prahran $1.7 million, so let us just be absolutely frank who we are talking about here: we have got a bunch of white, middle-class doctors and artists who studied in France; I bet they did not struggle when they were trying to pay their rent as a student. So they are chasing this market, but they are about as white and middle-class as you can get, living in their million-dollar properties in the inner suburbs. But of course, they want to keep the inner suburbs for themselves, because really bike lanes are for them and them only.

So let us just remember, while they are chasing this rental market, they do not represent it other than in their fairly puerile use of undergraduate explanations of political systems. But there you go, that is my rant over for them for the minute. Let us get back to the MPI. Again, I did say this when I was speaking to the Greens stunt MPI the other day, that I want people to understand when we are discussing this that we are talking about real people. The Greens are very good at throwing around, you know, 'neoliberals' and 'social housing models' and so forth, but they are not very good at talking about real people. I doubt they have very much to do with them. I am not sure how many of them would have studied in France in that same art studio. So I do not know that they have those relationships that people on our side of the house do.

I was extremely fortunate to be asked to open the exhibition from the Central Highlands homelessness collective to mark national Homelessness Week last week at Ballarat Trades Hall. It is a fantastic exhibition, and the thing that it really wants to do is put a face to those names. The Greens are not very good at putting faces to names; they are just talking about childish political notions and arguing about the best way to deliver them. I looked in the eyes of a wonderful woman called Sherrie. She spoke after me at the launch, and she talked about having been 15 years trapped in a cycle of homelessness. Uniting Housing support workers were there to support her and got her out of that cycle.

Now, I want you to remember that Uniting Housing support workers are the people that the Greens are saying are neoliberals and are privatising land. Can we just be clear that the government is not selling off any land? The government continues to own that land. What the government is doing is going into partnership with very important community housing organisations to provide more housing. Partnership is not a word that sits well with the Greens, because the only way they know how to get elected in any seat is to try and offer themselves up as, you know, these unicorns fighting for – God knows what they are fighting for, frankly. But they would like to talk about people like Uniting as neoliberals, and that breaks my heart. I look at the work that they do. I look in the eyes of people like Sherrie and all the work that has been done. And as the wonderful member for Footscray pointed out, a lot of these community housing organisations are about wraparound services, and that is incredibly important.

In the 2023–24 budget $12.7 million was provided to homeless services in my region. That is a pretty big amount, and it was looking at everything – transitioning housing, private rental assistance, youth support and crisis support. The member for Footscray talked about the wonderful McAuley House – we have a McAuley House in Ballarat as well. It is quite an extraordinary model. It is about providing housing to women but also providing employment – hardly the most neoliberal organisation I have ever heard of. I am very delighted that this government invested $0.36 million in McAuley House in Ballarat in the most recent budget.

So there has been a lot going on in my electorate. I hear from the other side that we have not done anything, and I find it pretty extraordinary. In the Shire of Moorabool $22 million has been promised and there are 30 houses completed – can I just repeat that; they are completed – and 30 more underway. In Ballarat there are 128 new homes completed – yes, that is completed, for those on the other side – and we have still got another 200 underway. So there is a lot of really important work being done here.

The member for Prahran said the fundamental role of government is to provide housing. Could he – to use the words of one of my esteemed colleagues; I cannot remember who it was – pick up the phone? Who picked up the phone?

Mathew Hilakari: They are all esteemed.

Michaela SETTLE: They are all esteemed. Pick up the phone and talk to people in Canberra. Talk to your Greens mates in Canberra, because you have got a government there who wants to get on and start providing housing for the community. It is pretty extraordinary, pretty hypocritical, that the member for Prahran can stand there and lecture us about the fundamental role of government providing housing and be the biggest roadblock. His party is the biggest roadblock that we have seen in providing

housing. I think it is pretty tragic. I said it in my previous contribution and I will say it again: housing policy has got to be about the people – the people that we house, the people that we provide homes for. It is not about trying to win votes. All I ever see from the member for Richmond is her running around tweeting things, doing stunts, bringing people into the gallery. Why don't the Greens actually do something for once instead of just posturing about this? They have the audacity to say that it is all about politics for us on this side. We are actually getting on and doing it. We are building houses. We are putting people that need housing in houses. I do wish sometimes that the Greens political party would stop trying to appeal to undergraduate students and actually get on and have some concern.

The good old member for Richmond talked whoop-de-do about our rental reforms. They are just about to be adopted Australia-wide. In the national cabinet most recent to today they are talking about copying Victoria's fantastic rental reforms. I know that my friends Michael and Greg, whose pets are their children, are very, very pleased with the rental reforms from this government that allow pets to live with them. So whoop-de-do to you, Richmond.

Jess WILSON (Kew) (18:00): With the short time I have left today I am delighted to make a contribution on the matter of public importance. From the time I have been in the chamber I have heard the consistent back and forth between the Labor Party and the Greens about who is to blame for the housing crisis. If you listened to the debate today, you would not know from the stories coming from the government that they have been in government for nearly nine years, yet we are in a housing crisis. We have just heard from the member for Eureka that the Commonwealth should adopt Victoria's rental approach, despite the fact that we are in a rental crisis, we have vacancy rates at around 1 per cent in Victoria and Victoria's rents are going up faster than any other capital city.

Today the Property Council of Australia put out data that said that nearly three-quarters of the people they surveyed do not want to see rent caps, yet another promise from this government in a deal with the Greens to get through their taxation bill is to put rental caps in place. This will not solve the rental crisis.

Bills

Energy Legislation Amendment Bill 2023

Second reading

Debate resumed.

Jade BENHAM (Mildura) (18:01): Just let me recap on what I was saying before we went to the matter of public importance about the Energy Legislation Amendment Bill 2023. It is a very appropriate week to be talking about this, given the amount of people here that were raising the issue of energy, and energy transmission in fact, yesterday in Spring Street. There were 45 tractors brought in on 22 trucks to illustrate that they think their livelihoods should be protected, that their opinions matter, and they do, and that the Australian Energy Market Operator (AEMO), who is rolling out the Victoria to NSW Interconnector West (VNI West) project, have failed miserably in their community consultation in the first instance of this. We had some people tell us yesterday that the first that they had heard about this project, or the change of route, I should say, was through the media and in the paper, which is not always appropriate.

Then there were some people doing some community consultation at supermarkets. There was in fact an energy engineer, an electricity engineer, taking part in these surveys – the tick the box for community consultation – and even he was bamboozled by the survey that was taking place and the incredible technicalities of it. Mum walking into the supermarket with three kids to try and do her nightly groceries – I do not know, I certainly could not stand there with my kids and do a technical survey; to call it a community consultation is not very effective.

This bill amends the National Electricity (Victoria) Act 2005 to strengthen the retailer reliability obligation framework that was established under the national electricity law and recently amended to

enable the jurisdiction and its energy ministers to trigger the RRO. The decision to trigger that will be made in consultation with AEMO, with the energy regulator, the Treasurer and the Premier.

I hate the word 'triggered', but AEMO is a bit of a triggering word for those in western Victoria at the moment. I will say it again: we are not against renewables. In fact with the investment that it has brought to my patch we are not against them at all. In fact great, bring it on. There are a few questions around the end of life for the solar panels that have gone in, and we have got hundreds of acres that have been put into solar panels. The other thing that bamboozles me about that is: it is okay to build solar panels on what planning departments and planning schemes deem 'valuable agricultural land'. I know it is a solar 'farm' but again, with differential council rates they are very different to irrigated horticultural dry land. Then there is the afterlife of those solar farms. What is the plan for that? What is the plan for the land as well? Can we then build on it? You can put a solar farm there, but you cannot put a dozen houses to help with the housing crisis. Some of this stuff just does not make sense, but what does make sense is the plan B for the VNI West project. Plan A – sorry, no, it is not plan A, it is plan 5A, or option 5A, which is actually about the eighth or ninth option that has come out. It has come out with 1A; 2A, B and C; and 3A, B and C and so on and so forth. But plan B is the one that we want consultation on.

I was talking earlier about AEMO's modelling of VNI West, and it shows that wind farms in western Victoria – these are important facts and figures – will lose about 40 per cent of their energy production. Solar farms – and there are a lot of them – are much the same, because they do produce a lot of energy. But what good is that energy if you cannot store it or you cannot transmit it to where it is needed? You could do that, but what is the point of losing 40 per cent of that in the plan that has been proposed? Plan B can actually do that with far less curtailment and far less points of failure, and that is what we need, because some people will ask questions about the reliability of sun and wind. If you have less points of failure in the transmission, then maybe we can keep the lights on. Also for manufacturing and for industry up our way – the manufacturing industry is continuing to boom along with the agriculture sector – these things will be put at risk if we have not got reliable energy. Plan B also costs $5 billion less, according to page 15. Go and read the report, I encourage you. It is on the Victorian Energy Policy Centre's website. It is 92 pages long; it is a thrilling read. Go and read it, and you will see the table that I am talking about. It estimates that it could save energy customers $1 billion.

Nina TAYLOR (Albert Park) (18:07): I am going to speak to the bill that we have in front of us here today. There are a number of technical amendments within the context of ensuring energy reliability into the future. I should say I am going to explain a further subset of that, and that is the bigger picture and the primary mechanism to ensure we have new renewable capacity to come online in time for the closure of the coal-fired generators, because we are going through a huge energy transformation. That is so, so important. Of course that requires a significant amount of legislation. Honestly, this has been going on for years, because these things do not just happen overnight. You cannot just pop up a little social media post and say, 'Transforming the energy market' and 'Reduce the emissions' without actually doing it. This provides another important mechanism to ensure that we have controls in place that facilitate that very important supply as we are transforming the energy market into the future.

What is actually driving this change? We do have nation-leading emission reduction targets of 75 to 80 per cent by 2035, and I am so excited about this. The good thing is that our government is actually putting the mechanisms – and has been for some time – in place to make this happen. Of course we know how complex the energy market is as well, but nevertheless that has not in any way inhibited progressing in this space in spite of some pretty tough fossil fuel lobbies and otherwise. Some of the elements that have helped in terms of providing the primary measures that actually ensure reliable energy include strong renewable energy targets and programs, such as our Victorian renewable energy target auctions. We have had two of them – the two major Victorian renewable energy target auctions – and these really have given that very positive signal to market. But not only the signal, they are actually

driving outcomes in terms of investment in renewable energy. We have our $1.3 billion Solar Homes program and the $540 million Renewable Energy Zone Fund.

Just to come back to the bill in terms of what the retailer reliability obligation is, it is a smaller measure when it comes to the reliability of energy supply but nevertheless an important one. Smaller measures that ensure the right rules are in place to improve reliability are also important, I should say, and one such measure is the retailer reliability obligation, or RRO. The RRO works by ensuring that electricity retailers and large energy users have enough capacity contracted to meet forecast demand. That is an inherent element of this bill. It is really about giving Victorians confidence that energy markets are working in their favour.

I want to come back to the primary measures that ensure reliability of energy supply into the future, noting that the RRO is a just-in-case measure that will only be used when the market does not automatically respond to a forecast reliability gap. I want to come to the major triggers in terms of keeping that steady energy supply. What is really driving that are our ambitious renewable energy targets. They are the foundation of that agenda, setting a clear direction for investors to follow. It is just so very exciting. Well, I get excited about it anyway. I think everyone here is excited too – I am feeling it – particularly the Minister for Climate Action; she loves this. You can feel it every time she gets up and speaks in the chamber.

But anyway, getting down to the specifics, our first Victorian renewable energy target auction – get this – was the largest of its type in Australia when it launched and supported five projects totalling 800 megawatts of new capacity. This is exactly what we need when we are talking about reliability of energy supply into the future. Our second auction, the VRET 2, will bring forward – get this – 623 megawatts of renewable energy and deliver up to 365 megawatts of new battery energy storage.

Daniela De Martino: Hear, hear!

Nina TAYLOR: Yes, it is great, isn't it? Sorry, I just paused there. I was just reflecting. I am thinking how great this is. But anyway, coming back to the bill. I did refer to this earlier but I am going into greater depth because I think it is important community understands exactly what we are doing.

The $1.3 billion Solar Homes program is delivering renewables at the household level, and we have already helped over 200,000 households access rooftop solar. That is putting power back in the hands of Victorians. Not only are they saving money, they are having a bit of a say in their energy production or storage. This year rooftop solar has generated – this is the good stuff – nearly five times the power generated by gas in Victoria. That number will only grow as the 10-year Solar Homes program continues to roll out, and we know it is important as part of the gas substitution road map. If we are going to get to those aggressive emissions reduction targets – which we need to because we need a future for Victorians, and who does not want a cleaner energy future, I think we all do, noting also the obvious translation to benefits in terms of putting downward pressure on power prices – this is exactly the way to do it.

We have also invested $540 million from the Victorian Renewable Energy Zone fund to upgrade our grid and unlock new capacity. As a result of policies such as this Victoria has more than tripled renewable energy generation since 2014. I think it is important to emphasise these elements – they are very factual elements – because I know with young people today sometimes with all the data and investment et cetera it is hard to get that cut-through so they actually know what is happening. I think is important they do so they can have confidence not only in energy supply for the future but in the Victorian government and that we are absolutely committed to providing a viable future for them, because we know that climate change is absolutely upon us. We have seen dreadful fires and an overheating, for want of a better word, summer in Europe, and we saw those fires in Hawaii recently, which is very disturbing, but it is all the more impetus to back in the changes that we are implementing in this state.

As the share of renewables increases, there are also new opportunities – and this is also really important, because obviously you cannot just generate the energy, you need somewhere to store it – for energy storage solutions. That is why our renewable energy targets are supported by Australia's biggest energy storage targets, with at least 2.6 gigawatts of energy storage capacity in Victoria by 2030 and 6.3 gigawatts by 2035.

Interestingly, there are three broad categories of battery technology that are currently a focus for investment in Victoria, and our state is a leader in all of them. Just think about that. Victorians are fantastic. You know, I cannot say it enough. I am speaking for our Victorian community as a whole. I am not talking myself up, I am talking about our community.

Daniela De Martino: Hear, hear!

Nina TAYLOR: Exactly. We are Australia's home of large utility-scale batteries, including the 300-megawatt Victorian Big Battery, the largest lithium ion battery in the Southern Hemisphere. I know that even when I have discussions with people in my local community and I reference some of these elements, they cannot believe it, because respectfully, sometimes we have some opponents who try to blur the line and say, 'They're not doing anything, they're not cutting anything'. But actually when you cut through that and spell out what we are doing, they are like, 'Really, you're doing that?' Again, it is not to compliment our government or myself in that regard. It is about transparency so that people know what is being invested and what it means for them, because if we do not tell them, how are they going to know? Unless they live near one of these batteries, of course, and that would be a different circumstance.

Some of the big batteries that we have in the pipeline are, in the 44 seconds I have: a 125-megawatt big battery with grid-forming inverters, which will be funded by $119 million from our Renewable Energy Zone Fund; another 100-megawatt battery with grid-forming inverters in Terang, supported through our Energy Innovation Fund; and four batteries – I have still got time – totalling 365 megawatts as part of projects that were successful in the Victorian renewable energy target auction. There it is again – see what that is doing to drive the market? This is really inspiring investors, and not just inspiring them but getting them into it. It is fantastic. And there is also a growing number of big batteries being developed and operated by private sector market participants, including the 150-megawatt Hazelwood battery energy storage system, which opened in June. And there is so much more.

Wayne FARNHAM (Narracan) (18:17): It is always a pleasure to listen to the member for Albert Park. I am sorry, my contribution will be a lot more benign than the member's, but it is always enjoyable listening to her.

Members interjecting.

Wayne FARNHAM: The fellow that looks like the kid off *Hey Dad..!* over there just needs to calm down. You are not even sledging me from your seat. I am happy to rise today to talk on the Energy Legislation Amendment Bill 2023. This bill is part of the government's commitment to managing the transition of the energy sector to achieve net zero emissions by 2045 while ensuring the reliability of supply of energy to Victorian consumers. Its purposes are to amend the National Electricity (Victoria) Act 2005 to incorporate decision-making requirements that will apply to the minister when deciding whether to make a T-3 reliability instrument under the National Electricity (Victoria) Law, to amend the National Gas (Victoria) Act 2008 to enable regulations to be made that prescribe a civil penalty for a breach of a declared system provision that is prescribed to be a civil penalty provision, to make further modifications to the National Gas (Victoria) Law as it applies as a law of Victoria to enable the Supreme Court to make an order that a person pay a civil penalty for a breach of a declared system provision that is prescribed to be a civil penalty provision and to update references to the Essential Services Commission's gas distribution system code in part 6 of that act. I will note that this side of the house does not oppose this bill, as the member for Croydon pointed out this morning – the taller, good-looking bald guy that looks like me. His contribution was very, very concise.

When we talk about energy, when we talk about supply and when we talk about reliability, this bill is a good bill. It gives the minister the power to direct energy companies to fix problems. Earlier it was pointed out that we quite often have planned and unplanned outages, and this gives the minister that power, especially for unplanned outages. They are the ones that really affect people. We all know when the storms went through Monbulk a few years ago – I think they were in 2020 – trees took down powerlines and people were really affected. I think a bill that gives the minister the power to direct power companies to fix those problems quickly and efficiently is probably a good thing, and that is why we support it on this side of the chamber.

When we talk about gas and gas supply, it is interesting that the government has quite recently said that gas will not be in any new house that needs a planning permit from 2024. I think the government has possibly jumped the gun a little bit on gas supply. The thing about gas at the moment is we still need it. I have spoken about this before. The foundations are not quite there yet for renewable. Everybody agrees that renewable is good and everyone wants a clean environment, but we also want cheaper prices, and at the moment no-one's power prices are going down. I think for the government to take gas out of the supply chain at the moment is premature. The government could allow gas to continue while we are transitioning – remember, we have not shut Yallourn yet; Yallourn is due to shut in 2028 – until we know renewable will work. I really hope it does, because it is going to cost Victorians I do not know how many billion dollars to do renewable. So I hope the investment is a wise investment. But until we get that right, until we know that that power generation is reliable, do not take another energy source out of the system. What the government maybe should consider is keeping gas on board.

I am a little bit confused about their announcement that no new home that requires a planning permit will have gas after 2024. I probably want the government to know this, because I do not think they have got it right: new homes do not need a planning permit, new homes require a building permit. They are two completely different things. Most homes that require a planning permit will have a heritage overlay or will be a heritage listed house, or it could be a renovation that is very close to a neighbour's house. Those things require planning permits. New homes only require a building permit.

Is the government actually saying with the gas legislation that every new subdivision in 2024 that goes in for planning will not be connected to gas? At the moment the government is having a very different conversation, and what it needs to do is clarify this. You have developers out there that are very confused at the moment. The developers are going, 'Can we or can't we run gas?' So the government really has to get its language right on this; it is very important. But I think the government should allow gas in the subdivisions, because as hydrogen technology advances and gets better, we can put hydrogen through the gas lines. So my advice to the government is: get the renewable sector right first. Keep gas there as an energy source. Do not take it all away at once, because my fear is it will fail.

We do not know yet whether, when Yallourn turns off in 2028, all the effort put into this is actually going to power the state. And not long after 2028 we will have Loy Yang shut down, and that is more pressure on the system, so the government has got to be very careful where it treads. The government has to really, really think about this carefully, because if they get it wrong, it will affect all Victorians. It will not be seat by seat, it will be the whole of Victoria. So I would encourage the government to keep gas in the system. When hydrogen comes online and is an efficient source – and I believe it is actually not that far away – hydrogen can use the gas infrastructure, and that would be smarter.

I think the government really needs to be clear with consumers on gas. I had some constituents in my office the other day – and I do not know if this is correct or incorrect; I have to do the research – who read somewhere that if your gas appliance is nine years old, you will not be able to get that serviced. If that is the case, there are a lot of gas appliances over nine years old and there are a lot of people that cannot afford that transition from gas to electric. As I have stated previously, an average house would cost about $30,000, and that is going to affect a lot of the older people in our community that do not have that income stream. They could be pensioners or reliant on retirement income. So the government has got to be really clear on this, because Victorians are worried and they have a right to be worried. I would like the government to go back and actually be very, very specific in what they are putting

forward, but I would discourage the government at this point in time to stop gas. It is not a wise decision. Get your foundation right, then stop gas and then go forward with that.

Gary MAAS (Narre Warren South) (18:27): Acting Speaker Crugnale, it is so terrific to see you in the chair. Thank you for the opportunity to make a contribution to the Energy Legislation Amendment Bill 2023. To kick it off, I just want to ask a rhetorical question: how hardworking is the Minister for Energy and Resources and Minister for Climate Action? How hardworking is she? Every time we come to this chamber, there is a bill to do with energy or there is a bill to do with climate change. She is making sure that this state, when it comes to renewable energy –

Members interjecting.

Gary MAAS: Do not get me started on renewable energy and your lot. You never vote for anything that has to do with renewable energy. You always vote it down. When it comes to ensuring energy safety, when it comes to ensuring renewable energy and when it comes to ensuring that the climate change deniers are put back in their place, we have a climate change and energy minister in this state that the whole of Victoria can rely upon. And when it comes to this bill, we are trying –

Members interjecting.

Gary MAAS: Well, if you want me to take you through the energy bills that the Liberal Party has voted down in this place, I am very, very happy to take you through them. At every single stage the Liberal Party have opposed any bills that relate to energy targets or climate action, so let us go through them.

Richard Riordan interjected.

Gary MAAS: The member for Polwarth can keep going on and on and on –

Bridget Vallence: On a point of order, Acting Speaker, I believe we are addressing the Energy Legislation Amendment Bill 2023. It is a specific bill. It has been circulated. And on relevance, I would ask you to bring the member back to the narrow bill and the member not to take it as an opportunity to attack the opposition.

Paul Edbrooke: On the point of order, Acting Speaker –

Wayne Farnham: Sorry, Acting Speaker, the member is actually not in his seat, so he can't raise a point of order.

The ACTING SPEAKER (Jordan Crugnale): No, that is right. Member for Frankston, you are not in your seat. I ask the member for Narre Warren South to continue and get back to the legislation.

Gary MAAS: Okay. All right, given I have been pointed back to the legislation after a couple of minutes, I might just go to the fact that the bill does actually have three very important components, which are all around supply as well as regulation. The first adds decision-making criteria to the legislation in the event that the minister for energy triggers the retail reliability obligation (RRO), the second enables alignment between penalties applied to Victorian gas market participants with those in other jurisdictions and the third changes outdated references to our gas distribution system code, which is now known as the Gas Distribution System Code of Practice.

I would like to go to the issue of supply primarily in this bill, and we know that since privatisation the energy market has not always delivered for Victorian households and businesses. Basic supply-and-demand economics: short supply drives up prices, so there is not always that incentive there for market operators to supply. We know that electricity is one type of product that just simply cannot run out for Victorians. The energy crisis that has seen power prices rise over the past 12 months is an example of this. Several breakdowns at coal-fired generators across the east coast, coupled with the war in Ukraine, saw shortfalls that drove prices higher. Those prices are now flowing through to retail bills. Renewables were the lone hero throughout this crisis. Wholesale power prices in Victoria have

consistently been the lowest in the national electricity market due to our investments in renewable energy over the past eight years. In fact across the NEM there is a very strong correlation between higher shares of renewable energy and lower wholesale prices. Victoria is still exposed to unreliable coal-fired generation and high fossil fuel prices, but Victorians have been better insulated than the northern states, which are more dependent on coal and gas. The RRO is in place to incentivise additional capacity over the medium term by ensuring that supply will match demand. It also holds retailers and large energy users to account. It will work with longer-term measures to support new capacity and shorter-term measures that the Australian Energy Market Operator can utilise in the event of coal outages on peak demand days.

There is also the introduction here of regulations so that civil penalties can be put in place for gas wholesale markets, and so as I said, the bill enables regulations to be made to increase the maximum civil penalties payable by gas companies that do the wrong thing. The change will allow the Australian Energy Regulator to apply penalties consistently across all jurisdictions across the east coast gas market, and the amendment reflects a couple of things. Firstly, it continues our government's tough approach to energy companies that simply do the wrong thing, and we do note that under the previous Liberal government big energy companies were allowed to run quite rampant. In just four years, power prices increased by nearly 35 per cent, and gas and electricity disconnections more than doubled.

Richard Riordan interjected.

Gary MAAS: The truth hurts, I get it. But it left really, really vulnerable Victorians without access to electricity and heating. Through our energy fairness plan we have tipped the scales in favour of households. We have halved the number of disconnections. We have made the energy market easier to understand. We have provided four rounds of the power saving bonus and increased penalties for big companies that do the wrong thing. Secondly, it demonstrates the greater cooperation between the Commonwealth and state government on energy matters. Quite frankly, you might remember a period of time when we had someone who was to become Prime Minister of this country with a lump of coal in the chamber.

A member: Oh, shame.

Gary MAAS: Yes, indeed. But now after nine years of denial and delay under the –

Richard Riordan interjected.

Gary MAAS: Jeez, the truth really hurts, doesn't it? The truth really hurts. After nine years of denial and delay under the previous coalition government, we have a federal government that we can work with to get things done. This will be to the benefit of not only Victorians but all Australians as we cooperate to advance the energy transition and apply consistent rules across the country to protect energy users.

The amendments are technical in nature, and I am very pleased to hear that the Liberal opposition is in fact supporting the bill. As I pointed out, this is the first energy bill of its type that we have seen the opposition support in quite some time. I was just about to run through the list of bills since 2014 that the Liberals have voted against or tried to gut in Parliament. I would like to note for the record that since that time we have had: the Climate Change Bill 2016, the Renewable Energy (Jobs and Investment) Bill 2017, the Renewable Energy (Jobs and Investment) Amendment Bill 2019, the Energy Legislation (Licence Conditions) Bill 2020 – which was voted against – and the Energy Legislation Amendment (Energy Fairness) Bill 2021. The Energy Legislation Amendment (Energy Safety) Bill 2023, which we had in this place two weeks ago, was also voted against. Time and time again, when it comes to notions of renewable energy, when it comes to notions of solar, when it comes to notions of supply and when it comes to notions of fairness for Victorians with their energy supply, the opposition will always vote it down.

This bill, as I have said, has been put together by the very hardworking minister and the department. It is an excellent bill, and I commend it to the house.

A member: Comedy show.

Richard RIORDAN (Polwarth) (18:37): Yes, it is in fact a comedy show, this paper-thin piece of legislation that has wafted into the house to clog up the government's otherwise empty legislative agenda. This is now about the fourth paper-thin little piece of legislation. It is a do-nothing, say-nothing sort of procedural thing. An organised government that was serious about energy transition – transformation of our energy system – a government that was actually seriously worried about cost-of-living controls and seriously worried about the pressures and sustainability of energy systems would not just drip a little piece of paper like this in once a week for weeks on end. No, they would actually work –

Gary Maas: On a point of order, Acting Speaker, on relevance, for a minute now the member for Polwarth has been going on. I know it is a wideranging debate, but it would be terrific if he could return to speaking to the bill.

The ACTING SPEAKER (Jordan Crugnale): If the member for Polwarth would like to resume.

Richard RIORDAN: It is relevant, the paper thinness of this, because it speaks –

A member interjected.

Richard RIORDAN: That is right. In trying to make out what it is, I have noticed that for the government members even their talking notes can barely get them through 5 minutes or 10 minutes on this bill, because they have to go off on other tangents. But the point is that a government serious about a modern, renewable, sustainable energy system would put this procedural stuff into one decent bill, get it knocked over and get on to dealing with the issues that they have to worry about when it comes to our energy transition because –

A member interjected.

Richard RIORDAN: That is exactly right. Whether it is the disaster in public housing, where it is hard-hat city rather than hard-built form that people can live in or whether it is talking about running a Commonwealth Games and then failing to be able to deliver, or tunnels or –

The ACTING SPEAKER (Jordan Crugnale): Order! Can I please ask the member to return to debate on the bill in question.

Richard RIORDAN: Thank you, Acting Speaker. We will return to the little we can talk about with this bill, and we are talking about the fact that this government has been irresponsible in dripping this in. And we know that they are doing this because they have got so little else to talk about for the people of Victoria. There is nothing in this that is addressing cost of living. There is nothing here addressing the chronic housing crisis that we just spent 2 hours debating and heard absolutely nothing new from the government on.

What this legislation fails to do, and what the numerous energy supply and energy management pieces of legislation that have dribbled through this Parliament over recent weeks have failed to do, is actually give Victorians a clear road map on how we are going to have a sustainable and viable energy supply system into the future. This legislation seeks to blame retailers and seeks to put the obligation on retailers to make sure there is enough generation, but if the minister would only come and talk to non-sycophantic country folk, they would show her them quite clearly. I can take the energy minister for a walk, and we can have a look at whole energy projects that have been built in country Victoria that are not connected. They are sitting idle, and in fact the one closest to my electorate, Mortlake South, has sat there for two or three years barely striking a blow on the energy system. In fact more energy is consumed by a toaster than what that whole $500 million project has returned to the people of Victoria,

because we have allowed huge investment into renewable energy but we have not invested in the infrastructure to transmit it.

Bridget Vallence: No transmission.

Richard RIORDAN: No transmission, and we are seeing this government completely mess up its approach to transmission. We saw half of western Victoria out on the front steps of Parliament only yesterday saying, 'Look, Andrews Labor government, you've been in charge a long time. You've had carriage of this problem. You've had carriage of the solutions to transmitting energy around Victoria.' So we can produce the renewable energy people want, but we cannot get it to the homes and the houses and the businesses that need it. This government singularly fails in the transition program that they talk about – you know, 'zero emissions by 2030' or whatever figure they come up with this week; we know this government very rarely has any intention of ever sticking to a public commitment it makes.

We have seen it time and time again – the Commonwealth Games; it does not matter whether it is fast rail to Geelong, airport rail links or road funding to country Victorians. In fact the minister for failed Commonwealth Games delivery was in my electorate recently, and in trying to explain to my community why she failed to deliver on the Commonwealth Games she made a promise: 'We're going to deliver the infrastructure that we were going to deliver to regional Victoria, but don't expect us to give a deadline on it. We're not giving a deadline because no-one in regional Victoria is going to see anything until at least 2026 or 27, so we'll wait until at least then before we give any commitments.' I thought it was yet another example of how this government loves to talk about doing something but actually delivers very little.

Once again that is what we are seeing with the transition in our energy system. We are seeing a government and all the advice it receives. It needs gas, for example, as part of the transition mechanism as a transition fuel, because we know that gas can fill in the gaps that wind and solar experience, of course, as a result of nature. They cannot do anything about it. The generators cannot make a wind turbine work when there is no wind, and they certainly cannot make solar panels functional in the middle of the night. Therefore until we get the system right, until we have enough storage and until we have the transmission line, we are going to need to have a transition fuel. This government continually demonises and puts great unnecessary strain and stress on that vital transition fuel, because while it talks it down, while it scares the market out from dealing in that, we are not going to have the investment that we need.

Juliana Addison interjected.

Richard RIORDAN: Whether you are a Labor federal government or a state government elsewhere, you have accepted – or you should have accepted – that there is a long period of transition, because despite what the backbencher member for Wendouree might think as she drives to the city and past the occasional wind farm, that alone is not going to solve the energy crisis at this point. It is a long way to go and there is much to be done, and this legislation is a poor performer in that area.

There is wording in this legislation that talks about the retailer reliability obligation. Well, it would be great if the government had a government reliability obligation built into its legislation. The government reliability obligation might say something like, say, if the government cannot get its planning right, if the government cannot get its settings right and if the government sends the wrong signals to the market. For example, in my area down in the south-west of Colac in the area called Cobden we have currently got three renewable energy companies consuming local council resources, consuming state government resources and consuming the time and anxiety of my local region over whether they are going to build solar farms or wind farms, and the reality is only one of the three will be able to fit into the grid because the grid is so substandard now.

So the problem I would ask about is: how does this legislation work to the obligation of providing renewable energy when you have got so much time and money and community angst being wasted on three projects, when they need, and there can only be, one project. That is some of the structural

inefficiency and financial inefficiency that is currently being overseen by this government. It is all very well to try and push the blame of our unreliable energy system onto the private sector, but what about government's role in providing a safe and reliable energy system? They are forcing costs up.

It was interesting that some of the government contributions were talking about how much power went up under a Liberal government. There is not a person in the state of Victoria that does not think their power bill is going up year on year on year under this current government. Even if you have put solar panels on your roof, you still expect your overall power bill to have increased in recent times, unless you have been able to supplement it with other changes to your household. With this bill, while I do not wish to overly oppose it, I just despair at the lack of cohesion in the government.

Juliana ADDISON (Wendouree) (18:47): What a delightful day for me, starting the morning with the member for Polwarth and ending the day with the member for Polwarth. I am so lucky; I just thank my lucky stars. What a day. It will come as no surprise to anyone here that I fervently disagree with that diatribe and that ranting that just was so illogical – that we are doing nothing, yet half of Victoria is protesting out the front. Mmm – doing nothing? What are they protesting about? Why are they out if we are doing nothing? It is just illogical what you present. It is ridiculous. I am actually going to talk about this bill. You do not understand it, so I am going to explain it to you – sorry, I am going to explain it to the member for Polwarth, which will be really great.

Bridget Vallence: On a point of order, Acting Speaker, I just understand previous rulings said 'you' is a poor reflection on the Chair, and I think the member just said 'you'. If you could ask her not to do so. Thank you.

The ACTING SPEAKER (Jordan Crugnale): Can the member go through the Chair, please.

Juliana ADDISON: I thank the member for Evelyn for listening so carefully. I really appreciate the member for Evelyn doing that, and I will really reflect on that. Thank you.

It is very, very good to have the opportunity to rise to contribute to the debate on the Energy Legislation Amendment Bill 2023, because energy security and supply is an important issue for Victorians. It is an important issue for my electorate of Wendouree. I am really thankful for the contributions from the Labor members of this place, because they have actually read this bill and they understand why we are doing it and why it is happening.

I want to thank the Minister for Energy and Resources for bringing this legislation to this house, because this bill will further safeguard Victoria's energy security by safeguarding our electricity supply. I thank the minister's office for what they do, and I thank the Department of Energy, Environment and Climate Action for the great work that they are doing as we really transform our state's energy, which is a really, really important thing to do.

I do support this omnibus bill, which is technical in nature, because it will strengthen the electricity and gas regulatory framework by making amendments to two pieces of legislation – those being the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008. In doing so we are enhancing protections for energy consumers and establishing more certainty for the market – important issues for communities across Victoria. Whether it is this legislation that we have brought to the house or multiple other things, including bringing back the SEC, we know that work needs to be done in this space to bring down power bills and to create thousands of jobs in renewables. That is what this government is about, and bringing back the SEC is emblematic of this government.

We are also doing other great things like providing $58.2 million to install 100 new neighbourhood batteries. I refer to what the member for Polwarth talked about. He said that we need to do other things, not just put solar panels on our roofs, to bring down electricity prices, and that is what a battery in Ballarat is going to do for my community. A neighbourhood battery is doing that something else that the member for Polwarth just referred to. That is what we are going to do: we are going to make sure

that the statewide investment will triple the number of homes with access to batteries and provide crucial extra storage capacity for local communities. I welcome that, and I think that is terrific.

I also welcome what we are doing with renewables at Federation University. Our TAFE is going to receive $6 million, which was announced in the May budget, to ensure that we have the Federation TAFE Asia Pacific Renewable Energy Training Centre. This is going to be a game changer, and that is what the member for Polwarth wants. He was saying we have to do more, and that is the more we are doing. I am so pleased that I can stand up in this chamber and say that we are doing more. We are doing more with batteries, we are doing more training, we are doing more with renewables and we are bringing the SEC back, which is going to be all renewables, creating over 50,000 jobs. This is what we are doing. The member for Polwarth wants us to do more, and we are doing more.

Bridget Vallence: I cannot wait for the Matildas to be on later tonight. On a point of order, Acting Speaker, again we are talking about the Energy Legislation Amendment Bill 2023, so my point of order is on relevance. This is not the take-note motion on the budget. The member will have an opportunity to talk about the government's budget and the SEC and other things at a later stage. This is the Energy Legislation Amendment Bill, which is a narrow bill, and I would ask you to call the member back to the bill and to be relevant to the bill.

The ACTING SPEAKER (Jordan Crugnale): I think the member is being relevant. It has been a very far-ranging debate so far, but the member is being relevant.

Juliana ADDISON: The Energy Legislation Amendment Bill 2023 enhances the regulation of both electricity and gas in Victoria, providing more certainty for markets and strengthening protections for consumers.

The amendments that are being made to the National Electricity (Victoria) Act 2005 primarily clarify what the minister must consider and do when triggering the retailer reliability obligation. The obligation is applicable when an electricity supply shortfall is forecast over three years in advance. It puts in motion an assortment of notifications and responsibilities to enable that shortfall to be covered by the market. This is what I was wanting to hear from the member for Polwarth, but I did not. I really wanted him to talk to me about his understanding of the T-3 reliability instrument. When deciding to trigger the obligation by making what is called a T-3 reliability instrument, the member for Polwarth will be very interested to know that this must happen three years out from a suspected shortfall. This bill proposes that the minister must take several things into account, including any potential impact on the liquidity of the trading markets for Victorian electrical derivatives, the availability of generating units and transmission systems at relevant times, the impact on consumers as well as any other prescribed matters. The minister may also have regard to any other matter that she considers relevant. The decision-making criteria is on top of the existing requirements under the National Electricity (Victoria) Act, such as conferring with the Australian Energy Market Operator and the Australian Energy Regulator.

In addition to this, this bill proposes that both the Premier and the Treasurer will be consulted before making a T-3 reliability instrument. When this decision is made and the official notice is published, in accordance with the National Electricity (Victoria) Act, it must also be published that same day in the *Government Gazette*, along with the minister's reasoning. These are technical amendments, but they are important. They provide the criteria, the consultation and the accountability to ensure that any use of the retailer reliability obligation is justified. Having this framework means that the obligation can be triggered when it is needed, giving our state an additional insurance policy against electricity shortfalls. It is a 'just in case' mechanism that further improves the reliability of energy supply in our state.

Further, the bill also proposes amendments to the National Gas (Victoria) Act 2008 regarding the imposition of civil penalties for civil penalty provision breaches. Following updates to the national civil penalty framework in 2020 the Australian Energy Regulator has the flexibility in other jurisdictions to respond proportionally to breaches in line with their severity, but it only has access to

lower tier 3 civil penalties here. The proposed amendments that are being put forward in this bill would put us in line with other east coast wholesale markets. This would enable the minister not just to prescribe provisions in the national gas rules that are relevant to the Victorian markets as civil penalties but also to prescribe their penalties under the National Gas Law, thereby empowering the Australian Energy Regulator to respond appropriately to instances of non-compliance.

Again, these could be considered purely technical amendments, but they shore up some very real protections for Victorians. Provisions under the national civil penalty framework can relate to important issues, which obviously was lost on the member for Polwarth, of public safety, financial harm and hardship, the fundamental right to access essential services, market distortion, supply security, system reliability, service levels, interruptions and large-scale events. I do not know about the member for Polwarth, but I care about public safety, I care about financial harm and hardship and I care about the fundamental right to access essential services, and I am very proud to be a member of a government that stands by consumers across Victoria rather than those who do not read legislation.

Annabelle CLEELAND (Euroa) (18:57): I rise today to speak on the Energy Legislation Amendment Bill 2023, a bill that we do not oppose. This bill is part of the government's attempts to manage the transition of the energy sector to achieve net zero emissions by 2045 and to ensure that Victorian consumers have access to a reliable supply of energy. This transition period is already well and truly underway. Rapid technological change has seen changes to our national electricity market, with moves within this system being made to work towards a lower emissions electricity system. While this transition is occurring it is imperative that the reliability of our electricity supply is prioritised for the benefit of our community. Amendments in this bill will aim to deliver this. This includes amendments to both the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008, both of which have the aim of delivering better outcomes to Victorian energy consumers. The bill will amend the National Electricity (Victoria) Act 2005 to strengthen the retailer reliability obligation (RRO) framework established under the National Electricity Law – something that was recently amended itself.

This bill will also introduce decision-making criteria specific to Victoria, with consultation safeguards to be used in the event the Victorian minister needs to trigger the RRO in response to an emerging risk of significant electricity disruption. The decision to trigger the RRO will be made in consultation with the Australian Energy Regulator and the Australian Energy Market Operator, as well as the Treasurer and the Premier. It will ensure the decision is informed by the most up-to-date information regarding the energy sector and the broader economy. The RRO sets responsibilities on retailers and large customers to secure contracts with electricity producers during periods of forecast lack of supply. This in turn encourages forward contracting, which importantly helps finance much-needed new investment in electricity generation and to avoid supply shortfalls.

The bill will also aim to improve the functioning of Victoria's wholesale gas market by enabling regulations to be made to increase the maximum civil penalties payable for parties that breach the rules. The change will provide additional flexibility to the Australian Energy Regulator and the courts in determining an appropriate response to instances of non-compliance and help ensure any civil penalties reflect the severity of the conduct and act as a deterrent. This will ensure the compliance and enforcement regime is fit for purpose so that the Victorian gas market delivers better outcomes for consumers and aligns the level –

The DEPUTY SPEAKER: Order! I am required under sessional orders to interrupt business now, and the member may continue their contribution when the matter is next before the house.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Lorne pier precinct

Richard RIORDAN (Polwarth) (19:00): (291) The action I seek in this evening's adjournment debate is for the Minister for Environment in the other place, and the action I seek is for the minister to intervene on a recent ongoing decision by GORCAPA, which is the Great Ocean Road Coast and Parks Authority, on the abandonment of the outdoor lease area that the Lorne aquatic club has been occupying since COVID. The beautiful Point Grey at Lorne is well known to any visitors to the Lorne area – it is where the pier precinct is – and under the newly formed GORCAPA it has been nothing but a sort of endless conga line and cavalcade of inaction and poor decision-making, which has seen one of the most popular and iconic spots along the whole beautiful Great Ocean Road left to abandonment. There was much angst in the community on the closing of the Lorne pier restaurant, which was a great venue for people on a sunny day – and I note the Minister for Police across the table; I think he spent many a long and seedy afternoon in that beautiful spot – but it is now closed and abandoned.

In the absence of somewhere for the community to be able to sit and enjoy one of the most beautiful spots on the Victorian coastline and perhaps even the Australian coastline, it seems bizarre that a government that says it is interested in regional tourism, interested in looking after and building strength and resilience in our local coastal communities, would decide arbitrarily 'That's it. Sorry, guys. That beautiful little piece of land that does not have any other purpose, we're now not going to let you let people sit out there and have a coffee and a drink and enjoy the beautiful north-facing aspect.' It is a great disappointment.

So Minister, I call upon you, really, to act in a way that just gives guidance to GORCAPA. It has an important role in looking after the environment, but it also has a critical role in supporting local communities, and our local coastal communities rely very heavily on that public open space that the foreshores deliver to our country towns. Whether you are in Port Campbell, Apollo Bay, Wye River, Lorne, Aireys Inlet, Anglesea, Torquay or wherever you might be along our beautiful Great Ocean Road, those public open spaces are now controlled by this government, essentially through GORCAPA. It is a disappointment that this action has happened, and it seems that the committee and the members of the Lorne aquatic club have been unable to progress their case to the government and to the authority. So I would urge you, Minister, to intervene and suggest very, very strongly that this is a good thing to do and that the environment and the needs of the local community and visitors alike can be equally managed for the benefit of the environment and of the local community.

Mordialloc College

Tim RICHARDSON (Mordialloc) (19:03): (292) My adjournment this evening is to the Minister for Education, and the action I seek is for the minister to update my community on the progress of planning works for the next stage of Mordialloc College's redevelopment. Mordialloc College is a wonderful school in our local community led by principal Michelle Roberts. I have said before that they really excel in excellence in education and equity in education in everything that they do. Not only do you experience that each and every time you visit, but they are actually a back-to-back Lindsay Thompson medal award winner, which is the Brownlow of education awards in Victoria. They won that back to back. I do not think there is a school that has done that before. But it shows the leadership, the quality of education and the best standards that are provided to students of Mordialloc College.

We made a really important commitment of $12.6 million to fund their next stage of redevelopment. The Mordialloc College community have a STEM ambition there to support their students. It goes on the back of substantial redevelopments that have happened here that have only been possible because of an Andrews Labor government. We have seen the investment in the performing arts centre and the

basketball pavilion and stadium there. We have seen the upgrades to the junior learning centre and the modernisation of the year 12 buildings as well. This school, when I came to being the member for Mordialloc and representing that community in this Parliament, had about 572 students. It now has 1250 students. It is a school of destination, it has excellence in results and we are really appreciative of the work that has been done there. That next stage of redevelopment was a commitment made, and there has been planning funding that has been allocated in the budget to realise some of that ambition as the school community continues to grow.

Just recently I had the opportunity to connect with the students at an assembly attended by a former student who graduated in 2017, Imogen Kane, who has become a United Nations youth representative and will go to New York in a little while. She has been going all around the country picking up the views of youth and their perspectives and sharing them more broadly on a range of issues from climate change to equality, the cost of living and gender-responsive policy as well. So I want to give a big shout-out to Imogen Kane, a graduate of Mordialloc College in 2017. It just shows the excellence and quality of students who come out of here. Also she has led productions during that time and given back to her school community, just one example of the many things that Mordialloc College is known for and what we know in our local community.

We want to make sure that our schools have the first-class facilities for the first-class education that is provided. That is what that $12.6 million commitment is all about – realising that ambition and delivering for that future going forward. We give a big shout-out to the principal Michelle Roberts, her principal leadership team and the teachers and education support staff that do an incredible job to make our community the best it can be.

Department of Energy, Environment and Climate Action

Tim BULL (Gippsland East) (19:06): (293) My adjournment is to the Minister for Environment, and the action I seek is for the minister to restore the opening hours of the Department of Energy, Environment and Climate Action offices in Bairnsdale and Orbost. To highlight the need for this I am going to outline a situation that I do not think you will even believe: my office recently received a call from a government employee on a Friday who was having trouble getting through to the DEECA office to answer a query I had raised about the lack of opening hours. She wanted to speak to a local person at the DEECA office to get an answer to a query I raised – that you cannot get a hold of anyone at the DEECA offices on a Monday or a Friday. I mean, could you possibly believe the irony of that?

My staff were very polite and very respectful, and they explained to this person who was on the other end of the line – I see the minister at the table, the Minister for Police, finding this appropriately ridiculous – that that was the very reason we wrote the letter, because the office doors of the DEECA offices are shut on Monday and Friday and staff cannot get hold of them. So just to be clear, to get this on the *Hansard* record nice and clearly: we raised a query about the fact you cannot get into the DEECA offices, cannot get hold of anyone on a Monday or a Friday, and someone from the minister's office rang me to get an in because they could not get hold of anyone at the same office on a Friday. It is crazy, isn't it? If ever the minister needed a reason to revisit these opening hours, she has got it from her own staff member, who could not get through to the office to answer my query.

Interestingly, I also had correspondence today from the minister to a letter I wrote in July 2022 about foot-and-mouth concerns. That arrived today, more than 12 months later, in my inbox, responding to the concerns I raised about foot-and-mouth. So that whole department needs a little bit of an overhaul on what is a timely response, but they can certainly start – minister at the table, the Minister for Police, if you can pass this on – with reopening those offices in Bairnsdale and Orbost so not only my constituents can get access but her own ministerial staff can get access to answer my queries.

Pearcedale Recreation Reserve

Jordan CRUGNALE (Bass) (19:09): (294) My adjournment matter is for the attention of the Minister for Suburban Development, and the action I seek is that the minister join me in my electorate of Bass to visit the site of the Pearcedale Recreation Reserve. Our signature Growing Suburbs Fund program will deliver a purpose-built facility to support district level AFL, cricket, netball and, in the swathe of offerings, see a multipurpose community space, kitchen, umpire rooms, first-aid office, storage and undercover outdoor area. This $4 million project is jointly funded through our Growing Suburbs Fund and the City of Casey and is expected to be completed later this year.

The Pearcedale Panthers are a vibrant, connected, socially active, supportive, inclusive club with a total look-out-for-one-another vibe. Established in 1898, they do have a bit of a showcase cabinet with myriad shiny trophies. A big year in 2017 saw the introduction of the first senior women's football team, and along with this accomplishment the club merged footy and netball to become what it is today. The former pavilion was described as embarrassing and outdated, and we all cheered when it was razed to the ground. And there is more, as last year we funded an upgrade through our football–netball country program, which has the minister with her community sport hat on and which will see compliant netball courts complete with lighting, so they can play, train and host local competitions. Judging from their round 17 clean sweep across A, B, C and D grades and the under-17s against Rye, like their namesake the Panthers they are excellent jumpers and sprinters and can climb to great heights. I look forward to welcoming the minister to Pearcedale to meet with the club and hear how the facility will benefit them and future generations.

South-West Coast electorate roads

Roma BRITNELL (South-West Coast) (19:10): (295) My adjournment matter is for the Minister for Roads and Road Safety. The lives of Victorian motorists continue to be neglected by the Andrews Labor government as funding projects for major road upgrades continue to be put on hold. We have a government who despite being in power for 20 of the last 24 years do not have anything to show for it when it comes to our roads. They keep starving our roads of urgent and desperately needed funding year after year after year. My constituents keep asking me, 'Why do we need to have our cars roadworthy when our roads are not carworthy?'

Right now, funding for upcoming major road projects in regional Victoria is shrouded in a fog of uncertainty. What we are hearing is the drying up of funding for road construction companies who are responsible for undertaking major road upgrades. I am led to believe no budget has been allocated to any upcoming major projects, even though the roads budget has already been cut by 45 per cent since 2020, including by another 25 per cent in this year's disastrous budget. It is just deeply, deeply concerning that this government does not appear interested in allocating a single cent for upcoming major road projects in south-west Victoria. There are not even any tenders listed on the Victorian government website for upcoming major roadworks.

Why should Victorians have to gamble on road safety when we know this government has been burning cash since the day they got elected? Look at the Commonwealth Games, for example. The bill for the mess this Labor government left as a result could be more than what they have ever spent on regional roads. The community are so sick of this government, and they are even taking matters into their own hands by spray-painting around potholes to warn incoming drivers. Why is this government hiding and cutting important road funding and major road projects on our regional roads at a time when our roads are in a disastrously unsafe condition and have never been worse?

In March I tabled in this house a list of the most unsafe roads in South-West Coast. The minister is well and truly aware of these roads because I talk about it day in, day out. In case the minister has forgotten, they are the Woolsthorpe-Heywood Road, Princes Highway, Hopkins Highway, Warrnambool-Caramut Road, Hereford Road, Cobden-Warrnambool Road, Mailors Flat-Koroit Road, Myamyn-MacArthur Road, Hamilton-Port Fairy Road and the Terang-Mortlake Road. These are significant thoroughfares carrying domestic vehicles with families and children, but they also carry freight goods

as well. Minister, you know our roads are dangerous. The action I seek is for the minister to confirm when the $150 million South-West regional alliance will receive funding for the upcoming year.

Premier's Spirit of Anzac Prize

Kathleen MATTHEWS-WARD (Broadmeadows) (19:13): (296) My adjournment matter this evening is for the Minister for Veterans Natalie Suleyman. The action I seek is for the minister to join me at Ilim College in my electorate of Broadmeadows to share with the school community how the Premier's Spirit of Anzac Prize is connecting young people with the legend of Anzac. More than 40,000 Australians of Turkish background called Victoria home, and many of those live within my electorate of Broadmeadows, making it one of the largest Turkish communities in Australia. The bond between Australia and Türkiye is special and one of respect and friendship. That is why at the last election I was proud to join the Premier and Minister Suleyman at Ilim College to announce the Spirit of Anzac Prize would be returning this year.

The Spirit of Anzac Prize is a competition that offers Victorian students in years 9 to 12, including those in Broadmeadows, the opportunity to explore the Anzac legacy, and this year's competition is even more special. To mark Türkiye's centenary of independence, 10 prize winners will embark on an unforgettable journey to significant war memorials, battlefields and commemorative sites in Türkiye, including Gallipoli. I want to ensure young Victorians, including at Ilim College and across Broadmeadows, get the opportunity to understand, appreciate and respect the Anzac legacy. The Türkiye centenary and the Spirit of Anzac Prize are a unique opportunity to celebrate and share the strong relationship between Victoria and Türkiye, and I know that this government will always back our multicultural communities. I would be delighted if the minister would join me at Ilim College to share with students how they can seize this opportunity and engage with the Spirit of Anzac Prize. I look forward to the minister's response.

Public housing

Gabrielle DE VIETRI (Richmond) (19:15): (297) In June an El Niño alert status was declared for Australia by the Bureau of Meteorology. At the global level we are on track for 2024 to be the hottest year on record. We may witness the very first year where average temperatures rise 1.5 degrees above average or even higher. We are talking extreme temperatures, droughts, bushfires and heatwaves – heatwaves that are more intense, longer and more frequent than they have ever been in recorded history.

We know heatwaves cause death and they disproportionately impact those on low incomes. Low-income communities are more likely to live in poorly constructed heat-affected accommodation like high-rise public housing. So my adjournment today is for the Minister for Housing. My electorate of Richmond is home to the largest public housing population of all of the Victorian electorates, with more than 10 per cent of our residents living in public housing. That is why it was a relief to hear in the lead-up to the election the Labor Party finally committing to installing air conditioning in Victoria's public housing units. But almost a year later the residents in my electorate, who have been neglected by the state government for far too long, have still not had air conditioning installed and have not even received any communication about a future date when the air conditioning might be installed. During the summer their homes turn to ovens, reaching dangerously high temperatures. Some residents sleep in stairwells, in bathrooms or even outside, just to stay cool. Residents who can afford pedestal or table fans soak sheets in water, hang them over the fans and direct the fans to blow air over them.

Research shows clear evidence of the detrimental effect of prolonged heat exposure. Already one summer has passed since Labor's promise, and another summer will be fast upon us. Residents in public housing are not second-class citizens. They need livable homes now and into the future. So the action I seek from the housing minister is to follow through on the government's commitment to fast-track the installation of energy-efficient air conditioning units in public housing in Clifton Hill, Collingwood, Fitzroy, Abbotsford and Richmond before it is too late.

Bellarine electorate sports facilities

Alison MARCHANT (Bellarine) (19:17): (298) My adjournment is for the Minister for Community Sport. The action that I seek from the minister is to join me and visit sporting clubs in my electorate, clubs that are celebrating a milestone or planning further works. For example, stage 2 of the Queenscliff sport precinct facility upgrades at the Monahan Centre has been a wonderful achievement for Queenscliff and the surrounding community. With the support of a $3.15 million infrastructure investment from the Victorian government's Community Sports Infrastructure Fund, the Queenscliff sport precinct has recently accomplished a great milestone. Stage 2 involved upgrades of the cricket and netball facilities, oval lighting, play spaces and new car parking. It is the proud home of the Queenscliff Coutas football and netball club and the Queenscliff Cricket Club. This is a fantastic community asset that is very much loved by the community. The facility also demonstrates the Andrews Labor government's commitment to ensuring that sport is accessible for all, with impressive female-friendly change facilities as well. I know the Queenscliff sporting precinct will continue to serve the community well for many years to come, and I welcome the minister to visit.

Local history grants

Bridget VALLENCE (Evelyn) (19:19): (299) The matter I raise is for the Premier. The action I seek is that he ensures the government restores funding for local history, particularly the local history grants program and the Victorian community history awards. It was extremely disappointing to see the Andrews government's decision to cut funding for local history groups and initiatives in their recent 2023–24 state budget without any consultation or explanation, putting at risk the vital and valuable work that local history groups do right across Victoria.

I seek this action on behalf of many groups and historians across my community who have contacted me to express their concern and their dismay about Premier Andrews and his Labor government's harsh cuts. I value the work the Mount Evelyn History Group, Lilydale & District Historical Society, Yarra Valley Italian Cultural Group, Mooroolbark History Group and the Association of Eastern Historical Societies and the many clubs and groups under that umbrella. I share their disappointment about the funding being stripped from these important programs, including those that have been run through the Royal Historical Society of Victoria and Public Record Office Victoria since the late 1990s. Sadly, history does not appear to be a priority for the Andrews Labor government, and these cuts are a short-sighted decision. I pay tribute to the many volunteers involved in our local history groups who dedicate countless hours of work for the benefit of our local community and indeed the state, including Maria McCarthy, Luigi Fotia and Mary Tabacchiera at the Yarra Valley Italian Cultural Group, Paula Herlihy of Mount Evelyn History Group, Sue Thompson of Lilydale & District Historical Society, Marion Stott of the Mooroolbark History Group and all the amazing members involved with these volunteer groups.

These and the many community-based historical societies right across Victoria should be valued more, not less, because they provide a way for local people to come together, share stories, conduct research and document local historical issues and events, and of course most importantly they educate our young people. They go out to our schools and talk to our young people about history and the importance of that and how we can learn for the future, all for the greater benefit of our local community through the Lilydale district and Yarra Valley and of course right across the state of Victoria. Again, I ask the Premier to take action to restore the funding for local history.

Container deposit scheme

Nina TAYLOR (Albert Park) (19:21): (300) My adjournment matter is for the Minister for Environment, and the action I seek is for the Minister for Environment to provide an update on the progress of the container deposit scheme collection sites in the seat of Albert Park. The minister visited Port Melbourne in my seat at Life Saving Victoria – a fitting spot. It was for the announcement on 14 April ahead of the kick-off of the CDS, which will run from 1 November 2023. There was tremendous excitement, nonetheless, from the surf lifesaving members. It will allow Victorians to

return their used drink cans, bottles and cartons for a 10-cent refund. CDS Victoria will also offer charities, community groups, environmental groups and educational groups new ways to fundraise, which is really, really fantastic, and I am excited for them. Also, when we are thinking about our wonderful planet, it is expected to reduce litter in Victoria by up to 50 per cent and directly generate circa 645 jobs, so you can see it is a real win all round for the environment and also for the community groups. I am really looking forward to the rollout in November.

Because I know there is such excitement – it is probably across the state, but I am speaking for the electorate of Albert Park – it is only fitting that they want to know when and how the rollout is occurring and particularly what the progress is on the issue, noting that the official rollout is in November. But we kind of want a bit of insight there, because it really means so much to so many people. It is consistent with our government and who we are when prioritising the environment generally. It was actually really terrific; I had a bit of a crack at the collection site at one of those things – I am trying to think of what they are called. But anyway, I had a bit of a crack at it. They work really well. It is really fantastic – really efficient. I think people in the seat of Albert Park are absolutely going to love it – and across the state as well. Let me respect everyone in that space. I am looking forward to it.

Responses

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (19:24): We will kick off with the member for Polwarth, who I note is no longer with us, and his adjournment to the Minister for Environment. He sought that the minister intervene in the Great Ocean Road Coast and Parks Authority issue of outdoor lease matters and the desire to progress those at the Lorne aquatics club.

The member for Mordialloc raised a matter for the Minister for Education and sought action in relation to an update on the planning works status at Mordialloc College.

The member for Gippsland East raised a matter for the Minister for Environment, and the action he sought was that the minister restore the opening hours of the Department of Energy, Environment and Climate Action offices in Orbost and Bairnsdale.

The member for Bass raised a matter for the Minister for Suburban Development to join her on a visit to several places across her electorate, including the Pearcedale Recreation Reserve.

The member for South-West Coast, who is still with us, raised a matter for the Minister for Roads and Road Safety, and the action that she sought was that the minister confirm that funding will be provided to the South Western Region Alliance in relation to road funding and the like over the coming year.

The member for Broadmeadows raised a matter for the Minister for Veterans, asking her to join her at Ilim College to have a discussion on the Spirit of Anzac Prize and how that program is providing great benefits to her local community and engagement around a lot of our history with the significant Turkish community across Broady, the work that she is doing and the work that the Spirit of Anzac Prize does in bringing people together.

The member for Richmond has left the building, but she did raise a matter for the Minister for Housing in relation to energy-efficient air-conditioning units across several public housing estates in her electorate. I do not mind saying that we were at Richmond Citizens Park on the weekend as the Macleod under-12s defeated the Richmond side in the last home-and-away game for the year. And I do point out that some 12,000 homes in public housing and social housing are being funded by the Big Housing Build under the stewardship of Minister Brooks and the Andrews Labor government.

The member for Bellarine raised a matter for the Minister for Community Sport, and the action she sought was that the minister visit several sporting clubs in her electorate, including the Queenscliff sporting precinct, where there are significant activities happening, and many other sites across her electorate where community sporting clubs are the heartbeat of her community.

The member for Evelyn raised a matter for the Premier. It related to the restoration of the local history grants program and the Victorian Community History Awards.

The member for Albert Park – I want to acknowledge her recent promotion to Parliamentary Secretary for Justice. I look forward to working with her as Minister for Police. There is plenty happening and plenty to do, so both the Attorney-General and I are very pleased to have her contributing to our work in the Department of Justice and Community Safety, along with Minister Erdogan. The member for Albert Park raised a matter for the Minister for Environment, and the action she sought was an update in relation to the container deposit scheme collection sites in her electorate, particularly around Port Melbourne and the surf lifesaving club, which is a very impressive facility down there in Port Melbourne.

I commend all of those action items to ministers. Let us get to it – go, Matildas.

The DEPUTY SPEAKER: Correct weight from the Minister for Racing. I am sure the house stands together willing the Matildas on. Go, Tillies. Until tomorrow, we are adjourned.

House adjourned 7:28 pm.