



# **Hansard**

## **LEGISLATIVE COUNCIL**

### **60th Parliament**

**Wednesday 1 May 2024**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

### Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

Georgie Crozier

### Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew <sup>1</sup>	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira <sup>2</sup>	Western Metropolitan	IndLib	Ratnam, Samantha <sup>5</sup>	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina <sup>3</sup>	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David <sup>4</sup>	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard <sup>6</sup>	North-Eastern Metropolitan	Lib

<sup>1</sup> Resigned 7 December 2023

<sup>2</sup> Lib until 27 March 2023

<sup>3</sup> Appointed 14 November 2024

<sup>4</sup> LDP until 26 July 2023

<sup>5</sup> Resigned 8 November 2024

<sup>6</sup> Appointed 7 February 2024

### Party abbreviations

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

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

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

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



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### Wednesday 1 May 2024

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

**Georgie Crozier:** On a point of order, President, I would just like to raise an issue with you in relation to certain events that have been occurring on the front steps of the Parliament and more broadly around security issues. The coalition would like to seek discussions with you in a bipartisan manner to look at this issue. I think for all MPs security is becoming more heightened, and I would like for you to consider that, please.

**The PRESIDENT:** I am always happy to speak with anyone, as you know. There was an email sent to me and the Speaker about concerns on the steps of the Parliament, and our response was that we rely on the expertise of Victoria Police and our security. For us to second-guess and make our own decisions as Presiding Officers would be ill advised, but as I said, I am always happy to have discussions with anyone about any concerns they have.

#### *Papers*

#### **University of Divinity**

#### *Report 2023*

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:35): I move, by leave:

That the University of Divinity report 2023 be tabled.

**Motion agreed to.**

#### **Papers**

#### **Tabled by Clerk:**

Auditor-General –

Follow-up of Management of the Student Resource Package, May 2024 (*Ordered to be published*).

Literacy and Numeracy Achievement Outcomes for Victorian Students, May 2024 (*Ordered to be published*).

Bendigo Kangan Institute – Report, 2023.

Box Hill Institute – Report, 2023.

Chisholm Institute – Report, 2023.

Deakin University – Report, 2023.

Federation University Australia – Report, 2023.

Financial Management Act 1994 – Minister for Energy, Environment and Climate Change's report that the Alpine Resorts Victoria Report, 2023 has not been received, together with an explanation for the delay, under section 46(3)(a) of the Act.

Gordon Institute of TAFE (The Gordon) – Report, 2023.

Goulburn Ovens Institute of TAFE (GOTAFE) – Report, 2023.

Holmesglen Institute – Report, 2023.

La Trobe University – Report, 2023.

Melbourne Polytechnic – Report, 2023.

Monash University – Report, 2023.

Professional Standards Act 2003 –

Bar Association of Queensland Professional Standards Scheme (*Gazette G17, 24 April 2024*).

Law Society of Western Australia Professional Standards Scheme (*Gazette G17, 24 April 2024*).

Royal Melbourne Institute of Technology (RMIT University) – Report, 2023.  
South West Institute of TAFE – Report, 2023.  
Statutory Rules under the following Acts of Parliament –  
    Victorian Civil and Administrative Tribunal Act 1998 – No. 27.  
    Victorian Energy Efficiency Target Act 2007 – No. 26.  
Sunraysia Institute of TAFE (SuniTAFE) – Report, 2023.  
Swinburne University of Technology – Report, 2023.  
TAFE Gippsland – Report, 2023.  
The University of Melbourne – Report, 2023.  
Victoria University – Report, 2023.  
William Angliss Institute of TAFE – Report, 2023.  
Wodonga Institute of TAFE – Report, 2023.  
Yorta Yorta Traditional Owner Land Management Board – Minister’s report of receipt of the 2022–23 Report.

### *Business of the house*

#### **Notices**

**Notices of motion given.**

#### *Motions*

#### **Middle East conflict**

**Katherine COPSEY** (Southern Metropolitan) (09:46): I move, by leave:

That this house:

- (1) notes that since the Council’s resolution on 17 October 2023 concerning Israel and Gaza, which stated that this house ‘stands with Israel’, the following have occurred:
  - (a) famine has begun to take hold in areas of Gaza;
  - (b) children in Palestinian hospitals are now dying of malnutrition, dehydration and starvation;
  - (c) the Israeli government continues to obstruct aid from entering Gaza; and
  - (d) the United Nations has stated that Israel’s restrictions on the passage of aid may constitute a war crime;
- (2) does not support the state of Israel’s continued invasion of Gaza; and
- (3) supports calls for an immediate and permanent ceasefire and calls on the Victorian government to advocate to the Australian government that it end its support for the state of Israel’s invasion of Gaza.

**Leave refused.**

#### *Members statements*

#### **Orbost Community College**

**Tom McINTOSH** (Eastern Victoria) (09:47): It was a privilege to attend Orbost Community College’s opening. We had the whole community come together. We had a ribbon. On one end we had a year 12 and on the other end we had a prep student to symbolise the three schools that have come together: Orbost Primary, Orbost North and the former secondary college. It was great to attend the community college. It was a beautiful morning and a big turnout. We had First Nations people, we had people from the community, we had people from the committee and of course we had our students. It is great for them to have a world-class facility to learn and to come together in. It is great for the families to have this place to come together as a community and of course for our teachers to have brilliant facilities to work and teach our kids in. I just want to acknowledge Peter Seal, the principal,



for everything he has done; Mel and Hugh for the tour; and the committees of all three schools for the work that has gone in and been sustained over years to make this a reality.

#### **Anzac Day**

**Tom McINTOSH** (Eastern Victoria) (09:48): At the other end of the electorate I was fortunate to attend the Anzac Day service at Mornington Secondary. It was a really, really moving service and a brilliant speech by principal Linda Stanton. The kids were all involved, whether it was on the trumpet or singing the national anthem, and the Victoria Police Pipe Band were there. We were able to walk through the avenue of honour that is at the school and lay wreaths, and all the students and community members came together to really honour the day.

#### **Country Fire Authority Korumburra brigade**

**Melina BATH** (Eastern Victoria) (09:49): We all know that volunteers are the lifeblood of our communities. Korumburra fire brigade recently celebrated 125 years of continual service protecting life and property. Captain Shane Maskell and life members Don Evison, Kevin McPherson and the fabulous Bill Rodda cut the special occasion cake in the company of friends, officials and members. It was a thrill to participate in such a wonderful day. Congratulations and gratitude to Korumburra CFA.

#### **Anzac Day**

**Melina BATH** (Eastern Victoria) (09:50): Anzac Day is certainly a sacred day in the Australian calendar. The Korumburra dawn service is something to behold. I again express gratitude to the RSL president David Jackson and the organising committee, and a shout-out to the Korumburra Scout group for cooking a fabulous, fantastic gunfire breakfast.

I was honoured to be the keynote speaker at the Leongatha Anzac Day service this year. Heartfelt thanks to service coordinator Noel Laing, president Bill Verboon, secretary Vivian Carroll and committee members Geoff Cooper, Gordon Vagg and Ross Newton. Special mention to Natalie Stewart, who was the bugler and was perfect and flawless in her delivery of the last post. I note that the Leongatha Horticultural Society, the South Gippsland Singers and the South Gippsland brass band, among others, performed a fabulous repertoire. They sang and played *It's a Long Way to Tipperary*, and everybody sang. Thank you very much, Leongatha RSL.

#### ***Desexing Society***

**Moira DEEMING** (Western Metropolitan) (09:51): I want to stand up today and pay tribute to a wonderful little podcast that I heard recently. It is called *Desexing Society*. I know that people are wondering what is going on with the Cass review, what is going on with the World Professional Association for Transgender Health files and what is happening in Australia. Why won't Australia budge? Why won't they shift? If you are just an ordinary person out there who wants to understand this topic, I cannot recommend this podcast highly enough. It is by Stassja Frei. She is a very good friend of mine, and I admire her work very much. Episode 1 is all about a mother whose daughter was suddenly transitioned and the tragedy that happened there. Episode 2 is called 'The Dutch Protocol':

How did an experimental medical treatment "escape the lab" ...

Episode 3 is 'Lifesaving Healthcare':

Gender clinics promote puberty blockers as safe and reversible. But are they?

Episode 4 is 'Safe Schools':

What is queer theory and how did it come to inform school curriculum and school policies?

Episode 5 is 'Unsafe Schools':

Should schools be allowed to secretly transition your child without telling you?

Of course the answer is no. Episode 6 is 'Autogynephilia', and the topics go on and on. They are fantastic. I cannot recommend it highly enough: *Desexing Society*.

### **Anzac Day**

**John BERGER** (Southern Metropolitan) (09:52): Last week I had the privilege and honour of joining with my parliamentary friends in the other place on a journey to Türkiye. The cross-party delegation, led by the Minister for Veterans, Minister Suleyman, attended many functions and ceremonies, including with the Australian Consulate-General, the Council of Foreign Economic Relations and the Australian Turkish Business Council. We visited the mausoleum of Atatürk, where the minister laid a wreath and signed the book of honour. We then had a working lunch with the president of the Türkiye–Australia interparliamentary friendship group and members of the Turkish Parliament. Afterwards we attended the Turkish Grand National Assembly – that is the Turkish general assembly session – for the anniversary of the foundation of the TGNA and had a guided tour. The delegation then shifted to Çanakkale and Eceabat for the ceremony of the 109th anniversary of the land wars of Çanakkale. On Anzac Day we attended the dawn service at Anzac Cove and then the Australian service at Lone Pine, followed by the New Zealand service at Conkbayırı – truly moving ceremonies.

My community of Southern Metro had 72 sons who made the ultimate sacrifice at Anzac Cove. I pay tribute to the many RSLs in my community of Southern Metro and indeed many RSL presidents who, like the other RSL executives, took the time to sign cards on behalf of the fallen so that they could lay a small thankyou on their final resting place. I would like to thank Minister Suleyman for organising this important delegation and the Turkish parliamentary officials, the Turkish consulate officials, the Turkish Airlines staff, security details, transfer drivers, guest speakers and tour guides, who made this trip safe and seamless.

### **Danny McIver**

**Joe McCracken** (Western Victoria) (09:54): I too rise to pay tribute to those who attended Anzac Day services across the state last week. I myself attended the Maryborough service, and I was very fortunate to be keynote speaker there as well. I would like to pay tribute to Danny McIver. Danny McIver is the secretary of the Maryborough sub-branch of the RSL, and he has been working with the RSL for years and years. He has done an amazing job in the local community, supporting returned service veterans through a number of different challenges, and he really needs to be acknowledged for his outstanding work through many years in the Maryborough and Central Goldfields community.

### **Ballarat Marathon**

**Joe McCracken** (Western Victoria) (09:54): I would also like to acknowledge the Ballarat Marathon. The first one was run over the weekend. There were hundreds, if not thousands, of people running through Ballarat, and a number of different courses from full marathons and half marathons to 10 kilometres and 5 kilometres. It was amazing to see the streets full of people. I was so proud to see Ballarat brimming again, and I hope that this is the first year of many years of marathons to come. Of all the people to see there, you saw Steve Moneghetti leading the charge, a very proud Ballarat man. We hope that this goes on for many, many years.

### **Housing**

**Sarah Mansfield** (Western Victoria) (09:55): For those in the chamber who have not yet seen the recent *Bluey* episode 'The Sign', can I recommend it to you. Be sure to grab a box of tissues. It is beautiful. It brought up so many different emotions for me. I thought about my own kids and how lucky we are to have a home. I thought about how we moved house when I was a kid many times, including to different cities. But – spoiler alert – I also thought about all the people who do not get the happy ending that the Heeler family do. They cannot afford to repay their mortgage and have to sell. They cannot afford rent and have to leave their home. They do not have a choice to stay. In regional Victoria the lack of affordable housing has a particularly devastating impact, with people being forced

not just out of their home, but often out of their communities. The reason the *Bluey* episode connects with us is because it demonstrates so clearly what a home is. It is more than just a roof over your head – and even that would be okay for many people right now. Safety, security, stability and connection to others is something that everyone deserves, but far too many are being denied that because of a failure of governments to put the needs of all above the profits of a few.

#### **Russia–Ukraine war**

**Michael GALEA** (South-Eastern Metropolitan) (09:56): Like many others in this place I recently discovered that I have been banned from entering Russia. Mr Welch, hopefully you will join us on that list soon. It leads me to ask: who is afraid of little old me? It seems our chamber has come to the attention of that despotic little tyrant. He has been sending men fresh out of the slammer into Ukraine to target civilian populations. He breaks his favourite toys fortnight after fortnight, month after month, inflicting horror on the Ukrainian people, following the manuscript of dictators before him. He is guilty as sin and is surely the smallest man who ever lived. The Ukrainian people have a prophecy: a prophecy for a liberated Ukraine and a Russia that is free from its dictator and peaceful to its neighbours and its citizens once more, not looking in people's windows with menace. I wear this ban as a badge of honour and reaffirm my support for Ukraine and its people in their time of struggle. The resilience of everyday Ukrainian people remains inspirational for us all, and we must never allow ourselves to become fatigued or disinterested in their plight. Their fight is a fight for all democracies. Slava Ukraini.

#### **Alcohol and other drug services**

**David ETTERSANK** (Western Metropolitan) (09:58): All Victorians deserve access to alcohol and drug treatment when they need it, yet Victoria's alcohol and other drug treatment systems are failing to meet community demand, with too many Victorians sitting on waitlists for too long, unable to get the help they need. The demand for alcohol and drug treatment in Victoria has hit its highest level in a decade, with more than 92,000 Victorians seeking help last year and alcohol-related treatment accounting for more than a third of that demand. We acknowledge that this government has more than doubled the amount of public rehab beds in the state, but this amounts to only 532 beds approximately. This leaves many desperate people with no choice but to try to access services in the largely unregulated private rehabilitation sector. For your average worker, that means mortgaging their home, taking out loans or withdrawing their superannuation to pay for services that can cost up to \$30,000 a month. In 2022 the Andrews Labor government announced the establishment of a new rehabilitation service to be delivered in partnership with AOD public sector providers, employers and unions to ensure that working people and their families could access timely treatment without fear of losing their jobs. Disappointingly, the government has not acted on this election commitment. While the AOD sector waits for the promised uplift in investment in drug and alcohol treatment capacity, more Victorians will continue to suffer and pray that they are not too far down the waitlist.

#### **International Workers Day**

**Sheena WATT** (Northern Metropolitan) (09:59): Today is 1 May, observed around the world as International Workers Day. On Monday this week I joined many other comrades from the union movement to commemorate all those who have needlessly died at the workplace, a sombre moment of remembrance and reflection for our fallen comrades. I know that the proud trade unionists that make up this movement will never stop fighting for workers all around the world to make sure that they come home safe to their loved ones. As the stories of 55 workers that did not come home in our state were told, we are reminded of the ever-present dangers still in the workplace. I would like to thank Luke Hilakari, Wil Stracke and the whole team at Victorian Trades Hall Council for helping tell the stories of our fallen workers one pair of boots at a time. As ever, we remember the dead and we fight like hell for the living.

### Gendered violence

**David LIMBRICK** (South-Eastern Metropolitan) (10:00): Everyone seems to agree that victims of violence are being failed by the system, and pretty soon there will be another talkfest in Canberra on this subject. But if history is any guide, at the end of it the government will throw more money at the kinds of services that have not worked so far.

It is a shame these talkfests will not include people like Jayde Howard. Jayde is a young mum from Melbourne with a fantastic Instagram page called *notyourordinarymama\_*. I recommend you give her a follow. Jayde made a reel featuring a number of her friends calling for women to be allowed to carry pepper spray. She also started a petition, which now has well over 11,000 signatures. Women like Jayde would feel safer walking alone at night if they had the right to carry pepper spray, but instead, if she was found carrying pepper spray, she could face a penalty of up to two years jail or a fine of \$43,000.

Everyone has the right to self-defence. But while laws like this exist, this right effectively does not exist. We know for a fact that the government has no ethical problem with using pepper spray on Victorians, so why can't Victorians use it to protect themselves? All of this could be achieved with the stroke of a pen simply by removing pepper spray from the list of controlled weapons. If we really believe in listening to women and making them safer, the first thing we should do is give them the power to fight back.

### Anzac Day

**Jeff BOURMAN** (Eastern Victoria) (10:02): Today I will talk about Anzac Day. It is a day to recognise those that have fought for our country, those that have died for our country, those who are serving and those who will serve. It gives us the ability to stand in this place and talk with people we may have a completely 180-degree difference with. We can do it in safety and we can do it in peace, and we can vote without having to worry about explosions and bullets and stuff like that. It is through the people that put their lives on the line that we are able to do this.

This year I did something a little bit different. I did not go to a service; I actually spent it with my parents. My dad is a 20-year veteran of the air force as a fighter pilot. He served in three war zones, not that he fired a shot – I think the most violence he ever saw was in a bar fight. But the point is that he is getting on a little bit. For those of my age with parents that are still around, particularly who have served: take the time to talk to them and take the time to remember them. They are a very different generation to us. They were the product of the greatest generation, but they are also part of the reason why we can stand here. It is not just my dad, it is both my uncles. Both my grandparents served in World War II. I only know my great-grandad was in World War I. In this case they all came back, but they all put their lives on the line so that we can come in here and debate in peace.

### Bills

#### Hemp Industry Bill 2024

##### *Statement of compatibility*

**Rachel PAYNE** (South-Eastern Metropolitan) (10:03): I lay on the table a statement of compatibility for the Charter of Human and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this statement of compatibility with respect to the **Hemp Industry Bill 2024**.

In my opinion, the **Hemp Industry Bill 2024**, as introduced to the Legislative Council, 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 re-enacts, with amendments, the law relating to the cultivation and processing of industrial hemp for certain authorised purposes.

The purposes of the Bill are to create a standalone Act to deal with industrial hemp, and to amend the Drugs, Poisons and Controlled Substances Act 1981 to repeal 'Part IVA – Authorities for low-THC cannabis', which contains existing provisions relating to industrial hemp.

The Bill largely retains those existing provisions, dealing with authorities for industrial hemp, applications, conditions, renewals, suspensions and cancellations of authorities, protected information and VCAT review and inspection and enforcement. The Bill replaces authorities under Part IVA of the Drugs, Poisons and Controlled Substances Act 1981 with hemp licences.

The Bill increases the maximum hemp licence term from 3 to 5 years, clarifies fit and proper person requirements, ensures consistent time periods for criminal and police checks, removes inspection and licensing fees, introduces scientific hemp licences, and ensures inspectors prioritise harvest over destruction.

**Human rights issues**

I am satisfied that this Bill is compatible with the Charter. If any rights are limited, those limitations are reasonable and justified having regard to section 7(2) of the Charter.

The impact this Bill may have on Charter rights is as follows.

*Privacy*

Section 13(a) of the Charter provides that 'a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with'.

Section 36 of this Bill permits an inspector that is satisfied that exercising their power is proportionate to the risk that the Bill or the hemp licence is not being complied with – to enter and inspect any place, other than premises used as a residence, occupied by any person who is the holder of a hemp licence and inspect, count, examine or mark for identification any product, plant or crop in the place. This is to be done as the inspector thinks is necessary, at any reasonable time. The inspector may also require a person to produce any document they reasonably require for ascertaining whether the Bill or a hemp licence is being complied with and they may examine, copy, remove and take extracts from the document. The inspector may also take or remove for examination samples of or from, or specimens of, any plant of a crop or product for certain purposes and this sample or specimen may be submitted to a laboratory or approved place for examination and testing.

This Bill may engage the right to privacy to the extent a person's personal information is captured in the course of the inspector's duties. However, any interference is authorised by legislation that is appropriately circumscribed. An inspector is precluded from inspecting residential premises, they may only exercise their powers in a way that is proportionate to the risk of noncompliance and only to ensure compliance with the Bill. Further, they must only use their powers as they think necessary and at a reasonable time. These powers are necessary and reasonable to fulfil the legitimate aim of the inspector.

As such, to the extent this provision interferes with the right to privacy, I consider the provision is predictable and proportional to the legitimate aim of the Bill and therefore not arbitrary.

This Bill may also engage the right to privacy in respect of section 10. This section requires the Secretary to investigate an application for a hemp licence and requires the applicant or any associate to submit a national criminal history check. The Chief Commissioner of Police must inquire and report on matters they believe are appropriate or necessary or that the Secretary requests. In most circumstances, the Chief Commissioner of Police must notify the Secretary of their decision to oppose or not oppose the issuing of a hemp licence.

The requirement for the Secretary to investigate and approve a hemp licence may engage an applicant's right to privacy as their personal information is likely to be collected and shared in the course of an investigation and in the provision of a national criminal history check. However, any interference with this right is for the purpose of assessing whether an applicant is a fit and proper person who should be granted a hemp licence. The application is voluntary, and an applicant has full awareness of the scrutiny to which their application will be subjected to.

As such, to the extent this provision interferes with the right to privacy, I consider the provision is predictable and proportional to the legitimate aim of the Bill and therefore not arbitrary.

*Property rights*

Section 20 of the Charter provides that ‘a person must not be deprived of that person’s property other than in accordance with law’.

Section 36 of the Bill provides general powers of the inspectors, including the power to take or remove samples or specimens of any plant of a crop or product to determine compliance with the Bill and hemp licence. Sections 37 and 38 of the Bill provide that an inspector may order harvest or treatment of any plant or crop, detain or seize the plant, crop or product and deal with it.

Exercise of these powers may interfere with a persons’ enjoyment of the plant, crop or product subject to inspection, harvest, treatment, detention and or seizure, thereby engaging the right to property. However, I am satisfied that no limitation of the right to property will occur.

Any deprivation of property is confined to the inspector’s ability to ensure compliance. Deprivation can only be done as an inspector thinks necessary and in the case of harvest, treatment, detention and or seizure, if they are satisfied on reasonable grounds that the plant or crop contravenes this Bill or a hemp licence. In the event of detention or seizure of plants, crops or products, an inspector must immediately give written notice of reasons and provide the plant, crop or product, or a sample for examination and testing. In the case that the plant, crop or product contravenes this Bill or the hemp licence, the inspector must inform the holder or person in possession of the results and order harvest, or if not practicable, disposal or destruction, which they must also provide notice for.

The deprivation of property in this Bill is in accordance with the law and is conferred in a precise manner. As such, I consider the provisions do not limit the right to property.

*Fair hearing & freedom of expression*

Section 24 of the Charter provides that ‘a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing’. Section 15 of the Charter provides that ‘every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds’.

Division 5 of Part 2 of the Bill provides for protected information and VCAT review. Section 24 provides that if the Chief Commissioner of Police makes a decision wholly or partly based on protected information, they may decide to include or not to include this information in the reasons given to the Secretary, who then must note in their reasons for a decision if their decision is partially or wholly based on that protected information. Section 26 provides for the right of a person to apply to VCAT for review of a decision. VCAT must ask the Secretary if the decision under review was based on protected information and if the response is in the affirmative, a special counsel must be appointed to represent the interests of the applicant.

The Chief Commissioner of Police must be joined as a party at the first hearing where the decision subject to review was based on protected information, at the hearing VCAT must determine if this information is protected. This and subsequent hearings must be held in private (with the Chief Commissioner of Police and special counsel in attendance), and the Secretary can only attend if the protected information was included in the reasons given to them. Parties may make submissions as to whether information was protected and if VCAT determines it is, the weight it should be given. If the special counsel wishes to seek instructions from an applicant in relation to protected information, they must submit written questions to VCAT for approval, which must hear from the Chief Commissioner of Police on the content of the questions. Further, VCAT may only publish reasons to the extent that they do not relate to protected information.

The sections under this division engage the right to a fair hearing. A person affected by the protected information may be unable to challenge its contents, are unable to attend the hearing and cannot give their counsel instructions once a hearing has commenced. VCAT’s reasons for a decision cannot refer to protected information, and this may impact an applicant’s ability to mount an appeal. On this basis, the right to a fair hearing may be limited by these amendments and it is necessary to consider if this limitation is justifiable in accordance with the Charter.

The limitation is intended to ensure protected information is not released – this may reveal identities, methods, threaten safety, and put investigations at risk. The need to protect intelligence of this kind and law enforcement techniques is accepted as a legitimate objective justifying limits on fair hearing to ensure the proper discharge of police functions. These sections are important to ensure the Chief Commissioner of Police can share protected information or give notice of a decision being based on protected information. Importantly, VCAT retains the opportunity to assess whether the information is ‘protected’, parties can make submissions as to the weight to accord the protected information and the applicant is represented by a special counsel who represents their interests.

These limits on a fair hearing only apply to a person who has voluntarily sought to become a hemp licence holder and consequently accepted these limitations. I am satisfied there are no less restrictive means available to achieve the objective. The special counsel model in this Bill ensures the limitation on this right is mitigated as much as possible.

These sections also engage the right to freedom of expression as they limit the ability of people to attend the VCAT hearing, report on hearings and receive information. I consider this restriction to be lawful on a similar basis – noting that section 15(3) of this right specifically provides that it may be subject to lawful restrictions reasonably necessary on a variety of public protection grounds.

I consider both limitations to be lawful to protect the public interest in maintaining confidentiality of protected information, and therefore, compatible with the Charter.

*Right not to be tried or punished more than once*

Section 26 of the Charter provides that ‘a person must not be tried or punished more than once for an offence in respect of which that person has already been finally convicted or acquitted in accordance with law’.

Sections 5, 12, 21 and 23 of this Bill provide for where a hemp licence application may be denied or a hemp licence may be cancelled, suspended or not renewed. This may be construed as a secondary punishment where the basis of the decision relates to a finding of guilt for a serious offence within the prescribed period by the hemp licence holder or an associate, or where the basis of the decision relates to a finding of guilt for an offence per the ‘fit and proper person’ ‘suitability matters’.

However, the rejection, decision not to renew, cancel or suspend a hemp licence is not intended to be punitive. This is a protective measure to ensure hemp licence holders and their associates do not have a history of non-compliance with the law. The premise of this measure is that it ensures the hemp licence holder, and their associates are more likely to abide by their hemp licence conditions, and not misuse the privileges it affords them. This is only used when the Secretary is satisfied with certain matters or at the Chief Commissioner of Police’s request.

Therefore, this does not constitute ‘punishment’, and does not engage section 26 of the Charter.

**Conclusion**

I consider that the Bill is compatible with the Charter and where it affects or limits Charter rights, this is in a way that is reasonable and demonstrably justifiable.

**Rachel Payne MP**  
**Member for the South-Eastern Metropolitan Region**  
**Legalise Cannabis Victoria**

*Second reading*

**Rachel PAYNE** (South-Eastern Metropolitan) (10:04): I move:

That the bill be now read a second time.

Shall I compare hemp to a summer’s day?  
 Hemp art more lovely and more temperate.  
 Pests do not shake your darling buds away,  
 And you hath thousands of uses to date.  
 Sometime too heavy the weight of rule rest,  
 And often is fabric, food or fibre;  
 And every 90 days from seed harvest;  
 By chance, or climate’s changing course, sequester;  
 But thy eternal value shall not end,  
 Nor lose hold of that resilience thou sow,  
 Nor shall poor soil inhibit thou to mend,  
 When in Victorian lands thou will grow.  
 So long as people breathe, or eyes can see,  
 So long lives hemp, and this gives life to me.

Would you believe that at the same time Shakespeare was writing his sonnets, Queen Elizabeth I was requiring all landholders to set aside a quarter of an acre for the cultivation of hemp for every 60 acres of land tilled?

I guess she thought hemp was pretty good. Perhaps it is time we bring some of these old-world practices into the modern day.

I hope you will indulge me for a moment and allow me to share a story from our campaign for the inquiry into the industrial hemp industry in Victoria.

We had a group of Victorian industrial hemp growers attend Parliament to present to the media and other MPs. This included a display of an array of hemp products – clothing, carpet and prefabricated fire-resistant panelling.

One of them happened to bring a dried hemp stalk to demonstrate how the outer layer peels away, which is the fibre of the plant, exposing an inner layer that is soft and pulpy, which is the hurd of the plant. Both by-products have a multitude of applications.

This harmless initiative from a farmer showing the practicalities of a hemp stalk turned into a full-blown investigation into whether I had drugs on the Parliament precinct!

You see, throughout the course of the day, this stalk ended up in my office. Would you believe that within the hour we had a visit from the Usher of the Black Rod? Despite our consensus that this stick was not in fact a drug, they requested that I please remove the stalk from the building. Apparently, someone had notified their office of their ‘concerns’.

We never got an exact reason for why they were concerned, although to avoid discomfort, we did comply with their request.

So, when you ask me why we need an Industrial Hemp Act, I point you to the fact that we have parliamentarians afraid of what – in no uncertain terms – is a dried stick.

Victoria, unlike almost all other states, does not have a standalone industrial hemp act. We only have six hemp growers in the entire state. Worse still, much of what we produce is exported offshore for processing.

We are lagging behind other states and even further behind the rest of the world.

But attitudes are changing, and we are seeing a resurgence of hemp globally as its thousands of uses are rediscovered – the international market for industrial hemp is projected to grow to \$18.6 billion by 2027!

The opportunities are endless, but hemp could have a role to play in revitalising national manufacturing, providing countless local jobs and building more environmentally friendly housing.

We are well acquainted with the potential of this crop, thanks in large part to the inquiry into the industrial hemp industry in Victoria.

This inquiry investigated the barriers and opportunities faced by Victoria’s industrial hemp industry and how this government could offer better support.

Unsurprisingly, this inquiry found numerous areas for improvement.

Recommendation 1 was to create fit-for-purpose industrial hemp legislation.

And that is exactly why today I introduce the Hemp Industry Bill 2024.

The purpose of this bill is to create a standalone act to deal with industrial hemp, amending the Drugs, Poisons and Controlled Substances Act 1981 to remove part IVA, ‘Authorities for low-THC cannabis’.



The bill makes minor clarifications and improvements but largely retains existing provisions dealing with authorities for industrial hemp; applications; conditions; renewals, suspensions and cancellations of authorities; protected information and VCAT review; and inspection and enforcement.

Turning to the changes in this bill, we have replaced authorities under part IVA of the Drugs, Poisons and Controlled Substances Act 1981 with hemp licences; we have updated language to signal the legitimacy of the crop and reduce stigma; we have increased the maximum authority term for a hemp licence from three to five years; we have clarified the fit and proper person requirement; we have improved consistency and clarity for the time periods for criminal and police checks; we have ensured inspectors use their powers only to the extent they are required to ensure compliance; we have encouraged harvest over destruction for crops that are taken into the inspector's possession; we have extended the appeal window for a decision of disposal or destruction from 48 hours to three business days; and we have introduced scientific licences, inspired by Tasmania, to allow research into 'hemp that is not industrial hemp' to ultimately develop industrial hemp with qualities that benefit the industry – for instance, with greater yield.

Importantly, the repeal of part IVA, 'Authorities for low-THC cannabis', of the Drugs, Poisons and Controlled Substances Act 1981 will revoke any regulations made under it. Our intention is that any future regulations are not remade in the same form, so that inspection and licensing fees are reduced to zero.

Our bill is unable to address all the recommendations of the industrial hemp inquiry.

But we look forward to seeing the government respond to this inquiry before the six-month response period lapses at the end of May.

We can do better, and hemp can help – let's sow the seeds for Victoria's future.

I, on behalf of Legalise Cannabis Victoria, commend this bill to the house.

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:12): I move:

That debate on this bill be adjourned for two weeks.

**Motion agreed to and debate adjourned for two weeks.**

### **Sentencing Amendment (Sentencing Practices for Child Sexual Offences) Bill 2024**

#### *Statement of compatibility*

**Evan MULHOLLAND** (Northern Metropolitan) (10:12): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

#### **Overview**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter),<sup>1</sup> I make this statement of compatibility with respect to the *Sentencing Amendment (Sentencing Practices for Child Sexual Offences) Bill 2024*.<sup>2</sup>

It is my opinion that the Bill, as introduced to the Legislative Council, is compatible with the human rights contained within the Charter.

This Bill seeks to amend the *Sentencing Act 1991* in relation to the sentencing of an offender for a child sexual offence.<sup>3</sup> Specifically, this Bill inserts a provision into the Sentencing Act 1991 to provide that in sentencing an offender for a child sexual offence, a court must not make an order suspending the whole or a part of a sentence of imprisonment.

#### *Royal Commission into Institutional Responses to Child Sexual Abuse*

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) final report was handed down on 15 December 2017. Recommendation 76 of the Criminal Justice Report from the Royal Commission states that:

'State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the

time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed.<sup>4</sup>

In July 2018, the Victorian Government accepted this recommendation. As of April 2024, there has been no legislative changes made by the government to implement this accepted recommendation.<sup>5</sup>

In 2018, the New South Wales Government introduced the *Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018* (NSW), which introduced many changes responding to the Royal Commission.<sup>6</sup> This included changes to the sentencing practices for cases of historic child sexual abuse. In 2022, the NSW Government expanded on this reform, broadening the sentencing standards application to include all categories of offences.<sup>7</sup> As a result, s 21B(1) of the *Crimes (Sentencing Procedure) Act 1990* (NSW) now reads:

‘A court must sentence an offender in accordance with the sentencing patterns and practices at the time of sentencing’.<sup>8</sup>

This Bill, presented to the Victorian Parliament, seeks to incorporate similar sentencing practices into the *Sentencing Act 1991* (Vic).<sup>9</sup> In doing so, this Bill seeks to ensure that victims and survivors of child sexual abuse are adequately protected by the law, and that community expectation concerning the serving of sentences of imprisonment imposed for child sexual offences – whether historical or contemporary – is reflected in the law.

### **Human rights issues**

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in s 7(2) of the Charter.<sup>10</sup>

This Bill will have minimal effect of the Charter rights of persons. The impact that this Bill will have on the rights of individuals is weighed against rights owed to other persons and the Victorian community.

This Bill is designed to implement recommendation 76 of the Criminal Justice Report of the Royal Commission.

Where the Bill may impact Charter rights, an overview is provided below.

#### *Right to protection from retrospective criminal laws*

Section 27 of the Charter provides that a person must face the penalty for an offence that is consistent with the penalty imposed at the time of offending.<sup>11</sup> It provides that, generally, a penalty greater than any available penalty at the time of offending cannot be imposed on any person.

The proposed Bill engages with this section of the charter. The Bill limits the application of rights against retrospective sentencing for cases concerning historical child sexual abuse. The intention of this Bill is to align sentencing patterns and procedures with the current public expectations and the recommendations of the Royal Commission. Given this recommendation was made by the Royal Commission and then accepted by the Victorian Government, I commend these legislative changes as reasonable and proportionate to the Charter rights of Victorians.

This Bill does not impose or introduce greater penalties, it merely requires that where a sentence of imprisonment is imposed, it is to be served and not nullified by being suspended. The Bill seeks to introduce s 35A into the *Sentencing Act 1991* which will squarely remove any possibility that a sentence of imprisonment imposed for a child sexual offence can be suspended in part or in full.<sup>12</sup>

The engagement with the right against retrospective sentencing is limited to offenders convicted of child sexual abuse, not the Victorian community at large. Those convicted of offences that are not related to child sexual abuse are not affected by this Bill.

Given the nature of cases of historic child sexual abuse, such matters are often not brought to light and heard before the courts until such time has passed that victims are comfortable and confident in making a complaint. Given victims of these crimes have often overcome lifelong psychological restraints and trauma to share their experiences, it is reasonable that convicted offenders cannot benefit from any delay in reporting their crime, such as to benefit from the suspension of a portion of a term of imprisonment which has not been available since this Parliament legislated to abolish suspended sentencing in 2013.

Therefore, the changes proposed by this Bill are reasonable and proportionate in all the circumstances and compatible with the right against retrospective sentencing. I consider the Bill to be consistent with the right against retrospective sentencing in section 27 of the Charter.

*Other*

All other human right impacts of this Bill do not expand on existing engagement with charter rights already contained within the *Sentencing Act 1991*.<sup>13</sup> In light of the foregoing, it is my view that other elements of this Bill have previously, and should therefore remain, acceptable to this Parliament.

I consider that the amendments in the Bill only engage in Charter rights in ways that are reasonable and demonstrably justifiable and is acceptable to this Parliament.

**Evan Mulholland MP****Member for Northern Metropolitan Region**

<sup>1</sup> *Charter of Human Rights and Responsibilities Act 2006* (Vic).

<sup>2</sup> *Sentencing Amendment (Sentencing Practices for Child Sexual Offences) Bill 2024*.

<sup>3</sup> *Sentencing Act 1991* (Vic).

<sup>4</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report – Recommendations*, Recommendation 76, p 112.

<sup>5</sup> Victorian Government Response to the Royal Commission into institutional Responses to Child Sexual Abuse, *Table of the full Victorian Government Response* 2018.

<sup>6</sup> *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018* (NSW).

<sup>7</sup> *Crimes (Sentencing Procedure) Amendment Act 2022* (NSW).

<sup>8</sup> *Crimes (Sentencing Procedure) Act 1990* (NSW) s 21B(1).

<sup>9</sup> *Sentencing Act 1991* (Vic).

<sup>10</sup> *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 7(2).

<sup>11</sup> *Ibid* s 27.

<sup>12</sup> *Sentencing Amendment (Sentencing Practices for Child Sexual Offences) Bill 2024* s 4.

<sup>13</sup> *Sentencing Act 1991* (Vic).

*Second reading*

**Evan MULHOLLAND** (Northern Metropolitan) (10:12): I move:

That the bill be now read a second time.

The bill amends the Sentencing Act 1991 to ensure that no longer will persons convicted of historical child sexual offences be eligible to have suspended any term of imprisonment for such an offence.

It also clarifies that persons convicted of child sexual offences are to be sentenced in accordance with sentencing practice at the time of sentencing, not that in operation when the offence was committed or when the finding of guilt was made.

This bill seeks to close the legal loophole that has been used by paedophiles to avoid jail despite having been sentenced to terms of imprisonment.

This bill provides that jail means jail for those who commit sexual offences against children, no matter when those offences occurred.

At the initiative of the former Liberal and Nationals government, the Parliament of Victoria voted to abolish suspended sentences in 2013 via the Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013. This legislation reflected the overwhelming will of the Victorian community that people sentenced to a term of imprisonment should actually serve out that term.

This reform did not prevent people convicted of a crime from being subject to a penalty other than imprisonment where appropriate. However, where imprisonment was determined by a court to be warranted, no part of such a term could be suspended.

Courts have subsequently applied this legislation in such a manner that offences committed before the abolition of suspended sentencing are still eligible to be suspended.

This is confirmed in a statement dated 14 March 2023 by the Office of Public Prosecutions, which states in part:

Suspended sentences have since been abolished in Victoria, but are still an available sentencing option for offences committed before their abolition.

This is clearly an anomaly and out of step with the community expectations that led to the abolition of suspended sentences.

Under current sentencing laws, convicted perpetrators of child sexual offences, some of the most serious crimes against some of the most vulnerable victims, are walking free with fully suspended sentences of imprisonment.

For the victim-survivors of such crimes, the use of suspended sentences for the benefit of the perpetrators adds bitter insult to grave injury.

This bill seeks to close that legal loophole and ensure that justice is served. In doing so it offers the hope of assisting the healing process for those who have shown the courage to come forward and call out historical child sexual abuse.

This bill is inspired by the courage of many victim-survivors of historical child sexual offending. I particularly pay tribute to Stewart Carter, who was abused as a 10-year-old by Gary Bloom, a schoolteacher.

Stewart summoned the courage to report Bloom's offending after many years. Stewart endured the investigation process and endured the trial to see the offender convicted, only to then see Bloom walk free from court with a three-year sentence of imprisonment that was fully suspended.

Bloom did not see a single day in jail for his crime, not an hour of community service and not a dollar of a fine.

If that is justice under the law, then the law needs to change.

So it is for Stewart Carter, and for so many like him, that this bill must become law.

The 2017 federal Royal Commission into Institutional Responses to Child Sexual Abuse recommended that 'State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending'.

The Victorian Labor government accepted this recommendation in July 2018 yet has failed to act, despite New South Wales implementing this reform in 2018.

Had this recommendation been acted on in Victoria, Stewart Carter would have seen justice and his perpetrator would be in jail today.

The failure of the Victorian Labor government to act to close this loophole – a loophole it agreed to close – is causing real harm.

Every day this loophole remains, more Victorian victim-survivors of historical child sexual offending are at risk of being let down.

Every day this loophole remains, more Victorian child sexual offenders are able to avoid justice.

This bill isn't about politics, it is about justice for victims of child sexual abuse and making Victoria a safer place for every child.

I urge all members of this house to support this bill and close a loophole that is leading to gross injustice for victim-survivors of historical child sexual offending.

I commend the bill to the house.

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:18): I move:

That debate on this bill be adjourned for two weeks.

**Motion agreed to and debate adjourned for two weeks.**

*Production of documents***Energy policy**

**David DAVIS** (Southern Metropolitan) (10:18): I move:

That this house requires the Leader of the Government, in accordance with standing order 10.01, to table in the Council, within three weeks of the house agreeing to this resolution, the agendas and minutes, and any attachments thereto, of every meeting of the boards of the Australian Energy Market Commission, the Australian Energy Regulator and the Australian Energy Market Operator since 1 January 2022.

These three bodies are part of the national architecture of regulation and control of our energy markets. They are national bodies, but they have significant Victorian input. They are bodies that are not FOI-able. They are bodies that are difficult to keep tabs on. They are bodies that it is in the public interest to have greater scrutiny of, and it is for this reason that I believe it is in the public interest that this documents motion be carried and that these board minutes and agendas be delivered.

It is important to understand that there is a national structure here. The Energy and Climate Change Ministerial Council has been established. In fact on 30 September 2022 the national cabinet agreed to establish the Energy and Climate Change Ministerial Council within the streamlined model of Australia's federal relations architecture. The council replaced the former Energy National Cabinet Reform Committee, which was preceded by the COAG Energy Council. Victoria's representative on that, who repeatedly appears in communiqués dealing with many of these matters, is Minister Lily D'Ambrosio from Victoria. There is also an energy advisory panel, but the national energy market governance is laid out on the Australian Energy Regulator website in a handy way for people who are wanting to educate themselves on these matters.

These bodies have boards. They have structures that provide governance of them. The board members are appointed by the energy ministers, and there is no reason why the Victorian energy minister cannot obtain copies of the agendas, minutes and attachments thereto of each of these bodies. Some of the bodies are public companies in terms of their having a registration of that type, but nonetheless they are publicly owned entities answerable to the energy ministers nationally.

In the case of the Australian Energy Market Commission, its head office is in Sydney. In the case of the energy regulator, its head office is in Canberra, although it has locations in Melbourne, Adelaide, Brisbane and Sydney. The Australian Energy Market Operator, AEMO, as I say, is a public company, a not-for-profit organisation. Its operating costs are recovered through fees paid by market participants, so these are effectively taxes on Victorians and others around the country. The head office of AEMO is in Melbourne. It has locations in Adelaide, Perth, Brisbane and Sydney as well. There are annual reports, but those reports are silent on many different matters.

The chief executives are appointed by these boards, and there are a series of challenges in understanding precisely how decisions are made by these bodies. This is why the governance of the bodies is a matter of interest for all Australians. We have seen energy prices surge. Gas prices are up, according to St Vincent's and their surveys. These are not average prices or some such, they are actually figures that are calculated from people's actual bills and what they have actually paid. We saw gas prices go up 22 per cent last year and electricity prices go up 28 per cent – very significant increases at a time of cost challenges and housing affordability.

My point here is that there is plenty to scrutinise with these bodies. We need to understand decisions that are being made by these bodies with respect to pricing, with respect to the rollout of renewables and with respect to a series of price-setting functions and other regulatory functions that regulate market participants. These are bodies that in my view are secretive bodies. They feel that they are well above scrutiny. They feel that they are in fact able to coast free. Because they are answerable to many energy ministers and climate change ministers, they in effect become answerable to nobody. That is one of the problems with our energy markets at the moment. We need to have clarity of decision-making and transparency in decision-making to manage both the market behaviour and prices and the

rollout of renewables and other aspects of the market, so it is in the public interest that these bodies are more accountable. It is in the public interest that we see the details of their decision-making, and that is why I brought this motion.

**Tom McIntOSH** (Eastern Victoria) (10:24): Well, well, well, here we are, talking about accountability. It seems like the Liberal Party are only accountable to their members for getting preselection. The Liberal Party have again shown they are out of their depth on energy, as is the shadow minister. Bringing, as the opposition shadow said, national architecture – these are issues for the feds. Perhaps he can talk to his colleague Mr Dutton. If the party was not in absolute nuclear uproar about where reactors would go and all fighting each other over this new nuclear policy, they might actually be talking to each other about energy policy. But we know they are not. We know they have not for 2½ decades. It is just all ideologically driven. There is no substance, there is no plan and there is no policy.

The government will not oppose this documents motion, and I will talk you through, Mr Davis, exactly why that is. It is because we do not have access to the minutes that you are asking for. They are confidential. We do not receive them. We cannot access them. You talk about access and accountability. The Australian Energy Regulator are FOI-able. I know this is hard to comprehend, but those opposite could do some work. Do some work, do some research; bring something to this place of some substance. On energy, as I have said, for 2½ decades you have brought nothing of substance to this place. The answers are to frack farms, poison the underwater aquifers and destroy our agricultural land, and now we are hearing about nuclear power generators. As I said before: where are the reactors going to go? Where is the waste going to go?

**David Davis:** On a point of order, President, this is a documents motion. It is a very narrow debate. I have laid out the reasons why we seek the documents, but we have been quite specific about those points and those reasons. The member is now embarking on a broad debate which is not about the documents and why the documents should be provided.

**The PRESIDENT:** Mr McIntosh, being the first government speaker, has more licence to go a bit broader, and I think he has been relevant as far as the energy market.

**Tom McIntOSH:** Thank you. If the shadow minister for energy wants to talk about accountability and they see themselves fit to form government, then their energy policies have to be accountable. If we are talking about nuclear reactors being put in all over this country, I think Victorians and Australians want to have accountability as to where those will be and where they will go. I think if farmers are hearing about their land being ripped up for fracking, as every single ex-leader in this place has spoken to from the Liberal Party – and they are all still here; the leader at the moment is Mr Pesutto. He is driven by the ideologues, the radical ideologues within the opposition, who do not want to hear the economics. They do not want to hear what the community have to say about wanting clean, affordable energy. We know that renewables are the cheapest form of energy and that the CSIRO are saying that, even when you put in transmission and storage, everything we are doing. But instead you lot want to go off into the never-never, 20 years away, with a nuclear reactor that you will not say – well, you have talked about Hazelwood and Anglesea. I do not know what those communities are saying.

But this side is giving tangible solutions to a real challenge of decarbonising our economy. We are already 40 per cent of the way there with electricity, but still you lot are kicking and screaming and refusing to be dragged along. Victorians know it is the most affordable form of energy. That is why they are putting solar panels on their roofs. That is why they are electrifying their houses. We know that you lot want to delay the inevitable and keep looking to dig up more gas. We know that conventional gas is not there. That has been proven by the head scientists, but you lot still want to keep going with it, because it does not matter what economically makes sense, it does not matter what community are saying, you are absolutely welded onto your ideological hatred of renewables, and that is the basis of it. That is driven by your membership, not the broader community, because again it

comes back to preselection. That is why your party is in nuclear disarray, with leadership contests. Basically every sitting week the leader has to worry. Whether it is the two previous leaders who are still sitting in this place or whether it is someone else who is coming –

**David Davis:** On a point of order, President, the member has strayed miles from the bill –

**The PRESIDENT:** I uphold the point of order. Mr McIntosh, return to the motion, please.

**Tom McINTOSH:** Thank you. Victorians want a government that will lay out their energy policies and will deliver a plan taking us through this decade and decades to come, and this motion proves that the opposition have no plan for the future of Victorian energy.

**Motion agreed to.**

### *Business of the house*

#### **Notices of motion**

**David DAVIS** (Southern Metropolitan) (10:30): I move:

That the consideration of notice of motion, general business, 390, be postponed until the next day of meeting.

**Motion agreed to.**

### *Production of documents*

#### **Commonwealth Games**

**David LIMBRICK** (South-Eastern Metropolitan) (10:30): I move:

That this house:

- (1) notes that the government has claimed executive privilege regarding certain documents outlined in appendix D of the interim report into the 2026 Commonwealth Games bid;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975 and the power to make standing orders under section 43 of that act;
- (3) affirms the right of the Council to require the production of documents;
- (4) requires the Leader of the Government to table in the Council, in accordance with standing order 10.01, within 30 days of the house agreeing to this resolution, copies of documents over which executive privilege was claimed, as per appendix D of the interim report into the 2026 Commonwealth Games bid, in response to:
  - (a) questions on notice 1.2, 6, 7, 9, 15, 16, and additional questions 6 and 8, asked on Wednesday 9 October 2023 to the Department of Jobs, Skills, Industry and Regions (DJSIR);
  - (b) question on notice 7, asked on Monday 9 October 2023, to the Office of the Commonwealth Games;
  - (c) question on notice 1, asked on Monday 9 October 2023, to the Department of Premier and Cabinet (DPC);
  - (d) question on notice 7, asked on Friday 13 October 2023, to the Department of Treasury and Finance (DTF);
  - (e) question on notice 4, asked on Tuesday 5 December 2023, to DJSIR;
  - (f) documents summoned on Thursday 8 November 2023 from DPC, including three briefing notes and the table containing information about claims of executive privilege; and
  - (g) documents summoned on Thursday 8 November 2023 from DTF, including six briefing notes and three extra pieces of correspondence.

This also is a documents motion requesting certain documents from the government, but I think I should explain the genesis of this motion and where it came from. As was revealed yesterday in the Commonwealth Games report that was tabled, there were a number of documents that were requested by various committee members, through both questions on notice to people who appeared before the committee and also documents that the committee sought fit to request from the government, and for

a number of these documents executive privilege was claimed. What this documents motion does is refer to all of the documents which were not supplied and for which executive privilege was claimed, which are outlined in appendix D of the report, which as I said, includes various things such as questions on notice et cetera. I will say that these requests were not ones that were made by me personally; they were made by various members of the committee.

As was detailed in the report yesterday, there is some, let us say, debate about the width of executive privilege. In fact executive privilege was claimed over a vast number of documents that were requested, and there is some debate about whether the government's position or another position is in fact correct. I do not claim to be an expert on executive privilege, but fortunately we have many learned people who work for Parliament that have been able to provide advice, and you will see the outcome of that in the report.

Another thing that is outlined in the report is that the avenues for challenging this are quite limited, and in fact I can only see two options available to me. As chair of the committee I feel that it is my responsibility to try and attempt to exhaust every available avenue that is reasonable. There are two available avenues left to me. Firstly, I could mount a legal challenge. I do not support doing this. I think that the Victorian taxpayers have suffered enough over this, and that will cost an absolute fortune and be a very long and drawn-out process, so I do not think that that is a reasonable thing to do. The last thing I want to do is waste even more taxpayers money on this exercise.

However, the Legislative Council has a rather neat mechanism, contained in chapter 10 of our standing orders, designed to resolve exactly this type of dispute. The way that it should work is that if a document is requested by this Council – so if this motion were to pass – then the documents would be requested from the government. In this case, unlike other documents requests where the government comes back and says it is going to take more time to find them, these documents have already been identified. The government has already identified the documents. They have already assessed them, and they have claimed executive privilege on them. If the government report back to this chamber that they maintain that claim of executive privilege, then the process is meant to be that those documents should be provided to the Clerk and also provided to me, the mover of the motion. Then I would be able to examine those documents and the government's claim of executive privilege. If I determine that the government's claim is valid – as it may well be; I do not know, as I have not seen them – then I would report back to the house and I would give my commitment that I had looked at these documents and agree with the government's claim that they should remain under executive privilege. However, if I disagree, Parliament has a process whereby I can challenge that, and then the President would appoint an independent arbiter. This would be someone who presumably is very learned about these processes and would be able to make an independent assessment.

I do not challenge the notion of executive privilege. Indeed I fully appreciate that some things must not be released to the public from government because they may endanger members of the public, they may undermine trust, they may not be in the public interest, they may out people – all sorts of reasons that privilege or redaction may be necessary. I do not dispute that sometimes that is necessary. However, my experience with documents motions and indeed my experience during this committee has been that the government has claimed a very, very wide definition of executive privilege. Indeed in the last term of Parliament and in this term as well, I think many members here would concur that documents that we request rarely turn up. What usually happens is that we get a letter stating that it is taking too much time, or the government claims privilege, or this and that.

I note the Attorney-General's comments yesterday that she would be willing to work with members who are considering these types of motions to make sure they are not asking for things that are unreasonable, and I welcome that offer by the Attorney-General. I do concede that maybe some of the documents requests that have come from this chamber may result in hundreds of thousands of documents and maybe it is unwieldy or too expensive, so maybe that would be a good process if we could discuss that first before putting forward these requests. Nevertheless my experience has been that the government has been quite unwilling in the past, indeed even on things that are very much in



the public interest. I note the one set of documents that I brought up many times in the last term of Parliament was the human rights charter assessments for the emergency powers that were used during the pandemic. To my mind there would be few documents that would be more in the public interest than these – to understand the reasoning of why the rights of Victorians were being limited, and instead we were just asked to trust the experts and told that the government was doing this to save lives – a totally unreasonable proposition. Indeed after the pandemic bill was eventually passed in early 2022, the government finally did release summaries of the human rights charter assessments, and I would say my opinion is that they were far less than satisfactory. Indeed the underlying evidence and science that were being used to justify some of those orders did not make sense at all, I would say.

To that effect, I hope that members will support this motion. I consider it part of my responsibility as chair to try and exhaust every reasonable mechanism to access these documents, which have been requested by various members of the committee. I hope, if some of these documents are determined to be not subject to executive privilege, that they will help inform the committee's deliberations for the remainder of the inquiry and help us report back on the insights that are gained by the committee. With that in mind, I commend this motion to the house.

**Jacinta ERMACORA** (Western Victoria) (10:38): As Mr Limbrick has already mentioned, this motion addresses the principle of executive privilege. The issue of executive privilege is definitely, you could say, a fraught and contested space. I definitely acknowledge that. It is important to maintain the principle of privacy for citizens. It is important to maintain, where relevant, commercial confidentiality, and it is important to retain the confidentiality of legal advice and a number of other considerations. While we must uphold the principle of executive privilege, there is nothing wrong with testing this space, and I appreciate Mr Limbrick is doing so here today.

The Select Committee on the 2026 Commonwealth Games Bid is the context in which we are really talking about executive privilege today. I would like to make it really clear that the position of the government on executive privilege is very carefully considered, and it is definitely referenced in a letter from the Premier on 7 October 2023 to the committee which outlines the government's position on claims of executive privilege.

The general course of action is the government receives detailed legal advice, including from the Victorian Government Solicitor's Office, to inform its decisions to claim executive privilege. Matters that the government considers include whether documents would do some of the following: reveal directly or indirectly the deliberative process of cabinet; reveal high-level confidential deliberative processes of the executive government or otherwise genuinely jeopardise the necessary relationship of trust and confidence between a minister and public officials, and I will go into that space in a few minutes; possibly reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions that apply to Parliament; reveal confidential legal advice to the executive government; otherwise jeopardise the public interest on an established basis, in particular where disclosure would prejudice national security or public safety; prejudice law enforcement investigations; materially damage the state's financial or commercial interests, such as ongoing tender processes or changes in taxation policy – and in fact you can be prosecuted for breaches in those areas of confidentiality; prejudice intergovernmental and diplomatic relations; or prejudice legal proceedings that are currently underway. So there is a very long list of considerations when it comes to executive privilege, and it would not be appropriate to comment on individual government decisions to claim executive privilege in respect of particular documents. However, I would like to address the expansive amount of work which has been undertaken to respond to questionnaires, summonses and requests from the select committee. As a member, I have been very pleased to be present at this.

The interim report of the select committee acknowledges that 10 government departments provided detailed questionnaires to the committee, and not just government departments but also Development Victoria, the EPA, the Kardinia Park Stadium Trust, the Victorian 2026 Commonwealth Games organising committee, Victoria Police and Visit Victoria. Witnesses including ministers, departmental

secretaries and many other government officials appeared before the committee. As recently as Monday 29 April government released to the committee some 234 documents, and with this comes an enormous amount of work and responsibility that must go into reviewing documents and ensuring that highly sensitive information is not disclosed to the detriment of the Victorian community, as I referred to previously. This includes examining each document for information relating to security, the disclosure of which may damage the state's financial interests. This is detailed and painstaking work and goes to the point that confidential information must be treated with respect for all participants of an inquiry.

In reflecting on this motion and the principles associated with it, it did bring back memories of when I was studying for my masters in policy and management. I did a unit on the theory of bureaucracy, and I must admit at the very start, before I started the unit, I was very cynical about whether or not anybody had studied bureaucracy, whether or not there was any research and whether or not there were any valid theories associated with bureaucracy. I am sure there are people in this room that realise or know that that is a very ignorant position. When I was doing that unit, I did learn an enormous amount about the various models of approaching public service and that there are a considered and conscious set of values and principles based on theory that drive how the public service works. One of those principles in the Westminster system is that of frank and fearless advice – advice without fear or favour and advice that is independent advice.

I feel that with this motion one of the important principles to take into account is that, if every government or departmental document was completely open, disregarding all of the principles I mentioned earlier in this speech, the writers of those documents would start to pivot to a new audience, which would be the public and the media, rather than providing necessarily accurate information. Sometimes when you are in government, whether you are on a sporting club committee, whether you are on a local council or whether you are in state government or federal government making decisions, you receive advice you do not want to hear. If you rearrange things so that you only receive advice that you do want to hear, you will end up making decisions without considering all of the variables, and invariably that will result in poor decision-making. So I think related to this motion is that principle of independence of public service and the importance of maintaining that respect and confidentiality of advice that public servants provide to governments. With that I will finish my remarks.

**David DAVIS** (Southern Metropolitan) (10:47): I rise to support Mr Limbrick's motion 382, which comes directly out of the tabling yesterday of the interim report of the 2026 Commonwealth Games select committee and relates to the documents on which executive privilege has been claimed by government. There is no question that what occurred at the committee is an attempt to nobble the committee, to make it more difficult for the committee to get to the bottom of a number of key matters, and that the government's decision to block the release of a slew of documents is a very deliberate activity that is designed to frustrate the committee and prevent people getting to the truth. I for that reason support this motion brought by Mr Limbrick and compliment him on his work on the committee, other committee members and also the committee staff, as I said yesterday, who did a remarkable job in the face of some of these attempts to block the release of information.

Ms Ermacora has made some points about surveys that were sent out and were answered in large measure but not completely. There were claims there too. That is one aspect of this. But a series of documents was sought that we should properly have had access to, and the government has, as I say, on a wide front, outlined best in appendix D of the interim report, sought to block the release of this information. So this motion will be a useful step forward.

I pick up a point that Mr Limbrick made, which was also referred to by Ms Ermacora, that the government is prepared to discuss some of these matters. I welcome that, and I think it is important and I think that the government ought to be prepared to discuss some of these matters and engage. We already have a large slew of documents that have been blocked by the government that were subject to discussion yesterday.

I note that yesterday I had a response from one of the people on the government side that pointed at our period in government, and I just thought it was worth putting on the record so that people know particularly the ability for the chamber to engage with these matters: in the 57th Parliament the Legislative Council passed 38 requests for documents, not one of which was opposed by the Baillieu–Napthine government members of the Council, noting of course that in the 57th Parliament the government members represented a majority of members of the Council. Of these 38 requests for documents that the government of the day was clearly willing to examine and respond to, 18 were responded to with the full release of documents and 12 resulted in partial release. In the case of two requests, the requested documents did not exist. In the case of one request, carried in September 2014, there was not sufficient time for the government to respond, as the Parliament rose shortly afterwards, in October 2014. Of the remaining five requests, executive privilege was claimed in the case of three requests – and I will come back to this matter of executive privilege in a moment – and two other requests were commercially sensitive. In one case, the government’s response was accompanied by evidence of the impact on a private firm. In the other case, commercial negotiations were occurring, and in addition the state’s position with the Commonwealth would have seen the state’s position weakened relative to other states in a competitive Commonwealth assessment process.

In the cases where documents existed, and other than where the government responded in full, the government respectfully requested that the Legislative Council not insist on the provision of the documents. In each of these cases, the Legislative Council in effect accepted the government’s respectful request. If the government were to come forward, for example, with a particular document and say that, for a very good reason, even though this document could be released, it would not be in the state’s interest, the Council I think would respond thoughtfully and respectfully to that. But that is not what we hear – we hear a blanket closure, a blanket block, on these key matters.

Ms Ermacora talked about executive privilege, and we accept that executive privilege is a capacity to deny documents; obviously that is the case. Legal opinions have been obtained by this chamber. The Egan case, which has been referred to by me in the chamber and by others more recently, does lay out a number of the principles that are involved. Executive privilege is a legitimate aspect of claim if the government does not believe a document should be released and it fits the criteria for executive privilege. But executive privilege is also open to excessive and wide use, and if it is not able to be transparently challenged, there is a difficulty for the chamber and the mover of motions – in this case, Mr Limbrick and the committee – to actually assess the validity of the claim of executive privilege. That is why the standing orders have those deadlock mechanisms where executive privilege is claimed. These are explicitly modelled on New South Wales. In New South Wales the arbiter that is in the standing orders operates quite regularly and quite independently and with significant respect from all sides of the chamber. I am very aware of this, because the arbitral provisions were put in at the insistence in fact of the Liberals and the Nationals. That is actually where the driver for the use of documents motions came from in the chamber’s history. However, we can learn from New South Wales. We can learn with these provisions.

Mr Limbrick has moved this motion. There is executive privilege claimed on a long list of documents that we know exist because the government has said they exist, and it has claimed executive privilege on them. The mechanism here would be if the government has a legitimate claim to executive privilege over some of these, it can be tested by an independent arbiter. What would be wrong with that? The independent arbiter would then be in a position to say, ‘We looked at this document, and in fact we don’t believe that that is a reasonable claim.’ The arbiter in New South Wales routinely says, ‘Actually, it’s a legitimate claim.’ Thereby the uncertainty is weeded out of the system, the uncertainty is turned into clarity and the independence of the arbiter is widely respected both by government and by non-government parties in the Legislative Council in the New South Wales Parliament. That is the model that should be considered here, and we should be prepared to look at that closely. We should be able to use what is in the standing orders. I think this is an opportunity for the government to step up, and they will certainly have our support if they do so.

I am not wanting to be combative about this, but the truth of the matter is the approach to the Commonwealth Games committee has been to deny a slew of documents and do that in a pretty unsophisticated way and a way that actually is designed to frustrate and nobble the work of the committee. We hope the government has a change of heart and takes up the opportunity to utilise the procedures that are in the standing orders. I think we will get a better outcome for the chamber, and I think all parties could use that procedure over the long term.

**Sarah MANSFIELD** (Western Victoria) (10:55): I rise to speak on Mr Limbrick's motion. We find ourselves for the second time this week discussing the issue of the production of documents or the failure thereof, and this time it is in relation to documents requested by the Commonwealth Games select committee. The experiences of this committee and the frustrations with getting information necessary for this committee to do its work were well aired yesterday and are outlined in detail in the interim report, so I will not go into a lot of that detail again. But suffice to say executive privilege has been claimed over a wide range of documents requested by the committee with little additional context provided, as has been explained by others who have contributed to this debate. The government has relied on a self-determined definition of executive privilege to make these claims and one that has been challenged by legal experts. The avenues available to the committee to challenge this were limited, but they have been outlined in the interim report on the Commonwealth Games cancellation, and one of those avenues is now being used. It is to request the documents via the Parliament, given that the committee's avenues have largely been exhausted.

Given that executive privilege over these documents has been claimed, presumably an assessment of these documents has been undertaken by the government, which in turn means the documents exist – they have been located by the government. So we do not expect to get the response that we get with other documents motions that there is insufficient time for the production of these documents or that they cannot be found. But it is entirely possible that the government will continue to claim executive privilege. While on the face of it it seems rather odd that executive privilege was applied to so many documents – one might be forgiven for thinking that this application is perhaps broader than is reasonable even under the government's own definition – if the government stands by its executive privilege claims, then presumably it will continue to claim it. Moreover, they should have no fear with complying with this house's standing orders regarding documents over which they make such claims. Under standing orders 10.03 to 10.06:

a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege ...

The documents are then required to be delivered to the Clerk and:

made available only to the mover of the motion for the order

...

The mover of the motion for the order may notify the Clerk, in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter –

as we have heard happens often in New South Wales –

... for evaluation and report within seven calendar days as to the validity of the claim.

So if the claims of executive privilege are legitimate, then the government should not fear a challenge. Either the mover of the motion will agree with their assessment – they will look at them and go, 'Actually, that's fair' – or they will dispute it and an arbiter will agree with the government. I fully expect that when this documents motion is responded to, executive privilege may be claimed, but I would really hope that the standing orders of this house are followed in terms of the process that is then applied.

Yesterday we heard many government members outlining their commitment to the principles of representative democracy, Westminster principles and their respect for the Parliament. There were

also offers to work with the rest of Parliament regarding improving the processes around documents requests. This motion, should it pass, offers the government an opportunity to demonstrate all of this. We will be supporting this motion today, and we look forward to the government's response.

**Michael GALEA** (South-Eastern Metropolitan) (11:00): I rise to share just a few remarks today on this motion. It has been a topic that has already been extensively gone into and indeed discussed this week in reference of course to the tabling of the interim report of the inquiry into the 2026 Commonwealth Games bid yesterday, and similar discussions were undertaken in this chamber pertaining to executive privilege. Also in saying so, I would note the comments that you made yourself, Acting President Ermacora, in relation to the types of grounds on which executive privilege is typically claimed. So I do not intend in my contribution today to re-cover that territory, nor necessarily to go through all of what I said yesterday again here today. Suffice to say that I note this motion put forward by Mr Limbrick today as the chair of the committee and note, as I remarked yesterday, he has been a very good, impartial and effective chair of our committee as well. In seeking some documents, as he says, this has been put forward not necessarily by him but by resolutions of that committee. I understand he is right to take this measure today and to seek these documents as part of the continuation of our committee as we continue for one more year.

Some comments made by Mr Davis I will come to in a moment, but I think it is important to note again that, as has been referenced by other speakers, executive privilege has been claimed on these documents, and if there are particular areas such as Dr Mansfield highlights where there can be some further explanation or other detail provided, I am sure, without speaking on their behalf, that such arrangements could be made to happen as is appropriate. As I said, this is certainly not in any way seeking to defy accountability. Indeed as we saw in the hearings for this committee last year with former ministers for Commonwealth Games legacy at the time Minister Leane and Minister Shing coming to appear, they were quite open and forthright with the questions that they were responding to. Despite the very best efforts of those opposite, including Mr Davis, to throw mud, they were not able to successfully achieve that.

I guess that comes to my concern when I hear Mr Davis say that any such documents could come through and be considered thoughtfully and respectfully by the chamber, and that may well be the case for many in this place, but I think Mr Davis's actions nobble any such presumption towards our capacity to have faith in him behaving in such a way. Notwithstanding that, as I said, there are some important processes by which this can be followed, as I referred to in relation to Dr Mansfield. But to come into this place and say 'Well, we'll do this thoughtfully and respectfully' when your actions for the length of this inquiry and indeed quite beyond that, both in this place and in the committee itself, could not be deemed to be thoughtful and respectful – it is quite a long reach for us to make that assumption. I will leave my remarks there, but as I said, I have discussed much about these issues as they came up in our chamber yesterday. I look forward to hearing other speakers in this debate.

**Joe McCracken** (Western Victoria) (11:04): In trying to characterise this in a different way, it is sort of like putting together a jigsaw puzzle with different sets of information, but you have got this entity that does not really want you to succeed in putting the puzzle together to get the full picture. I support this motion put forward by Mr Limbrick because it is an attempt, using the mechanisms that we have from the Commonwealth Games select committee, to get some of those pieces of the jigsaw puzzle and ensure that we do actually have a full picture. Some of the outstanding questions as per appendix D of the Commonwealth Games select committee report released yesterday include questions to and outstanding documents from DJSIR, which is the Department of Jobs, Skills, Industry and Regions; the Office of the Commonwealth Games; the Department of Treasury and Finance; and the Department of Premier and Cabinet.

I will just give you a couple of examples of some documents that are outlined in appendix D, because that will give an insight into how they might be able to reveal some of the pieces of the puzzle that we are missing. For example, what is missing from the Office of the Commonwealth Games, or what is being sought, are briefings provided to the Minister for Commonwealth Games Delivery. If those

documents and those briefings were able to be accessed, it might help the committee in determining why decisions were made and when they were made, and it would give a bit more context to the outcomes that we have seen.

The Department of Treasury and Finance – documents have been requested from them regarding advice provided into the initial cabinet submission for the approval of the games. There has been a lot of discussion about the initial business case and how effective or otherwise that was, particularly given the short lead-in time and particularly given the less than robust nature of the business case. An insight into that provided by these documents that have been requested would be extremely helpful.

DJSIR advice given to the minister on the business case ahead of the cabinet approval – again, this would be extremely helpful, knowing that the business case, as has been publicly said, was not as robust as it could have been given the short lead-in time, the lack of information that consultants were allowed to engage in and the fact that they could only essentially do desktop reviews. They were not allowed to engage with local governments. To be able to have access to that information would be incredibly helpful.

I understand that this is essentially seeking documents, but the bigger picture of why this motion is needed is essentially trying to piece those pieces of the puzzle together so that we can get to the truth, so that we can get to an accurate picture of what actually happened. This is not revolutionary or anything like that. It is not trying to change the world; it is just asking for documents. I am very happy to support the motion on that basis, and I hope that the rest of the house does consider it very carefully as well, because if there are those who do not want to support this, I guess those members have to think about what it says about how they vote and whether they are really committed to the principles of openness and transparency.

**Melina BATH** (Eastern Victoria) (11:07): I will make a brief contribution this morning to say that the Nationals certainly support this motion put forward by Mr Limbrick, the chair of the inquiry into the 2026 Commonwealth Games bid. I will not re-cover all of the very worthy commentary that we have heard so far from Dr Mansfield, Mr Limbrick, Mr Davis and Mr McCracken and the comments from the Labor members, but I will say that sitting in these inquiries and listening to testimony, there are the haves and the have-nots.

There are those in the departments – the Department of Jobs, Skills, Industry and Regions, the Department of Premier and Cabinet and the Department of Treasury and Finance – who hold content knowledge. You can tell that they are holding it very close to their chest in a variety of contexts, and the contexts, some of them, are outlined in the interim report's appendix D on the government's claim of executive privilege. You can tell that they are sitting there fairly tight-lipped about the situation. Then the have-nots, of course, are the people who did not get to hold the games – the people who were sold the bill that it was coming and who ramped up and started to instigate improvements to their businesses and business plans and councils making plans et cetera. I will not use this time to re-prosecute issues that were certainly tabled in the last part of this – hospitality, tourism, the loss of confidence in the regions and the loss of opportunity. Somewhere in the middle there lies the issue of information and transparency. I concur that there is a situation of executive privilege. That is fair and reasonable. Not every word that the government says behind closed doors should be on the table here.

There are many ways, as my colleague Mr McCracken said, to get to the truth that this committee is endorsed to and allowed to investigate, but the government, or the departments, are being as comforting as treacle on a cold day. So I would say that this motion is a reasonable and fair process. I would say that there are those people, those have-nots, who have had that loss and who want some answers. Truly, should this not be about working out what went wrong and what went wrong with the business case, which was as flimsy as a see-through piece of perspex material – it was flimsy – to understand what went wrong so that it does not happen again? At the end of the day those are the important things: to learn, to put it on the record, to give closure to those people who are hurting and to give fair and reasonable democracy in this place.

With that, I certainly understand that there can be a test of those particular items for which they have claimed executive privilege, and I know Mr Davis and Dr Mansfield have spoken about that. Let the government use that where required, but where there are reasonable things that need to come to light in this forum for the community, then let those exist. I support the motion.

**David LIMBRICK** (South-Eastern Metropolitan) (11:11): I thank everyone for their contribution to this debate today. I will just reiterate what I said earlier. The purpose of this is to resolve the dispute on the contested nature of executive privilege. Parliament has a very neat and efficient procedure for resolving this, and my intention is that we will use that procedure, as outlined in chapter 10 of the standing orders, to resolve that dispute. I do not know yet whether executive privilege is valid or not, but it may well be the case that for everything the government has claimed executive privilege over that is valid. We will be able to make that determination, and I commit to engaging in that process in good faith to the best of my ability.

**Motion agreed to.**

### *Business of the house*

#### **Notices of motion**

**David LIMBRICK** (South-Eastern Metropolitan) (11:13): I move:

That the consideration of notice of motion, general business, 386, be postponed until later this day.

**Motion agreed to.**

### *Motions*

#### **Medically supervised injecting facilities**

**Georgie CROZIER** (Southern Metropolitan) (11:13): I move:

That this house:

- (1) notes the Allan government's decision to back down on its commitment to construct a second medically supervised injecting room (MSIR) within Melbourne's CBD;
- (2) expresses concern at the government's conflicting positions on the location of MSIRs, noting:
  - (a) the Lay report, in which he states he was merely asked to 'talk to key stakeholders about the proposed siting and implementation of an injecting service in the City';
  - (b) since 2020, when Mr Lay was first commissioned to consult on a second MSIR, the waitlist for drug and alcohol services in Victoria has increased by 40 per cent;
  - (c) the Labor government wasted four years by under-delivering much needed services;
  - (d) the Premier's 23 April 2024 comments that 'We have been unable to find a location that strikes the right balance between supporting people who use drugs with the needs of the broader community' are inconsistent with the decision to set up an injecting facility next to a primary school;
- (3) further notes that despite several reviews into the efficacy of the existing North Richmond MSIR, a February 2023 review by Mr John Ryan noted that 'determining the suitability of the current location of the MSIR was not within the scope of the Review Panel'; and
- (4) calls on the government to immediately review the North Richmond MSIR site in light of the Premier's comments regarding feedback from the broader community within the CBD.

My motion goes on to talk about the Lay report – and I will speak to that – and also the Ryan review, and that is really what the crux of the motion is, because what we have seen over the past few years is that this has been a very contentious issue. As we know, the Lay review started some four years ago. Ken Lay was asked to look into the CBD injecting room after the North Richmond trial and what had been occurring in that area, and then there seemed to be review after review. The last review, which concluded around 12 months ago, took some time, and of course last week we saw what the government did. They released the Lay report in relation to the decision.

We had been asking questions in this house for many, many months. Where was the Lay report? Why hadn't it been released? The government continually said they would release it after consideration. During that time of course we had a conga line of ministers taking on the role of mental health. This has been a nice excuse, a convenient excuse, for the ministers to say, 'Oh, well, I'm a new minister. I'm not across it. I've got to take my time to look into these things.' That, frankly, is completely unacceptable when so many people were wanting to understand exactly what was in the Lay report.

We had the initial discussions around an injecting site at the Queen Victoria Market site. Cohealth were going to manage that. Then there were great concerns from the traders about what that would actually mean. You have to have a lot of sympathy for the concern that came from those traders around the Vic market. What would it mean? They were watching what had happened to North Richmond, what happened to Bridge Road. That once vibrant area, which was buzzing with a whole range of Vietnamese grocery shops and other shops: restaurants and –

**Melina Bath** interjected.

**Georgie CROZIER:** Yes, Ms Bath. A lot of us would go down there and shop there. I know that there were terrific grocery shops down there. I know people that would specifically go and shop there. Also, those restaurants that many, many people would frequent – a lot of those restaurants have closed down. It is now a ghost town. It is awful. You drive down it and it is awful. You quite literally have to dodge drug-affected people at times as they meander across the street and down the paths. People no longer feel safe – that is a fact. I will come to that point in a minute in relation to what we know the Police Association Victoria and others have said around crime in the North Richmond area.

The Vic market – that site – was then kiboshed. We had a series of former ministers arguing that we needed to have an injecting room site in the CBD because of the number of drug-affected people in the city. The Yooralla building obviously was bought by the government years ago for over \$40 million. Now the government has come out and said that that will be a health hub where they will provide various services to people needing support for their drug addiction. I welcome those supports. I think that is clearly what we have been calling for. The hydromorphone trial will be run out of that site. That is a policy we took to the last two elections in terms of having more support services to break the cycle of drug addiction. We were really wanting people to be able to access opioid replacement therapies. Our view was that it should be very well supervised and co-located within a hospital setting, not in the middle of the city. I know that when my colleague the Shadow Minister for Mental Health, Emma Kealy, and I were talking to the residents and talking to the traders down on Flinders Street and Degraeves Street when the government first bought the Yooralla building, it was clear they were going to put an injecting room in there. It was absolutely clear. Those residents and traders quite rightly had huge concerns about what that would mean for their amenity. Clearly we had concerns around the gateway to the city opposite Flinders Street – what a terrible look to have what we see happening in North Richmond at our iconic Flinders Street.

There is a lot to be done in this area because people who have got addictions need to be supported to get off their addictions. I am afraid the government has failed in that endeavour. As I have said, since 2020, when Mr Lay was first commissioned to consult on the second injecting room, the waitlist for drug and alcohol services in Victoria has increased by 40 per cent. So in the last four years that waitlist has increased by 40 per cent. These are huge numbers, and they are affecting not only those individuals but their families, their friends and their communities. We really do not want to be known as the heroin capital of Australia – or any other drug capital. But clearly we have got a real problem here in this state because of the government's lack of action.

The government has failed in the delivery of these much-needed services. In rural and regional areas where rehabilitation and withdrawal beds are needed, just like they are needed in the city areas, the government has consistently failed. If you go out into the regions, they will absolutely tell you the same stories. Again I commend my colleague Ms Kealy, who understands this extremely well, for



prosecuting the case. She is a regional member of Parliament, and she understands exactly what is happening in and around Victoria.

I want to get back to the site and the government's decision and I want to talk about the Premier's comments, because I think the inconsistency is a frustration for the residents of North Richmond when they see the Premier stand up and say – this was just last week, on 23 April:

We have been unable to find a location that strikes the right balance between supporting people who use drugs with the needs of the broader community ...

I would argue that that is completely inconsistent with the decision-making around North Richmond. Yes, there was a community health centre. I acknowledge that; I know people that worked in that centre, and they tell me all the time what goes on there. Let me tell you, it is not that pretty. They have concerns and they have had concerns around safety measures. They had concerns around the numbers of people who were coming in to use that service with drug addiction too. I am not denying that people with drug addiction would come into that service and require that service, quite rightly – it is a community health centre. All of those staff in that centre are doing a tremendous job in supporting all of their community. I have been to community meetings. In fact I was the only MP to go to the first community meeting when this was mooted years ago – not even the local members of Parliament turned up to those meetings. Those former sitting MPs who supported the drug-injecting room were not there to hear the community's concerns, and that, I think, is shameful.

The frustration for those community members is quite real and justified, because what they see and what I have seen through the videos that have been sent to me from residents and others working in and around the area is completely unacceptable. I am not going to go into specific detail about what I have seen, but I will say to you that these residents with young children do not want their children to be witnessing what is on these videos. They are of explicit sexual acts in the street, outside where people live and where their children play in the area. It is just quite distressing for them, and it is not a one-off occurrence; it has continued over the years. They see that, they see drug injecting happening in the streets, they see drug dealing, they see people with drugs, trading drugs – this all happens outside their homes. It is not acceptable, yet the government has turned a blind eye to the concerns of these residents.

The traders will tell you, as I have said, what has happened to their trade. It has gone. Like Bridge Road, as Mr Mulholland knows – Victoria Street, I should say; Bridge Road is having its own challenges, but I did mean Victoria Street. Earlier I think I referenced Bridge Road – I meant Victoria Street. My apologies. But they will tell you exactly what has happened with their trade and with their businesses, and it has been devastating. We have argued consistently that putting an injecting room next to a primary school was the completely wrong location. We still hold that view on this side of the house, and so do many of the residents around the area. They still hold that view too, because they know that their children go to that school with the security guards that are in the school, and what has occurred in and around the school with drug-affected people is just not acceptable. Those parents and those communities have every right to be concerned.

To go back to the Premier's comments, when she said, 'We've been unable to find the right location that strikes the right balance,' that is what this motion is about – the right balance about where an injecting room location could be. We all know that it is politics with the CBD decision. There is a council election coming up in a few months time. But the traders and the restaurateurs in the CBD – and the residents – quite rightly have got concerns about what was mooted too. Whether it was going to be here in Bourke Street, just down the road from the Parliament, where we have got an entertainment precinct, we have got restaurants, we have got schoolchildren coming into the Parliament – that would not have been a suitable location. So I commend the government on not putting a drug-injecting room in or around this area, because of those areas where you have got families coming in and schoolchildren coming in to this precinct, and you have got world-renowned restaurants in and around this area of the CBD. And let us not forget what has happened through the CBD through

the multiple lockdowns that were applied in Victoria because of Labor's decisions, which have smashed our city and smashed our state. We are paying for it now. We are paying for it in spades. We are paying for it because of what is happening in this state with investment and confidence. As we all know, we have got a horror budget coming up next Tuesday, and it is incredible – the number of taxes to pay for the woeful decisions the government made not only during COVID and lockdown but for the entire administration of the last 10 years.

But to get back to the motion, I want to now move to the last part of my motion, which talks about the Ryan review. This was a contentious report where we asked for the full details to be released, and they never were. We got a selected part of the Ryan review. Here it is: it has got a few pages and a few recommendations, but there is no appendix. There is nothing so much as a true report, which should be provided to the public. It is another cover-up by this government. But I do want to make note of what Mr Ryan said in his review. He highlights the terms of reference around the panel, which were to consider the injecting room in North Richmond's operation and use and its advanced goals as set out in the legislation, and to provide advice to the government on any changes. That is basically what the terms of reference said, but as he says himself:

While determining the suitability of the current location of the MSIR was not within the scope of the Review Panel, we did hear from many in the North Richmond community and other stakeholders that they held deep concerns around this issue, especially the proximity to Richmond West Primary School and the general impact on residents and other clients attending NRCH –

the North Richmond Community Health centre.

I think that is a very significant point that Mr Ryan makes in his review, and he is right, because he has been speaking to those residents, stakeholders, businesses and others who have spoken to me, whether they have come out of the public housing towers – they will tell you the most horrific stories – whether it is workers within the North Richmond Community Health centre or whether it is those traders in and around Victoria Street and the residents of the North Richmond area. As I have said, many of them have spoken to me about what they do. They spend a lot of their time picking up discarded syringes, and I am not just talking about one or two. I am talking about piles of rubbish, paraphernalia and drug-use rubbish that are outside their homes and in their streets and that are a danger to them and their kids – wasted, discarded needles. How many needles have actually been dispensed, and how many have been picked up? I think there is just a massive misjudgement.

We have never got from the government the rehabilitation numbers – how many people have actually been successfully rehabilitated since the opening of the North Richmond injecting room? I think that is something the public would like to understand. I do not think we have ever had a thorough and proper answer to that very basic question, and I think that all Victorians would want that, because it goes to what Mr Ryan was talking about – the efficacy of this injecting room and whether its operation and use were actually meeting the legislated targets which were in that legislation, talking about support and rehabilitation. Everyone in this chamber wants these addicts to be able to break the cycle of their addiction and wants to give them the support, I have got no doubt about that, but I do not think the site in North Richmond is the right site. We have been consistent on this, and we will continue to be consistent and argue that point, because as I have said, antisocial behaviour and crime have increased since the opening of the injecting room in and around the area. And it is not me saying that; it is the Police Association Victoria, who conducted a survey with their officers, who actually came out and said that. We know that.

The government will argue that it is saving lives – and it may be, and that is a good thing. But what I am saying is there are a lot of other consequences to the location of this injecting room that were never given to Mr Ryan to look into. He made the point himself about the location, about the concerns that have been raised with him. Why is the government so belligerent in not looking at this location and reviewing it? If it is good enough for the CBD residents and traders when there was an issue around a location – as the Premier said, 'We weren't able to find a location that strikes the right balance' – why is it okay that these residents and traders in North Richmond are just ignored and often ridiculed? They

certainly have not been listened to by their local representatives from the government over many years, and they certainly deserve to be listened to for the government to understand the impacts to amenity. Housing prices are going down. Businesses are closing. They often live in fear – it is simply not good enough. So I ask, as the final point of our motion says, the government to immediately review the North Richmond MSIR site in light of the Premier’s comments regarding feedback from the broader community within the CBD and that they acknowledge the residents and community of North Richmond just as they have acknowledged the residents and community of the CBD.

**Sarah MANSFIELD** (Western Victoria) (11:34): I rise to speak on this motion put forward by Ms Crozier, and I will say at the outset that the Greens will not be supporting this motion. That said, we do agree that the explanation provided by the government regarding their failure to adopt the key recommendation of the Ken Lay report and establish a second medically supervised injecting room (MSIR) is problematic, but for very different reasons. The motion once again highlights the contrast between the leadership shown when it came to the North Richmond site and the gutlessness of the government with their failure to establish a second CBD site. There were many of the same issues expressed – and that continue to be expressed – around the North Richmond centre, but the government listened to public health and expert advice and showed some leadership. They recognised that the lives of people who inject drugs are important and that doing something which has been proven to save those lives was worthwhile.

What is astounding is that the government have not had the courage to take the same approach that they did in North Richmond to the CBD. We have had multiple reviews of the role of MSIRs in Victoria, including of the North Richmond site, which ultimately led to a recommendation to make the facility permanent and also to the recommendation that other facilities, particularly one in the CBD, are pursued. The reality is that for an MSIR to be effective it needs to be located where drug use is happening. It is not going to be in an empty field surrounded by nothing; in fact it is much more likely to be in denser areas near other services, transport and amenities. Inevitably there will be neighbours. I would be surprised if there was any location that had universal support, and having been a councillor, I know that with any facility that is proposed to provide support for people experiencing alcohol or other drug issues, such as housing or health care, there are always objectors – always. This is largely due to the stigma that is absolutely pervasive in our society, so it is unlikely that there will ever be a location that will please everyone.

Ken Lay outlined a whole host of measures in his report that would assist with community engagement and dealing with the concerns of the community, and I would urge the government to think about those when it comes to addressing the concerns that are being raised by the North Richmond community. I do not trivialise or dismiss the concerns that are being raised. It should be noted that some of the issues that are arising from the North Richmond site, given that it is the only facility of its kind in the state, would be at least in part addressed if we had more MSIRs to take the pressure off that one service. But look, this motion is not about proposing measures to address the concerns of residents. It is not about providing additional resources to address the concerns of residents. It is actually about trying to move or even potentially get rid of the North Richmond facility.

We need to remember why these services exist. People inject drugs; it is a fact. 1.5 per cent of the population have injected drugs at some point in their life, so statistically speaking, that means some MPs might have. Some people do it once, some people do it occasionally and some people will become regular users. Rates of injecting drug use, particularly in those who experience addiction, are closely linked to things like poverty, lack of housing, systemic racism, family violence, childhood abuse and neglect and poor mental health, all of which are getting worse. We should be doing things to tackle those issues if we really want to address and prevent substance addiction. Until we do, but even if we do, people will continue to inject drugs. Right now it happens on our streets, in laneways, in parks and in public toilets, and people often do it alone. MSIRs like the one in Richmond provide for that to happen behind four walls with medical support available, significantly reducing the risk – not eliminating it, but significantly reducing it.

The North Richmond MSIR is a health service. It links people with treatment options for addiction like support programs and opioid replacement therapies. It can provide access to other vital healthcare services, like treatment for infection, hepatitis C treatment and connection to social supports. Several people die from a heroin overdose every week in Victoria. For every person that dies, countless more sustain life-altering brain injuries from sublethal overdoses. When ultrapotent synthetic opioids hit the streets – like fentanyl – this figure will soar. The nature of these drugs means that seconds count. Oxygen deprivation causes severe brain damage within 3 minutes. In the North Richmond MSIR people may still overdose, but they can be immediately resuscitated, avoiding that brain injury and avoiding death.

As one of the only people in this place who has worked with people who inject drugs – I worked at a clinic down the road in Hosier Lane – I am probably one of the only ones, perhaps the only one, who has prescribed pharmacotherapy and one of the only ones who has had to resuscitate someone, who has had to turn up to work and hear that yet another one of my patients has died of an overdose. I am absolutely unapologetic about my support for the North Richmond MSIR. The lives of people who inject drugs are too often overlooked due to stigma and, frankly, dehumanisation, but they matter. They are people. They are people with families and friends. They deserve to be able to access the healthcare support that they need where they need it, and that includes the North Richmond MSIR. We need more of these, not thinly veiled attempts to get rid of the only one we have got, and the only value of this motion is to once again shine a light on the government's lack of courage in not establishing a second MSIR.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (11:40): I rise to speak to the motion that Ms Crozier has brought to the chamber today, and I will call out at the outset that I believe that this is another example of the coalition being quite prepared to play politics with an issue and divide the North Richmond community and stigmatise some of the most vulnerable citizens.

*Members interjecting.*

**Ingrid STITT**: On a point of order, President, I have been in the chamber since this debate began, and I listened silently to the contributions of Ms Crozier and Dr Mansfield. I ask for the same respect to be shown to me.

**The PRESIDENT**: I uphold the point of order.

**Ingrid STITT**: Ms Crozier, as a former health worker, I think you should be ashamed of putting your name to a motion that calls into question the validity of a health service that has saved more than 63 lives since it opened and safely managed more than 8000 overdoses.

From the outset I want to acknowledge those people in our community living with drug addiction. I would also like to acknowledge those who have tragically lost their lives to addiction and the loved ones left behind. Too many people in our state are tragically dying from drug harms. In 2022, 549 Victorians lost their battle with addiction, twice the annual road toll. Almost half of these overdoses involved heroin. That is 549 sons, daughters, brothers, sisters and friends. I would like to encourage those opposite to hold that thought in their heads, those 549 lives, when they rise to speak on this motion today, because people struggling with addiction need our care and support, not our judgement. They certainly do not need to be the subject of political stunts from a party that has totally lost its connection to humanity when it comes to this issue.

The North Richmond community understands better than most the devastation of drug addiction, as the main site for heroin use and its related harms in Victoria. For decades the residents in North Richmond have been confronted daily with this reality, whether they are on their way to work, on their way home from dinner or quite literally on their doorsteps. Richmond resident and Australian Medical Association president Jill Tomlinson reflected:

Before the safe injecting facility, I was regularly stopping on Victoria Street to help someone who had collapsed from overdose ....

This sentiment has been echoed by long-term North Richmond resident and key force behind the campaign to establish the North Richmond medically supervised injecting room (MSIR) Judy Ryan. Judy remembers when the constant sound of sirens was too great to be able to hear a conversation, and she said:

I regularly walked south along Lennox Street to Richmond station. It was common to see people injecting, “on the nod”, or overdosed in the playground of Richmond West Primary School or next door in the carpark of North Richmond Community Health ... these incidents had been common place in this area for decades ...

For decades Lennox Street has been a key centre of heroin consumption and, unsurprisingly, heroin harm. That is why, following two parliamentary inquiries, coronial findings and a grassroots campaign from the North Richmond community, in 2017 the Andrews Labor government committed to establishing Victoria’s first supervised injecting service, and we established this life-saving service where the experts told us it was needed – where the drug harms are. That is why this service was established on Lennox Street in partnership with North Richmond Community Health, and that is why it will stay there. The North Richmond supervised injecting room is exactly where it needs to be.

Since it opened in June 2018, the North Richmond MSIR has saved more than 63 lives and safely managed more than 8000 overdoses, many of which could have resulted in serious and permanent injury or death. Opioid overdose is a medical emergency – very clearly articulated by Dr Mansfield in her contribution – and emergency services should be called immediately.

**Nick McGowan:** On a point of order, President, the members of this place are required to make statements that are factual. The minister has said that it has saved 63 lives –

**The PRESIDENT:** Where are the standing orders that say that – in a second-reading debate?

**Nick McGowan:** It says in the standing orders that members may make statements on any topic. It says each member will make only one statement – ministers statements here.

**The PRESIDENT:** This is a second-reading debate.

**Nick McGowan:** Yes, but it is still incumbent upon members here, and ministers in particular in this place, to make statements that are factual. The minister is making a statement that is not factual.

**The PRESIDENT:** It is a second-reading debate. That is not a point of order.

**Ingrid STITT:** Thank you – quite an instructive intervention, I must say. Symptoms may include shallow breathing, confusion, lessened alertness and loss of consciousness. The fact that more than 8000 medical emergencies have been safely managed by this facility is reason enough for all of us to back in this service. That is 8000 overdoses that have been responded to by trained professionals, not mums and dads in the street in Richmond, not the president of the AMA while she is off duty and not Judy Ryan at her front gate.

The life-saving and life-changing benefits of the North Richmond service have been outlined in extensive detail in two reviews into the service: the Hamilton review and the Ryan review. Both reviews point to the lives saved, the overdoses managed, the decrease in public heroin consumption and the vital wraparound health service and social supports the service has been able to be a gateway for. The service has made more than 3700 referrals to health and social care. That is 3700 times that vulnerable people were connected to the services they need to find a pathway out of addiction, whether that is housing, basic health care, treatment for bloodborne viruses, mental health support or pharmacotherapy.

But of course there is always more to do to make sure that this important service is the best service serving the needs of its clients as well as the local community. Last year John Ryan delivered the government his findings and recommendations following a year-long review into the North Richmond MSIR trial,

and his advice was very clear: the North Richmond MSIR was doing exactly what it is there to do – save lives. He made 10 recommendations to government, many of which were progressed immediately as urgent priorities. Last week the government released its full response to the review. Two of the most urgent priorities outlined in the review were to make the North Richmond service an ongoing service in recognition that the trial had worked. On 16 May last year, the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2023 received royal assent, making the North Richmond service an ongoing feature of Victoria's alcohol and other drugs service system. Let us just be clear about that – ongoing. This service is here to stay, exactly where it is.

Another urgent priority for the government was acting on the Ryan review's recommendations that an enhanced model of care be commissioned through a competitive tender process. The Ryan review recommended broadening the scope of the MSIR to address trauma-induced mental health issues within a strengthened harm reduction model. To facilitate this a competitive procurement process was initiated to find a new provider or consortium to deliver the enhanced service model at the North Richmond MSIR. As part of this –

**Nick McGowan** interjected.

**Ingrid STITT:** You might learn something if you listen. As part of their successful proposal, North Richmond Community Health –

**Gayle Tierney:** On a point of order, President, there is so much going on in this house I cannot hear the minister speak, and she is standing right next to me.

**The PRESIDENT:** I uphold the point of order. The minister to continue without any assistance.

**Ingrid STITT:** To facilitate this a competitive procurement process was initiated, and I am pleased to say the successful proposal from North Richmond Community Health will be enhanced with the model of care in partnership with St Vincent's and two other community health care providers.

The clock is going to defeat me, I am afraid. I have got plenty more to say on this motion, but what I will say is that our government remains absolutely committed to a range of initiatives that are about reducing harm and saving lives. In closing I will make the final point one last time: the North Richmond MSIR is exactly where it needs to be, and it is staying.

**Evan MULHOLLAND** (Northern Metropolitan) (11:50): I rise to speak on this motion. It is an important motion because the community in North Richmond – the local residents in the area and the traders on Victoria Street – have long questioned the location of the injecting room, not the efficacy of it. We heard outrageous comments from the minister slurring Ms Crozier on this. This motion is only asking for a review of the site, not criticising the health service, but we hear lie after lie from this minister in regard to what she said about Ms Crozier, which I thought was absolutely disgraceful. I think it goes to the contempt that they have shown my community in this regard.

The facility, as we know and as has been mentioned several times, is in a residential area. It is 50 metres from Richmond West Primary School. It is near a maternal health centre, and it is located in the vicinity of one of Melbourne's most vibrant shopping strips. I remember Victoria Street when it was at its most vibrant. Victoria Street should be a place you drive to, not through, and many traders – like the head of the business association, Ha Nguyen – are deeply concerned about the viability of this much-loved shopping strip in Melbourne.

We see the CBD injecting room has been scrapped after consultation with the broader community and North Richmond services are to be expanded. Were they consulted with regard to the expansion, given that the CBD community were consulted? In its response to the Lay review the government has literally gone against a key recommendation from the Ryan review, which warned against the centralisation of services – which is exactly what it has done with the North Richmond community. The minister and this government have absolutely bungled this. They are going against their own reviews in responding to another review.

## MOTIONS

Wednesday 1 May 2024

Legislative Council

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I am very, very pleased that the CBD injecting room has been scrapped; do not get me wrong. It took a long campaign. I spent days, months, sitting with traders and sitting with residents in regard to this, speaking to them and advocating on their behalf in this place and in the media as well, because a CBD injecting room would have been devastating for those businesses and for family businesses as well as for tourism in the CBD area.

I am pleased there is a small bit of bipartisanship from this government, because in responding to the Lay report they have pretty much picked up the election policy of the Liberal and National parties, which looks into hydromorphone pharmacotherapy. I am very pleased that there is bipartisanship. I know that some members on the government benches were fiercely advocating for a CBD injecting room, and I know the crossbench were as well. I think they would be pretty surprised to learn that there was indeed a Labor member meeting with residents and businesses saying that they would advocate on their behalf to make sure there would not be an injecting room. So I am pleased that there is that bipartisan support on that front.

The location of the facility is a valid concern, and the government must acknowledge this. Before the injecting room opened, the Hamilton report indicated the City of Yarra was picking up about 1000 inappropriately discarded needles per month, and the Ryan report shows the city is now picking up 10,000 to 14,000 inappropriately discarded needles from around North Richmond – a 10- to 14-fold increase. Inappropriately discarded needles littered around the community are a valid concern. In fact any form of littering is a valid concern, let alone dangerous needles.

The primary goal of a medically supervised injecting room is to save lives. I do not think anyone would disagree with that. Similarly, I do not think you would find too many people who do not believe that saving lives is an admirable objective. The Ryan review found that the North Richmond facility saved 63 lives, but when you dig into the report you find that this claim is not based on a real-world measurement. It is not based on real-world data; it is based on modelling. This is not to say that modelling is always bad or is always inappropriate. However, the headline was simply stated, with the report only saying that the modelling was adapted from international studies and used in the Hamilton review. It does not tell us anything about the particular model that was used, what parameters were used or how it was constructed. Any of these could drastically change the model's output, yet we hear this line over and over again from Labor members over there – from the government.

If we look at the Hamilton review, the best we can do is a footnote that states:

A number of international studies regarding modelling of overdose deaths were consulted to inform the review approach including Irvine ... 2019 and Babu ... 2019.

So we have no idea what parameters were used – there are no actual parameters in place – and what parameters are in the model and no idea how the model was constructed. I know the members opposite are quietly questioning the minister's judgement on this. We do not know exactly what studies were used; we just know a couple that were used as inspiration for the model. It is just incredibly opaque.

But we do have real-world data from the coroner. The coroner's report shows the number of fatal overdoses in metropolitan Melbourne increased from 388 in 2017 to 414 in 2022. In regional Victoria they increased from 132 to 135, which is a small increase. Digging into the heroin overdose deaths more specifically, we see that annual deaths increased from 185 in 2017 to 197 in 2022, and in regional Victoria, where there is no injecting room, annual deaths actually decreased slightly. It is fair to say, looking at this data – like many other statistics, be they on crime or be they economic – that there was a reduction during the pandemic and a commensurate uptick following the end of restrictions. However, no matter which way you look at it, it is not exactly a ringing endorsement for the primary goal of these facilities.

I will just note that in his report Mr Lay notes that he was 'not asked to pass judgement on the merits, or otherwise, of injecting services' but merely 'to talk to ... stakeholders about the proposed siting and implementation of an injecting service in the city', and he was not asked to investigate site options. I

think we need to do better with these reviews. We need reviews that are fully transparent, that have open terms of reference and that are not sent back to the drawing board secretly, leaked out in bits and pieces and leaked to former members of this house, who end up going around telling everyone what is in them. We need more transparency. If you are going to tell some former members of the crossbench what is in it and go out whipping up campaigns around the community, be transparent with the Victorian people, who deserve to know what is in these reports.

Locals in Richmond do not deserve to be belittled by this government for expressing reasonably held concerns. This is very important for the people in North Richmond. I know there are many surveys, which I will be going to after question time, in regard to public housing residents who are deeply concerned for their safety and the safety in the North Richmond area because of the injecting room. I have spoken to many of them. I have spoken to many traders. Georgie Crozier and I have actually met with residents on several occasions in North Richmond. They are deeply concerned about the services and about the expanded services that are coming in, which again are against a key recommendation of the Ryan review to not too heavily centralise services in one location, which is what they have done. I will finish my remarks there, but I will conclude after question time.

**A member** interjected.

**Evan MULHOLLAND:** I have got 1 minute to go. There you go. I am very, very happy to continue my comments, because as I said, the government has gone against a key recommendation in the Ryan review in responding to the Lay review. They have consulted with and responded to the broader CBD community as part of their response to the Lay review, but they have gone against a key recommendation of the Ryan review in expanding services in North Richmond without actually consulting the people of North Richmond.

The government has picked up our election policy in regard to an expanded hydromorphone service to kill the habit and get rid of the habit of drug addiction. *(Time expired)*

**Lee TARLAMIS** (South-Eastern Metropolitan) (12:00): I move:

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

**Motion agreed to and debate adjourned until later this day.**

### *Joint sitting of Parliament*

#### **Senate vacancy**

**The PRESIDENT** (12:01): I have got a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

That this House meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Janet Rice, and proposes that the place and time of such meeting be the Legislative Assembly Chamber on 1 May 2024 at 6.00 pm –

which is presented for the agreement of the Legislative Council.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:01): I move, by leave:

That the Assembly's message be taken into consideration forthwith.

**Motion agreed to.**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:02): I move:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Janet Rice, and as



proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday 1 May 2024 at 6 pm.

**Motion agreed to.**

**The PRESIDENT:** A message will be sent to the Assembly informing them accordingly.

*Members*

**Attorney-General**

*Absence*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:02): Before we start question time I would like to inform the house that for the purpose of question time today I will accept questions for the portfolios of the Attorney-General and emergency services.

*Questions without notice and ministers statements*

**Gendered violence**

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:02): (501) My question today is for the minister representing the Minister for Prevention of Family Violence. Thirty-two women have allegedly been killed by men in the 17 weeks of this year – 32. Most of these tragic killings were allegedly committed by men known to the victims. Our communities are scared and angry. Some women are too scared to leave their homes. Others are too afraid to walk alone. What is the government doing to address this frightening and absolutely unacceptable trend in our communities?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:03): I thank Mrs Tyrrell for her question. I think we have all been both shocked and saddened by the tragic events in recent weeks and of course over many years, and I will forward your question to the Minister for Prevention of Family Violence for her reply to you accordingly.

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:03): I thank the minister for her reply. It has been brought to my attention that women escaping domestic violence in cross-border communities, such as Cobram, are being lost in bureaucratic red tape. If they escape to New South Wales from Victoria or vice versa, it is confusing for victims to know who will help them. Will the minister work with cross-border communities to ensure the safety of all women escaping from violence?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:04): I thank Mrs Tyrrell for her question. I will refer it to the relevant minister accordingly.

**Child protection**

**Georgie CROZIER** (Southern Metropolitan) (12:04): (502) My question is for the Minister for Children. Minister, a recent Productivity Commission report shows that Victoria's spending per child in child protection has decreased in real terms from \$111,205 in 2017–18 to just \$84,446 in 2022–23, a cut of \$19,737 per child. Minister, why has the Allan Labor government cut funding for vulnerable children in child protection?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:05): I thank Ms Crozier for her question and for the opportunity to talk about the record investment of this government in child protection – a \$3.1 billion investment since the 2019–20 state budget, and the 2023–24 budget alone included the \$895 million to further protect vulnerable children and their families. As part of that there was a record investment – more than half a billion dollars – in delivering better outcomes in particular for children in residential care, with the record investment in therapeutic care. So at the outset I absolutely reject the premise of the question – which seems to be a bit of a pattern, and I am sorry to the chamber for that – but I would appreciate if those opposite perhaps did a little more due diligence in asking their questions in the first instance.

I am also pleased to acknowledge that Victoria continues to have the lowest rate of children in out-of-home care at 6.3 per 1000 compared with the national average of 7.9 per 1000. That is despite the fact that we have this record level of investment. So it is very easy to pick up a report or pick up a headline, perhaps as we did yesterday as well, or a press release and run with it, but it would actually serve those opposite well if they would actually do the due diligence to understand and give the children and the families that we serve through our child protection and family services system the respect that they deserve – by doing their due diligence in the first place.

We will not be lectured by those opposite. In order to strengthen families and to divert children from entering care in the first place, the Victorian government is absolutely transforming the care system and in so doing is creating a diverse range of flexible and evidence-informed early interventions that allow us to respond to the needs of children and their families at those crucial points in time to ensure that they do not become entrenched in the child protection system and that we get them the fundamental help and services that they need at the time. That is also why we have invested far more than those opposite ever thought to invest. We have tripled the investment in family services from \$120 million per annum in 2012–13, when those opposite were in government, to more than \$398 million per annum in 2023–24. So if we want to talk about investment in child protection and we want to talk about the number of children who are in child protection, we want those opposite to do their due diligence rather than harking back to those days of 2013–14 and look at the record investment that our government has made in protecting children and their families.

**Georgie CROZIER** (Southern Metropolitan) (12:07): I think it is pretty clear what the Productivity Commission report's findings were, and I would have to say that I would take that into greater consideration than the minister's answer just then. Nevertheless, the report also showed that Victoria has dropped to second last in terms of real recurrent spending per child in care compared to other jurisdictions. Given the well-known problems within Victoria's residential care system – and there are many, as we know, as those reports come out each and every day – why has the Allan Labor government underfunded this system compared to other Australian states?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:08): The questions opposite never cease to amaze me. Perhaps we all wish that Dr Bach was back here, but sadly he is not. We explored this issue when there were a series of questions in relation to the ROGS some months back, and I was expecting this question back then but it never came. Through the 2023–24 state budget we invested heavily in child protection. The 2023–24 data is not included in those reports. So, one, it does not reflect the investment of the last budget, that record investment that takes it to well over \$3.1 billion. And if we want to specifically talk about the residential care system, there was more than half a billion dollars in the last budget to ensure that every child who is in residential care has therapeutic supports wrapped around them. That is something that Dr Bach understood was most important and was most supportive of, including if we go back and look at his last speech, but it is perhaps something that those opposite have not yet taken the time to understand.

#### **Ministers statements: First Nations skills and training**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:09): Today I rise to update the house on the Allan Labor government's commitment to culturally relevant training for First Nations Victorians. Recently I had the pleasure of visiting Victorian Aboriginal Community Services Association Limited to officially launch *Koori Education in Learn Locals: Best Practice and Protocols*. This was an important occasion for adult and community education in Victoria. Learn Locals deliver foundation, digital and workplace skills at over 200 grassroots community organisations across Victoria. Now, in collaboration with Victorian Aboriginal Education Association Incorporated, Learn Locals have a practical tool in the protocols: a guide to building relationships with local First Nations communities, including First Nations history and cultural perspectives in curriculum, respecting diversity and designing inclusive spaces. This is building a future in best practice to ensure First Nations students are welcomed and encouraged to succeed in adult education.

I also had the opportunity to visit Rumbalara Aboriginal Co-operative in Mooroopna with Outback Academy Australia to announce funding for nine First Nations skills and training projects. The projects will support Outback Academy to upskill First Nations agricultural businesses and blend traditional ecological knowledge with new farming systems, South West TAFE to deliver conservation and ecosystem management training for First Nations rangers and the Gordon to include training about Indigenous produce and food preparation in their commercial cookery qualification, and that is just to name a few. From TAFEs to Learn Locals, this government is proud to support innovative projects that recognise the importance of First Nations knowledge and perspectives in skills and training in this state.

### Housing

**Samantha RATNAM** (Northern Metropolitan) (12:11): (503) My question is for the Minister for Housing. This week the Dunlop Avenue housing development in Ascot Vale has been in the news for the concerning conditions that residents are living in. This site formerly consisted of public housing on public land but under this government's public housing renewal program it was one of the first to be privatised and not a single public home remains at the site. Toilets that will not flush, water leakages and buildings not even a year old with mould growth, cracks and TV connectivity issues have been left unresolved for a year. These are just some of the issues residents are facing. Residents are reporting that their community and affordable housing provider is ignoring maintenance requests for weeks and months at a time, and some residents are now being threatened with eviction. The housing provider in question, Evolve, which is a New South Wales based organisation, refuses to accept there are issues with the way they are managing things, all the while their parent company is turning a profit of \$16.1 million. Minister, what are you doing to support the residents of Dunlop Avenue?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:12): Dr Ratnam, no matter how many times you say it, social housing is not a privatised environment. Community housing delivered by community housing providers involves bringing stock to address the waitlist to people based on a not-for-profit for-purpose model delivered by organisations with charitable status, and it could not, unless we are talking about the alternate universe occupied by the Greens, ever be described reasonably as privatised. Yet again you perpetuate this myth. You are responsible for disinformation. What I can say to people and will not stop saying to people is that social housing incorporates public housing and community housing and that we need both tranches of not-for-profit delivery, whether by the state or by community housing providers that the state funds, in order to make sure that people have the wraparound supports that they need. Dr Ratnam, you could have just asked the question. But instead you presupposed it with yet another political narrative about privatisation. I am never, ever going to let that stand. It is disingenuous. It may speak to your audition, but frankly it does nothing for your integrity.

What I would say, Dr Ratnam, is that Dunlop Avenue has delivered more than 200 new social and affordable homes – social homes, Dr Ratnam – across that particular development, and we are making sure that we can provide homes that are secure, modern, sustainable, energy efficient, fit for purpose. These are the homes that are delivered when you have responsibility for addressing a 'crisis', of your verbiage, that needs to provide availability and affordability to meet demand. This is not a uniquely Victorian challenge. What we are doing here, however, is investing record amounts of money in social housing – so social housing, not private housing, again, Dr Ratnam, as you persist in characterising it. In relation to accessibility, Built Pty Ltd has complied with the contract documentation, building regulations and town planning permits. Five per cent of homes at the development are fully Disability Discrimination Act compliant and there are compliant spaces. We are also making sure that we can continue to identify defects, which is a standard process, as you would know, for anyone who builds anything to be able to have defects remedied. It is part of a contract. It is part of being able to make sure that for a period after the completion of a project there is an opportunity and a process whereby defects as identified can be remedied and rectified.

Dr Ratnam, I am getting pretty tired, as I am sure other people are, of the mischievous characterisation of social housing as being something that only operates in a privatised environment. Nothing could be further from the truth.

**Samantha RATNAM** (Northern Metropolitan) (12:15): Thank you, Minister. You might want to understand your own PHRP and ground lease model program more to know that half or more of these sites are not community or public housing. So what is left on the sites? What kind of housing is that? You might understand what I mean by privatisation if you actually understand your model.

Residents of Dunlop Avenue are not alone in facing issues with social and affordable housing providers. The community and affordable housing sectors remain woefully under-regulated. I have asked many times in this place for the release of the social housing regulation review, to no avail. While we wait for the government to act, residents are falling through the cracks. They are facing enormous stress trying to figure out where they should go to when they have issues with their homes or what they should do when their requests for help are blatantly ignored. Housing providers, Homes Victoria and the National Affordable Housing Consortium have been passing the buck on taking responsibility for supporting Dunlop Avenue residents. Minister, can you tell community and affordable housing residents where they should go for help while we wait for social housing to be properly regulated in Victoria?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): Dr Ratnam, there was an article today in which a former member of the Greens described the party as having ‘precious little humility, introspection or generosity of spirit’. I never thought I would quote someone from your party in support of a critique of your party. But he is no longer a member of the party. He left because of the sort of narrative that you insist upon perpetuating. And, Dr Ratnam, it is really nice of you to approach this discussion with the level of patronising narrative that is probably going to make for a useful social media reel. Where there is a Wills, there is a way, perhaps.

Dr Ratnam, what I would say in that regard is that social housing – and what a shame that you do not understand how the framework operates. The Residential Tenancy Act applies in this –

*Members interjecting.*

**Harriet SHING:** I am literally answering the question.

**Samantha Ratnam:** On a point of order, President, with 5 seconds left on the clock, I asked a specific question that has not been referenced once by the minister in her response to date.

**The PRESIDENT:** I kind of gleaned that she was about to answer. What I might do is call the minister and let her have 5 seconds on top of the 5 seconds she has left to be able to answer the question.

**Harriet SHING:** Anything for a bit of lack of introspection. The Residential Tenancy Act 1987 applies, Dispute Resolution Victoria – read the housing statement, Dr Ratnam. When and as you remain here, I will continue to have a conversation with you about social housing in Victoria.

### Child protection

**Georgie CROZIER** (Southern Metropolitan) (12:18): (504) My question is again to the Minister for Children. Minister, Victoria’s independent commissioner for young people recommended the reinstatement of a joint sexual exploitation program that was discontinued by the Labor state government. Under the program police, child protection and other agencies worked together to intervene and save high-risk children. We know that there have been far too many reports of sexual exploitation of children in residential care. So, Minister, has this program been reinstated and fully funded?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:18): It certainly is an odd line of questioning this afternoon, but perhaps we would all like to talk

about last year's state budget, and that is perfectly fine. Again, partly as a consequence of some of the conversations that I have been very pleased to have over time with the commissioner for children and young people, who is deeply committed both to her role and certainly to this issue, as well as with the police minister and with others, when the 2023–24 state budget was announced last year, we knew at that time that more work needed to be done in order to address the sexual exploitation of children in care.

I would say at the outset, as I feel I so often have to remind those opposite, that children who are involved in the child protection system are indeed some of the most vulnerable, and they come from very difficult and often traumatic circumstances, which also makes them at times, very sadly, a target for those who have less than good intentions and who seek to exploit children in care in a number of ways. But as a consequence, in part, of many of the conversations that we have had with the commissioner for children and young people, the state budget built on our previous actions and provided further funding for additional sexual exploitation practice leads, who are central in the department's efforts to identify and prevent sexual exploitation. That has allowed us to ensure that that coverage is right across the state. Indeed I was very pleased earlier this year to meet with many of those who are involved in this work and to talk to them about the important work that they were about to undertake. The introduction of sexual exploitation practice leads in metropolitan, rural and after-hours services is really an attempt to identify where there may be issues, where there may be predators who may seek to sexually exploit children who are in our care, and ensure that there is that coverage of that work to try and prevent that at all hours and in all regions. As I said, I met with many of those who are undertaking these roles. The recruitment for those roles has been completed.

I want to thank those who are undertaking this really important work in our system, because all of our child protection workers, who are supported by both the Department of Families, Fairness and Housing and of course also the union, work extremely hard in very difficult circumstances. The work that these particular workers do in relation to the prevention of sexual exploitation is a really critical part of that, but it is also one of the most difficult parts of that. But the investment that we made in last year's budget does ensure that we have that work rolling out right across the state and that we have the additional capacity and capability to better enable detection and also the sharing of intelligence.

**Georgie CROZIER** (Southern Metropolitan) (12:22): Minister, thank you for that response. Minister, the commissioner for children and young people has stated publicly that the numbers of children being sexually abused in residential care are appalling. I quote the commissioner:

... what happens to those children when they're away from care, and when they're being victimised is shocking.

In February of this year there were 125 reports to the commissioner of children being subjected to sexual exploitation. You have just said that you are rolling out these things, so I ask: how many reports have been made since February to now about sexual exploitation of children under your watch?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:22): At the outset, I think it is important to correct the language that Ms Crozier used when she said that these children are being abused in care. We need to be really careful about this, because that was also something that was characterised in many of the media articles. These children –

**Georgie Crozier**: On a point of order, President, I know the minister is trying to defend her inaction on this issue, which is appalling, but I am asking questions in question time. The minister keeps attacking me for asking these very critical questions, and I would ask you to ask her to come back and answer that very simple question. It is a very simple question. Stop attacking us. Just answer the question.

**The PRESIDENT**: I think the minister was being relevant to the question.

**Lizzie BLANDTHORN**: I was being very relevant to the question because it is a really important point. Those opposite said children are being abused in care. The implication of what you are saying

in saying that the children are being abused in residential care is that the workers who are looking after those children are abusing them. I can absolutely assure you –

**Georgie Crozier:** On a point of order, President, the minister is verballing me. That is not what I said.

*Members interjecting.*

**Georgie Crozier:** No, it is not what I said. Stop verballing me. President, I am not going to take this. The minister is verballing me. These children are being abused in residential care. She is the minister, and I want the answers to my questions.

*Members interjecting.*

**The PRESIDENT:** Order! We have just turned points of order into a debate. I call the minister back to the question.

**Lizzie BLANDTHORN:** Thank you, President, and I apologise for debating the question while you were on your feet. I find it very frustrating. I want to assure the house that the Department of Families, Fairness and Housing, through the significant investment that we made in the last state budget, has employed right across the state workers whose job it is to ensure that we are tackling the sexual exploitation of children who are in vulnerable positions because they are also traumatised children who are in care. But I want to assure the house that we have confidence – *(Time expired)*

**Georgie CROZIER** (Southern Metropolitan) (12:25): I move:

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

**Motion agreed to.**

**Ministers statements: disability self-help grants program**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:25): I rise to update the house on the Victorian government's disability self-help grants program. As a government, we recognise the important role that self-help groups play in supporting people with disability to live fulfilling lives. Self-help groups deliver different initiatives in their communities. For example, they can bring together people who deal with similar experiences and barriers through a peer support network; support their members to share insights and information gained through personal and lived experience; and support people to become active members of their community, taking control of their own situation and circumstances and raising awareness in the broader community about the experiences of people with disability and their carers.

Earlier this month I was very pleased to visit a support group for parents and carers of children with special needs, Sunspec, with the member for Sunbury Josh Bull to announce the recipients of the latest rounds of disability self-help grants. I was delighted to have the opportunity to meet with Sunspec volunteers and members, including Sunspec's president Karen Jans and coordinator Anthony Henjak, to acknowledge the valuable work that they do and the vital support that they provide their members. We know that people with disability are better supported to reach their goals when the people closest to them are also well supported, so I was pleased to hear that Sunspec will use their grant to provide a series of mental health workshops for carers of people with disability.

Sunspec is one of 72 disability self-help groups located across the state set to share in \$750,000 of funding boosting over two years from the Victorian government. Each disability self-help group will receive an increased amount of up to \$14,000 over two years to provide critical peer support to their members. This year I am pleased to report that around one-third of groups will focus on supporting specific cohorts, including women and girls, autistic and other neurodiverse people, people from multicultural communities and LGBTIQ+ people.

Other highlights of the grant funding round include support for people across Victoria, with 22 groups from regional and rural areas as well. Victoria's support for disability self-help groups recognises the value of peer support and aligns with the goal of Inclusive Victoria's *State Disability Plan (2022–2026)*. We will always work together to better support Victorians with disability, their families and their carers.

### Police resources

**Jeff BOURMAN** (Eastern Victoria) (12:28): (505) My question is for the minister representing the Minister for Police in the other place. Minister, we are seeing an increased number of disruptive protests across Victoria that require a significant police response. It is my understanding that Victoria Police have had to respond to more than 300 protests in the last six months. This requires the deployment of additional police to the CBD, including from the mounted branch, public order response team, highway patrol and transit police. At the same time we are seeing a marked increase in crime across the state as well as in previously safe neighbourhoods as the remaining resources are having to do more with a lot less. It is working the remaining officers on the beat harder than ever as they try to fill that shortfall – all while undergoing the uncertainty of protracted EBA negotiations. So my question is: can the minister advise us what impact the ongoing protests are having on the already stretched police resources and their ability to keep the community safe.

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): I thank Mr Bourman for sharing his concern about the protests and disruption and the impact on policing. I am sure the Minister for Police will be happy to respond to that question, and I will forward that to him for a response in line with the standing orders.

**Jeff BOURMAN** (Eastern Victoria) (12:29): I thank the minister for forwarding it on. Minister, the remaining police are forced to do more with less in what is already a difficult job. Stress and PTSD are rife amongst police as well as other emergency services. What is the government going to do to recognise the strain on the police this is causing and finalise the EBA?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): I thank Mr Bourman for his supplementary and his concern around this matter. I am sure the Minister for Police will be happy to respond, and I will seek a written response from him in due course.

### Corrections system

**David DAVIS** (Southern Metropolitan) (12:29): (506) My question is to Minister Erdogan. Reports of extreme violence against staff in our prison system include a prisoner putting a female worker in a headlock, punching her in the head and breaking her nose; another female worker being bashed and needing hospitalisation; and other attacks causing serious injuries. Other incidents involve tipping faeces on officers' hands. The government asserts they have a zero-tolerance approach to violence against staff, yet these attacks continue. Minister, what are you doing to address the increasing violence against staff within our prison system?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:30): I thank Mr Davis for his question and his interest in our corrections system. Let us be very clear, every worker in Victoria deserves to be and feel safe in their workplace, especially our hardworking corrections officers. I have said in this place many times I have had the privilege of meeting many of our officers. They work in a difficult and complex environment. It is inherently difficult and challenging with the people that are under their custody and care, and they do that work tirelessly to make sure that the community is kept safe but also so those people are given the opportunity to turn their lives around.

As a government, we have been very clear in our commitment to the safety of our frontline workers, whether it be emergency services workers or whether it be people in our corrections system. That is why we have introduced laws, so that when people do commit offences and assaults against staff they are brought to justice. Incidents such as these are referred to Victoria Police, and it is my expectation that those people are brought to justice and that they do face the full force of the law.

It would be inappropriate to go into individual incidents for a whole range of reasons, especially because there is privacy, and there are many incidents. Mr Davis, you have referred to some that are more recent and that are ongoing investigations, and some of them are in fact before the courts as we speak. I cannot get into individual incidents, but I do want to say that as the minister I am committed to seeing improvements to safety, and in the design of new facilities we have taken that into consideration.

There is an ongoing dialogue and discussion between the department and the union to make improvements. These are operational matters, and I will not be disclosing the details of them for a whole range of reasons. You can understand the security concerns around those. But the department and the union are working through them to make improvements across the board.

**David DAVIS** (Southern Metropolitan) (12:32): Indeed. Minister, I simply ask: how many times has WorkSafe been called into Victoria's prison system in the last year?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:32): I thank Mr Davis. As minister, my expectation is that the department work closely with WorkSafe to make our facilities as safe as possible. I think there is a shared goal here between me, the department, the union and, I am sure, WorkSafe. We want these workplaces to be as safe as possible, understanding they are inherently risky environments and challenging environments. As a government, we have not just talked about this, we have made legislative changes to make improvements for frontline staff, but we have also invested in infrastructure and training for the staff so that they can make sure that these facilities are as safe as possible.

#### **Ministers statements: LGBTIQ+ community**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:33): I rise today in my capacity as Minister for Equality. Pride is such an important part of making sure that in delivering on our equality commitments we are providing access to programs, services, support, recognition, dignity, safety and visibility for LGBTIQ+ people across the state.

Last Friday there was a really significant opportunity to talk about the importance of Pride and of safety and of dignity in announcing the work on Pride in ageing to be delivered in partnership with Switchboard as part of a \$4.5 million delivery of a suite of policy and program supports to make sure that LGBTIQ+ people are supported, are seen, are given gender-affirming care, are able to make sure that their partners are with them in aged care and are able to make sure that they do not suffer indignity after often a lifetime of isolation, humiliation, vilification, violence, advocacy and activism to bring us to the point that we are at today, where equality, here in Victoria at least, is not negotiable.

In the 2023–24 state budget we did commit \$4.5 million to establishing that pilot program addressing the needs of our older LGBTIQ+ Victorians with a peer-led, tailored approach for dignity, connection and the ability to live authentically. Whether that is with in-home care, aged care residential services or general, medical or community connection programs, this is what will make a tangible difference to recognise and support those who have done so much to support LGBTIQ+ people across the board. Thank you also to the Minister for Ageing, Minister Stitt, for making sure that this is a program that can continue to deliver benefit across the board.



**Medically supervised injecting facilities**

**David ETTERS SHANK** (Western Metropolitan) (12:35): (507) My question is to the Minister for Mental Health, Minister Stitt. In his report into the proposed medically supervised injecting room service for the City of Melbourne, independent chair Ken Lay wrote:

... there is ... strong evidence from the North Richmond MSIR trial and other similar trials around the world that injecting services save lives and assist in putting people who inject drugs on a pathway to better health and social outcomes.

He found a continuing and clear need to establish a supervised injecting service trial in the CBD. In its response to the report, the government stated that it was unable to identify a suitable site that balances the needs of people who use drugs with the needs of the broader CBD community. We understand that only one location was subject to community consultation and that was for a site adjoining the Queen Victoria Market. Can the minister advise if the community was consulted on any other potential locations in the CBD and what those locations were?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:36): I thank Mr Ettershank for his question and his interest in these important issues. As the government has made clear, Ken Lay undertook significant work over a period of time from 2020 through to May last year, and I do want to acknowledge the thorough work that he did. As part of his final report, he detailed more than 150 consultations that he undertook in the CBD over the establishment of a medically supervised injecting service but also more broadly on drug harms in the CBD. That is actually all detailed in the Lay report, Mr Ettershank, and you can go to the detail of that significant stakeholder consultation that was undertaken. It included a number of different agencies, CBD-based businesses, service providers in the AOD sector, people with lived and living experience of drug use – importantly, I think – and of course the broader CBD community. I would also point you to Ken Lay’s terms of reference in terms of what he was asked to deliver to government, and you are correct in relation to Victoria Street, but that original consultation was specifically around a site in Victoria Street. But I think that if you go to his report, it is clear that there is no consensus around the CBD. Both phases one and two of his work included consultations around locations; as I said, Victoria Street was phase one. Then there was a partnership group that was set up to consider three locations in phase two of Ken Lay’s work, and that included two locations in Flinders Street. Terms of reference are detailed, as I said, in Ken Lay’s report, and I understand that even a member of this chamber was consulted as a community member during this phase, and I suppose he would know the page number that he is referenced on as well.

**David ETTERS SHANK** (Western Metropolitan) (12:39): I thank the minister for her answer. I would also like to acknowledge that the government has committed to delivering other valuable harm-based initiatives in response to the report. We particularly welcome the government’s announcement of a comprehensive statewide response to address drug-related harm. In the past week the government has made much of following the evidence in relation to the state’s alcohol and drug policies, and we should follow that evidence. I think that is agreed. It is an admirable project. The minister noted yesterday that ‘around 90 per cent of all heroin-involved overdoses’ are occurring outside the City of Melbourne and that it was clear that drug harms are a statewide challenge requiring a statewide solution. As there continues to be strong evidence that medically supervised injecting services are needed in Footscray, Brimbank, St Kilda, Frankston and Dandenong, will the government follow this evidence and commit to establishing supervised injecting services in these locations?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:40): Thank you very much, Mr Ettershank, for your supplementary question. The government has been very clear that we have no plans to pursue a second injecting service in the CBD or anywhere else for that matter. I understand and respect the fact that there are different views about the decision that the government has taken in relation to these difficult and complex public policy matters, but I do believe that not only will the statewide action plan provide support in the CBD of a significant nature but also that there will be access to additional support

statewide. That will include additional access to pharmacotherapy. It will include the establishment of a helpline to assist people who do choose to use drugs intravenously to do so safely, for those that access that service.

**TAFE sector**

**Richard WELCH** (North-Eastern Metropolitan) (12:41): (508) My question is to the Minister for Skills and TAFE. Given the government has failed to reach an agreement with TAFE teachers to pay them fairly and for excessive workloads and unpaid overtime and that the industrial action now includes teachers walking off the job if a Labor MP attends a TAFE campus, which planned visits to TAFE campuses has the minister had to cancel or postpone?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:42): I thank the member for his question. We see in newspaper reports that there are negotiations underway between the Victorian TAFE Association and the AEU and that there have been a range of protected actions that have been in place since 22 April. Of course my main interest in all of this is to ensure that the VTA and the AEU return to the negotiating table as soon as possible and undertake respectful negotiations so that we can see outcomes that will benefit teachers, trainers and the future of the skills and training system, particularly the TAFE system, here in Victoria. We are absolutely committed to making sure that all workers, including workers in TAFE, are respected, and we will ensure that there is an outcome that is achieved, like there is at the end of all negotiations – there is an outcome – and we look forward to that outcome being delivered sooner than later.

**Nick McGowan**: On a point of order, President, the question related to how many times the minister has had to cancel an appointment at a TAFE facility. The minister is yet to answer the question. I ask you to bring the minister to the question.

**The PRESIDENT**: I believe the minister is addressing the preamble to the question, but I will call the minister to the question.

**Gayle TIERNEY**: Again, the government respects the rights of AEU members to take industrial action. I am on the record in this place as supporting union members in a whole range of areas, but particularly in terms of their democratic rights, and that is absolutely in stark contrast to the position that has been adopted by anyone on the other side of the chamber. The fact of the matter is that I am a regular visitor at TAFEs. I hold forums and I have conversations, and of course there are always events. I have not needed to postpone any commitments that I have made in the TAFE sector, but I do look forward to an outcome from the negotiations.

**Richard WELCH** (North-Eastern Metropolitan) (12:44): I thank the minister for her answer. The cognitive dissonance on display was first class, actually. As part of the industrial action, if TAFE teachers do walk off the job because the Allan government is not paying them fairly, what assurances can you provide that student learning will not suffer and classes will continue to be staffed and run as scheduled?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:45): Clearly the member has not even bothered to look at the industrial instruments that are at play, because he would not have asked that question. What he is purporting on the industrial action just is not the case, and indeed there is also the requirement to provide notice periods as well. The fact of the matter is that this is an EBA negotiating period. Everyone pulls out all the stops to do different things at different times to get the outcome that they need for the members that they represent. That is in play at the moment, and again, I am seeking both parties to come to the table and come up with a solution so that we can have decent work conditions for teachers and trainers and of course for us to also have the next visionary step for TAFE to undertake what it needs to do to deliver that pipeline of skilled workers in this state.

**Ministers statements: youth mental health**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:46): I rise to update the house on work underway to build and upgrade youth prevention and recovery care centres across the state. On Monday I joined the member for Ivanhoe, the Honourable Anthony Carabine, to visit the site of the new YPARC centre in Heidelberg to mark the recent start of construction works. Once complete, the Heidelberg YPARC will feature 10 bedrooms with ensuite bathrooms, a communal kitchen, dining and living areas, breakout spaces and outdoor garden areas. It will also provide plenty of room for leisure recreation activities and visits from loved ones as well as space for group activities and tailored one-to-one support.

YPARC services provide 24/7 community-based clinical care for young people between the ages of 16 and 25 experiencing mental health challenges, giving more young people access to treatment and care close to their family and loved ones. This is part of a \$141 million investment by the Labor government that will deliver on a key recommendation of the royal commission and more than double the capacity of Victoria’s current YPARC network. The project will deliver five new 10-bedroom YPARC centres in Ballarat, Geelong, Heidelberg, Shepparton and Traralgon and upgrades to three existing YPARC centres in Bendigo, Dandenong and Frankston.

I am pleased to inform the house that the first stages of the upgrades to the existing Frankston and Dandenong YPARC centres are now complete. Thank you to the Victorian Health Building Authority, Austin Health and SJ Higgins for showing us around the Heidelberg construction site on Monday and to the staff at the Frankston and Dandenong centres for all the high-quality services you continue to provide your community.

**Written responses**

**The PRESIDENT** (12:48): That ends ministers statements and questions. Can I thank Minister Erdogan, who will get responses from the Minister for Police for both of Mr Bourman’s questions, and Minister Blandthorn, from the Minister for Prevention of Family Violence, for both of the questions from Mrs Tyrrell. I will ask Mr Erdogan to give a written response in line with the standing orders to Mr Davis’s supplementary question. I do have a concern – and there have been rulings which I will look up – but in this case I will ask you to do that, Mr Erdogan. I do have a concern and there have been rulings that indicate that some questions would be better put as questions on notice rather than questions without notice, because of the detail of what is being asked and the expectation of a minister to actually know that answer in any given time. These are rulings from greater presidents than I will ever be. I thank Mr Erdogan, if he will do that for Mr Davis.

**Georgie Crozier:** On a point of order, President, which goes to the issue you have just raised, the minister did not answer my supplementary question. I think it is an important one for the chamber and the public to understand in relation to the number of reports. I am more than happy for the minister to take that on notice and come back with the answer tomorrow. But she went nowhere near answering that question in relation to how many reports of sexual exploitation have been made to the commissioner for children and young people since February – since the last number of 125 reports. I am just wondering if you could ask the minister to come back and provide the house with that number tomorrow.

**Lizzie Blandthorn:** On the point of order, President, I would also note that due to the interjections I was unable to fully indicate this in the answer. But incident data is also publicly available, and I am more than happy to direct you to the appropriate links where you can find the appropriate data.

**The PRESIDENT:** At the time – and I am happy to review it and come back to the house before the end of the day if people are happy to give me that licence – I thought the minister indicated that she could not answer the question in the way it was framed, and I took that as an answer. But I am happy to review it and get back to you.

*Constituency questions***Southern Metropolitan Region**

**Ryan BATCHELOR** (Southern Metropolitan) (12:51): (811) Southern Metropolitan Region is home to a range of diverse multicultural and faith-based communities, so my question is to the Minister for Multicultural Affairs. How is the government supporting social cohesion in our community?

I recently had the honour of attending a roundtable discussion at the Central Shule in Caulfield South, where women's groups from Melbourne's Jewish community spoke with the Premier about their recent experiences since the 7 October attacks on Israel and the subsequent war in Gaza. With my colleagues the members for Box Hill and Bentleigh and Mr Berger, we heard firsthand accounts of the real impact this conflict has had on the lives of many in the Jewish community. These women are concerned not only for themselves but for their families, and they spoke with us about their perceptions that the rate of antisemitic sentiment is on the rise. They gave very real and heartfelt accounts of being afraid to express their Jewishness in public and feeling unwelcome in parts of our city.

The conflict has generated many strongly held views, and that is understandable. But it is incumbent upon everyone who expresses such a view to do so in a respectful and empathetic manner. We can all learn from each other's perspectives. That is what makes our diverse Victorian community so strong.

**Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:52): (812) I too represent Southern Metropolitan Region, and I too want to raise the issue of the fears in the Jewish community. There is a very significant Jewish community in the electorate that Ms Crozier and I represent, and we have both had many people raise with us, including Jewish women, issues of safety. This should be a bipartisan matter, but it increasingly feels as if it is not, and increasingly I think there is a –

**A member** interjected.

**David DAVIS:** I respect what you have just said; I was just about to say that. But I think many in the Jewish community do feel now, with the activities on campuses and elsewhere, that there is a real safety issue. I would ask the Premier, who has a leadership role here, because there is community safety, there are multicultural affairs and there are a number of different areas, to take the lead and engage with the Jewish community. I am asking: will the Premier engage with the Jewish community now to put in place new measures?

**Southern Metropolitan Region**

**Katherine COPSEY** (Southern Metropolitan) (12:53): (813) My question is to the Minister for Housing. Minister, existing public housing residents at 1–9 Alamein Avenue in Ashburton in my electorate remain concerned over a number of issues. Homes Victoria have been relocating residents off the site over the past four years, and in that time maintenance and cleaning of the site has significantly deteriorated. Even though 36 units are now empty, 1–9 Alamein Avenue remains home to 10 existing residents. Those residents and residents in the surrounding community want to know what the plan for the site will be. Surely the minister would not purposely move people out of their homes and allow these homes to fall into disrepair in a housing shortage, and it seems beyond absurd in a housing shortage to let this large tract of public housing land lay vacant for years. Minister, my constituents want to know what your plans for these public homes are. Are you planning to redevelop this site? What is the time line, and what is the proposed number of private and public homes at 1–9 Alamein Avenue?

**Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (12:54): (814) My constituency question is to the Minister for Public and Active Transport, and it concerns the extension of bus routes. I would like to commend your belated commitment to the extension of bus route 543 from Greenvale to

Craigieburn after years of doing nothing. As you would be aware, Minister, I have asked many questions and adjournments calling for this bus from Greenvale to the closest major shopping centre, Craigieburn Central. After my community campaign combined with the advocacy of the Greenvale Residents Association, my petition on this issue collected hundreds of responses from disappointed residents. It was only in fact after my advocacy that the Labor MP discovered buses, or the lack thereof, were actually a problem. Under this government there has been a two-year lag between approval of funding and the first extension service on a new extended bus route, and it happens to be the same amount of time the growth areas infrastructure contribution has been held up for. Can the minister advise when services will begin on this extended bus route, and will the extension be fast-tracked given the government has sat on its hands on GAIC funding for two years?

#### **South-Eastern Metropolitan Region**

**Michael GALEA** (South-Eastern Metropolitan) (12:55): (815) My constituency question is also for the Minister for Public and Active Transport, and it relates to bus services. I welcome the extension of services in the south-east, and noting my colleague Mr Mulholland's contribution, it is great to see other growth areas, including the north, receive improvements. My question today pertains to the south-east – in particular to service improvements, which have also been announced as part of the growth areas infrastructure contribution funding. They include the very exciting extension of route 831, from Berwick to Kingsmere estate, where it currently runs, which will now run along through the recently opened Bells Road corridor, an important north–south corridor that will alleviate pressure on Clyde Road. They also include the extension of route 798, the Hardys Road bus, which will also service more areas of Clyde North. My question is: what benefits will my constituents in the South-Eastern Metropolitan Region experience as a result of these two service upgrades?

#### **South-Eastern Metropolitan Region**

**Rachel PAYNE** (South-Eastern Metropolitan) (12:56): (816) My constituency question is for the Minister for Housing. My constituent is a young woman living in Casey. She has recently been informed that her lease will not be renewed. Despite working full time, having a strong rental history and plenty of notice to start looking for a new rental, she has struggled to find one. Unfortunately data from the Council to Homeless Persons shows that this is an all-too-common story. Casey recorded the highest demand for services for those experiencing or at risk of homelessness, so my constituent asks: what is the minister doing to ensure that the residents of Casey can afford accessible rentals?

#### **Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (12:57): (817) My question is to the Minister for Transport Infrastructure regarding glow-in-the-dark line marking that has been used in the middle of the very popular footpath around Lake Weeroona in Bendigo. It appears that local residents are being used as guinea pigs in a department trial. The City of Greater Bendigo installed the line marking at the request of the Department of Transport and Planning; however, the paint is raised and chipped on the edges, and some sections have created a tripping hazard. I met a lady at Lake Weeroona who tripped on the lines and fell heavily. She broke her nose and was badly shaken. The local stroke support group is concerned, as many stroke survivors walk around the lake and need a flat surface. The City of Greater Bendigo has advised that they are not likely to use the paint again, but they have no plans to remove the sections causing a tripping hazard. Given the state government is responsible for those raised lines, they should also be responsible for fixing them, and I would appreciate the minister's assistance to resolve this issue.

#### **Northern Metropolitan Region**

**Sheena WATT** (Northern Metropolitan) (12:58): (818) My question is for the Minister for Health. I am sure many members here can tell you stories about the challenges being felt in our communities in getting to see a local GP. The truth is it seems like it has never been harder to get in and see a doctor when you need to. A decade of federal government neglect of Medicare saw appointment times

shortened and appointments harder to come by, but too often in desperation Victorians are heading to our emergency wards to have low acuity conditions such as fractures, burns and mild infections seen to. With the new priority primary care clinics, it is urgent medical services for Victorians, but there are no sirens or lights, just quick and easy help from a GP when you need it most. I have a question for the Minister for Health in the other place, and that is: can she provide an update about how the rollout of these new PPCCs in the Northern Metropolitan Region is progressing and where they are located, particularly for families?

### **South-Eastern Metropolitan Region**

**David LIMBRICK** (South-Eastern Metropolitan) (12:59): (819) My question is for the Minister for Environment. Bonded asbestos has been detected at Minihans Reserve and more recently in Clydevale Avenue reserve in Casey. The EPA have stated that the source remains under investigation but they believe it is not due to contamination in mulch and more likely due to illegal dumping. While it is a relief to hear this preliminary assessment from the EPA, I hold some residual concerns when considering how they performed during the West Gate Tunnel contaminated soil issue and the critique made by the previous Ombudsman of their approach toward government pressure.

In New South Wales and Queensland auditors are revealing how companies are cutting corners when performing site testing for public projects, and I am beginning to think that we need a similar investigation here in Victoria. Minister, will the government conduct a review of the site testing which was performed at the identified Casey sites when they were first established and audit the testing process that is being conducted by the EPA and their appointed testing companies on public sites?

**Sitting suspended 1:00 pm until 2:02 pm.**

### **North-Eastern Metropolitan Region**

**Richard WELCH** (North-Eastern Metropolitan) (14:02): (820) My question is to the Minister for the Suburban Rail Loop in the other place, and I am here to voice the concerns of the Glen Waverley community, a community that has been sidelined by this government to build the unfunded and delayed high-rise property development project known as the SRL. Community groups that do amazing work, like the Waverley RSL and Monash City Church of Christ, are being literally demolished by this government – yet, shockingly, your government has failed to provide these groups and other groups in my electorate with definitive dates around acquisition and demolition. Many businesses are living in profound uncertainty. This lack of communication is not just a logistical oversight; it is profound disrespect to the very fabric of our community. Transparency and respect are not just expected but owed to the community, so I ask the Minister for the Suburban Rail Loop: when will the government show these groups some respect by providing a clear time line for these demolitions?

### **Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (14:03): (821) My constituency question is for the Premier, and it concerns the resignation of the member for South Barwon. Feeling the political heat, the Premier sacked the member from the government bench after an internal investigation found a concerning pattern of persistent inappropriate behaviour, yet just the day before the Premier defended the move to demote him from his parliamentary secretary role but keep him representing the Labor Party. South Barwon voters should not have to rely on rumours and innuendo leaked to the media by Labor colleagues. They deserve a full explanation. If the allegations are serious enough, constituents and the wider Victorian public have a right to know of what the member is accused. Can the Premier please explain the nature of the code of conduct breaches she determined sufficiently serious to warrant his removal from the parliamentary Labor Party?

### South-Eastern Metropolitan Region

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (14:04): (822) My constituency question is to the minister for transport. Minister, in the city of Casey, which we all know is under the administration of this government, there are a total of 1165 bus stops, but only 442 of those have bus shelters, with 295 owned and maintained by the state government. As the lack of shelters is detrimental to public transport users in inclement weather, there is more importantly a safety issue for people standing on the side of the road, exposed, particularly people with a disability. I ask the minister: what will you do to correct this problem in my electorate, when locals have told me that the issue is shoved back and forth between the City of Casey council and the Department of Transport, who argue about which department should budget for these shelters? We would actually really like to know this, because I can tell you that in the City of Casey there are schools for people with disability and there are also a number of elderly people and a number of retirement villages, and these people are genuinely at risk. So, Minister, if you could please do something about this and provide the funding and show us what you are going to do, that would be – *(Time expired)*

**Michael Galea**: On a point of order, Acting President, my colleague Mrs Hermans has put her question to the minister for transport, but there is no such minister. I ask her to reframe it either to the Minister for Public and Active Transport or to the Minister for Transport Infrastructure.

**Ann-Marie HERMANS**: I would like to direct the question to the Minister for Public and Active Transport.

### Northern Victoria Region

**Wendy LOVELL** (Northern Victoria) (14:06): (823) My question is to the Minister for Emergency Services. Minister, will you allocate funding for a new Yarrowonga fire station in the 2024–25 state budget? A new fire station in Yarrowonga has been at the top of district 22's list of priorities for many years now. I have repeatedly spoken in this place, asking the government to fund a new modern facility to serve this growing community. The existing station is over 30 years old, and several assessments have found it does not meet OH&S standards. The station is too small, and the brigade has actually had to forgo the opportunity to receive a new pumper and a new tanker because they are too large to fit in the truck bays. The brigade were recently forced to spend \$25,000 of their own funds to build change rooms in a separate shed to get turnout gear out of the truck bays, but these facilities still do not have toilets or showers. The brigade is now delivering fire medical response and needs a station that will allow it to operate safely and efficiently.

### Western Victoria Region

**Joe McCRACKEN** (Western Victoria) (14:07): (824) My constituency question is to the Minister for Water. It relates to the provision of water infrastructure on new developments at Bonshaw near Ballarat. Also, I have written to the minister about this, but I have not received a response yet. Central Highlands Water are essentially requiring land developers to install temporary infrastructure such as pump stations – \$2.5 million each, mind you – but will not commit to putting permanent infrastructure in. As well as these costs incurred by developers of establishing these water pumps, they have to pay for the decontamination and deconstruction of them. So my question is: why can't permanent water infrastructure be put in place initially, instead of forcing my constituents to install temporary infrastructure, only for it to be forced down and deconstructed again?

### Eastern Victoria Region

**Renee HEATH** (Eastern Victoria) (14:08): (825) My question is from a constituent in Morwell to the Minister for Housing: given the government's extensive new housing policy and promises to create considerable housing opportunities, will the minister explain the obstruction and lack of support by her and in turn the government for the proposal to develop 550 housing allotments in Traralgon, which lies in the heart of the Eastern Victoria Region? My constituent asks whether this delay and lack of support from the government may be related to the provision of information to the government and

the department, which has led to the belief that there is substantial housing supply available in Traralgon, when I am told there are actually less than 90 lots currently available?

**Harriet Shing:** On a point of order, Acting President, can I suggest that Dr Heath direct that matter to the Minister for Planning? If it is not social housing, that is the portfolio to which it would to my mind most relevantly apply.

**Renee HEATH:** Yes, thank you. Could I please direct that to the Minister for Planning.

### *Motions*

#### **Medically supervised injecting facilities**

##### **Debate resumed.**

**David LIMBRICK** (South-Eastern Metropolitan) (14:10): With some reservations, I will be supporting this motion. I am willing to take the opposition's statement in good faith that this is not some secret plan to try and undermine the North Richmond room. However, I do not think anyone would argue that there are not some amenity issues with the injecting centre in North Richmond, and a review may help provide some insight and maybe even some potential solutions for that. One potential solution – and I would like to commend the government for some of the work that they have done on this – which was announced over the last week, was the introduction of the hydromorphone trial. I think that this is an excellent thing. We have been pushing for this for years now, so I am glad to see that the government is taking action on that.

I note that one of the biggest concerns for residents around the North Richmond medically supervised injecting room (MSIR) is drug dealing outside the premises, and yes, this is a concern. We have people who are connected to organised crime dealing drugs on the streets, and no-one wants that, including me. One potential way to help deal with that and alleviate that amenity problem would be to allow the hydromorphone trial to be conducted at the injecting room in Richmond, which would help undermine organised crime and would help stop dealing on the streets. I think that that would be definitely something worth investigating. I have spoken with residents around the area, and many of the ones I spoke with, although they had concerns about the amenity and things that were happening, did not want it shut down; they just wanted some action to try and alleviate these concerns. So I am supportive of looking at ways that we can improve amenity at the very least.

The Parliamentary Budget Office report that I initiated looked at the size of the heroin market, and it is around about \$200 million a year in Victoria. If we think about that, for every person that we can get off heroin and onto pharmacotherapy, such as buprenorphine, methadone, hydromorphone or whatever it may be, that is more money coming out of organised crime, undermining organised crime and the subsequent effects.

The other issue with this money that is being spent on these drugs is where the money is going. Not many people talk about it, but there must be large money laundering operations happening for illicit tobacco, illicit drugs and vaping, which are all controlled by the black market in Victoria, and this money cycles through Lord knows what sort of money laundering and then goes off to places overseas, where Lord knows what is done with it over there as well. I have very big concerns about that. I think if we can get people out of the hands of organised crime and drug dealers and into the medical system, and things like hydromorphone will help do that, then this is an excellent outcome. Hopefully after a period on pharmacotherapy they will find themselves in a position where they stabilise their life and they can finally get clean and get away from this terrible affliction that affects so many people in our state.

I urge the government to continue with these reforms. I stated publicly last week that I was very happy with the government's announcements. I know that in my area in Frankston we have had big problems with pharmacotherapy. It has been an absolute mess. I think if you talk to anyone in the sector, they will agree that pharmacotherapy is an absolute mess across the state. There has been lots of talk from



people like the Greens, arguing about the second injecting room. Well, I do not see how that will help anyone in Frankston and in regional Victoria. I think what the government has done in setting up a large number of small centres all over the place is much more sensible than having one big centralised place in the city. I think it makes much more sense and has much more probability of helping the people of South-East Metro, especially Frankston, which for years now has had this problem with the continuation of pharmacotherapy services, because not many doctors are providing it.

I am also hoping that the federal government steps up. I have spoken about this a number of times. I acknowledge that it will take some time to implement. But making prescriptions for pharmacotherapy more widely available and easier to get, including potentially by allowing practitioner nurses to prescribe these medicines, would make it much more available to people who want to try and get their life back under control. It is right what the government has done to focus on providing services to people who are trying to get their life back on track and providing more options, such as hydromorphone, which hopefully will be an attractive option for people who have potentially tried other pharmacotherapy drugs and have failed with those. Maybe this one will work for them; I hope it does. I hope that the people who take part in this trial benefit from it. If it does prove to be beneficial, then I hope that it can be expanded to help more people.

We know the harms from heroin, as have been spoken about earlier. Preventing brain damage was one of the things that really struck me when I went on a tour of the injecting room in North Richmond. Lots of people talk about overdoses and death, and that is tragic when it happens, but what is not talked about very much is brain damage from overdoses, which is far more common and can cause lifelong disability. Once someone suffers severe brain damage, the chances of reintegrating into society, getting clean, getting a job and becoming a productive member of society again diminishes very, very much. Anything that we can do to prevent that is good, and that includes therapies such as oxygen therapy, which I know they do at the Richmond injecting centre. I note the government also expanded naloxone availability to try and reverse overdoses. I thought that the vending machine idea was fairly innovative, and I look forward to seeing how that goes. Certainly making naloxone more widely available means that when someone suffers an overdose, someone else can help them with it. Naloxone and other drugs like that are certainly very helpful.

Also, I am not sure how it will work; I do not really understand it. But the idea of ‘Don’t use alone’ – I know the government was talking about that. That was an interesting idea. One of the greatest risk factors is when someone uses drugs like heroin alone. If they do have a problem, no-one is there to help them. If there are ways to make sure that people do not use dangerous drugs like heroin alone and that someone is there with them to help give them naloxone or call an ambulance or whatever it may be, I think that is very good.

Nevertheless, despite some scepticism from the government and the Greens on this motion, I do think it is worthwhile reviewing amenity and looking at what we could do to improve amenity for the people of North Richmond, because clearly there are problems there that need to be looked at.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (14:18): It is with great pleasure that I rise today to support motion 383 – Georgie Crozier’s motion – regarding a review of the North Richmond site for the injecting room. I want to take this motion bit by bit and expand on little bits of it that I think are incredibly important.

I want to start by taking up a comment that was made by Minister Stitt in regard to this motion. She mentioned that the opposition, in putting this motion forward, has lost connection to humanity. I want to take exception to that. That is absolutely the opposite of what this motion is all about. It is a ridiculous comment to make, because this motion is all about showing our humanity and connection to the community and the people whose lives are being impacted by the Richmond North injecting room. This is not about whether there is a need. We are not debating whether there is a need or there is a service being provided here, but rather that there needs to be a review conducted, because the government is proposing that this is a holistic approach, and clearly the residents do not think it is a

holistic approach. Clearly the primary school children and the families who send their children to the school that is only 50 metres up the road do not think it is a holistic approach, and the businesses that have been impacted do not see this as a holistic approach. This is impacting the lives of many, many people, and to be so arrogant as a government to say they will not even entertain the idea that they need to move this injecting room is just appalling, because it shows and it demonstrates to the public that they do not care. You absolutely do not care about the people that it is impacting on a holistic basis.

I also want to talk about the fact that Ms Stitt mentioned the validity of the health service. This is not about the validity of the health service. This motion is focused on the actual site of the North Richmond injecting room. And I do also want to reiterate that the coalition also has a tremendous desire to see more funding for rehabilitation. I am of the understanding that the waiting list for drug rehabilitation is currently up at five months. For somebody that wishes to suddenly come off heroin to be told 'I'm sorry, you'll need to wait five months. Come back in five months. We'll put your name on a waiting list' is appalling. I do not see how we are helping people who have an addiction that want to actually find a way out if we have a five-month waiting list. So I do take exception to some of the comments that have been made in this chamber today about this particular motion, because it exposes the fact that this government is not doing enough. It is simply not doing enough. This is an inquiry that needs to happen, and it is appalling to think that the government, the Greens and others might decide that they are not going to support such a motion.

Let us take it point by point:

That this house:

- (1) notes the Allan government's decision to back down on its commitment to construct a second medically supervised injecting room ... within Melbourne's CBD ...

which is obviously very well laid out in the Lay report here, on which I have taken many notes. I notice that this particular report put forward the position that it was going to impact businesses, it was going to impact the community's lives. Yet Richmond people have not been given the same courtesy. That is the first point. Number 2:

expresses concern at the government's conflicting positions on the location ... noting:

- (a) the Lay report ...

as I have just said. They talked to key stakeholders about the proposed siting. One has to wonder what key stakeholders were consulted in Richmond North and why the government is so reluctant – in fact it is pushing back entirely – on the idea of having a review.

Since 2020, when Mr Lay was first commissioned to consult, we discovered that there was a waitlist for drug and alcohol services in Victoria. This has now increased under this government by 40 per cent. That is outrageous. What are you doing with the funding that you are giving to people who are on drugs? You have wasted four years not delivering much-needed services.

When we have the Premier having to talk about striking a balance in supporting people who use drugs with the needs of the broader community, this is the whole point – what about the people of North Richmond? What about the families who send their children to that school? It really bothers me as a mother of four to think of what it might be like. And I would say to all of the members across the other side of this chamber and even on the crossbench, if you have kids, why don't you send your kid to that school to demonstrate how much you really feel this is the right location for an injecting room? If you feel so strongly about it, pull your kids out of the school they are in and send them to that school, and see how you feel and whether you still feel as strongly about the location.

I will go on to mention the things that I know Ms Crozier has mentioned in her speech about the explicit sexual acts that are taking place in the street. I do not know any family that would be wanting to expose children or residents of any kind to explicit acts in the street that they do not wish to see. What is more, we have the continued issue with the increase of syringes in the area. We already know

that primary school children have been collecting syringes and that many parents have talked about this at meetings within the schools, but we now have an increase in inappropriately discarded syringes. I believe Mr Mulholland quoted that it has gone up to about 14,000. Fourteen thousand syringes are being discarded inappropriately in and around this injecting room. I mean, what is this government doing?

This motion is incredibly important. It is important to anyone that cares about the wellbeing of any community. It is also incredibly important, not just to the people of North Richmond but to us as a state, to get this right for those people who are currently using so they have the opportunity to feel safe as well, because they are not safe. But what is the big issue? We are only calling on the government to review the North Richmond site in light of the Premier's comments. It is your Premier that made these comments. In light of the fact that the broader community needs to be consulted – well, what about the people of North Richmond?

In my closing remarks, what I do want to say is this: we are very, very concerned about the fact that this government is not doing enough for people who currently require services, and we are very, very pleased that the government is considering what we went to the state election with – our proposal to have the hydromorphone trial. I do not think there would be anyone here saying that is not a good idea. We are concerned about how we are impacting people's lives with the methods that we are using for drug rehabilitation and drug use. We do not want people to unnecessarily die, but at the same time, it is just inappropriate to have this near a primary school, to have this in a community that has not been consulted and to have it near businesses. It is just not working. The fact is this government is so arrogant that it is out of touch with its local people and is not prepared to consult them or even consider how this impacts their lives. I just see this as total hypocrisy. I am very pleased to support this motion. I feel very privileged to have had the opportunity to speak on it.

**Ryan BATCHELOR** (Southern Metropolitan) (14:27): I rise to speak on Ms Crozier's motion. Once again, I am rising in this place to make a contribution about the important role the North Richmond medically supervised injecting service – the facility, the injecting room or however you want to characterise it – is making to the community in North Richmond, particularly for those who are drug users.

I think the fundamental point that we have made before, that the minister made in her earlier contribution and that others have made in previous contributions and today is that this service is doing a lot of good for the injecting drug user community. It is saving lives. It is reducing harm. It is preventing overdoses. They are fundamentally good things that we should be supporting and are supporting, because when we look at the efficacy of this service we know, one, that it is in the location it is in because North Richmond, that part of Richmond, has been a part of and subject to the drug trade and drug use for decades. Local residents are no strangers to people overdosing on the streets or injecting in their yards, because that part of the community, for a range of reasons, has been a place where injecting drug use has occurred for a very long time.

What has happened since the medically supervised injecting facility was opened and what the reports that are the subject of some of this debate have demonstrated is that since the opening of that facility lives have been saved, overdoses have been prevented and things which were previously occurring on the streets are now occurring in a supervised environment where appropriate treatment and support services can be provided to those individuals who are injecting drugs in the area. We make no apologies for defending the efficacy of this service, because it is absolutely saving lives, reducing overdoses and reducing the number of ambulance call-outs.

In the Ryan review, John Ryan was emphatic in this point – that the facility was achieving its core aims. He found that this incredible service had saved 63 lives and safely managed more than 6000 overdoses. That is a figure that we now think is more than 8000. The review spoke with local residents, local businesspeople, people who are drug users, police and those who work in the area and used all of this evidence to arrive at his conclusion. I think what is important is also that the Ryan

review noted that the benefits of the service extended far beyond the lives that it saved inside its walls. It noted that the service had resulted in a decrease in ambulance attendances and a decrease in overdose-related admissions to the nearest public emergency department at St Vincent's, and notably that trend was different to comparable emergency departments. It has reduced the spread of bloodborne viruses, and it has been making referrals into support and care pathways. I think, most importantly, that due to legislation passed through the Parliament last year that facility is now a permanent feature of the response that the state government has to the harms that are caused through injecting drug use and is a part of our attempt to make these facilities safer.

Following these reports, we have enhanced the model of care. We have brought in to partner with North Richmond Community Health the team at St Vincent's Hospital, Your Community Health and Access Health to strengthen the operations of the centre. Importantly, that facility, one of two in Australia, now sits alongside a quite comprehensive statewide action plan to reduce harm, which the minister and the Premier announced last week, I think it was, and which has both statewide support through things like the increased use of pharmacotherapy, an \$8.4 million investment, the creation of an overdose prevention helpline and the quite significant life-saving potential of the naloxone dispensing units that are to be rolled out in various parts of the state. In addition to that, there are some increased and targeted support services within the CBD, where we know there is need for more support, a new community health service, some inreach services at the Salvation Army just down the road and an important trial of hydromorphone in the health hubs using these new pharmacotherapy treatments to try and reduce and prevent overdose and overdose-related harm.

It is very clear to see from the contributions that the minister has made in the course of this debate and that others have made, but also by actually reading the reports that are in front of us – by seeing what the experts have had to say – that not only is the North Richmond facility achieving its aims in saving lives and reducing harm but that the government is taking these matters seriously in other parts of the state and other parts of Melbourne, and we absolutely welcome these supports.

**David ETTERS HANK** (Western Metropolitan) (14:33): We will not be supporting this motion. The opposition are not interested in reviewing the North Richmond medically supervised injecting room (MSIR) site in light of the recent comments by the Premier regarding feedback from the community, as stated in the motion. They want to close it down, not find a more suitable site. The lack of courage shown by the government – the outright dismissal of the recommendations not only of Mr Ken Lay but of multiple eminent authorities to establish a safe injecting facility in the CBD – is deeply disappointing and far from being a win for traders or the community in the CBD. Typically, the opposition have used this opportunity to drum up fear and spread misinformation. It is the same dog whistling and scare tactics we have unfortunately come to expect from the opposition on this issue.

There have been multiple reviews of MSIRs in general in Victoria and of the North Richmond MSIR in particular. They all conclude that supervised injecting rooms work in saving lives and, more importantly, in helping people move towards recovery. Both in Richmond and in jurisdictions across the world it has been proven that these places save lives and the wraparound services they provide deliver a pathway to recovery and rebuilding lives, allowing people to deal with their trauma, their homelessness, their mental health and their broken relationships.

These are the facts: people suffering from addiction will use drugs whether there is an injecting room available or not. We know from research that heroin users will typically consume their drugs within 10 minutes of buying them. The most suitable location for a safe injecting room, therefore, is close to where the drugs are being sold, and like it or not, long before the safe injecting facility was established in North Richmond, people were buying and selling drugs there. As Mr Batchelor noted, it was and it remains a hotspot for the heroin trade.

Point (2)(d) of this motion is particularly egregious – that the Premier's comments about being unable to find a suitable location are inconsistent with the decision to set up an injecting facility next to a primary school. Well, as an aside, we dispute the Premier's assertion that they were unable to find a

suitable location in the CBD but in relation to the school next to the North Richmond safe injecting facility Richmond West Primary School was one of the facility's greatest advocates. Why? Richmond West sits in between the towers of the Richmond housing estate. On a daily basis children were being exposed to the sight of people injecting just over the other side of the school fence or, worse, the terrifying spectacle of people dying from drug overdoses before their eyes. This is what they told us.

*Members interjecting.*

**David ETTERS**HANK: I do not know if you have actually been out there. I have. I have spoken with people, and this is the truth of their reality. This is what they are living with, and this is what the MSIR is seeking to address. Make no mistake, there were people overdosing and dying within view of those students on a regular basis. Without a safe place to inject drugs, people will continue to inject in alleyways, in car parks and in the unoccupied spaces behind primary schools. When there is a safe place to inject, a safe injecting facility, they will use that.

Instead of reviewing Victoria's only safe injecting facility with, let us face it, the intention of shutting it down, we should be looking to have more of these facilities where they are needed. There is need for such facilities in places like Footscray, Brimbank, St Kilda, Frankston and Dandenong. This need is manifest. We should be pressuring the government to show some moral fortitude, some courage and some leadership to follow the evidence and the recommendations of Ken Lay, of Professor Margaret Hamilton, of Professor Alex Cockram and of Mr John Ryan, along with the countless harm reduction advocates who have worked in this area. Safe injecting rooms save lives and support people to access recovery and gain back their lives.

**Sheena WATT** (Northern Metropolitan) (14:38): I want to say, as we all know, the North Richmond community has confronted the often devastating impacts of drug harms for a long time. That is why the transformative effect the North Richmond medically supervised injecting room, or MSIR as it is known, has had on the area cannot be overstated. The location of this life-saving service was chosen precisely because it is located within the centre of those harms. The service is where it needs to be. We all know that the North Richmond medically supervised injecting room has been doing exactly what it set out to do, and that is saving lives and changing lives. This means that fewer people are overdosing in Richmond's streets, it means fewer ambulance call-outs and it means lives saved. Because the service is able to connect people who use drugs to vital wraparound health and social support services, it means lives changed.

The most recent review of the service, the Ryan review, was handed down to government in March 2023. The CEO of the Penington Institute John Ryan found that the North Richmond medically supervised injecting room was achieving its core aim: saving lives. He found that this incredible service had indeed saved 63 lives and safely managed more than 6000 overdoses, a figure that we know is now more than 8000. The trial's positive result makes a strong case for continuing the services offered by the North Richmond MSIR indefinitely. As a result, the Labor government properly took steps to ensure the MSIR became a permanent fixture, and I recall that debate here in this place.

The Ryan review recognises North Richmond Community Health's undeniable success in curbing overdoses and drug-related harms during the trial period, and of course we are excited to announce that North Richmond Community Health in collaboration with St Vincent's Hospital, Your Community Health and Access Health and Community will continue to provide this vital service. This new partnership aims to expand access to care and improve referral pathways for those in need, building upon the existing success of the North Richmond initiative. In response to the local community and business needs, North Richmond Community Health has received support to expand its assertive outreach services within community, and this outreach service, which began in September 2023, operates outside regular hours on weekends. It is staffed by really a diverse team of professionals, and can I take a moment to acknowledge them and their work and thank them so very much for being on the front line. Our medical professionals are quite incredible, and I have had the good fortune to meet a great number of them over the last little while. This important program means

that people who use drugs are able to receive care and support where they are while also keeping the North Richmond community cleaner and safer.

It is not all we are doing – that is worth saying. As part of our ongoing commitment to the North Richmond community and people who use drugs, we are also funding a homelessness outreach worker to assist clients to access housing, funding the operations of the Richmond youth hub, continuing the Supporting Tenancy at Yarra program in partnership with St Vincent's, supporting the operation of the Victoria Street community space, upgrading the entrances to the MSIR and North Richmond Community Health more broadly and improving coordination between the security providers in the region. We are committed to supporting those who use the MSIR service and the entire North Richmond community. There is also significant innovation within the alcohol and other drug (AOD) space, with new contemporary methods of saving lives and treating addiction.

I just want to say that pharmacotherapy is the most effective treatment option available for opioid dependence and is an absolute lifesaver. I know that we have discussed that a great number of times in this chamber. Pharmacotherapy is an evidence-based, effective treatment option available to people with opioid dependence, reducing the intensity of withdrawal symptoms, drug cravings and the likelihood of use. The Ryan review identified that Victoria's pharmacotherapy system is not meeting the needs of the community as people struggle to access the drug treatment medication that would help them cease or reduce their drug use. To maintain and strengthen access to opioid pharmacotherapy, the Victorian government will work to enhance community health service prescribing and address prescriber shortages, which I know has been raised in here, by investing \$8.4 million to expand the public pharmacotherapy footprint.

I just want to take a moment to acknowledge the work and dedication of the Minister for Mental Health in this place, Ingrid Stitt, and her tireless work and dedication to this issue. The fact is that she, through her work, will see lives saved and a safer Victoria for everybody. Her work is something that I think we will reflect on in the many years to come. But for me the introduction of hydromorphone does represent a significant advancement in pharmacotherapy. I have heard a little about that lately, but I have got to say it really is an alternative for cases where the traditional treatments have ultimately proven ineffective. Victoria adopting this emerging medication does truly reflect the modernisation of its approach to AOD treatment, aligning with global standards.

I know that there is so much more that I could say and reflect on about my time meeting with the service providers and the workers that I know and admire as well as the folks that use this service each and every day, so to them can I just again say thank you very, very much. Perhaps with the announcement made by the Premier and the Minister for Mental Health only last week, we will be able to firmly say that we are pressing ahead with some very significant investments here in Victoria right across the state to address overdose and drug misuse in our state. I am very happy to say that the investments – whether that is in emergency, whether that is in pharmacotherapy or whether that is in wraparound services – truly are something worth celebrating. The Allan Labor government is of course committed to saving lives, reducing harm and investing in our AOD services for those that are most vulnerable in our community so that we can not just change people's lives but save them too. I will leave my remarks there.

**Nick McGOWAN** (North-Eastern Metropolitan) (14:45): I have very little time to go over what I was going to go over in some depth and detail, so I will try and be succinct. I think something that has not been said by many speakers today and that I want to reflect back on is the work done by the Hamilton report. In my opinion the Hamilton report is the most comprehensive document and work that has been undertaken in this space, and yet speaker after speaker today has talked about saving lives and the reductions in overdoses and so forth, and none of that is reflected in the Hamilton report at all – quite the opposite.

The other thing I want to reflect upon is the point that very often we are criticised in this place for not setting clear objectives, yet in this space section 55A of the act sets out very clearly the objectives of

this act. It is a unique thing, it is something we should cherish, because what it says very clearly is: if you care about drug users, if you care about their welfare, then these are the goals we have established for ourselves to achieve. What concerns me of course is that none of the reports that followed the Hamilton report looked at the issue the Hamilton report looked at – that is, the efficacy of the project. Despite perhaps what some in this place may say, I am not against the trial and never have been. What I am against is if you have a trial and it is not working and you continue to do things the same way, so for me it is incumbent that we pivot, that we change.

I have 14 points to go over, and these originate from the Hamilton report. I will have to skip through them or miss some of them, but they are important. I have got a minute and a half to do it. What the Hamilton report found – categorically, statistically, factually – was the number of heroin deaths before and after the facility opened actually increased. The Coroners Court data showed:

... no observable difference in the number of people who have died from heroin overdoses before and after ...

It is sobering. Of the 2657 overdoses inside the medically supervised injecting room, staff:

... responded to 271 extremely serious overdoses with naloxone, which, based on existing modelling, avoided ...

an estimated 21 to 27 deaths.

That is where the saving lives figure comes from, the same figure that Minister Stitt time and again in this place cannot explain. She cannot explain it because it is based on modelling from the Hamilton report. They keep continuing to update that figure – yet no-one can actually justify or point to any name or person – which is currently standing at around 63. So every time we stand up in this place and say we are saving lives it is simply not true. I hope at some point we can statistically verify that, but at this point in time that is not the case.

The Hamilton report went on to document any number of things: overdoses within 1 kilometre of the Richmond facility averaged 3.2 deaths after a quarter of opening, compared to the long-term average of 2.6. I have 8 seconds to go; I have far too much to add here. I would only urge every Victorian who cares about drug users to read the Hamilton report in total.

**Georgie CROZIER** (Southern Metropolitan) (14:48): I understand that this debate has caused a range of discussion and emotion in relation to what I have put forward in my motion, which is to ask for a review of the site given the issues around the North Richmond community. That is all it is asking, and there are speakers on this debate that have significant views around it. There are people in this community who are very supportive of helping anyone with drug addictions but understand that this is actually causing a huge issue in that area and to the amenity of North Richmond. It is not unreasonable to have a review into the site.

There are those in this chamber that are absolutely hell-bent on saying ‘No, that’s where it is going to stay.’ We have been consistent about the injecting room being next to a primary school. We do not think it is appropriate, and it is not, because there are still addicts using on the street – not using in the injecting room – and dying, which children have to walk past. The residents tell me what is going on. Some of those residents that have to take their children to school have to go past the drug using and the gross sexual acts that are occurring.

That is not reasonable either, nor is people dying, but not one of the government members told us how many people have actually been rehabilitated – not one. Not one member of the government told us how many have been rehabilitated, and the effect that it is having on the community is profound. The hypocrisy of the Premier and the government in their decision around the CBD because of the community concerns and not finding an appropriate site – but they never took into consideration –

**David Ettershank** interjected.

**Georgie CROZIER:** To take up Mr Ettershank's accusation about me, I was down there. I do not think you heard my contribution. I was down there before the trial started and when the trial started, talking to the residents. No other MP – not one Labor MP, nor your predecessor Ms Patten – went to those –

**Harriet Shing** interjected.

**Georgie CROZIER:** No, they did not, Ms Shing. Not one of you was down there talking to the residents –

*Members interjecting.*

**Georgie CROZIER:** let me finish – in the community meetings. It is true. Not one. And your member – what was his name? Who was the former member for Richmond?

**A member:** Dick Wynne.

**Georgie CROZIER:** Dick Wynne – he was not there, the local member. Ms Patten never came down, nor did Martin Foley, who wanted this. He did not come down and speak to the residents.

**Harriet Shing:** He was talking to residents all the time.

**Georgie CROZIER:** No, not on this, Ms Shing. Anyway, through you, Acting Chair, in the time that I have left I am not going to be distracted by the government MPs that know that they did not do their diligence for the residents who were actually calling very reasonably for a thing from government to be reviewed. I will say it again, as Mr Mulholland said in his contribution: in relation to what is occurring, the data and the facts and the figures – the modelling that they used – were never substantiated in terms of where we are at now. So there are many, many questions, and we will continue to ask the questions of government, because they have failed to provide the answers.

In this motion all we are asking for is a review of the North Richmond site – a pretty simple ask. But no; they have said no. How disappointing for those residents that will continue to live with the crime, with the dreadful, dreadful antisocial behaviour that continues, with the ruining of the local amenity and with the dangers. They are putting their children, their neighbours and the community at risk with the crimes that are occurring and the ongoing drug use. Let us not forget – it is not just heroin being injected in this injecting room, it is ice, and they are very dangerous drugs. These users come out of the injecting room, get in their cars with kids and drive off, and the residents –

*Members interjecting.*

**Georgie CROZIER:** They do. I have got the videos. You laugh, Mr Ettershank. Well, go and speak to the residents, because they are absolutely furious with what is going on, and so they should be, because they are living right there and they are living it all the time. I urge all members to support my motion.

**Council divided on motion:**

*Ayes (17):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

*Noes (20):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Motion negatived.**



**Renewable energy infrastructure**

**David DAVIS** (Southern Metropolitan) (15:00): I am pleased to move:

That this house:

- (1) notes that:
  - (a) planning scheme amendment VC261 changes the Victoria Planning Provisions and all planning schemes in Victoria with respect to renewable energy facilities and associated utility installation, including removing the right of impacted Victorians to appeal such planning approvals at VCAT;
  - (b) planning scheme amendment VC261 was gazetted on 4 April 2024 and tabled in this house on 18 April 2024; and
- (2) pursuant to section 38(2) of the Planning and Environment Act 1987, revokes amendment VC261 to the Victoria Planning Provisions.

This is an important motion because the state government has taken a nasty and authoritarian turn in the way it is treating planning and the way it is treating renewable energy. It is prepared to force through both renewable facilities and indeed the associated transmission and distribution infrastructure. The key thing here is that important planning decisions, important renewable energy decisions, should be made with community involvement and community input. They should not be made by a minister alone.

**Tom McIntosh** interjected.

**David DAVIS:** Well, this strips away these, and you should be very concerned about these matters. You should be concerned that they are stripping away these powers that would normally be there for communities to have their say through a proper process, a panel process, community input and submissions. None of these are guaranteed with respect to renewable energy infrastructure, transmission and distribution and indeed larger batteries. These are all decisions made by the Minister for Planning herself. She has used the powers in the Planning and Environment Act 1987 to create a new decision-making structure, VC261, and to give herself unlimited power to make decisions. She will now be able to make decisions without consulting. She will not need to consult. She could wake up in the middle of the night and make the decision to sweep away the rights of people, to actually make a decision to provide a planning permit for a particular project and to do it without any consultation at all – not even to advise those impacted that the decision is going to be made, is being made or has been made. There is not even the requirement to do that. That is what these extraordinary and undemocratic, draconian powers actually entail.

Furthermore, the impacted parties will not even be able to appeal to VCAT. VCAT is widely criticised by the community with respect to its planning function, but this strips away even the right to appeal to VCAT. It says your only recourse, your only course of appeal, is to the Supreme Court of Victoria. A local community is not going to be in the position to be able to afford a multi-hundred-thousand-dollar legal challenge in the Supreme Court. These are hugely costly and hugely difficult decisions for communities. I have seen this as the state government has rolled out parts of its Big Build and done so without proper community consultation, forcing communities to try and fight. Members from North-Eastern Metropolitan Region will understand what was done at Surrey Hills and Mont Albert with the powers there. The minister took powers to herself, she stripped away the rights of communities, she signed things into planning law and those decisions were made. The community actually started to bring together money to try and start a Supreme Court action, and as I understand it that Supreme Court action is currently stayed. That is a city-based example of a community trying to fight, unable to raise sufficient money and unable to have the full fight that they should be entitled to have in court. The decisions on this VC261 are of a similar nature, and there is a whole stream of these decisions that the government has made with respect to Big Build projects and with respect to social housing and so forth. They have stripped away the rights of communities to have any say at all.

I want to take people to the comments of a number of important commentators. An article that quotes a foremost planning expert with a great deal of knowledge in this area, Emeritus Professor Michael

Buxton, RMIT professor of planning, in the *Australian* on 17 April, after he had reviewed the details of this planning scheme amendment, says that the minister:

... has total discretion over whether or not third parties are notified of renewable energy projects that may impact them ...

He termed this a 'radical' and 'most unsatisfactory' change to the planning scheme. He also pointed out that this fits in with the Big Housing Build and a number of these other decisions where the state government has stripped away planning control. The article goes on to say that the effect of the rules is to:

... leave it up to the minister to notify potential objectors.

The minister can just decide on a whim that she will not even notify potential objectors. This is extraordinary. It is undemocratic. It is totally and utterly undemocratic.

**Tom McIntosh** interjected.

**David DAVIS:** Well, I am quoting here one of the most eminent planning experts in the state. I sent some of this material to him. He looked at it and he gave me a note which explained some of the details of this and said that this is what it means. I did not leave it up to myself to interpret planning law, I asked a planning law expert to tell me what this planning scheme amendment means for local communities with respect to renewable energy. Many of us support a rollout of renewable energy, but we do not support a role that is fundamentally undemocratic and a rollout of renewable energy that rides roughshod over local communities, that bulldozes local communities and that does not listen to local communities. You are going to get worse projects if you do this.

The article states:

... third parties will not be notified of the proposed amendment or be provided with an opportunity to make submissions on the amendment or be heard by a panel ... and the right of objectors to appeal to the Victorian Civil and Administrative Tribunal will be removed "enabling more timely decisions".

Timely decisions – oh, the community should not have any say, should not have the right to speak, should not have the right to object or should not have the right to make suggestions to improve a project. The article states:

"It is a radical change," Professor Buxton said. "The minister may decide to notify people, but doesn't have to. That's most unsatisfactory ...

The article states that he said:

... communities, farmers and environmentalists objecting to renewable energy projects faced a "stacked deck".

That is how we described it. He said:

The real problem is that the Planning Minister controls both the assessment and the approvals process, and developers apply directly to the minister ...

If your only strategy is to remove ... planning and legal constraints to reach the target ... that's going to mean random, disorderly development in inappropriate places, some of the worst places.

Farmers are worried about this amendment. I see the article states that Victorian Farmers Federation president Emma Germano said that the rules when they were gazetted were:

... "even worse" than farmers had feared.

She said:

It seems the government have forgotten that they are there to represent the people of Victoria ...

This is what we are facing: planning scheme changes that strip away the basic steps and processes, the basic protections, the basic rules and the basic controls. I think this is a nasty, authoritarian government

that is unconcerned with basic democracy and unconcerned with the rights of local communities and people. I think it is actually worse than that because you not only get this undemocratic approach, but you also get worse projects. The projects are not tested properly. It is not made clear. I am just going to read so that people understand the extent of this. Normally –

**A member** interjected.

**David DAVIS:** Well, if you go into the planning scheme amendment itself, there is a change made to 53.22–1, which is the normal clause. The provisions of this clause prevail over any inconsistent provision in the planning scheme. Then it goes on – it has a table, and I will come to the table in a moment:

This clause does not apply to an application to subdivide land, other than an application to subdivide land that includes either:

- A renewable energy facility; or
- A utility installation used to:
  - Transmit or distribute electricity; or
  - Store electricity if the installed capacity is 1 megawatt or greater.

This is batteries. We need batteries and we need to support planning approvals for batteries, but that does not mean that the government should be able to ride roughshod over communities and do this in a way that does not have proper processes.

Under category 1 in table 1 of 53.22–1 there are new insertions of words in this section of the act. Normally a project of this type must have written to the chief executive officer of Invest Victoria confirming the likely financial feasibility of the project. However, a new condition is added in this particular outing:

This condition does not apply to an application for the use or development of land for a renewable energy facility or utility installation.

**Nick McGowan:** Does that stack up?

**David DAVIS:** That is right; it does not have to stack up. Later in the amendment, at the end of table 2, there are many things in there that have got special privileges and special fast-tracked and changed arrangements, but these are the latest ones that have been added. For a renewable energy facility:

An installed capacity of 1 megawatt or greater must be proposed.

And for a utility installation other than data centre:

A utility installation used to:

- Transmit or distribute electricity; or
  - Store electricity if the installed capacity is 1 megawatt or greater
- must be proposed.

I am just being quite clear about what this applies to. It applies to batteries, it applies to transmission, it applies to distribution and it applies to any renewable energy project.

Last night in the chamber we asked a very simple question about the assembly of offshore wind projects and equipment at the Port of Hastings. The minister was not able to give us very good answers. She is not the minister herself, she is the minister representing, so let us cut her some slack. But it is very clear that that Port of Hastings, with an assembly provision related to offshore wind, could well fit in with those matters, and the transmission lines from offshore wind could well –

**Tom McIntosh:** On a point of order, Acting President, I am just struggling to understand why we are talking about a facility that assembles items when my understanding is what we are talking about –

**David DAVIS:** Planning approvals.

**Tom McIntosh:** Yes, but that has nothing to do with assembly.

**The ACTING PRESIDENT (Bev McArthur):** There is no point of order, Mr McIntosh.

**Tom McIntosh:** On the point of order, I do think we are talking about, as has been put, energy generation, transmission and storage, and an assembly port has nothing to do with any of those.

**David DAVIS:** On the point of order, Acting President, I very simply make the point that the renewable energy facility could be defined broadly, and the transmission of power could be defined very broadly and there may well be planning application there. I am sorry, this was a direct exchange that occurred last night on exactly this point, so it is well within scope.

**The ACTING PRESIDENT (Bev McArthur):** Mr McIntosh, there is no point of order.

**David DAVIS:** The point I want to make in this debate is that we all want more renewable energy and we want renewable energy facilitated. But it is not going to be facilitated by cutting corners, by stripping out normal protections and by having a process that does not knock the bugs out of things and actually deliver a better outcome for the whole community. We need the best projects and we need communities involved, and it is no wonder with the behaviour of the Australian Energy Market Operator and the behaviour of VicGrid that there is so much resistance in the state to the long-distance transmission lines. It is no wonder that social licence has been lost for a lot of renewable projects. We have seen this with some of the solar projects – Colbinabbin is an example. The chamber met in Echuca the other day and that Colbinabbin solar farm was part of the controversy up there, and the mayor of Campaspe drew attention to that solar farm at Colbinabbin. That farm could be given approval – bang, like that – by the minister. She could do it one night. She could do without proper process, she could do it without consulting the community and she would not even need to advise the neighbours that she had made the decision.

**Sonja Terpstra** interjected.

**David DAVIS:** Well, I am sorry. That is what the planning powers allow to happen. You have to read what it says.

**Sonja Terpstra:** Wake up in the middle of the night and do it?

**David DAVIS:** She could wake up in the middle of the night and make the decision without talking to anyone, without actually making the decision properly. That is what is allowed by these new planning powers.

There should be proper advertising processes required, there should be proper submission processes to make decisions and there should be a panel process with major decisions and the panel process should actually test these things and get a better outcome. There should be a right of appeal to VCAT, and there should ultimately be a right of appeal to the Supreme Court – of course there should. But cutting VCAT out will have the effect that local communities will not be able to push back against these changes. There is not even a requirement here to tell the municipality that these decisions might be made, so where is the role of the municipality in these land use decisions? That is what planning decisions of this type are – they are land use decisions. We see this authoritarian turn on the Big Build, we see this authoritarian turn on social housing, we see this authoritarian turn on a number of road projects and we see this authoritarian turn of this government with a number of the projects that are being mooted at the moment where local councils will be stripped of planning powers. That means communities do not have a say. It means the minister or some jumped-up panel the minister puts in place makes the decision, and I think the community across this state would be very concerned about the loss of basic democratic rights.

So, yes, by all means have wind, by all means have solar, by all means build the long-distance transmission wires, but let us do that in a way that respects local democracy, let us do it in a way that

respects local communities, let us do it in a way that gets the best possible project. This planning scheme amendment that has been put in place, VC261, is unnecessary, it is undemocratic, it is unhelpful and we should revoke it. The Planning and Environment Act allows either chamber to revoke a planning scheme amendment that is put in place by the minister. They are required to be tabled here, as it were, and they can be disallowed under the Planning and Environment Act. That is what I am proposing that we do.

**Sonja TERPSTRA** (North-Eastern Metropolitan) (15:18): I rise to make a contribution on this motion in Mr Davis's name in regard to amendments to the planning scheme amendment. It will be no surprise that I advise the chamber the government will be opposing this motion for obvious reasons. I have listened very carefully to Mr Davis's contribution; it is all doom and gloom over there. We are the worst, most evil government that ever existed.

*Members interjecting.*

**Sonja TERPSTRA**: See? As soon as I opened my mouth, I noticed the interjections coming from those opposite – the usual suspects over there that give me a constant stream of interjections. I have not even got to the points I want to make yet.

*Members interjecting.*

**Sonja TERPSTRA**: See? Over there.

What I want to talk about is not the negative doom and gloom that Mr Davis is predicting, because it is actually very far from the truth. I know, Mr Davis, you have got a job to do, which is to attack government mercilessly. It is the noalition over there, right? As a noalition, it does not matter what the government says or does. It is just 'no', 'bad', 'wrong', 'wasteful' or whatever, without any basis in fact to actually make those contributions as well. The business of this government is actually about getting on and delivering our renewable energy targets, and we need to do that in a very efficient and effective way, because what is lost on those opposite is that we cannot waste time. We have got targets to meet. We need to decarbonise quickly. In fact Mr Davis will not like to hear this, but we are decarbonising at the fastest rate in this country, which is something to be extremely proud of.

I am going to get to the point about what these changes actually do, despite what Mr Davis said. It is actually quite the journey I was on while I was listening to that. As I said, we are decarbonising at the fastest rate in this country. That is something to be very proud of. So we have set an ambitious and achievable target of 95 per cent renewable energy by 2035. What is really important about that is that whilst we have got a renewable energy target, we are also going to create 59,000 jobs as a consequence of that. They want to talk about the past, but we remember the past, because we are the custodians of the past, because we know a lot of our people were hurt by those opposite when they were in government, particularly when they shut the SEC – thousands and thousands of jobs went there. Then they attacked teachers, and there were school closures and all those sorts of things. So when we talk about jobs and jobs as part of this renewable energy target –

**David Davis**: On a point of order, Acting President –

**Sonja TERPSTRA**: No, no. I am making a point; do not interrupt.

**David Davis**: On a point of order, Acting President, this is actually a motion about a planning scheme amendment. It is not about schools or anything else. You are heading off into a wide distance, a long way from the narrow matters of section 38 of the Planning and Environment Act 1987.

**Sonja TERPSTRA**: Further to the point of order, Acting President, I am going to object to the hostility with which points of order are made on me as a female government member on the benches over here. Make your point of order, but do not yell at me in a really aggressive manner from across the chamber. And I will make my point about Mr Davis's contribution –

**A member** interjected.

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**Sonja TERPSTRA:** No, no. I do not want to have those sorts of faces made at me either. I am entitled to feel the way that I feel when I am being attacked. The point I was making was that –

**The ACTING PRESIDENT (Bev McArthur):** Ms Terpstra, I am going to rule on Mr Davis's point of order. I uphold Mr –

**Sonja TERPSTRA:** I have not finished my point of order.

**The ACTING PRESIDENT (Bev McArthur):** I had not ruled on Mr Davis's point of order.

**Sonja TERPSTRA:** The interjectors should be quiet. I am entitled to make my point of order in silence. My point was about the jobs that are connected to the renewable energy target, and that is something that is germane to this motion.

**The ACTING PRESIDENT (Bev McArthur):** You need to make your point of order briefly and then sit down. I uphold Mr Davis's point of order, and please, Ms Terpstra, return to the motion.

**Sonja TERPSTRA:** Further to the point of order, Acting President, I want my objection recorded about the hostility and aggression that is being directed at me when I am making a contribution. It is inappropriate. And I want to continue my contribution.

**David Davis:** On the point of order, Acting President, I am not in any way hostile to Ms Terpstra. On the contrary, I am certainly very strong and robust on this motion and the issues around it, but I wish her well and I wish her well with her contribution. That does not mean that I will not be prosecuting the case strongly no matter who is interjecting or making comment on the other side.

**The ACTING PRESIDENT (Bev McArthur):** I did not hear Mr Davis raise his voice, Ms Terpstra.

**Sonja TERPSTRA:** It was not addressed to him. It was Mr McGowan that I was referring to.

**Nick McGowan:** On a point of order, Acting President, I would ask for that to be withdrawn. Most of the members here present could not even hear me say 'point of order'.

**Sonja TERPSTRA:** Further to the point of order, Acting President, the clock is running down, and it is a tactic of those opposite to soak up time. I would like to be able to continue my contribution – I have made my point – with no more interjections from those opposite.

**The ACTING PRESIDENT (Bev McArthur):** I think you have made your point, Ms Terpstra. Please continue with your speech.

**Sonja TERPSTRA:** Thank you. I would like to proceed on my contribution without interruption. As I was saying, what is really important about our renewable energy targets is the 59,000 jobs that will be created as a consequence of people working in renewable energy, and the reason why we need to talk about our renewable energy target is because it is germane to what we are doing in regard to achieving our targets, which is what this planning scheme amendment is actually about, which is helping to fast-track renewable energy projects. Again, those opposite can pick around the edges and say that I should not be allowed to talk about this or that, because they do not want to hear about the things that we are actually going to create as a consequence of decarbonising our economy but also creating those jobs that will power our renewable energy targets. We need to power those renewable energy targets, and Victorians want to work in those jobs to make sure that we can achieve our renewable energy targets.

As I said, we have a very ambitious offshore wind target of at least 2 gigawatts by 2032, 4 gigawatts by 2035 and 9 gigawatts by 2040. That is why we will need 59,000 jobs – for people to work in those important projects in offshore wind and on other renewable energy targets. We talk about solar farms and we have got batteries, and of course then the downstream consequence of some of these projects is manufacturing, which is critically important.

We want to be able to manufacture these things here in Australia, and at the moment we do not have that. We want to create those downstream industries as well to support renewable energy targets, because it is critically important. We cannot get there if we do not have Victorians working in those things. Consequently, what Mr Davis was talking about in his contribution was that the government is trying to cut out the ability of communities to have a say or for them to be consulted along the way with any renewable energy projects that we are proposing. Nothing could be further from the truth, because what has changed is just one component of the process. We are going to be able to make better decisions faster, so instead of being caught up at VCAT in multiple appeals for years and years, removing that step means you still have appeals to the Supreme Court. No other processes have changed. It does not steamroll anyone, despite the fearmongering from those opposite. It does not remove any other processes. It just simply removes one step, which affects the time frame involved. It affects the time frame involved for decisions to be made. Why? Because we have a target that we need to meet, and when our renewable energy targets are going to be caught up and locked up in endless litigation – so a person who might object in VCAT might raise an objection, we might wait a couple of years or two years or 18 months before it gets to a hearing, and then you go to the next step and have it relitigated again.

So again, it is only the time frame for assessment. It does not mean that the land-use framework is changing. You still need to have a cultural heritage plan; none of that has changed. So in regard to these sorts of things, to say that the government is going to steamroll and make it hard for people is ridiculous. You still need to have an environment effects statement, as many larger-scale projects do. That has not changed. As I said, you need a cultural heritage management plan. That has not changed. The changes do not remove the requirement to consider biodiversity, agriculture and landscape impacts, which will be assessed in accordance with the relevant policy documents and decision guidelines.

Because of the constant stream of interjections from those opposite I only have 48 seconds on the clock now, which is typical of those opposite. They do not want to hear what the actual merit of these provisions is and the benefits that they are actually going to bring, not only to the Victorian economy but in decarbonising our economy and decarbonising our environment. In the 30 seconds that I have remaining, what I want to say is this motion is really ill-conceived. I know those opposite have got terrible form when it comes to planning, and we can talk about all the failures of planning that they have had, but this is about getting on with the job of delivering on our renewable energy targets. The government benches will not be supporting this motion, and I encourage other crossbenchers in this chamber to also not support this motion.

**Nick McGowan:** On a point of order, Deputy President, I would like to call on the member to withdraw her reference to me. I did call a point of order, but that point of order was not called to Ms Terpstra. She knows that. That point of order was called to the Chair. The inference that it was somehow in any way hostile is not the case, and it should not have been taken that way. Members in this place ought to be able to stand up and call for a point of order. I would ask that my name be withdrawn.

**Sonja TERPSTRA:** On the point of order, I have no idea what you are talking about, so could you repeat the point of order and what your objection is? Under standing orders, what standing order are you referring to?

**The DEPUTY PRESIDENT:** I think what the member is saying is that he was offended by your comments, and he is asking for a withdrawal. I am just taking some advice.

Ms Terpstra, on what Mr McGowan is referring to, I was in the chamber, so I did hear you make the inference that he was hostile to you in the debate by asking for a point of order. He is offended by those remarks. I think that in the context it was not hostile, and I would ask you to withdraw.

**Sonja TERPSTRA:** I will not withdraw.

**The DEPUTY PRESIDENT:** Ms Terpstra, I have asked you to withdraw. You have defied the Chair. I am going to give you another opportunity, and it is for an unqualified withdrawal. I ask you to withdraw.

**Sonja TERPSTRA:** I will not withdraw.

**The DEPUTY PRESIDENT:** Then, Ms Terpstra, I am going to have to suspend you from the chamber, and I ask you to leave the chamber for 30 minutes.

**Sonja Terpstra withdrew from chamber.**

**Bev McARTHUR** (Western Victoria) (15:33): I rise to encourage all members to support Mr Davis's motion to revoke planning scheme amendment VC261. I do so not just because of the content of the amendment, which I believe is deeply anti-democratic and damaging, particularly to regional Victoria, but also because of the process by which it has been imposed. The total lack of consultation has been shameful, as has the inappropriate use of ministerial regulation rather than due parliamentary process, for a change as significant as this.

At a stroke, the Minister for Planning has decreed that renewable energy developments will no longer be subject to the notification, consultation and appeals process which previously existed. In the minister's own words, the effect of the amendment is that:

... third parties will not be notified of the proposed amendment or be provided with an opportunity to make submissions on the amendment or be heard by a panel ...

They are the minister's own words. We cannot dispute this, even when, more significantly, she says that applications will be exempt from objector review rights in the Victorian Civil and Administrative Tribunal on any decision to grant a permit. This is an enormous change. Removing the right to be notified, consulted and to appeal to VCAT will make it far harder for communities to oppose renewables projects which could significantly affect their environment, lives and livelihoods. While cases can still be taken to the Supreme Court, this is a far more complex, expensive and risky course and will naturally be beyond the means of most. The minister has justified this decision by reference to the 'urgent need' to facilitate renewable energy development and the 'urgent need' to maintain Victoria's electricity supply – urgent need. It is extraordinary – an urgent need to maintain Victoria's electricity supply. How on earth has this arisen? What happened? There has been no catastrophic event, no unforeseeable development to cause it, just a complete lack of foresight, planning, decision-making and, frankly, competence from this government. Any urgency that exists comes from their failure to act earlier, and it is regional Victoria that will pay the price, with inappropriate, hurried projects steamrollered through by a Labor minister.

As I said yesterday, not so very long ago we had a functional, effective electricity market which delivered inexpensive energy reliably. It has taken a breathtaking act of self-sabotage to move from there to the situation we face today, and it is indefensible that ordinary Victorians should have their rights removed because of the failure of their government to manage change in the energy market supply properly. The minister, in the explanatory documents, continues:

I ... am satisfied that ... the interests of Victoria make such an exemption appropriate.

The interests of who in Victoria? It is certainly not those of regional communities. In this amendment the interests of Victorians are being used to disenfranchise and override them. This government have failed to consult, failed to plan and failed to achieve the social licence necessary for renewable energy projects, so instead they now invoke the threat of blackouts to ram through unwanted and inappropriately sited projects, misapplying planning safeguards which have protected Victorians for decades and are moving the goalposts when they cannot get their way. To add insult to injury, the minister goes further. She claims the exemptions she grants will 'allow the community to experience benefits sooner'. I ask you: 'benefits'? Tell that to the communities whose lives and livelihoods will be



blighted by vast generation sites and monster transmission towers. The benefits might be felt by the minister's suburban electorate in Carrum, but yet again regional Victoria is forced to carry the can.

RMIT environment and planning emeritus professor Michael Buxton, as Mr Davis has referred to, has described these changes as 'radical' and 'most unsatisfactory', and Victorian Farmers Federation president Emma Germano says they are even worse than Victorian farmers had expected. She said:

It seems the government have forgotten that they are there to represent the people of Victoria.

How right she is. Now, this whole debate feels rather familiar to me, because the process is exactly what the Labor government did with the West Gate Tunnel contaminated soil. Having failed before that project began to properly cost or plan what would happen to contaminated soil when it was dug out of the ground, they simply altered the Environment Protection Act 2017, and as with VC261, they did it without any parliamentary debate or vote. And as with VC261, they exempted themselves even from consultation on the secondary legislation itself.

This change was not simply a technicality; the new regulations introduced a massive watering down of longstanding environmental protections surrounding the storage of potentially contaminated soil. They removed the existing licensing process with its requirements for public consultation and the fact it could be challenged in VCAT. They reduced the buffer zone for sensitive land use from 500 metres to 200 metres and removed safeguards previously placed on contractors. Does that sound familiar? The motivation, the exemption from due process and the anti-democratic impact are exactly the same as with VC261. The same failure to plan leads to the need for botched projects to be accelerated, and the only way to get them through is to displace longstanding planning and environmental protections enjoyed by Victorian communities.

I want to add a slightly different point to this debate. I am concerned, looking at the detail of the amendment, by the impact of 53.22-2. That part states that:

The responsible authority may waive or vary any building height or setback requirement.

This section predates the amendment we are discussing today, which adds energy generation and infrastructure projects to the development facilitation program. Perhaps for the previous types of projects envisaged, the ability to waive setback requirements was desirable, but for those living near proposed renewable generation sites or high-voltage transmission lines it is seriously alarming.

They might say, 'Well, there's no intention to use that carve-out for energy projects, so don't worry.' If that is true, though, why did they not specifically exclude energy projects from that clause? They did this elsewhere. As Mr Davis has mentioned, the requirements for financial feasibility of proposals have been removed. The existing clause states that the minister:

Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

But here it is amended by VC261:

This condition does not apply to an application for the use or development of land for a renewable energy facility or utility installation.

Why was the same restriction not applied to setback requirements? It so easily could have been. Is this a mistake or a deliberate decision to maintain the legal right to waive setback requirements? It is questions like this that the minister's high-handed decision to exempt herself from consultation has created. Perhaps there is nothing to worry about, but suspicion breeds where transparency is suppressed, and the fact that the minister is already doing the rounds spruiking the changes to investors just adds to the concern Victorians feel. I urge the house to support Mr Davis's motion to revoke the minister's arrogant approach and to restore to Victorians the longstanding protections our planning system should provide.

**Moira DEEMING** (Western Metropolitan) (15:43): I rise to also urge everybody to support Mr Davis's excellent motion to revoke planning scheme VC261, and I just want to compliment my colleague Mrs McArthur for her fantastic speech. I agree with everything that she said.

It appears to me that this government seem to consider that just because they were democratically elected by the people of Victoria that gives them a mandate to ignore the people of Victoria. They treat Victorians' basic human rights as inconvenient because they are in the way of their targets. It is unscientific, unrealistic, ideological targets versus basic human rights like property rights, consultation rights, due process and democratic representation. But people do have rights, even though they might be inconvenient. Even if they are legislated out of existence in this state, they still exist.

In this modern Labor government's march of progress there is nothing more important than their targets – their targets for votes, their targets to keep power and their targets on ideology. The worst thing about this is that they pretend to include justice, but they make it so far out of reach that it is only justice for the rich – so much for the party of the working classes.

**Tom McINTOSH** (Eastern Victoria) (15:45): I rise to oppose Mr Davis's motion. Mr Davis, energy is absolutely critical to our economy. Whether it is our businesses or whether it is our homes, we absolutely need it to run our economy. Victoria has a proud history of energy generation. The region I represent, Eastern Victoria, has provided abundant energy for the state of Victoria that has helped us grow and prosper and be the great state that we are today. We know we cannot continue to burn coal in the way that we have. We know that generators that were built decades ago that are taking hundreds of millions of dollars for upkeep cannot continue to run. They cannot continue to run, so this is why the government has put in place a plan to transition our electricity supply, and it is one that we are doing.

We are meeting all of our targets. We are exceeding our targets, which is why we are bringing our targets forward. Minister D'Ambrosio has ensured that investors have had a clear path and security around their investment in this state, so that we are now in a position with the 5000 jobs that have occurred over the last decade as our energy generation from renewable sources has lifted and lifted to a point where about 40 per cent of the grid is coming from renewable sources. We are here because we have a plan, and Mr Davis just made a comment before about that. That is exactly why we are here, and we are continuing on our plan to, in 11 years time, be at 95 per cent renewable generation into the grid.

The opposition want to talk about gas. It is clearly stated that there is not the supply of gas. There is not the conventional gas supply to supply the state. You can kick this issue down the road as long as you want, whether it might be five years or 10 years. You can go and rip up farms, you can poison aquifers, you can take our prime agricultural land and rip it to shreds through your ideological beliefs, but at some point that gas will run out, whereas sunshine hitting panels, wind hitting turbines and water moving through hydro – whatever renewable source it might be – can power us as long as we have got sunshine hitting this earth.

And the economics speak for themselves. Even if on that side you want to ignore the science of climate change, that is fine. But around the world in 2023 there were more renewables installed than the entirety of nuclear generation capacity. We will not get into nuclear just yet, but more renewables were installed around the world. Governments around the world are seizing the opportunity of renewables – Western countries and emerging nations – because it makes economic sense. When we are talking about our economy, we have the dollars and cents. You cannot have them overrun by ideology.

In Victoria we have set this goal, as I have said. We are verging on 40 per cent renewable generation. We have the cheapest wholesale rate in Australia. We have South Australia and Tasmania with incredibly high renewable penetration into their grids following us. We have our Victorian default offer, which is \$300 less than other states – or 16 per cent less. So we are seeing that the plan we are delivering is working. For our state, for our continued prosperity, we have to get on and deliver

electricity to this state. I am sorry to be rude, but Victorians do not trust the Liberal Party to deliver on it, because you have been ideologically driven for over two decades on this item. I will come back to the state, but very briefly, federally there were 10 years where nothing happened, and here there were four years between 2010 and 2014 where nothing happened. I mean, basically nothing happened in the whole state, but on renewables, wind turbines –

**David Davis:** On a point of order, Deputy President, this is a debate about a planning scheme amendment revocation. It is not an opportunity for a broad attack on the opposition.

**The DEPUTY PRESIDENT:** I think we have had a fair bit of debate about the narrowness of this motion this afternoon, so I would ask the member just to return to the motion, please.

**Tom McINTOSH:** Absolutely. On planning, between 2010 and 2014 wind turbines were basically erased by the Liberal Party. Actions on renewable energy targets, energy generation and energy efficiency were basically erased.

This is too important to Victoria not to get this right. In Europe they are bringing in trade tariffs. Trade tariffs are coming in, and our exports need to be able to enter those markets. As more nations and continents around the world enter into similar systems, we do not want to be isolated like we have been with automotive vehicles, where it is us and Russia left buying the most expensive-to-run vehicles in the world. We have \$90 billion of investment ready to go – 15,000 jobs in renewables. We need to keep the power flowing for Victoria.

I spoke this morning on another bill on energy that the opposition Shadow Minister for Energy, Affordability and Security brought forward, which was nonsensical and not something that we could even get to. Not to be personal to the opposition shadow minister, but the Liberal Party, federal or state, show time and time again they are unable to engage on energy discussion, debate or planning in a meaningful way. With an abundant supply of cheap, affordable energy – which is what renewable energy is because you do not have a resource cost to power, whether it be solar panels or wind or hydro or other items – it makes the power more affordable.

It is interesting to hear Mr Davis's language around 'nasty,' 'authoritarian' and 'undemocratic', because to me what I think about with that is the placement of nuclear reactors into Anglesea, into Morwell or into wherever else that might occur. This ideological drive to go to an incredibly more expensive and an incredibly slow to build system that has incredible waste, as opposed to sticking with the path and with the plan that we are delivering, just absolutely shows through.

When we talk about planning, I do not know if those opposite have too much credibility. Look at the likes of Fishermans Bend, where there were a lot of questions, where community was the last consideration of those in charge and where land for schools was not purchased. When Labor came into government, we had to purchase that land at inflated rates to build schools for communities. So I do not think those opposite have a leg to stand on when it comes to planning.

The opposition talk about this and somehow try to tie it in as bad for regional Victorians. Regional Victorians are seeing jobs. Farmers are able to diversify their income. I do not understand why the conservatives are so absolutely gung-ho on blocking farmers from diversifying their income. You do not want them generating off their land. You do not want them making income from this incredible opportunity that is here. We have talked about the generation of jobs and the billions of dollars of investment, and you want to put red tape in the way of farmers and say, 'No, no, no.' The coalition are against it. You want a couple of centralised big nuclear plants on private land that will –

**David Davis:** I never said that. I never said anything of the sort.

**Tom McINTOSH:** So are you against nuclear, Mr Davis?

**David Davis:** I've never said that there was a particular penchant for it.

**Tom McINTOSH:** Okay. That is very vague. We will just stick with the Liberals' position on nuclear for now, as that has neither been denied nor confirmed by Mr Davis. The key point is: the government is delivering the energy that Victoria needs, delivering the jobs that Victoria needs and delivering the income that regional Victorians need.

**Nick McGOWAN** (North-Eastern Metropolitan) (15:55): It is a great pleasure to rise to speak in support of the motion on VC261. If ever a saying were true, perhaps it was no more than with this debate today – that is, 'The ends justify the means.' Clearly that is the approach this government takes because, as other speakers have said already today, to strip away in such a bold and undemocratic way the rights of ordinary Victorians to have their say on projects is scandalous; it is actually quite scandalous. I think what I find most disappointing about VC261 is that it actually impacts those Victorians who are the poorest – the workers. It is ironic that yet again we have a Labor government in this state which is prepared to attack the workers of this state and prepared to attack poor people, because there is no way on earth they will be able to afford the kind of money it would take to challenge the kinds of matters that would be under review by the minister in such a case in the Supreme Court. By withdrawing the right of ordinary, everyday Victorian citizens to appeal to VCAT you effectively withdraw their right to appeal at all. That should be taken very seriously. In fact stick around long enough and you soon learn in politics that although the other side argued vehemently against this kind of thing some decades ago, they sit here now and put forward the same kind of policies. It is ironic. It would be more ironic, perhaps even funny, if it were not serious and were not true. But it is true.

VC261 was gazetted on 4 April and tabled in this house on 18 April. Perhaps what makes it even more serious and more disturbing is the fact that, as my colleague Mr Davis has pointed out, the projects that receive this special treatment from the minister do not even need to 'stack up'. That is quite true. While this is being done under the guise of what is good for Victorians – that is, what is good for the environment and therefore good for the Victorian people – there is no requirement that it actually do what is intended or that people say it will do. Isn't that an ironic situation to find ourselves in – for the projects that are put forward by corporates, because the corporates say so, the government will simply accept that they do so. What an embarrassment. What a very sad situation we find ourselves in.

I heard members opposite also remarking that it will 'save time'. Since when did the Victorian Labor Party see democracy and fair process – due process – as such an expedient commodity?

**David Davis** interjected.

**Nick McGOWAN:** The answer, as I am offered here by my colleague Mr Davis, is for quite a long time – in fact the entire time of this government. That is the truth. They might not have shown it at first, but certainly in the years that have followed and as we go on, with every year it becomes more and more breathtaking. Here we have yet another example where they take away more rights of the Victorian people, who were already reeling after COVID-19 and who were already reeling after this government took away their right to privacy regarding their own health medical records, with not an ability in this state to be able to actually withdraw their consent in that respect. This is a continuation of these attacks on the people of Victoria – attacks in the form of a government which says, 'You no longer have this right. We will decide what is good for you.' Then if the minister puts this kind of decision-making in the hands of a panel, as those of us who have had something – perhaps even just a little – to do with the planning process know, guess what, the minister does not even have to listen to the panel. The minister can absolutely ignore, and has under this government and previous Labor governments ignored, the advice of the panel. Furthermore, this VC261, the planning scheme amendment, puts the Allan Labor government on a collision course with the federal government, because of course the federal government do have certain aspects of their guidelines and requirements that ensure that there is an opportunity for the public to comment.

I understand that they were not happy with the wind terminal project at the Port of Hastings and the outcome there, but to ram through, to undemocratically declare and decree – because that is what we are talking about here, a decree – that the people of Victoria shall no longer have rights where the

minister sees fit and your only right of appeal is to the Supreme Court, which is exceedingly expensive and prohibitively so to most ordinary Victorians, is a disgrace. The members opposite on the Labor benches ought to be ashamed of themselves. It is almost like the poacher has turned gamekeeper. Put another way, the Minister for Planning will become the judge, jury and executioner, and there is no guarantee whatsoever that the people of Victoria will benefit in any way, shape or form. It is that serious.

My colleagues here on this side – Mr Davis, Mrs McArthur and even Mrs Deeming – have all pointed in the same direction. It does not matter whether you are in suburban Melbourne or whether you are in the furthest reaches of country and regional Victoria, you will be impacted by the stripping of your basic and fundamental right to have a say on planning applications. No-one in this place is saying that they do not want to have projects which help and assist our environment. No-one in this place is saying that we do not want to support some form of decarbonisation. To conflate the two is a misnomer, it is mischievous, and it is plain wrong. The smart people in the room know that. Nonetheless, here we find ourselves yet again with this government using its numbers and unashamedly ramming through planning scheme amendments one after the other which slowly but surely whittle the rights of ordinary Victorians away.

We should mark this day and this date in our diaries because, sadly, it is yet another example of when the Labor government has betrayed what was once upon a time its own base, the very people who supported it. I will quote from the minister, just so it is clear that these are not my words and my words alone. She said:

... third parties will not be notified of the proposed amendment or be provided with an opportunity to make submissions on the amendment or be heard by a panel.

Wow, it does not get any more serious than that. For all the carping, for all the moaning, for all the legitimate complaining, for all the reasonable concerns that were put forward for successive governments previously, for this government to now step in and essentially, not only essentially but actually say and actually make into practice and reality through VC261 the jettisoning of the basic appeal rights which Victorians have known up until this point, what ensured that they were also delivered due process and ensured that it was a fair process has been completely trashed.

As Mrs McArthur said, country folk, farmers, regional people, regional towns should be concerned, because they will be on the front line when it comes to these kinds of projects, and they will be the first to understand the true impact that VC261 will deliver. It will have them left out in the cold. It will have them without a say. It is a sad outcome. It is an outcome that will not be realised for some time – perhaps months, maybe years – but when it does come, the people of Victoria will realise what has been done here. Perhaps they will look back to *Hansard* and perhaps they will look back to this moment and reflect that perhaps they could have done more to stop it in the first place. I can only hope that in two years time they do much more to stop this kind of legislation passing ever again, and that were we to form government we would actually address that.

**Ryan BATCHELOR** (Southern Metropolitan) (16:04): I rise to make a contribution on the motion that Mr Davis has moved, which would seek to revoke the planning scheme amendment made by the Minister for Planning, VC261, which effectively enables more renewable energy projects in Victoria to be completed and will assist with the very necessary and so far very successful transition that is underway in the Victorian energy sector as we move away from our reliance, our dependence, on coal-fired and carbon emission intensive electricity generation towards a renewable energy future. It is not a transition that we have a choice about; it is a transition that is a reality. The reality that climate change caused by pollution in our atmosphere is having on our planet is undeniable – we accept that on this side of the chamber. This government understands and accepts that our climate is changing, and one of the big contributors to climate change is carbon pollution, which historically a very significant part of our energy generation sector has contributed to, and that is our coal-fired power stations.

The other reality that we accept is that many of these coal-fired power stations are reaching the end of their lives. They are coming to the end of their cycle; they are approaching closure. So the prudent thing for government to do is to make sure that we have got plans in place to transition our energy sector so that when those coal-fired power stations reach the end of their lives we have got replacement sources of energy to keep the lights on here in Victoria, and that is fundamentally what the government's policy framework, of which this planning scheme amendment is a part, is designed to do. It is designed to bring cheaper, more reliable renewable energy into our grid to keep the lights on and to keep downward pressure on electricity prices here in Victoria. We know that that is what we should be doing, because the steps we have been taking so far to do that are working.

Not only is Victoria decarbonising our electricity generation sector at the fastest rate of any jurisdiction in the country, we have got the strongest climate change legislation in the country, and we have got the support of Victorians to do it. Victorians have endorsed the policy approach to energy. Victorians have repeatedly endorsed the approach to renewable energy transition. They have supported the targets that we have put into legislation, because not only do they know that is important for ensuring we have reliability in our electricity sector, they know that it is important to put downward pressure on prices, because, unlike the proposals to put nuclear energy into our sector which are supported by the Liberal Party, which would be the most expensive form of energy that we have got – the Liberal Party's nuclear power is the most expensive form of power – what we see with renewables are cheap forms of power coming into our grid, putting downward pressure on power prices.

The planning scheme amendments that the motion before us today seeks to revoke effectively expand the development facilitation program to include renewable energy projects within the scope of that project's approval processes, which is in line with other state-significant economic development projects that operate in a range of areas.

We know that there is a lot of investment in the pipeline into renewable energy in this state. The policy settings that this government has put in place and that this government is supporting have been embraced by those seeking to invest in future forms of energy generation. There is \$90 billion worth of investment in renewable projects in the project development pipeline, and it is estimated that that \$90 billion of investment will create around 15,000 jobs for our state. That is a huge amount of benefit that awaits us if we have the policy settings that are correct to ensure that the pipeline turns into a reality. That is exactly what this proposal and the planning scheme amendments that were put in place by the Minister for Planning seek to do and what the revocation motion seeks to stop. The revocation motion would seek to throw a spanner in the works of that \$90 billion worth of investment in renewable energy projects and stop those 15,000 prospective jobs coming into the Victorian economy.

One of the things that we heard in the debate earlier today was that this is somehow going to fundamentally strip out important parts of the planning and development process, but it is not doing that. It is not doing that at all. What are required as steps in the assessment process remain. If you need to do an environment effects statement, you will still need to do an environment effects statement. If projects need to do a cultural heritage management plan, they will still need to do a cultural heritage management plan. If you need to consider biodiversity, agriculture or landscape impacts that have to be assessed in accordance with relevant policy and decision guidelines, they will still be required to be done. The thoroughness of the matters taken into account in making the decisions remains the same. What changes is the time frames. What changes is the speed with which these decisions can be made.

What it does not do is allow unacceptable projects to be approved, because those unacceptable projects would not meet the guidelines and would not meet the planning frameworks under the Planning and Environment Act 1987. All of the relevant matters that are required to be considered now will still be required to be considered in the future, and Victorians will still be able to have their say. People will still be able under the planning scheme to make their voices heard and have their positions put, but they will not be able to use objections that have been resolved or dealt with through the planning process. They will be unable to take those to VCAT during the final notice-of-decision stage, a mechanism that is being used by a very select few to frustrate renewable energy projects and slow

down the transition that we need to make in our energy sector, slow down the delivery of new renewable energy and slow down the jobs that will flow as a result.

What this planning scheme amendment will try and prevent are the one-in-five renewable projects that end up getting stuck in VCAT and at the end of that process overwhelmingly get approved. Overwhelmingly the outcome of the decisions at VCAT is that the projects are approved in accordance with planning guidance and planning guidelines. The only thing that happens is that it takes us several years to get to that point. We cannot slow down our energy transition. We cannot stop the effects of climate change unless we decarbonise our economy. What this does is remove roadblocks from the planning process, remove the ability of a few to throw a spanner in the works of the approvals processes, which slows down project approvals and stops renewable energy coming into the grid.

We have an important set of renewable energy targets here in Victoria. They are critical to making sure that we have both cheaper and cleaner power into the future. What we see by some is a series of objections both to any progress but then also to specific projects, and as a state our economy and households cannot afford for our energy transition to be unduly delayed. It is far too important. Our renewable energy targets are far too important. We are making excellent progress. We are ahead. We have been ahead of our renewable energy targets for the last few years. The momentum that we have built up in this state needs to continue. We need to complete this energy transition towards a renewable future, and these planning scheme amendments will help us do that.

**David DAVIS** (Southern Metropolitan) (16:14): This is an important revocation motion. This is dealing with a planning overreach by the state government. We all accept that there is a need for renewables. We all accept that there are targets. We all accept that there will be, long term, a declining involvement of coal and we all accept that there will be a need for new energy sources, including, particularly, renewable energy.

That does mean significant planning challenges and it does mean significant challenges to ensure that those projects are brought forward. But the best projects are going to be brought forward where there is proper process. The best projects are going to be brought forward where there is community support. The best projects are going to be the ones where the government and the proponents – sometimes government, sometimes not – go forward with a proper series of engagements with community and where social licence is actually enhanced rather than overridden. The problem is this government has built a very negative perception across the community already. The VNI West and a number of the other projects and a number of the renewable projects around wind and indeed solar have been poorly managed. There has been significant community opposition and significant community pushback because the communities feel that they have been ridden roughshod over by state government and planning and other approval decisions. We need a proper process. We do not need a process that removes the normal rights and privileges. We actually need a process that goes forward and urgently and in an early fashion engages with communities. Proponents need to be supported and encouraged by government to go and engage with communities from the earliest point and to devise ways to deliver these projects without the antagonism, without the angst that has been so much a part of them.

This specific proposal, VC261, strips away the normal planning processes and strips out the checks and the balances that are part of those normal planning processes. It is fundamentally undemocratic, it is draconian and it is a set of steps that is a bridge too far, in my humble view. We should use the powers that are in the Planning and Environment Act 1987 that allow either house to disallow planning scheme amendments – in this case under section 38; using those powers, we should disallow this planning scheme amendment that Sonya Kilkenny as minister has put in place. Ministers, at the end of the day, should not be omnipotent, should not have the powers of God; they should have the powers of decision-making men and women. Those decision-making powers need to be checked and they need to be balanced, and that is why we need a proper process. I am deeply concerned at the turn that has occurred with many of the government's major project approaches, stripping out the checks and balances and leading to worse land use decisions, which are going to be a part of the future of the state

for many decades and perhaps 100 years forward in some cases. That is what is being replicated in this unfortunate set of decisions around VC261. I urge the chamber to support my revocation motion.

**Council divided on motion:**

*Ayes (17):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

*Noes (20):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Motion negatived.**

*Business of the house*

**Notices of motion and orders of the day**

**Lee TARLAMIS** (South-Eastern Metropolitan) (16:25): I move:

That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

**Motion agreed to.**

*Statements on tabled papers and petitions*

**Department of Families, Fairness and Housing**

*Annual Report on the Implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework 2022–23*

**Ryan BATCHELOR** (Southern Metropolitan) (16:25): I rise today to make a statement on the report – which was tabled in February, I think, of this year – on the implementation of the family violence multi-agency risk assessment and management framework 2022–23. The report in question is an annual report that is provided following the implementation of the updated multi-agency risk assessment and management framework under the Family Violence Protection Act 2008 – which was amended following the Royal Commission into Family Violence, which obviously tabled its report in 2015 – and though the government’s acceptance of all of the recommendations of the family violence royal commission’s report and both the subsequent development of the multi-agency risk assessment and management framework and the legislating of that framework into the Family Violence Protection Act.

A new way of assessing risk in family violence situations has been developed here in Victoria. As many of these things do, these are the kinds of initiatives and kinds of reforms and kinds of changes made to our service system that do not always make the headlines. They do not always feature at the top of the list of things which grab people’s attention. What I hope to do in the course of the next couple of minutes is talk about why they are exceptionally important in improving both the family violence response to victim-survivors of family violence here in Victoria but also – and this is particularly pertinent in the context of the current debates about gendered violence – why they are exceptionally important in making sure that perpetrators of violence are both in view and held accountable for their actions.

The multi-agency risk assessment and management framework – MARAM, as it is known by those who use it – is a new tool that practitioners, responders to family violence, now use to help them when a victim-survivor of violence presents to a service system or needs support to assess and understand the risk that individual faces. It is a much more sophisticated response that we have here in Victoria since the royal commission, since the investment that the government made, since the changes that we



have made to the service system to better understand and appreciate the various and varied elements of risk that victim-survivors of family violence face.

Last year, in 2022–23, according to the report that was tabled, there were 33,792 MARAM risk assessments undertaken, which is a use of the new MARAM tool, which was a 41 per cent increase on the year before, and that was an increase on the year before that, and that was an increase on the year before that. What we are seeing – having spent some time before I came into the Parliament both working on family violence reforms and also being on the board of No to Violence, the men’s referral service – is the new risk assessment tools are exceptionally valuable for service responders to understand and better assess the risks that victim-survivors of family violence take. One hundred thousand sector professionals received training in MARAM and the associated information-sharing protocols last year, a 55 per cent increase on the year before; over 12,000 Victoria Police staff completed training; 41,000 MARAM risk assessments and 7500 MARAM safety plans were undertaken on the Specialist Homelessness Information Platform by specialist family violence services; and over 20,000 central information point reports were delivered about perpetrators of family violence to better inform those risk assessments.

These are incredibly important reforms, nation-leading reforms, we are making here in Victoria, which are keeping victim-survivors of family violence safe and perpetrators accountable for their actions.

### **Department of Treasury and Finance**

#### *Budget papers 2023–24*

**Wendy LOVELL** (Northern Victoria) (16:30): I rise to speak on the state budget 2023–24. Particularly I want to speak about the roads budget, because I am hoping that the government will actually increase the budget for road maintenance in this year’s budget. Last year we saw a 25 per cent cut to the road maintenance budget, which when you add that together with cuts over previous years is a 45 per cent cut since 2020. And where are we? In regional Victoria our roads are an absolute disgrace. The National Transport Research Organisation has said that just 9 per cent of the roads in regional Victoria are in a good or very good condition, and that means that 91 per cent of those roads are in poor condition. We know this is true. We know they are pothole-ridden. We know that there are lives being lost on our roads. Last year 295 lives were lost. That was the highest it has been in 15 years. This year we are fairly on track to match that. Currently it is sitting at 93 lives lost, which is actually down by eight or nine on the previous year, but the problem is in country Victoria. At this time last year there were 58 lives lost and there have been 58 lives lost this year, so the road toll in country Victoria is not decreasing. That is because of a number of things – driver behaviour but also the condition of our roads.

We get constituents in on a daily basis talking about the potholes on our roads. Our roads are falling into a dangerous state of disrepair. The wire rope barriers have been lying on the ground since last year and are not being repaired. We actually had a very tragic incident in Greater Shepparton last week – a single-vehicle accident where a car left the road and hit a tree and the driver was killed. The local paper has reported that the car actually drove over the wire rope barriers, which were lying on the ground. Had those wire rope barriers been repaired they may have made a difference. We cannot be 100 per cent sure, and I am not blaming the government for the death. I am just saying that if we have our roads in better condition and we have the wire rope barriers in better condition, there is a better chance that there will be fewer accidents and fewer deaths on our roads.

Talking about wire rope barriers, I raised the condition of the wire rope barriers on the Midland Highway, the Goulburn Valley Highway and also the Hume Highway in this house in February. I got an answer from the government on 1 March that said that they would be repairing all of those wire rope barriers in March. Well, in the middle of April I went around and had a look at them, and none of them had been repaired. They have still not been repaired. We are now on the first day of May, and the government has still not repaired those wire rope barriers. Unfortunately a life was lost in Greater Shepparton last week because of that.

## Ombudsman

### *Social Housing Complaint Handling: Progress Report*

**Samantha RATNAM** (Northern Metropolitan) (16:34): I rise to speak today on the Victorian Ombudsman's *Social Housing Complaint Handling: Progress Report*, which was published in March of this year. The message in this report from the Ombudsman is loud and it is damning. This Labor government is failing public and community housing tenants at a time when Victoria is in the grips of a housing crisis. They are blatantly ignoring the advice of multiple reviews and inquiries on how to improve conditions and have been doing so for years now.

The Ombudsman's office originally tabled its report into Victoria's public and community housing complaints system two years ago. In that report the Ombudsman described the system as 'complicated, confusing and under-resourced'. She found that the complaints system was not working and had not worked for years, and this meant that public and community housing tenants, many of whom are already disadvantaged, felt their health and safety was at risk. The Ombudsman recommended that a social housing ombudsman be established as a single external escalation point for all public and community housing renters. The current complaints mechanisms are different for public and community housing, which is confusing for tenants and leads to inconsistent and ineffective outcomes. She helpfully noted that this new model could be easily and cheaply established as a specialist function within the Victorian Ombudsman's office.

Two years on from those recommendations the Ombudsman's progress report paints a sorry picture of this government's efforts to rectify things. Not only has Labor failed to action any of the Ombudsman's recommendations in the last two years, it has actively ignored them. The progress report reveals that all letters sent by the Ombudsman to successive ministers were ignored, and when a draft of the progress report was provided, the minister responded by saying that the recommendations remain 'under active consideration'. Where is the accountability and integrity from this government?

While Labor ignored the issues laid bare by the Ombudsman, things got worse for Victorians in public and community housing. Two years on from the original report, complaints about public and community housing to the Ombudsman have risen 83 per cent. MPs from across the political spectrum have seen this trend reflected in our own offices. Many of us have had alarming numbers of public and increasing numbers of community housing tenants contact us because the social housing complaints system has failed them and they do not know who else to go to. These people often have horror stories about life-threatening mould, huge holes in walls or hallways left unclean for weeks at a time with garbage and refuse piling up. All of them will have contacted their local housing office repeatedly and been met with a brick wall. Departmental officers are working beyond their capacity, but there simply are not enough resources for them to address the sheer volume of issues. Every week there seems to be a new news article about the state of disrepair of public and community homes as residents search for new ways to advocate for themselves, as their complaints to the government are falling on deaf ears. They are at their wits' end, and their trust in government authorities has been decimated.

Despite this appalling state of affairs, the Productivity Commission's *Report on Government Services* reveals that the Victorian Labor government is spending the least per capita on the upkeep of public housing. For years now Labor has stopped investing in maintaining public housing and has let these homes run themselves into states of chronic disrepair, all the while failing to fund the complaints, maintenance and repairs system, so residents are left in inhospitable and sometimes dangerous homes with nowhere else to go. We know that this housing crisis is getting worse, not better. The skyrocketing cost of living is hitting people hard. There are increasing rates of homelessness, and the looming demolition and privatisation of Victoria's public housing towers is creating immense stress and uncertainty. All the while this Labor government's recurrent spending on public housing is the lowest per person of any state, and a failure to invest in public housing means that Victoria has the lowest proportion of social housing stock in the whole country.

The government has systematically buried its head in the sand when it comes to regulating Victoria's community housing sector. Almost three years since the Labor government's own social housing regulation review, this government has repeatedly refused to make the recommendations public and failed to make any discernible reform towards stronger protection for social housing tenants.

It is not too late to turn things around. The Ombudsman in both reports makes clear what needs to be done to fix the public and community housing complaints handling system. The department and the housing registrar have already taken steps to implement the recommendations directed to them. Now the government must take steps to do its part and make things right. Similarly, Labor must release the social housing regulation review and take concrete steps towards reforming regulation of housing for those who are most vulnerable or else let Victoria slip further and further into housing despair.

### **Department of Treasury and Finance**

#### *Budget papers 2023–24*

**Michael GALEA** (South-Eastern Metropolitan) (16:39): I rise today to speak on the Victorian budget papers 2023–24, specifically in relation to how this government is investing in our growing suburbs. I represent an area of the south-east of Melbourne – which I am very proud to represent. I am proud to represent it for many reasons. It is obviously my favourite part of the world. It is where I am from. It is a dynamic, wonderful multicultural community, but it is also a growing community, and it is a community that as it grows, as growing communities invariably do, has challenges. That is why I am so excited to be part of a Labor team but also more importantly in this place to be able to advocate for that community and fight for the services and the infrastructure that places such as the south-east, such as suburbs like Clyde North, need as they grow, build and develop.

It is wonderful to see across a range of portfolio areas improvements and investments in areas such as Clyde North – look at the Topirum Primary School, which just opened earlier this year, I think the third new primary school to have opened in Clyde North in just the past few years. Recently as well with Mr Tarlamis I got to visit the onsite kindergarten being built at that same primary school, which is a terrific initiative of this government. By co-locating kinders at primary schools where there is space to do so, we are eliminating double drop-off but also providing that really encouraging educational experience for our kids in early childhood education, as they can see their bigger siblings or their other peers in the playground next door and look forward to primary school and feel a little bit more comfortable and safe as they do so. Whether it is the hospitals, whether it is the roads, a range of investments are taking place.

Today, though, I would like to speak about a topic that is very close to my heart, and that is bus services. I referred to buses in my inaugural speech in this place. Indeed it was buses that first inspired me to come into the political process here – advocating for a route when I was a teenager. The provision of bus services to communities, as I have seen from firsthand experience, can have such a profound impact on all people but especially on young people or those people who might not otherwise have those opportunities to travel to the local jobs, to the local schools, to the services or even social opportunities that they may have or desire.

That is why I particularly welcomed the news just in the last week that through the Growth Areas Infrastructure Contribution Fund there is an absolute raft of new services being proposed in the south-east, which is going to make a huge difference to people in Clyde North, to people in Berwick and to people in Officer as well. We are going to see the extension of route 831 from Berwick down to Clyde North through the new Bells Road. We are going to see an extension of route 798 from Cranbourne through to Clyde North as well. And the really great thing about that is that they are two different routes. The 831 will be a north–south route; the 798 will be an east–west route. It is really important that as we grow these suburbs the connectivity is not just a single point of entry. By having better quality services to different directions, we can actually get that genuine network effect out of our suburban public transport, and it is a really, really encouraging thing to see. We know of course that the majority of Melburnians – indeed the majority of Victorians – do not live within walking distance

of a railway station or a tram stop, and that is why buses are such an important part of our transport mix and they always will be. For suburbs such as Clyde North or Berwick or Officer, which will also benefit from the extension of routes 925 and 928, these are going to be transformational improvements.

It has been a privilege to work on campaigning for these services alongside my colleagues in the lower house the member for Pakenham and the member for Bass, and I would like to acknowledge both the current Minister for Public and Active Transport Minister Williams and also her predecessor Minister Carroll, who was good enough to give us plenty of time for discussion of these and similar proposals. I would also like to acknowledge the advocacy of the City of Casey and in particular the Shire of Cardinia, who have for several years been campaigning for better buses as perhaps their most important priority from a state perspective. In particular I acknowledge the hard work of current mayor Cr Jack Kowarzik and also last year's mayor Cr Tammy Radford, who were instrumental in driving forward that push from the council perspective.

The service upgrades that were announced affect a wide range of our growth areas right across the city, but for our area, the best part of the world in the south-east of Melbourne, it is terrific to see these service improvements coming through and the absolute difference that they will make for communities like mine, which I am privileged to represent.

### **Department of Treasury and Finance**

#### *Budget papers 2023–24*

**Melina BATH** (Eastern Victoria) (16:44): My statement on reports relates to budget paper 3 of last year's – currently this year's – budget papers, and it goes to this:

The Department delivers effective management and governance of Victoria's public land to protect its social, economic and environmental values and maximises its use by all Victorians.

Now, if you believe that, you believe that the tooth fairy actually comes down and does her job. It is absolutely disgraceful what this government is doing to our public land. Neglect is not a form of conservation. What we know from the department's own report is that over 60 per cent of the employees of the Department of Energy, Environment and Climate Action actually work in metropolitan Melbourne. That is not the way you care for and actively manage our rural and regional spaces and public land. We know that there is a groundswell of people who are entirely frustrated with this government's lip-service approach to consultation.

Last night in Drouin there was a meeting, and it was held by the Great Outdoors Taskforce's 'eminent panel'. There were over 250 people squashed into the Drouin Tennis Club, and at one point there were that many people who wanted to say what their opinion was that my friend Bill Schulz said to Karen Cain – who is a very nice human being; I know Karen Cain. She is the former president of the South Gippsland Labor Party. She is also a former history teacher – I do not believe she knows a great deal about forest science, ecology and the like. She stood on a table in that meeting and was trying to assess what people's feelings were. Bill said, 'Can I have everyone's attention. What do you want? Do you all want any more national parks and reserves?' And there was a clear no – no further restrictions on access to our state forests.

This 'consultold' version of government holds these panels – it is even open now – and holds these various applications where community can come in and have their say, but their views are overwhelmingly disregarded. If I go back a step to the Victorian Environmental Assessment Council's central west investigation, where there were submissions put in to the assessment, over 60 per cent of those submissions said no to locking up camping, no to excluding horseriding, no to stopping dogs and people from walking through. They called for the continuation of prospecting and fossicking, four-wheel drive access, trail bike riding, rallies and the like, and also the continuation of hunting in permitted state forests and public land spaces. What happened, though, is VEAC went to government, and between them all they have come out with 'We must create more parks.'

You have to look after the national parks and reserves that exist. I know that there are fantastic people that work in our national parks who absolutely care and want to see the maintenance and improved diversity values, but they are being hamstrung by insufficient resources and a lack of political will. What we do not want to see is more lock-up. We also understand that it is very important for people's mental health to be able to get out into our public spaces, into our state forests, and share those experiences that I have just outlined. This government is going to do a disservice to our public land and our people if it listens to these so-called eminent panels who so supposedly actually listen to community. I am very concerned, as are many people who attended that Drouin meeting the other night, that this is a foregone conclusion. I call on the government to take stock and to take sense. The CSIRO report a few years ago said some of the biggest threats to our public land were bushfires – that is no shock to anyone who lives in the country – pests and weeds. This government needs to take stock and stop any thought of locking up more national parks.

### Ombudsman

#### *Investigation into Healthcare Provisions for Aboriginal People in Victorian Prisons*

**Sarah MANSFIELD** (Western Victoria) (16:49): I rise today to speak on one of the last reports tabled by Victoria's outgoing Ombudsman, Deborah Glass, which was an investigation into healthcare provision for Aboriginal people in Victorian prisons. It was her 10th report on prisons. During her tenure she averaged one investigation into the carceral system every year. Among a number of findings, observations by healthcare providers and advocates and recommendations for action, the Ombudsman declared that only providing mainstream health services to incarcerated First Nations communities is 'improperly discriminatory'.

This government's own policies acknowledge that First Nations people have better health outcomes when they are afforded culturally safe health care by Aboriginal-controlled health organisations. The evidence of this has been out there for a long time. After a series of truth-telling hearings in 2023, Yoorrook's report into Victoria's child protection and criminal justice systems told of evidence from Aboriginal people in prisons who had experienced significant delays in being able to see a doctor, a dentist or a mental health practitioner and had been denied medical care and medication. We know all too well the consequences of not providing adequate health care to First Nations people in prison – the shamefully high number of Aboriginal deaths in custody in this state.

In the investigation into Veronica Nelson's passing, the coroner found that had the Royal Commission into Aboriginal Deaths in Custody's recommendations been successfully implemented by the government, Veronica would likely not have died. As the Victorian Aboriginal Legal Service noted:

... Veronica's death was preventable ...

She could have been saved by one of the people in charge who she asked to help her. She needed to go to hospital and could have been saved by something as simple as an intravenous drip.

The coroner recommended that prison health care should be equivalent to that available outside of prison and, fundamentally, that Aboriginal people should have access to culturally appropriate health care. Once again, we have the same recommendations to government in the form of the Ombudsman's report. All of these recommendations received the following response from the Department of Justice and Community Safety: accepted in principle, noting that implementation would be reliant on funding.

I am not sure how many more recommendations of this kind need to be made. How many more times will the government support these pleas in principle only to say, 'Sorry, we don't have enough money'? In the words of Deborah Glass:

Government commitments to self-determination, consultation and evidence-based health policy appear to stop at the prison gates.

The government needs to work with First Nations communities and their Aboriginal-controlled health organisations to seriously overhaul this system. The time for accepting recommendations ‘in principle’ is over. The time for direct action, backed by funding, is now.

### *Petitions*

#### **Sydney Road tram stops**

**Samantha RATNAM** (Northern Metropolitan) (16:53): I move:

That the petition be taken into consideration.

I am so pleased to speak in support of this community-led petition for the government to act on its legal obligation to make all tram stops on Sydney Road fully accessible. I thank the thousands of people who signed this petition in solidarity with the many people in our community who are excluded from our so-called public transport system because of this government’s failure to meet the accessibility needs of all its citizens. There are currently no accessible tram stops on Sydney Road for 5.5 kilometres, stretching from Brunswick Road in Brunswick East all the way to Bakers Road in Coburg North. For passengers with accessibility requirements, like people with a disability, parents with prams, elderly people or anyone with temporary and permanent mobility restrictions, or even with a heavy suitcase, if you live or travel anywhere along this long stretch of road, right now you are being left behind.

Christian Astourian, one of the leaders of this petition, is here with us today. May I also point out that the accessibility provisions in this place – in this Parliament – are far from ideal. I am very glad he could join us, and I thank him so much for his work over many, many years. In Christian’s own words:

I’m sick of living in a jungle in my everyday life where accessibility is very limited and I’m no Tarzan.

Once, a tram driver missed the last accessible stop on Brunswick Road and Christian had to rely on the kindness and muscle of other riders to manually lift him down to the street. Where is the dignity? Where is our government’s commitment to providing essential public services for everyone in the community? We are proud to support Christian and thousands of others in our community who have spent decades calling on the state government to finally do their job and build accessible tram stops on Sydney Road.

On that point I would also like to acknowledge the incredible work of so many elected representatives and local advocates including Tim Read, Sue Bolton, Monica Harte, Mark Riley and our local council along with community advocates Shelley and Sibylla and so many more who have joined in this effort. Under the Disability Discrimination Act 1992 all tram stops in Victoria were required to be fully accessible by the end of 2022. The state government has had decades to do it, but Victorian Labor blew right past the deadline without so much as an acknowledgement much less an apology to the many people who are hurt by this failure. The Victorian Auditor-General strongly criticised the government in their *Accessibility of Tram Services* report in October 2020 and made 10 recommendations to help the government meet its legal not to mention moral obligations, yet here we are in 2024 and through its inaction this government continues to exclude people from being able to get where they need to go.

And it will only get worse during the construction of the skyrail along the Upfield train line if and when that ever happens. Just before the 2022 election Labor promised to remove eight level crossings and complete a skyrail in Brunswick by 2027. However, we are hearing that this project may be significantly delayed or stalled. Whether or not it is true, now is the time to make all tram stops on Sydney Road fully accessible, fulfilling the state’s overdue obligations to the federal government but, more importantly, to its own community. If we do not do this now, then once the Upfield train line is closed for construction there will be no accessible public transport along the Upfield corridor for many, many months. We know from past Upfield closures that this disruption can more than double the travel time for people with mobility requirements and make it even more difficult for them to get where they need to go, and we must not waste taxpayers money with temporary accessible tram stops that will

just be ripped out once construction is over, as was flagged during the Public Accounts and Estimates Committee hearings last November. The state government is already overdue on its legislated requirement to put in permanent accessible stops, so let us just get it done. The best time to make all tram stops permanently accessible in Victoria was two years ago as required by federal law. The second-best time is now.

Accessible tram stops cost just a tiny fraction of the cost of level crossing removals, and just this morning the government's own inquiry into road safety tabled a report recommending that we prioritise the delivery of accessible tram stops to improve accessibility, calm traffic and reduce the risk of pedestrians being hit by a car while getting on or off a tram. Accessible tram stops benefit everyone, so what are we waiting for? I commend this petition, thank the community for bringing this issue to the attention of the house and all the incredible advocacy. We are right with you. We will not give up until this community is accessible to all.

**Evan MULHOLLAND** (Northern Metropolitan) (16:58): I rise to speak on the petition regarding accessible tram stops on Sydney Road. I want to start by thanking all involved in the campaign and those who signed the petition. From the outset of my contribution I want to make it clear that I am very, very supportive of accessible tram stops, especially on Sydney Road. Ensuring the accessibility of public transport users, regardless of their accessibility needs, where reasonably practicable is a fundamental component of a fair and inclusive society. We want everyone to be able to contribute to society as much as possible, and accessible transport, including public transport, is a really critical proposition which I wholeheartedly support.

In my electorate on countless occasions I have received calls to my office or inquiries about there not being an accessible tram stop on Sydney Road for a very large section of Sydney Road. It is just not good enough. We have heard that the state government has been recommended to and required by law to comply with having accessible tram stops, and that just has not happened, which is symbolic of this government and its contempt, I think, for public transport users not only in the outer suburbs but the inner city as well.

When we examine proposed solutions to this issue, I think they need to be viewed through a critical lens, and the Greens political party have advocated for separated bike lanes to also be included on Sydney Road and the removal of car parks on Sydney Road to make way for them. While I am supportive of accessible tram stops, I do not think that would be a reasonable approach to have separated bike lanes on Sydney Road when there is also a parallel bike path, the Upfield bike path, nearby.

Many do not have the luxury of jumping on a tram or using public transport, particularly if they come from the outer north, and separated bike lanes would severely diminish the opportunity for traders to do what they do, particularly recovering from the pandemic. There is a reason why there is a drive-through coffee shop on Sydney Road, multiple car washes and petrol stations, and that is because motorists use Sydney Road and our businesses need to be supported. Businesses like Jewels of Punjab, which I had the honour of opening, rely on customers being able to park on Sydney Road and enjoy it safely. Having spoken to many businesses on Sydney Road, I think they all agree wholeheartedly. Separated bike lanes would severely impact on local shops and people attending appointments, but the need for accessible tram stops themselves is clear.

We know that the Greens in local government – some are no longer Greens councillors; I hear there is a future former Greens councillor coming soon – have advocated for separated bike lanes. I encourage the member in her doorknocking around Pascoe Vale to actually listen to residents around Kent Road in Pascoe Vale about the impact the Greens-led Merri-bek council has had on that community with the disturbance on Kent Road. Thousands of people contacted my office but also contacted Labor members – I know the Greens members were not ignored – about the impact of those separated bike lanes. They used money that was meant for COVID recovery to put in their own permanent bike lanes that did not make sense and severely disrupted that community.

This is an important position. I wish the Greens would listen. We hear news report after news report it seems lately of dysfunction there. They are losing councillors by the day. We need good local representatives in the area who actually listen to locals and their concerns. So rather than putting in separated bike lanes on Sydney Road and accessible tram stops, which will bring traffic to a stop, let us prioritise accessible tram stops on Sydney Road and give people the dignity they deserve on Sydney Road so they can hop on and hop off a tram wherever they like on Sydney Road. But let us not bring traffic to a halt and send businesses broke because of Greens ideology.

**Sheena WATT** (Northern Metropolitan) (17:03): It is a delight actually to follow two other members of the Northern Metropolitan Region in speaking about much beloved Sydney Road and to speak today to the petition before us tabled by Dr Ratnam around permanent accessible tram stops on Sydney Road. I will begin my remarks by saying that the Allan Labor government is committed to ensuring Victoria's public transport system is accessible to everybody.

Can I acknowledge that we do have some visitors here today. I particularly acknowledge Christian Astourian, who I had the pleasure of meeting earlier, I think it was last year, with the member for Pascoe Vale Anthony Cianflone from the other place to discuss this campaign. I know that the members of this community campaign have been very active over the last little while on this, even so much as to have an action in support of accessible tram stops about 50 metres away from my electorate office. So this is one that I have been well familiar with for a long, long time.

I thank Dr Ratnam for bringing this before us so that I can put some things on the record by saying truly that having talked to the member for Pascoe Vale and other members that support and love Sydney Road as much as we do, including the member to my left Mr Erdogan, I have got to say we have absolutely been prioritising investing in transport options that will enable all Victorians to travel safely and effectively. All accessible options need to be recognised, and they deserve to be met in our public transport options mix. There is a lot in our tram network, and the fact is that we are getting on with rolling out accessible tram stops. There is one not too far from my electorate office, as people know, on the corner of Sydney Road and Brunswick Road. It is incredibly popular with the community. I know that others do want more, and I appreciate that. That is why in the 2022–23 budget there was \$156 million in fact to deliver a range of works all around the state.

We are also investing in accessible tram stops in the city, including on La Trobe Street. I know that that is popular. There are now plans that are on track to deliver 12 level-access tram stops at six new locations by the end of this year. That includes places that are highly frequented by our community, including Docklands Stadium, Spencer Street and William, Elizabeth, Swanston and Exhibition streets on La Trobe. These will enable better connections between the new metro stations when they open, including State Library, opening in 2025.

Can I just say there has been a lot of love locally for the new generation G-class trams and the new tram maintenance facility opening up in Brunswick West. These G-class trams will replace what really are the high-floor trams, which are not fully accessible.

While there is talk about accessibility needs, can I just talk about the accessibility options available on our bus services right around the Northern Metropolitan Region. Those buses are low floor and are very accessible for people with accessibility needs, including wheelchair and other mobility device users. The inner north is incredibly well supported by our bus network, and I think that is worthy of being recognised in our contributions today. There is of course an Accessible Transport Advisory Committee, which has been available to test trams and to test other transport as we roll it out. So thank you to those members of the Accessible Transport Advisory Committee. That is made up of people with lived experience and expertise across the whole journey. Thank you to those folks with disability, chronic health conditions and other accessibility requirements – they make themselves available, and I am so grateful to them for their work.



Of course we have got rollouts of some new displays showing when the tram is coming, using some QR codes and whatnot for folks that are vision impaired or blind. Every single one of our 500 trams across the state will receive these new brightly coloured codes, called NaviLens, which will make them easier for folks who can read at long distance to use. Can I just say, we are thinking about the full spectrum of people with accessibility needs and are rolling out services as much as we can to make life easier on the Victorian public transport network.

**Katherine COPSEY** (Southern Metropolitan) (17:08): If we have got some time, I will take the chance to rise and speak on this very important petition and to thank Christian for all of the effort that has gone into collecting these signatures and over many years championing this issue, along with a lot of passionate supporters in his community. As the Victorian Greens transport spokesperson, this is very emblematic of an issue that is faced across the entire network. I know in my electorate of Southern Metropolitan I have also received queries from constituents with mobility needs around different tram stops as well and tram routes. We had some queries about the number 3 and the numbers 12 and 78, which are still overwhelmingly inaccessible and still operating with the high-floor trams, and constituents in my electorate as well are also worried about this issue.

Right across the network we are seeing that the government has failed to meet its legislative duty and also the need to make sure that everyone in our community has, as a matter of right, access to our public transport system. We know that the government's legislative obligation is overdue. I would like to acknowledge the updates that we have had from some of the government MPs on the progress that is being made, but clearly there is so much work to do. I think it is really wonderful to see that members of the community are continuing to stand up and continuing to demand what we know is actually the minimum standard so that everybody in our community who wants to get on our public transport and have access in the way that other citizens do has the ability to do so.

I was very pleased to receive in response to a constituency question – as I mentioned, I have raised this in the chamber before and got some updates from the government last year – the actual criteria that are used to determine where accessible transport options are introduced, because I think that is one of the things that is frustrating to people who are seeking to understand when their route might receive these upgrades. What are the actual criteria that are applied? Here we have got a clear community need and clear community demand, so why is it taking so long? At the time the then Minister for Public Transport, Ben Carroll, responded to my question, and the response said that:

The choice of route for new low-floor trams depends on multiple factors including demand on the route for these larger trams, alternative options for accessible transport, available stabling space in our tram depots and the impact on infrastructure.

It went on:

The introduction of the new trams will, over time, allow other low-floor accessible trams to be cascaded to other routes –

so once routes are upgraded, then the other low-floor trams can go to other routes –

spreading the benefits across the network ...

It concluded:

We know there is more to do and we will keep investing to deliver transport equity for Victorians.

That is very heartening to hear, but it was nearly a year ago. That was in July 2023. What we can see is that there is clearly demand and need and community support on the Sydney Road route for these accessibility upgrades to be completed.

I heard also in the contributions today government members referring to the availability of bus services that are accessible. That is all well and good, and that is a very good thing in and of itself. However, looking at this list of criteria that I received in response to my constituency question, I do hope that the

availability of those local buses does not mean that therefore the needs of the Sydney Road community are put down the list because they have access to an alternative bus route.

We know that there is a legislative requirement here under disability discrimination legislation that needs to be met. I think that it is wonderful that we have heard such positive sentiment from the government, and I certainly hope that when we get to the budget next week we will have some good news for people like Christian, who have been working so hard in their communities to bring about the change that is not only necessary but is actually due to them. Congratulations, Christian, on collecting such a wonderful show of support from your community for this very much needed infrastructure upgrade. I commend the petition to the house.

**Samantha RATNAM** (Northern Metropolitan) (17:13): I would like to thank all members for their contributions today. I think it is really important. We heard a few distractions in this debate, and I think that does a disservice to this community, who have been campaigning for well over a decade for the most basic of their rights – the right to be able to access our so-called public transport system. I think especially the members of this chamber who directly represent these constituents – for example, the members for Northern Metro – need to honour these community advocates, people with lived experience who battle with this inaccessible system every single day, which fundamentally impacts their lives, and take their concerns seriously without politicking, because it undermines the confidence that our community has in this place to take matters of their rights and accessibility seriously. These are issues that should be bipartisan. Without question they should hear all of us singing from the same songbook in support of their basic rights to accessibility and the right to move freely in their society. It is incumbent upon all of us to do everything that we can to ensure that everyone has access to equal rights, which is what this is about. A fundamental right is being denied to a large section of our community. We must do more.

The government cannot delay or provide any more excuses. Well over a decade of campaigning means that we must get on with making our community accessible for all. I commend this petition, and I thank the community who have been fighting for this. We will continue fighting for you, and we will continue to ask this government and demand from this government that they prioritise the basic rights of the community in every budget decision they make, especially over the coming weeks.

**Motion agreed to.**

*Questions without notice and ministers statements*

**Written responses**

**The PRESIDENT** (17:15): Before I call the minister, I was asked to look at *Hansard* at question time in relation to a question today – Ms Crozier’s supplementary to the Minister for Children. Having reviewed it, I will order a response from Minister Blandthorn, but given the time of day I will order the response will be due in two days rather than one. I will add, though, similar to another response today from a minister, that I will consider the level of detail asked of a minister with a 1-minute response. But in this case, within the confines of the standing orders, I will ask the minister if she does not mind doing a response for that.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:16): I would be happy to do that. It is publicly available information – I would also just ask if that can be considered when making future rulings in relation to such questions.

**The PRESIDENT**: I can consider that. I will put thought into, particularly when it is a supplementary question, the level of detail and if there are rulings from before by other Presidents on if it is reasonable to expect a minister to have that information in their heads or nearby on documents.

### *Adjournment*

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:16): I move:

That the house do now adjourn.

### **Local government accountability**

**Evan MULHOLLAND** (Northern Metropolitan) (17:16): (853) My adjournment is directed towards the Premier, actually, but I will seek your advice, President. But it is directed towards the Premier, and I am seeking the action of the Premier to inform my constituents as to when the government will hold to account councils which underperform and often act against the interests and wishes of the residents and ratepayers. I address this to the Premier as it covers several portfolios, including local government, environment and planning.

Local councils are the third tier of government in our system and are the one that we encounter most in our everyday lives. Councils deliver many services to the community, such as early childhood education and care, waste management, roads and caring for local car parks, amongst other things. Likewise, councils play an important role in our lawmaking process, as we do here in Parliament, and they develop laws and regulations in response to the issues and needs of the community. To make sure that we are not in breach of these, at times we need to apply for permits from our local councils and in some LGAs for basic things like parking on our own streets or cutting down a tree on our property. Failure to do so may attract severe fines from our council, yet it seems councils are above their own rules they set for themselves. Just last week Yarra City Council admitted to removing several trees along the Burnley Golf Course without applying for the necessary permit under the heritage overlay covering Yarra Boulevard, Richmond and Burnley Park. In their press release Yarra council acknowledged that they made an error and that they will apply for a retrospective permit promptly. On the other hand, if a resident was found to have done something similar without a permit, they would easily be threatened with fines in the thousands or prosecution in the courts.

A simple stroll through any local community Facebook page is perhaps enough to get an idea of the frustration people have with this particular council in the delivery of basic yet critical services, and we see this same council introducing a 30 per cent increase in their rate charge. They are flouting the government's rate cap by doing this, but it was indeed Jacinta Allan and other government members that prompted local governments to introduce this waste charge.

We have seen councils frustratingly rejecting development plans for arbitrary reasons. The planning committee has previously pointed out the fact that local government lack the necessary expertise and that property owners subject to heritage restrictions are left unfairly disadvantaged and not adequately supported by their own councils. This is an issue that requires multiple departments. Therefore I seek the action of the Premier to outline how government will support local government to better respond to the needs and concerns of local communities and what action will be taken to ensure that councils and residents are held to the same standard.

### **Housing**

**Samantha RATNAM** (Northern Metropolitan) (17:20): (854) My adjournment matter today is for the Minister for Housing, and my ask is that the government compensates Sergei Pavlov for the loss of his possessions, which Homes Victoria was responsible for, and for the pain and suffering the government has inflicted upon him. During the community's fight to save the Barak Beacon housing estate from privatisation, I met with Sergei. Sergei's mum Tatiana had lived at the Barak Beacon public housing estate in Port Melbourne for over 40 years. Due to a number of health conditions she was experiencing, Sergei moved in with her a number of years prior to provide the care she required.

Following that, Homes Victoria began pressuring residents to leave so that they could demolish their homes as part of the ground lease program that would see no public housing rebuilt at the site and the

majority of private dwellings being built on this public land. This program of privatisation by stealth led to the eventual eviction of Margaret Kelly as well.

Many residents had been living at Barak Beacon for decades. This was truly their home, and Tatiana was one of those people. Homes Victoria's solution to her situation was to offer her alternative housing that was completely inaccessible for her needs as a wheelchair user. Sergei told me at the time about being shown home after home by Homes Victoria, only for the agreements to fall through, the offer to be withdrawn and them to have to go back to the drawing board. He took unpaid time off as a contractor to do Homes Victoria's work for his mother's care.

Processes like these make it clear that little thought had been given to the wellbeing of public housing residents in the midst of the planned demolition of Melbourne's public housing estates. Tragically, Tatiana passed away during this ordeal, and I understand that while she had been in hospital, Homes Victoria believed they had found suitable accommodation for her. On the night that they were to attend the hospital to get her to sign the lease, she passed away. I believe it is fair to say that the mental and physical stress she endured from the pressure to leave her home and her treatment by Homes Victoria very likely contributed to her passing.

While he was processing the devastating passing of his mother, to add to his distress, Sergei was forced to leave Barak Beacon because Homes Victoria did not acknowledge Sergei as Tatiana's carer. With the intense pressure to leave, he was not able to take any of his possessions with him from his mum's unit. Sergei told me that to have the grief for one's parent while losing all of one's belongings accumulated over a lifetime and then not to be shown one ounce of compassion from Homes Victoria has been absolutely devastating and has only compounded the grief he was going through.

Sergei's story is emblematic of the callousness that this Labor government has demonstrated since it announced its plans to privatise and outsource public housing across Victoria. From the beginning there has been an abject lack of understanding and care shown for residents and their families, and if the government follows through with its plans to demolish the rest of the 44 public housing towers, I have no doubt we will be hearing more tragic stories like Sergei's. It is for this reason I ask the Minister for Housing to investigate this matter and compensate Sergei for the loss of his belongings and the pain and suffering caused by your government and Homes Victoria.

#### **Northern Victoria Region school bus services**

**Wendy LOVELL** (Northern Victoria) (17:23): (855) My adjournment matter is for the Minister for Public and Active Transport, and the action that I seek is for the minister to apply an exemption for Wodonga students to the criteria for establishing a new school bus service in rural and regional Victoria. At present the criteria for a new school bus demands that at least 15 eligible students live on or near the proposed route and that at least 11 of them are enrolled in a government school. The action I am requesting is an exemption from the requirement that a two-thirds majority of students are enrolled at state schools. This should be replaced with a general rule that if you have 15 students needing a school bus, then an additional service is provided.

The electorate officers outside of Melbourne are all too familiar with the perennial flood of emails and phone calls from anxious and frustrated parents each November, December and January. That anxiety is generally from parents of year 7 students, parents who are already nervous about their child's transition to senior schooling. The majority of students in rural and regional areas do not have the luxury of a tram, train or bus running on the quarter hour just around the corner from home, so it is particularly galling that the advice from the Department of Education is to catch public transport.

In addition, students enrolled at independent or Catholic schools are at the bottom of the priority order when allocating seats on existing bus services. I do not want to debate the merits of the schooling system, but I think it is important that independent and Catholic schools are recognised for the significant role that they play in education across the state, and the current priority order for school bus seats and criteria for additional buses fail to recognise that role. These failings are most acute in

country Victoria, where public transport is limited and sometimes non-existent. Wodonga is a prime example, where substantial growth, a lack of investment in public transport and this prohibitive policy create the perfect storm. At the start of the 2024 year Catholic College Wodonga had 59 eligible students without an allocated seat on a bus. The majority of them were from the growth corridor that includes Baranduda but generally also Yackandandah, Osbornes Flat, Huon Creek, Killara and Tallangatta. One parent from Tallangatta was driving the 86-kilometre round trip twice a day, dropping off and picking up their daughter. The college had to buy a bus as an emergency measure due to lack of capacity and the limitations of the existing criteria for new services. They still could not fit everyone on board.

I am aware that the member for Benambra has written to the minister with a temporary solution for that, but this is a statewide issue. It is also frustrating that school bus issues are handballed between the Minister for Education and the minister for public transport.

### Women's Asian Cup

**Rachel PAYNE** (South-Eastern Metropolitan) (17:26): (856) My adjournment matter is for the Minister for Tourism, Sport and Major Events, Minister Dimopoulos. In August last year I stood in this place and reflected on the Matildas fever that was sweeping Australia. Since this time the tidal wave of love for our national women's soccer team has only grown. The Matildas recently sealed their Olympic Games qualification in Melbourne in a thrilling match against Uzbekistan. The 50,000 tickets for this event were all snapped up within 24 hours, the 12th consecutive home match that the Matildas have sold out. In the minister's response to the last time I mentioned the Matildas in this place, they noted the Victorian government's flagship investment, the new Home of the Matildas at Latrobe University Sports Park in Bundoora. This is a \$52.79 million investment designed to transform women's football in Victoria, helping to grow future female football superstars.

Publicly the minister has spoken about the importance of bringing the Matildas to Melbourne so the team can contribute to and inspire young players, delight fans and bring thousands of visitors to our city, so you can imagine how perplexed I was when the news broke that Victoria did not bid to host any Matildas matches for the 2026 Women's Asian Cup. Apparently we were all booked up and there was no room for negotiations with any of the potential scheduling conflicts.

Supporting the Matildas does not mean just showing up when there is a great photo opportunity. What a lost opportunity for fans, the next generation of players, our state's economy and Matildas-specific infrastructure that this government spent tens of millions of dollars building. The action I seek is that the minister reconsider their decision not to bid for the 2026 Women's Asian Cup, or if not possible, commit to properly advocating for Victoria to host future Matildas games.

### Colac Area Health

**Georgie CROZIER** (Southern Metropolitan) (17:28): (857) My adjournment matter is for the attention of the Minister for Health, and it is in relation to the fake patient scandal at Colac health. Colac health has been in the news for the wrong reasons around this scandal, but I think there needs to be some transparency around what has actually gone on. As we know, there are many fantastic clinicians, doctors, nurses, physios, pharmacists – everyone who supports that health service in that community. We saw what they did through COVID; they were magnificent.

There is an issue around this, and I do understand that there are some people that have been implicated in it. I do understand that this afternoon Colac health itself is ordering that counselling be undertaken, but it is also my understanding that the department knew about this incident back in September – so they sat on it since September and did nothing about what had gone on. To say that no-one knew about this up until this year is completely wrong.

Quite rightly, an investigation has taken place, but what is not right is that the report has not been made public. If there are people's names in there, redact them, but in the interests of the community of Colac

and in the interests of the community of Victoria I think we need greater transparency. The action I seek is for the minister to release the report. The Colac community deserve nothing less, and the Victorian community deserve nothing less.

### Gender services

**Bev McARTHUR** (Western Victoria) (17:30): (858) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to encourage all Victorian health services to acknowledge that sex is a biological fact. ‘Sex is biological fact, NHS declares’ – the headline of yesterday’s UK *Daily Telegraph* was a landmark shift. In changes to the UK’s National Health Service constitution women will regain the right to choose female-only wards and to request a doctor of their sex for intimate care. These changes will protect biological women for the first time. This is a historic victory for women, sex-based rights and common sense.

We have been fighting a global cultural war for many years. Health services have been captured by left-wing zealots and gender ideologues who refuse to acknowledge the scientific fact we are born either male or female. In some places this has included desexing language to avoid offence – contorting language, to be honest. The word ‘women’ has been scrubbed from female-only conditions like ovarian cancer and even menopause, and terms like ‘chest feeding’ and ‘birthing person’ have been adopted.

More insidious has been the change in hospital procedures, where trans-identified patients have been able to insist on treatment in single-sex wards of their choice. This goes to the heart of what I have always said in this debate: I am happy for individuals to dress, to act, to say whatever they want, up until the point it impacts upon the rights of others, and it is the right of women to be treated in a single-sex environment, as it is their right to play women-only sport or to find safety in women-only refuges and prisons – and I am pleased the minister is in the chamber at the moment.

It impinges upon the rights of others for trans-identified patients to insist on treatment in single-sex hospital wards where others do not share their sex, and it impinges upon the rights of others to insist they deny biological reality by using language and affirming statements with which they fundamentally disagree. That is not to say we should not be polite if we wish, but we cannot be forced to deny scientific reality just to placate the feelings of others. So I welcome this change – this progressive change. Let us reclaim the language too while we are about it. Progress cannot mean blindly charging forward and ignoring the cost and consequences. If we get it wrong, it is more progressive to admit it. So we must now acknowledge – re-acknowledge – that sex is a biological fact. Minister, going back is the progressive way forward.

### Foster carers

**Gaëlle BROAD** (Northern Victoria) (17:33): (859) My adjournment matter is to the Minister for Children to address the imbalances in Victoria’s foster care system. Recently I met Carol, a devoted foster carer for many years. She is struggling in a system that makes it difficult to provide care. Victoria’s care allowance is inadequate. It does not cover the costs of care, especially therapeutic supports to aid healing and recovery from abuse and neglect. There are major structural problems in the foster care system, and Carol is not alone in her concerns.

The Foster Care Association of Victoria is the peak body for foster carers and has consistently raised these issues with the department. They have set up a care allowance petition, which has over 2300 submissions and widespread support. The allowance of Victoria is out of step with the costs of raising a child with significant needs due to their trauma backgrounds and has failed to keep pace with rising living costs. The level 1 Victorian care allowance is the lowest of any state or territory in Australia, and volunteer carers are being left to meet the shortfall, further disadvantaging young people who need our support.

The Department of Families, Fairness and Housing commissioned research on the adequacy and structure of the care allowance in 2022, but that information has been kept cabinet in confidence and is not publicly available despite numerous requests. It showed that there are reported shortfalls in the current allocation for carer allowances. There are willing carers out there who just cannot afford to take on this role, and vulnerable children are paying the price. As carers leave the system in droves, children are at risk of ending up in crisis accommodation or residential care, which is significantly more expensive than having children in home-based foster care.

Carol shared some of the challenges of Victoria's foster care system. In regional areas, carers need to drive longer distances to take children to appointments, kinder, schools and sport and spend time with their biological family, and the allowance does not cover these costs. There is no provision for children who return home and then come back into care to go back to the same carer. Carers often do not have the opportunity to say goodbye or check up on children that have been in their care. Foster children could be given a full-time school aide to address poor education outcomes, evidenced in the recent *Let Us Learn* report. Court orders appear to value the parents' rights to see their child over the child's education and emotional health and the trauma it causes the child. Court cases can also be repeatedly adjourned, leaving children with no answers and no future. Foster carers find it very hard to get respite.

The Victorian government must prioritise the needs of our vulnerable children, provide better financial support and service delivery and stop relying on the goodwill of volunteer carers to subsidise state care. Our foster carers should be supported, not punished, for the incredible work they do.

### Youth crime

**Trung LUU** (Western Metropolitan) (17:36): (860) My matter is for the Minister for Police. I rise to speak on the continuing surge of youth violence and gang activity across Melbourne's western suburbs. There was the recent apprehension of 50 gang members and repeat offenders during a school holiday blitz. Youths were arrested for affray with machetes, knives and axes during the daylight attack in the Melton shopping centre and just overnight a 16-year-old boy was arrested for stabbing a man in St Albans. I emphasise the urgent need for action to address these escalating issues. The action I seek is for the Minister for Police to allocate the necessary resources to Victoria Police, especially in the north-western region, for them to effectively patrol, monitor and prevent the escalation of such crimes.

In just four days law enforcement officers apprehended 20 children aged from 10 to 17 and adults as young as 18 and older. The activity of the offenders included a home invasion in Braybrook, where armed offenders terrorised residents, smashed a window and gained access to the house with knives and machetes. There is evidence that criminal elements pose significant threats to the safety and wellbeing of our communities. These gangs have a blatant disregard for law and order.

It is believed that there are over 600 youth in gangs at the moment, and over 43 known gangs are actively monitored by Victoria Police, which shows the scale of the challenge we face. A priority of additional resource allocation is to man stations, increase surveillance capacities, enhance investigational priorities, disrupt criminal activities and dismantle gang networks operating in our neighbourhoods. We must take concrete steps to address the root causes of youth gang involvements and implement effective strategies to prevent further escalation of violence in our communities. These resources will also enable Victoria Police to invest in community policing initiatives, youth outreach programs and social support services for youth, which are crucial in addressing the roots of youth gang involvement, preventing at-risk individuals and turning their lives away from crime. I urge the minister to allocate the necessary funds to Victoria Police, especially in the north-western region.

### Suburban Rail Loop

**Richard WELCH** (North-Eastern Metropolitan) (17:38): (861) My adjournment is to the Minister for the Suburban Rail Loop. The Suburban Rail Loop Authority has proposed the imposition of 40-storey towers in the heart of neighbourhoods in Glen Waverley, Box Hill and Burwood. This is not just a plan for infrastructure development, it is a clear case of prioritising concrete over community

and developer profits over people's preferences. The decision to build these towers is quite transparently a rearguard action to address the staggering \$21 billion funding shortfall of the SRL project. Labor has already cancelled the airport rail link, hoping to scrounge enough money to cover the unfunded vanity project that is the SRL. Meanwhile, Labor's federal colleagues have left them high and dry without funding their share.

Let us look at the scale of these development towers – towers that will cast long shadows over residents' homes – because this is not merely an aesthetic issue, this is a significant quality-of-life concern. These structures are set to become barriers that block sunlight from our parks and playgrounds, increase traffic and pollution, strain our existing infrastructure and create wind tunnels throughout the area.

The process that led to these plans has been equally concerning, because of the more than 150,000 living in the affected areas, less than 2.5 per cent were even consulted. Their legitimate concerns have been brushed aside in a rush to build, build, build. This tells a story of ignored voices and sidelined concerns. It is utterly unacceptable for a government to attempt to backfill budget gaps by compromising the character of our neighbourhoods and the desires of its citizens and residents. This plan as it stands is a blueprint for discontent, designed without due diligence or genuine engagement. How can we stand by and potentially give our children a worse childhood than the ones we were fortunate enough to enjoy? I am demanding accountability. Yes, we need some increase in density, but that cannot be the entire solution and not in just a couple of suburbs. We are not offering choice, we are mandating towers, we are mandating that children grow up in flats.

But it does not have to be this way. It is a choice made by a central government program with no local mandate whatsoever. We need urban development that enriches our community, not overruns it. We must insist on a process that respects the voices of our communities. The action I seek is clear: why at the last election did Labor hide the fact that its SRL would bring 40-storey tower blocks, and will the minister overturn his decision to impose these blocks on our local community and return to proper consultation with the community before any high-rise building is approved?

### Responses

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:41): There were nine matters raised today: Mr Mulholland to the Premier or other relevant minister, Dr Ratnam to the Minister for Housing, Ms Lovell to the Minister for Public and Active Transport, Ms Payne to the Minister for Sport, Ms Crozier to the Minister for Health, Mrs McArthur to the Minister for Health, Mrs Broad to the Minister for Children, Mr Luu to the Minister for Police and Mr Welch to the Minister for the Suburban Rail Loop. I will make sure that all those matters are passed on for an appropriate response.

**The PRESIDENT:** The house stands adjourned, and I will remind people there is a joint sitting at 6 pm if they wish to attend.

**House adjourned 5:42 pm.**



*Joint sitting of Parliament***Senate vacancy****Members of both houses met in Assembly chamber at 6:02 pm.**

**The CHAIR (Maree Edwards):** Before we proceed, I remind everyone, including visitors in the gallery, that photos are not allowed. I now invite proposals from members for the appointment of a person to hold the vacant place in the Senate. I call the Deputy Premier.

**Ben CARROLL** (Niddrie – Minister for Education, Minister for Medical Research): I propose:

That Stephanie Hodgins-May hold the place in the Senate rendered vacant by the resignation of Senator Janet Rice.

She is willing to accept the nomination. In order to satisfy the joint sitting as to the requirements of section 15 of the Commonwealth constitution, I also advise that the Speaker has advice from the state director of the Australian Greens Victoria that Stephanie Hodgins-May is the selection of the Australian Greens Victoria, the party previously represented in the Senate by Senator Janet Rice.

**The CHAIR:** Who seconds the proposal?

**John PESUTTO** (Hawthorn – Leader of the Opposition): I second the proposal.

**The CHAIR:** Are there any further proposals?

As only one person has been proposed, I declare that Stephanie Hodgins-May has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Janet Rice.

I now declare the joint sitting closed.

**Proceedings terminated 6:03 pm.**