



# **Hansard**

## **LEGISLATIVE COUNCIL**

### **60th Parliament**

**Wednesday 6 March 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 6 March 2024**

**The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.**

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

Inquiries Act 2014 – Report of the Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools (*Ordered to be published*).

Ombudsman – Investigation into healthcare provision for Aboriginal people in Victorian prisons, March 2024 (*Ordered to be published*).

*Production of documents***Melbourne medically supervised injecting facility**

**The Clerk:** I table a letter from the Attorney-General dated 6 March 2024 in response to the resolution of the Council on 21 February 2024 on the motion of Mr Ettershank relating to the medically supervised injecting room in Melbourne's CBD. The government makes a claim of executive privilege at this time in respect of the report identified in paragraph (a) of the resolution. The letter further states that the date for the production of the documents identified in paragraph (b) does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

*Business of the house***Notices****Notice of motion given.**

**David Davis:** On a point of order, President, I stand to be corrected, but as I heard the letter that was read out by the Clerk, there was no explanation as to the reason that executive privilege has been claimed – no greater explanation – and the minister, the Leader of the Government, may wish to explain to the chamber why executive privilege is being claimed.

**The PRESIDENT:** There is no onus on the minister to provide an explanation.

*Motions***Middle East conflict**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:38): I move, by leave:

That this house:

- (1) notes that since the Council's resolution on 17 October 2023, which stated that this house 'stands with Israel', over 30,000 Palestinians in Gaza have been killed at the hands of Israeli defence forces;
- (2) further notes that there are growing reports of mass starvation and that Gaza is on the verge of famine due to food aid being denied; and
- (3) does not support the state of Israel's continued invasion of Gaza.

**Leave refused.***Members statements***Nuclear energy**

**Tom McINTOSH** (Eastern Victoria) (09:39): When you talk to Victorians, they do not want nuclear reactors near their homes, but bizarrely the Liberal Party want to deploy small modular nuclear

reactors right across Victoria. They have not discussed this with the Victorian people; they have just come out and announced that the first towns they want nuclear reactors in are Anglesea and Morwell. The Liberals ignore the fact that in Victoria we are already generating 40 per cent of our electricity from renewables and that we are well on track to deliver our plan to have 95 per cent of our electricity come from renewables in just 11 years. They ignore the fact that nuclear energy is the most expensive form of energy on the market and that we would have to pay to deal with the nuclear waste for tens of thousands of years. They want to build the reactors anyway. The thing about small modular nuclear reactors is you need lots of them, so which towns and suburbs are next? Last week the Liberals would not even rule out building one by the bay, surrounded by over a million people in Frankston. So, Victorians, before the Liberals pick your community for a nuclear reactor, let them know your home is off limits.

#### **Country Fire Authority Fish Creek and District brigade**

**Melina BATH** (Eastern Victoria) (09:40): Last week I had the absolute privilege of going back to my home town and celebrating 90 years of collective service between three individuals in the CFA fire brigade. We had Ian Vernon, 10 years serving his community; Neil Hamilton, 50 years in his role as a volunteer firefighter; and Neil's darling wife Jan, 30 years. Neil started at the Fish Creek fire brigade in 1967, and having filled most positions over the years, he was captain for 18 years. He was involved in the South Gippsland fire brigades group for over 40 years and filled most positions. He is involved in road accident rescue, high-angle rescue and search and rescue, and he has attended and participated in most of the major fires on the east coast of Australia since 1970. He is a fantastic ambassador, as is his wife Jan, who has been manning the comms throughout the South Gippsland community in terms of firefighting. We thank them for their service. We thank all volunteers – CFA, SES and our first responders. These are the people that rush towards danger to save our lives and to save property. Neil is such a character and a well-loved person in Fish Creek and environs, and his reputation extends right across Gippsland. I want to thank Ray Poletti, the president, for inviting me to celebrate on such a wonderful occasion.

#### **Land tax**

**David LIMBRICK** (South-Eastern Metropolitan) (09:42): My office has been contacted by several people who recently received the bill shock of their life. Without any explanation, land tax bills that were typically \$20,000 or \$30,000 last year are now more than \$100,000. Last week I visited Dandenong at the invitation of the South East Melbourne Manufacturers Alliance and heard from a number of people who are wondering whether Victoria is a place where you can make anything anymore. We heard that 74 per cent will need to increase their prices to pay massive land tax bills and more than 30 per cent will need to lay off staff. Many of these manufacturers make materials for houses and government projects. No wonder the cost of everything is going up. Forget about supermarkets; it is time for governments to end tax gouging.

#### **Noble Park community fun day**

**Lee TARLAMIS** (South-Eastern Metropolitan) (09:42): Noble Park is an amazing place and one dear to my heart. What makes it so amazing is the people that call it home, as well as those who have been touched by Noble Park in some way throughout their life. That is why it was such a pleasure to attend the Noble Park community fun day on the weekend to celebrate all things that make Noble Park so special, including its diversity, its vibrancy and its strong community spirit. Now in its third year, this annual community event plays an important role in bringing communities together to celebrate what unites us and in helping our community to thrive. It was exciting to see so many people of all ages from many different backgrounds, with families and kids, coming together to celebrate our community. The Victorian government continues to support this event through a \$40,000 investment through the Noble Park Revitalisation Board, of which I am the chair.

Events like these come to life as the result of partnerships. I would like to acknowledge the City of Greater Dandenong for their financial contribution towards this event and the young people who



worked with them to organise it. This is a day of entertainment for the whole family, with live music and cultural performances, various workshops, sports and arts activities, and much more. It celebrates our local identity and supports local traders, businesses and organisations. Its success is a testament to the vision and passion of the organisers. A big congrats to the youth advisory group FReeZA, council and the Noble Park suburban revitalisation board.

Noble Park has been going through an exciting transformation, with many new buildings, facilities, murals, open spaces and activities, and while this is exciting, Noble Park's biggest strength has been and always will be its people and the diversity of our community. I remain committed to working with the community to ensure it continues to grow, flourish and be the best that it can be.

### Climate change

**Sarah MANSFIELD** (Western Victoria) (09:44): Recent extreme weather events that have ravaged communities in my electorate of Western Victoria have once again brought home how dire the state of our climate is. We are now experiencing what has been predicted for decades while governments have buried their heads in the sand and failed to act. We know worse is to come, and it can feel totally overwhelming, and yet everywhere you look there are reasons for hope. Last week I joined a forum hosted by Women in Local Democracy featuring an extraordinary panel of women who are leading the way on climate action in the Greater Geelong and Surf Coast communities. All of them described turning their sense of overwhelm into motivation to drive collective action. All summer across the coast of Western Victoria, communities have been joining Gunditjmara traditional owners to oppose seismic blasting to explore for oil and gas in the beautiful southern sea country.

This morning many of the groups leading the fight rallied on the steps of Parliament complete with their dead-whale sculpture Klarite. And members of the Lara community, who have united thousands of their fellow residents in a fight against the construction of a massive polluting waste incinerator in their backyards, will be bringing their fight to Parliament this afternoon. To quote Bob Brown:

We're up against it at the moment, but history is full of episodes where people stood against a tide that was wrong and changed it.

### Sydney Road Street Party

**Sheena WATT** (Northern Metropolitan) (09:45): Sydney Road is the backbone of Northern Metro. This 24-kilometre stretch of culture and community shut down at the south end over the weekend to hold the Sydney Road street festival, one of the biggest celebrations in the area and a cracker start to the Brunswick Music Festival. The food, the fun and the friendly atmosphere made the day one to remember, with all the stallholders coming together to create a perfect Sydney Road symphony. I was even joined by my colleague from the other place Anthony Cianflone, who was more than busy talking to families who had come down Sydney Road to join the party. We got a chance to talk to locals about Labor's housing statement and answer many questions about solar panels on apartments – a very important initiative indeed.

Can I just give a big shout-out to all the First Nations makers markets, filled with so many beautiful black-owned businesses, providing the festival with a good hit of Indigenous culture and crafts. I hope everyone enjoyed the tunes and will take full advantage of the rest of the Brunswick Music Festival. Can I just say it is not too late to pick up tickets to this stellar program.

### Cannabis law reform

**David ETTERSANK** (Western Metropolitan) (09:46): Last week Germany, the largest economy in Europe and the third-largest economy in the world, became the latest jurisdiction to legalise cannabis for adult recreational purposes. Germany's stated goal in passing the law is to allow people to grow and possess modest amounts of cannabis to improve public health outcomes, to crack down on the black market and to protect children and young people. The changes in Germany are very

similar to those passed in the ACT in 2020 and proposed by Legalise Cannabis Victoria in November last year.

Last week's Australian Institute of Health and Welfare national drug strategy household survey found that around 12 per cent – or 700,000 – of Victorians consumed cannabis in the past 12 months and that 80 per cent of adult Australians want adult use of cannabis decriminalised. Eighty per cent want decriminalisation. Think about that: that is 4.5 million adult Victorians wanting change. When will this reformist Labor government respond to community demand and, like Germany and the ACT, legislate for better health and legal outcomes?

### **Dunkley by-election**

**Michael GALEA** (South-Eastern Metropolitan) (09:48): I rise to congratulate the magnificent Jodie Belyea on her resounding victory in the Dunkley by-election over the weekend. I have had the privilege of getting to know and working with Jodie over the past year in her capacity as founder and leader of the Women's Spirit Project, a remarkable organisation which provides support to women in Frankston and the south-east by giving them the tools they need to rebuild their lives after experiencing personal trauma or even violence. Jodie's tenacity, professionalism and humanity were evident then as they are now. This is something clearly seen by the local community too, as Jodie secured the highest Labor primary vote in Dunkley in 31 years. After a long campaign I had the privilege of handing out material on Saturday alongside some colleagues from across the chamber in this place, including Dr Heath and Mr Limbrick. I also wish to acknowledge other candidates, including Liberal mayor Nathan Conroy. With the arm wrestle of the by-election now over, I am so looking forward to working with Jodie on the shared interests of our constituents in the Frankston region. I know she will make a fabulous MP. She is Frankston tough.

### **Bills**

#### **Offshore Petroleum and Greenhouse Gas Storage Amendment (No New Oil or Gas Activities) Bill 2022**

##### *Statement of compatibility*

**Samantha RATNAM** (Northern Metropolitan) (09:49): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the Charter), I make this statement of compatibility with respect to the Offshore Petroleum and Greenhouse Gas Storage Amendment (No New Oil or Gas Activities) Bill 2022 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with, promotes, and strengthens, the human rights protected by the Charter.

I base my opinion on the reasons outlined in this statement.

##### **Overview of bill**

The main purpose of the bill is to amend the *Offshore Petroleum and Greenhouse Gas Storage Act 2010* to prohibit the grant or renewal of new petroleum titles in Victoria's offshore area. Petroleum titles include a petroleum exploration permit, a petroleum retention lease, a petroleum production licence, an infrastructure licence, a pipeline licence, a petroleum special prospecting authority, and a petroleum access authority.

##### **Human rights issues**

In my opinion, the human rights protected by the Charter that are relevant to the bill are:

- The right to life (section 9)
- Property rights (section 20)

##### **The right to life (section 9)**

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Climate change poses a real and present threat to life in Victoria. Lives are already being tragically lost in climate-fuelled extreme weather events including fires, floods and heat waves. Without urgent action to

eliminate greenhouse gas pollution, Victoria faces catastrophic warming of up to 3–4 degrees celsius. These temperatures would cause extensive loss of life.

By banning new offshore oil and gas titles in Victoria, and therefore ending both direct emissions from new offshore projects as well future emissions from the burning of new oil and gas resources, the Bill promotes the right to life by limiting future catastrophic warming and its consequences.

**Property rights (section 20)**

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law.

By banning new offshore oil and gas, the bill promotes the right to property by reducing the impacts of increasing global temperatures and extreme weather events on property.

This Bill would directly ban energy companies from mining, transporting and burning new oil and gas reserves within Victoria's offshore areas, which constitutes a form of property. However, to the extent that the bill may cause a deprivation of property by banning these activities, I consider that any deprivation is permitted because it is expressly and clearly authorised by the Bill.

For these reasons I consider that the bill is compatible with the Charter.

*Second reading*

**Samantha RATNAM** (Northern Metropolitan) (09:49): I move:

That the bill be now read a second time.

Victoria is at a turning point in the fight against global warming.

While it may not have always felt like it, we've seen some radical changes here in this very chamber of what's possible at the political level.

Over the past decade, we've seen politicians of all stripes go from mocking urgent climate proposals to actively supporting or even implementing them, whether they be renewable energy targets, a just and funded transition away from coal, or bans on fossil gas in households.

We've seen this transition firsthand: the Greens were usually the ones being ignored or mocked, now we're seeing our policies being implemented.

But jump forward to 2024, and we applaud the Victorian Labor government for adopting many of these nation-leading ideas and more.

We have targets not just for total greenhouse gas emissions and renewable energy generation but for renewable storage and the projected offshore wind boom.

We have seen Labor adopt a policy to ban gas fracking – after initially supporting fracking, a strong community campaign then saw Labor even put the ban in the constitution, which just goes to show how quickly things can change.

We have a revived SEC to help invest in renewables and hopefully help Victoria move away from brown coal more quickly than we are currently, because we know how necessary that is.

And as of this year, you cannot connect a new house to the ageing, expensive and leaky gas network – something that was raised by the Greens a few years ago, and at the time the planning minister said it was ridiculous. But now it's happened.

These are all excellent measures that take the climate threat seriously.

But there is something that stands out like a sore thumb in Victoria – that is, Labor's support for new oil and gas drilling.

And Victorian Labor's support for conventional gas drilling – in our oceans and on our land – is starting to look pretty out of step with other places.

Just a few weeks back, the NSW Labor government announced it would introduce a new bill to ban offshore gas and mineral exploration projects in waters off the state's coast.

That was a fantastic announcement, and we in the Greens applauded them for it. And it came after strong community opposition to gas drilling in NSW oceans.

Yet here in Victoria, the Labor government is actively supporting new gas drilling projects, with over a dozen projects on the books in Victoria, including right next to the Twelve Apostles Marine National Park.

For years now, experts have repeatedly stressed that any chance to keep global warming at a survivable 1.5-degree limit means no new coal, gas or oil.

Make no mistake: breaching that limit – which the World Meteorological Organization believes we may, sadly, hit in just five years – will be catastrophic.

Every fraction of a degree beyond it will cost more lives, human and animal.

To avoid this catastrophe means putting the fire out at its source: Victoria must stop mining new fossil fuels, not tomorrow, not next year, not next decade, but today.

And what's more, the public recognise this.

Polling commissioned by 350 Australia and Move Beyond Coal last year found that a majority of all voters – a whopping 55 per cent – believe that Australia should stop approving new coal and gas mines.

The public, as usual, is more across this than most politicians.

Those 55 per cent of Australians are on the side of common sense, of science and of humanity.

They recognise that the usual fear campaigns from the profit-driven fossil fuel lobby about 'keeping the lights on', 'transition fuels' and 'sovereign risk' no longer cut it when the world is facing total, absolute ecological breakdown.

But as it stands, Victoria still has more than a dozen new fossil fuel projects, most of which are offshore.

In fact, over the next few years companies will spend millions of dollars blasting ocean areas off Victoria's coasts with seismic cannons to hunt for new oil and gas reserves.

Seismic blasting, for those who don't know, is the process of creating 3D maps of seabeds by shooting massive air bombs at them every 10–15 seconds, for weeks or even months.

These blasts can be heard hundreds of kilometres away and are loud enough to deafen whales, ruin lobsters' balance, and severely injure or even kill essential zooplankton.

Some groups doing this will be the fossil fuel companies themselves, ever eager to find more and more gas to burn.

And others will be tech giants, like TGS and CGG, who will partner with oil and gas companies, like Schlumberger and ConocoPhillips, to blast the Otway Basin as part of the biggest projects in world history and eventually sell 3D maps for those seabeds to be drilled.

Yes, the market for data on new fossil fuel resources is, sadly, still a highly profitable one.

Like all new fossil fuel mines, these projects are incredibly unpopular.

Gunditjmara traditional custodians have made it clear, over and over, they do not want blasting in their sea country.

Councils all along Victoria's coastlines have voted to oppose seismic off the beaches – Warrnambool City Council, Moyne shire, Colac Otway shire and Surf Coast shire.

Just this past month, the Otway Coastal Environment Action Network and other environmental groups ran a series of packed protests along the Great Ocean Road.

That included a mass paddle out from Warrnambool our MPs Ellen Sandell and Sarah Mansfield were lucky enough to attend.

Yet the Federal and State Labor governments have done nothing to stop seismic blasting or gas drilling in either Commonwealth or state waters.

In fact, the federal resources minister Madeleine King is happy to fast-track this process with dodgy permits known as special prospecting authority licences.

And in state waters, Beach Energy is set to expand their Twelve Apostles gas drilling project next year, with more seismic blasting even closer to those natural wonders.

But that doesn't have to be the case. As I said, change is possible. Political courage is possible.

With this bill to end all new offshore oil and gas projects in Victorian waters, Victorian Labor could set the precedent.

You could stop the Twelve Apostles expansion before it happens and send one hell of a message to your federal colleagues.

What's more, by supporting this bill, the Victorian Labor government could actually put a brake on future drilling in the Otway Basin by banning new pipelines, terminals or processing infrastructure in state waters.

No new infrastructure in state waters would make it that much harder to get oil and gas from Commonwealth waters transported and processed through Victorian waters and land.

Again, I just want to emphasise how sensible, even moderate, this ban on new projects is. Given the existential scale of the climate crisis, we really should be shutting down all existing wells and infrastructure.

Instead, all we're asking Victorian Labor to do is follow NSW Labor's lead and stop approving and renewing petroleum titles in Victoria's state waters.

That means no more exploring for new completely unnecessary sources of petroleum; no new production licences or retention leases for oil and gas wells; no new infrastructure or pipeline licences, including for those that may link up to bigger, nastier projects further out in Commonwealth waters; and no more seismic blasting in our precious marine ecosystems with new petroleum special prospecting or petroleum access authorities.

Today, the Victorian Labor government has the chance to take the next great, crucial step in arresting climate change.

I commend this bill to the house and hope every MP in this place supports this very sensible, practical change to Victorian law, which will protect us, our kids and all future generations of Victorians, so that we can truly look them in the eyes and say we did everything we could to stop the climate catastrophe when we had the chance.

**Lee TARLAMIS** (South-Eastern Metropolitan) (09:58): I move:

That debate on this bill be adjourned for two weeks.

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

*Production of documents***Albury Wodonga Health**

**Wendy LOVELL** (Northern Victoria) (09:58): I move:

That this house:

- (1) notes:
  - (a) the government's refusal to provide the Albury Wodonga Health clinical services plan and master plan;
  - (b) the government was informed of challenges and safety concerns of the existing Albury site and did not investigate before committing to a brownfield redevelopment;
  - (c) in 2023 the New South Wales government released service planning and the 2021 master plan, recommending a greenfield single-site hospital;
- (2) 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, copies of:
  - (a) all documents created since January 2019 relating to the Albury–Wodonga regional deal health reference group, the executive board of the regional deal, and the joint ministerial council and Albury and Wodonga councils, including:
    - (i) minutes and resolutions;
    - (ii) consultations, submissions, and reports;
    - (iii) correspondence or briefs;
  - (b) all documents from January 2020 relating to the clinical service and master planning of Albury Wodonga Health, Albury and Wodonga campuses, and the redevelopment of the Albury hospital, including:
    - (i) clinical service plans or reviews;
    - (ii) master-planning documentation;
    - (iii) consultations with clinicians;
    - (iv) capital investment analyses and proposals;
    - (v) geotechnical assessments;
    - (vi) point-of-care projections;
    - (vii) value management studies;
    - (viii) transport planning;
    - (ix) correspondence or briefs;
  - (c) all documents from January 2022 relating to the entity planning of Wodonga hospital, including:
    - (i) correspondence or briefs;
    - (ii) capital investment analyses and proposals;
    - (iii) value management studies;
    - (iv) site planning; and
    - (v) consultations, investigations, and reports.

This is a motion relating to documents to do with the planning for a new hospital in Albury–Wodonga. Albury Wodonga Health is a cross-border service straddling the Murray River and serving the people of Wodonga, Albury and the surrounding districts of north-east Victoria and southern Riverina in New South Wales. It has an estimated population of more than 300,000 people. It is the only cross-border health service in this nation. It is a unique example of the interwoven nature of these communities where people cross the river for work, education, family and, most importantly, health services. Two states contribute to the cost, but the health campuses on both sides of the river sit under the management of the Victorian government. It is also the biggest Victorian regional health service based on throughput and emergency presentations.

The recently renegotiated intergovernmental agreement between the two states now extends until June 2035, about another 12 years or almost three terms of the Victorian Parliament. Demand on the service is through the roof. The hospital starts the day somewhere between 30 and 70 beds short of what is needed for patients in intensive care, emergency and medical beds. Historical planning documents made it clear that neither the Albury nor the Wodonga hospitals were or are suitable for future health service delivery. The buildings and operating theatres are not fit for purpose; they are a risk to patient safety. There is asbestos all the way through the Wodonga hospital. Documents have revealed that the Albury hospital is built on a highly reactive clay soil prone to movement and that one building has already moved 60 millimetres.

The decision of the Victorian and New South Wales governments to jointly spend \$450 million on the Albury hospital site to meet the current and future needs of these communities raised serious questions around how the two governments arrived at this point. When the two premiers came together in October 2022, the then Victorian Premier Dan Andrews claimed the new hospital would become a one-stop shop, an acute centre that would cut duplication and reduce the complications of spreading resources across two hospitals. This was the preferred outcome, a single-site hospital that could cater for current and future demand. For many who had been involved in the development of a 1200-page master plan in 2021, almost a year prior, the surprise was that the investment was at the existing Albury hospital. Most had expected it to be a greenfield site, as recommended by the master plan, free from the pitfalls and challenges of turning an existing hospital into a construction zone for a decade.

That mystery unravelled last year when some 2000 pages of documents were obtained by the member for Benambra from the New South Wales Parliament. These documents highlight some questionable behaviour in arriving at the decision to build on the Albury site. These documents suggest that New South Wales and senior management at Albury Wodonga Health had absolutely no intention of building the border's much-needed new hospital on anything but the Albury campus, and all of that despite its well-documented limitations, its history of unstable ground and the greenfield build recommendation in the December 2021 master plan. What is also apparent from those documents is that no-one was telling any of the stakeholders involved in the development of the master plan that the deal was done, that a brownfield build at Albury was locked in.

Yet another documents motion in the New South Wales Legislative Council has revealed that Albury Wodonga Health no longer believes that it can consolidate its acute services on a single site with the funding that has been committed. That document was discovered last week at about the same time a new 130-page master plan, with 700 pages of appendices, selling the merits of a 10-storey tower at Albury was dumped on the community less than 24 hours before a community meeting that was trying to turn back the tide on the Albury plan. Despite all of this paperwork, there is no certainty over the project, and New South Wales Health have admitted in budget estimates that they are still costing the final design and have not settled on a final costing.

To fully understand the status of this project, the Albury–Wodonga community need to be fully informed, and that is why I am seeking these documents today. This is a simple motion that calls for the release of documents. It is a narrow motion that makes a request for a series of documents relating to a project. These are documents that the Legislative Council has the right to request, and the minister should release them. I urge members to support this motion.

**Sheena WATT** (Northern Metropolitan) (10:03): President, thank you very much for the call and the opportunity to follow Ms Lovell with a contribution to the short-form documents motion before us on the Albury Wodonga Health clinical services plan and master plan and also the work that we are doing with our friends a little bit north in New South Wales. The truth is that no-one quite knows health like the Allan Labor government. We have absolutely revolutionised health care around Victoria, and this includes in our regional areas.

As I said, our friends from the other side of the great Murray have joined with us in a collaboration for a \$550 million redevelopment of Albury hospital, a combination that brings together governments,

communities and of course patient wellbeing. This project came to a significant point in the planning process in October 2023 after the master plan for the \$588 million redevelopment was unveiled for major stakeholder and community feedback. In that master plan it really does set out an ambitious vision and clear framework for the development of the Albury hospital campus, including some questions around the optimal location of the new clinical services building and the future expansion zones. Health services and all levels of stakeholders and the cross-border community there in Albury–Wodonga have made their views known, of course championed by a member for Northern Victoria, the Attorney-General in this place.

Can I also just say that the feedback time did seem quite significant to me. Opinions and feedback on this master plan opened from 16 October right through to 24 November through a series of consultations. We are ensuring that feedback from those consultations is meaningfully integrated as part of the project. In fact as recently as last week a project update with an overview of consultation activities and feedback from health staff, stakeholders and the local community was published by New South Wales. The Albury–Wodonga regional hospital project 2023 master plan report has been published in response to the community’s feedback, and we know that this master plan report provides additional details on the preliminary studies and the technical inputs that have shaped the master plan, which I think is a pretty critical and important part of the master plan process. The information on the clinical services and projects scope is indicative only at this early stage of planning, and I will just reaffirm that. Can I also mention that this program is still one of the biggest modernisations of health care in the Albury–Wodonga health community that we have ever seen, and the planning and design process, as comprehensive as it will be, will ultimately be how the final project and planning scope is decided and will further develop and evolve through the life of this project.

We know what life is like for our cross-border communities, and we have got some very strong advocates for cross-border communities in this place. Currently patients must travel back and forth to receive the help they need, but the changes we are making will allow patients to be treated in world-class medical facilities under one sort of big interstate roof, if you will. This combination of the facilities will see the residents of Albury–Wodonga have increased access to a wide array of health services, and this is just another commitment to the community by the Allan Labor government. On top of, of course, our massive investment we are also putting one of our priority primary care clinics in Wodonga as part of the 29 priority primary care clinics being rolled out right across the state. I am really delighted actually to have an opportunity to talk about health and a focus particularly on regional health and the work of the Allan Labor government. Of course I need to reaffirm that this is a substantial investment, and we must get it right. It is \$558 million. The track record speaks for itself: we are investing in our regions, and we are doing it more so than any other government.

**Sarah MANSFIELD** (Western Victoria) (10:08): I am pleased to rise in support of this motion, and at the outset I would also like to acknowledge the advocacy and work on this matter undertaken by my Greens colleague in New South Wales Dr Amanda Cohn. The Albury–Wodonga catchment area is approximately 300,000 people. That is bigger than our second city in Victoria, Greater Geelong. The border towns of Albury and Wodonga are no strangers to complexity when it comes to accessing government services like health care. For years they have had to navigate an increasingly fragmented health service that straddles both towns, and what has evolved has really left them with significant safety issues. The most obvious example is that currently maternity and ICU services are on different sides of the Murray River. Not only is there an impractical and sometimes illogical split of services, the roles and responsibilities of the New South Wales and Victorian governments for everything from clinical governance to data collection, enterprise bargaining agreements and infrastructure investment is very complex, and from the community’s perspective this has often led to some confusion and challenges with getting transparent and timely information and responses. Not only has this contributed to implications for patient safety, but there are also impacts on morale for staff trying to work across these two systems.



It has been known for a long time that a new hospital is required to address some of these concerns, and a 2021 master plan identified that a single-site hospital for acute services was needed – and importantly, it recommended a greenfield site. Instead, New South Wales and Victoria decided on a different path, developing a brownfield site that we have, as Ms Lovell has outlined, recently learned will not actually end up consolidating acute services onto one site, which was one of the drivers for undertaking this investment and this change in the first place. So millions and millions of dollars are going to be spent, and we are still going to have some of these issues with acute services being split across both sides of the border. The problems with this approach are many and have been well ventilated by communities in both Albury and Wodonga. Councils have made it really clear, the staff who work at these services have made it very clear, as have many, many others in the community.

It is worth noting that the communities in regional areas like Albury and Wodonga are heavily invested in their health services, much more so than in metro areas, because these are often a really core part of the community's identity. They not only provide services for the community, but they are often one of the major employers, so they are a really important part of the community. They understand the services and what they need, and yet it is really disappointing that what I have heard from so many people is that the Victorian government has not adequately engaged with these communities. They have not listened to what these communities know and understand about what their communities need and how to improve the health services, and when challenged about their plans the government has doubled down and said, 'Nope, this is what we're doing and it's terrific.'

Worse, I think, has been the failure to be open and transparent about the basis for the decision to go ahead with a brownfield site as opposed to the greenfield site recommendation from that 2021 master plan. The community has been asking, 'Why? Why have you gone down this path? Where's the business case? What is the rationale for this? Provide us with some evidence.' And they have been met with silence, so that lack of transparency I think has been almost as bad as the decision that seems to go against what the community has been asking for. We think if the government has a great rationale for this, fine, but be transparent with the community. Give them the information and explain why. Therefore we are very supportive of this documents motion. Transparency is the very least that the communities of Albury and Wodonga deserve.

**Motion agreed to.**

### **Bus network**

**Trung LUU (Western Metropolitan) (10:14):** I move:

That this house:

- (1) notes the failure of the Allan Labor government to release, in full, Victoria's bus network plan review announced in 2021;
- (2) 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, copies of:
  - (a) Victoria's bus network plan review and bus reform implementation plan;
  - (b) all submissions to the bus network plan review process;
  - (c) all supporting documents from Victoria's bus network plan review; and
  - (d) all briefings to the current Minister for Public and Active Transport and each former Minister for Public Transport regarding Victoria's bus network plan review.

I rise this morning to move my short-form documents motion 333 seeking the production of documents relating to the Victorian bus network plan review. I move this motion with great concern regarding the state of bus services and connectivity for residents in Western Metro. Melbourne continues to grow, and despite the particularly rapid pace at which the Western Metropolitan Region is growing, the lack of connectivity out west, the decades-out-of-date bus service system, the bus routes that do not meet the growing population, the infrequent services, the delays, the long wait times and the travel time my constituents are experiencing, the Victorian bus network plan review

implementation plan is yet to be released. It is time the government released this plan because in the west we cannot afford another broken promise.

Submissions closed for the Victorian bus network plan review and bus reform implementation plan over 500 days ago. We have been waiting for the last 500 days without a single plan to improve the western metropolitan bus service network. The network plan itself was announced over three years ago. With the cost of living compounded by the lack of connectivity, things are getting harder for my families out in the west. This government has axed connectivity out west with the electrifying of the Wyndham Vale and Melton lines, putting more constraints on the connectivity for my constituents to travel around. With this pattern of behaviour, this government is neglecting the west once again, putting the east before the west with the increasing development of the Suburban Rail Loop and also the rapid pace of the level crossing removal in the marginal seat of Box Hill.

The reason my Western Metro constituents are travelling less on the bus system is because the bus service does not meet demand or the conditions we need to travel. My constituent who lives next to buses has experienced over 45 minutes wait times due to the lessening frequency of buses. The travel time for his journey in the west compared to the wider metropolitan area is an extra 20 minutes for each journey. Regrettably this is not an uncommon thing out in the west. The population is growing; we are bursting at the seams. The population of Melbourne is rapidly growing from 5.1 million to 7.9 million, and yet this government is falling behind in relation to constructing the western metro bus connectivity. What this bus review does is give us some foresight to propose a road map to move forwards to assist connectivity of the bus system out in the western metro area. I urge this house to support this motion and have the government release all the documentation relating to the Victorian bus network plan review and the bus implementation plan.

**John BERGER** (Southern Metropolitan) (10:17): I rise to speak on this motion that has two parts. The first part talks about the Allan Labor government and Victoria's bus network plan review, which was announced in 2021, and the second part is the motion that 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 copies of:

- (a) Victoria's bus network plan review and bus reform implementation plan;
- (b) all submissions to the bus network plan review process;
- (c) all supporting documents from victoria's bus network plan review; and
- (d) all briefings to the current Minister for Public and Active Transport and each former Minister for Public Transport regarding Victoria's bus network plan review.

I know a bit about buses. As you know, I was a branch secretary of the Transport Workers' Union for some years, and I want to note that the government will not be opposing this motion today. This motion gives me a great opportunity to highlight the Allan Labor government's track record on public transport. We are the government that has been bringing the bus network into the future. It is the Allan Labor government that has been electrifying our bus fleets – think zero-emission buses around metropolitan Melbourne, with this bus fleet set to be zero emissions any day now. This is thanks to the new 36 zero-emission buses and the 127 hybrid buses. This is amazing news for Melburnians and Victorians. Not only is it ensuring that our transport is greener, but these zero-emission buses also generate jobs across Melbourne and these climate friendly buses are built here in Victoria – buses for Victorians and jobs for Victorians.

Since 2014 we have invested more than half a billion dollars into the new and improved bus service, and that means over 100 new or upgraded routes. Just in February the Allan Labor government unveiled the first all-electric bus depot in Ivanhoe, something my good friend the Minister for Police in the other place knows only too well. More than 15 bus routes have been extended or upgraded, and that is just in the last year. We are changing 25 timetables as we speak, and we have added new bus routes to growth suburbs in 2023. This is in suburbs like Melton, Rockbank, Keilor East, Essendon

Fields, Endeavour Hills, Narre Warren North and Clyde and soon to be in Tarneit and Williams Landing in my friend in the other place the member for Laverton's electorate.

The Big Build is going to change the way you travel. As you know, the eastern suburbs do not currently have a train line, with Doncaster rail not built. But whether it be a dedicated North East Link busway or the Suburban Rail Loop, the long forgotten suburbs of Balwyn, Templestowe, Doncaster and Donvale and the surrounding areas will finally get the public transport system they deserve with thousands of buses running each week and a bus every 3 minutes during peak.

We have provided \$25 million to deliver new services to help our kids get to school, and that means more than 1400 school bus routes in a free school bus program delivered safely to our schools by amazing bus drivers. Nearly 65,000 students use these services every day. We are a government that believes we deserve the best and that our kids deserve the best. Setting up our next generation with the Suburban Rail Loop connected to our bus network is something future generations will enjoy. They will take it for granted. The Suburban Rail Loop is essential to the future of transport.

We are also improving existing public transport by making buses more accessible for Victorians. In the 2022–23 budget we committed \$5 million to upgrade up to 80 bus stops across the state. That means seats, shelters and real-time information about bus services. This means Australia's first rollout of a wheelchair restraint system on selected metro buses. We are going to evaluate this going forward to see how it is operating and to ensure the safety of the devices and better inform government, the unions, workers and the community about their future use.

The Allan Labor government is committed to public transport, and we are backing it up. While Jeff Kennett sold off our assets, we are building them. They shut it down and Jeff gutted it. I have spent my life representing transport workers and fighting for our transport system. I look forward to being part of a government in this place that backs that work in.

**Michael GALEA** (South-Eastern Metropolitan) (10:22): I also rise today to speak on this motion about one of my favourite topics, which is of course buses. I thank Mr Luu for putting the motion before us today. Buses are an integral part of both Melbourne's and Victoria's public transport network, especially in the south-east where – unlike what some of those opposite may think – we do not have tram tracks. We have three strong train lines running through the area – the Frankston line, the Cranbourne line and the Pakenham line – but to get to those stations people use buses, and we have a strong bus network. There is always more to be done, and I am very excited about the work that we can do and are doing to improve our bus network both in my region and across Victoria as a whole.

*Victoria's Bus Plan*, which this motion goes to, is a comprehensive strategy for the reshaping and reformation of our state's bus network. As Mr Berger went through, it is about electric buses as well. It is about those zero-carbon buses – making them even more sustainable. Even a lightly loaded bus is still more efficient at transporting people, in terms of carbon emissions, than a private car, but these new generation electric buses make it an infinitely more sustainable to travel, which is fantastic to have wherever it is in my electorate that you are looking to travel, whether it is in Berwick or Noble Park or Cheltenham or in the Frankston region where you may wish to catch the 770 or the 771 to go east to Karingal or Langwarrin. You may wish to catch the 781, 784 or 785 to go down to Mount Eliza, where you might be able to go to Mount Eliza Secondary College. Labor's newly elected MP for Dunkley has committed to massive investment in Mount Eliza Secondary College – made easy to access by those buses coming straight from Frankston, as I say, the 781, 784 or the 785.

We do not have tram tracks in the south-east, we have a strong bus network, and there is always much more that we can be doing to improve it. I am very excited to be part of that package. I thank Mr Luu for bringing deserved attention to what is a very strong area of government policy today, and that is *Victoria's Bus Plan*.

**Evan MULHOLLAND** (Northern Metropolitan) (10:24): I have just a quick contribution to talk about this great motion by my colleague Mr Luu. I know he is a fantastic advocate for people in the

western suburbs, particularly the outer western suburbs, where there is a desert of frequent and reliable bus services. I know this all too well from representing the Northern Metropolitan Region. In particular, the electorate of Greenvale is a desert for buses. Most bus routes completely miss this growing suburb for other suburbs. I know many hundreds in my community have signed my petition for a bus from Greenvale to Airport West and also Greenvale to Craigieburn Central. Picture this: there are tens of thousands of homes going into new housing estates, and you do not have a direct bus up a direct road, which is Mickleham Road, to the nearest major shopping centre, Craigieburn Central. That is what we have under this government.

Many people in Greenvale feel let down by the delays with airport rail. There is no direct route to the airport. I know the *Age* and major employers at the airport have commented on the fact that people cannot actually get to the airport. From Greenvale it takes 12 minutes to drive to the airport. It is right next to the airport. But if you want to catch a bus or if you want to go by public transport, it takes over an hour. You have to get a bus to Broadmeadows and then to the airport. It is just ridiculous. We need a greater frequency of buses, particularly in our growth areas.

I want to shout out to the good people in the suburb of Kalkallo. I know they are screaming out for more frequent buses but also buses that go all the way to the back of the housing estate. They only go to the front of the housing estate, which means people have to drive or walk 1 kilometre or 1.5 kilometres to the nearest bus stop.

We need better buses in our outer suburbs, because we know that when you look at Victoria, compared to places like New South Wales, people living in the outer suburbs have a greater number of cars, with an average of over two cars per household. We want to get that down. We want to see people catching reliable public transport. I thank Mr Luu for moving this motion.

**Motion agreed to.**

### *Business of the house*

#### **Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:27): I move:

That the consideration of notice of motion, general business, 332, be postponed until later this day.

**Motion agreed to.**

### *Bills*

#### **Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024**

##### *Second reading*

**Debate resumed on motion of Evan Mulholland:**

That the bill be now read a second time.

**Michael GALEA** (South-Eastern Metropolitan) (10:28): I rise this morning to talk to a bill put to us by those opposite, the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024. As we saw in the chamber yesterday, this is a topic which has already been discussed by this chamber in the last six months, as those opposite had to concede when we informed them of that. When the Attorney-General informed them of that yesterday, they had to come back to the house rather sheepishly and admit that, yes, this is actually something that was discussed and voted on five months ago. It is disappointing, sloppy work once again, as we have seen and as have come to expect on a Wednesday in particular – sloppy, shoddy work.

Criminal justice reforms are often the most difficult to land and the most difficult to land properly, striking the best balance between ensuring just outcomes for those accused of crimes whilst also ensuring that all steps are taken to preserve community safety. Getting that balance right is something

that you do not just do in a flash of a brainwave before a sitting week because you are trying to fill out your agenda. It is something that takes time and takes effort, as we saw from the considerable work that was put into the bail reforms that we extensively discussed and ultimately put through this chamber just last year, just five months ago. Developing laws that can come as close as possible to striking this balance takes work, takes time and takes significant consultation. The one thing that these reforms cannot be, above almost any other policy area, is half-baked – they cannot be rushed. This is why the government will not be supporting the opposition's sloppy private members bill today, which inexplicably relies on a long-tried, unsuccessful and misaligned method of disincentivising further offending whilst on bail.

Let me be clear. Our government entirely recognises that when it comes to bail, all reasonable and effective efforts should be taken to ensure both compliance with bail conditions and a reduction in further offending not only whilst on bail but on an ongoing, sustained, long-term basis. This approach underwrote that significant work that was undertaken by this government, led by the Attorney-General, with the reforms to Victoria's bail laws that passed the Parliament last year. I note that Attorney-General Symes said:

We ... have a responsibility to Victorians to protect the community from serious offending. Our reforms maintain the tough approach to those who pose a serious risk to people's safety that Victorians expect.

The member for Malvern in the other place, in raising this issue, stated in seeking to introduce this bill there that it:

... reflects a simple principle: if you abuse the privilege of bail by committing further offences, you should face a tougher test to get bail again.

But that is not what this bill does. I appreciate that this may not have been clear to the opposition when they crafted this bill. We have come to see so many times the sloppy and shoddy work that they put into drafting these bills. We saw this with the ambulance motion just a few weeks ago. Did they forget? Did they just not think they had to talk to the crossbench? Did they not realise that they have 14 members in a 40-member chamber? Again, sloppy, shoddy work that is not fully baked. When it comes to a general business motion attacking the government, that may not be very consequential and if they do not want to take it seriously, that is up to them. But when you are crafting legislation that is going to affect people's lives in a real and meaningful way, that is when that sloppy and shoddy work becomes unacceptable, and it is unacceptable for anyone coming into this place and putting themselves up to be the alternative government. If you want to show people that you are serious, then put the serious work in. Engage, do the work properly, do not just come into this place with half-baked bills.

As I say, it is one thing to do just enough to do a motion, it is quite another to come into this place with significant bail reforms that will make real changes to people's lives, potentially in some very unintended and significant ways. When you have the risk of impacting people's lives like that, above all times that is when you take it seriously, and as we have seen again from those opposite, they just will not. They will not rise to the occasion. They will not engage with that work properly. They never take it seriously.

The same question rule, which is a well-established part of the procedures of this chamber, is another example of that. Members opposite know full well that once a question has been decided upon by the house, it cannot be brought back for six months. It is for good reason. It is to prevent the frivolous and repetitive nature of things that have already been reasonably decided upon, but again those opposite seem to be all too willing to embrace the frivolous and the unserious and embrace an approach to legislation as haphazard as it is ill conceived.

I appreciate that whilst this bill absolutely does not do what it intends to do – it does not do what it says on the packet – that is not necessarily what the opposition intended when they crafted the bill. I am not saying that they deliberately sought to make bail worse, but that is what happens when you try and amend complex legislation on the fly, and it is what we see right here today. It is the perfect embodiment of that unseriousness in this bill. But that is not how this government crafts our laws, and

it is not how any serious government crafts our laws. We know how important it is to ensure that our criminal justice system is prepared with a clear and comprehensive view of what the consequences for Victoria will be, rather than to simply be seen to be doing something, to grab that headline on the front of the *Herald Sun* or on 3AW or on Facebook or on TikTok or wherever it is that you seek to promote it. It is not just about putting that headline forward, it is about serious work that has serious implications for everyday Victorians. So the opposition's private members bill does not propose anything new. All it seeks to do is to effectively repeal the changes that were passed by this Parliament five months ago, changes that I note the opposition did not oppose at the time. But those changes that we voted on around five months ago have not come into effect yet. They come into effect on 25 March. So for them to say 'This is an issue; we're fixing it' completely flies in the face of all logic and reality.

This bill does not propose to reinstate uplift of bail tests for indictable offences committed by those whilst on bail or any changes to the consideration that bail decision makers need to take into account if a bail applicant has committed an offence whilst on bail. This bill only really does two things. Firstly, it proposes that our police continue to rely on tacking on a summary offence, with a maximum sentence of three months, where a person commits an indictable offence whilst on bail. This does nothing, frankly, to disincentivise further offending or make bail tests more stringent; despite what they say, it has no impact. I am honestly concerned that a party that was once in government and has previously made reforms to bail laws cannot even seem to comprehend this. Of course presumably those opposite want to be in government again, but as I say, from seeing legislation like this coming into the chamber the only realistic conclusion one can draw is that they are not serious and they have no desire, no plan, to come into government. We see that frequently – every week in this place in fact – with their antics, and we are seeing it with this bill today as well. This is not a serious bill.

The second thing that this bill does is undermine the work and the input of the justice stakeholders, who have long called for bail law reform, who clearly identified the harmful impact that the coalition's 2013 bail offences changes have had on people being unnecessarily remanded. Calls for the abolition of these offences have been made by many justice stakeholders, including but not limited to the Victorian Bar Council, Victoria Legal Aid and the Victorian Aboriginal Legal Service. The coroners inquest into the death of Veronica Nelson – a proud Gunditjmara, Dja Dja Wurrung, Wurundjeri and Yorta Yorta woman – whose death while on remand in 2020 caused immeasurable pain to her loved ones and community, also called on the government to remove this offence.

We cannot ignore the real impact of misaligned bail laws on people's lives and relying on a perception that a system that is tough on crime is the best way to secure just outcomes. We need to listen. We need to listen to our justice stakeholders, as this government has done. We need to ensure that the system balances the considerations of the right to the presumption of innocence and maintaining one's liberty whilst also ensuring that all effective steps are taken to protect community safety – effective steps, not hyperbolic ones, not ones that get you a short-lived sugar hit of a headline in a daily newspaper.

Achieving this balance is exactly what the government's Bail Amendment Bill 2023 sought to do by introducing reforms – passed, as I say, in this house not five months ago – to introduce sensible, proportionate and necessary changes to the bail laws of the state of Victoria. They were introduced with the clear purpose of addressing the most urgent changes needed to Victoria's bail system. This included critical changes that would reduce unnecessary remand for people accused of low-level offending whilst maintaining a strict approach for serious offenders. We know that most repeat low-level offending does not pose a safety risk and that there was a clear need to ensure that our bail laws would no longer be unnecessarily remanding people who do not pose that risk to community safety. It also involved refining the definition of 'unacceptable risk' to make it clearer that a potential risk of minor offending would not be enough in and of itself to refuse bail – it would not be that sufficient reason – whilst that risk to someone else's safety or welfare would meet that test. The Attorney-General was clear that this should include property-based offending that impacts welfare, such as repeated theft from the same small shop.

The reform central to today's discussion involves the removal of two Bail Act offences, including the offence of committing an indictable offence whilst on bail. This operates in this manner: if someone commits an offence whilst on bail, they can face charges not only for the crime itself but also for these additional bail offences. These are standalone offences that apply on top of the consequences connected to the actual conduct. These offences were introduced in 2013, and they have clearly been shown to disproportionately affect women, children and Indigenous people. But they have also, more importantly, provided no clear deterrent benefit, no evidence of them actually working. You have put these people, often vulnerable Victorians – women, children and Aboriginal people – at greater risk of harm without showing any benefit to society as a whole. That is unacceptable.

What is critical to understand here is that removing this offence does not mean that those who commit indictable offences whilst on bail will no longer face the consequences of those crimes. It simply means that the conduct is being addressed without adding an additional offence. For example, if someone were to be on bail after committing an aggravated burglary and go on to commit another aggravated burglary whilst out on bail, that person would not only be charged with that aggravated burglary and face up to 25 years in prison but also have that bail revoked, have the conditions of bail tightened or simply be remanded for the further offending itself if it was determined that that person posed an unacceptable risk to the community. That is the system working as it should.

The claims made by the opposition that removing the offence in question makes it easier to reoffend or risks community safety are blatantly false, because the justice system and the courts already have tools at their disposal to address such issues. If there is reoffending whilst on bail, it is up to the court to make that decision about, as I say, tightening those restrictions or placing the accused into remand to remove them from the community if that is what is needed. Those are powers which are already there and which will remain there after 25 March. Again, to say that this has any real or significant impact on improving community safety just goes to show it is just another typical Liberal stunt. It is all about the gloss and the glamour and getting that nice sugar-hit headline: let us say that we are doing something. Well, the actual effect of what you are doing will not achieve any improvement in community safety. All you are achieving is putting vulnerable people at risk. That is exactly why we put through the Bail Amendment Act 2023 last year. I will acknowledge the support of those from across the chamber, including those opposite, for that legislation. That is why those new sensible bail reforms are now coming into place.

Courts will continue to have at their disposal the exact same rights to impose whatever conditions are necessary to improve community safety. They will have that power, as they do now. But what we are not doing is adding an offence that has been shown from coronial inquests, from across the legal fraternity and from submissions from a wide range of views to disproportionately harm women, disproportionately harm children, and disproportionately harm Indigenous people. That is not a fair system; the government's reforms are.

The Attorney-General went through painstaking work, consultation and revision to land these reforms so that they would strike the critical balance of ensuring our system of bail was fair but also would not undermine the protections of community safety. Whilst this process is of course harder and it takes longer, it is what is fundamentally needed to deliver the best criminal law reform possible. And I also note that as a still relatively new member I like to think but as a much newer member at the time when these bills were being put through this place, I do recall being struck by the committee of the whole stage where it was Mr Mulholland and I believe Ms Copsey, but I could be mistaken, from the Greens who engaged so vigorously and productively with the Attorney-General, and as a result we saw a robust bill that could be supported by all that strikes that balance.

As I say, the considerable amount of work that the Attorney-General had already put into that bill was extremely significant, and to see this chamber working at its best just five months ago was a really good thing as a relatively new member of this place to be able to witness. But it also highlights the ridiculousness that we had such a good process, we had members from across the chamber engaging in good faith, only for those opposite to come back five months later and say, 'No, no, no, we're going

to put the same question in complete defiance of the standing orders. We are going to revisit this, and even though we agreed to it five months ago, suddenly we don't like it so we're going to put this new bill up.' And that is exactly what this bill is today – it is a bill in search of a media headline with as much substance as a headline.

That is why, as I say, those opposite cannot be taken seriously. We have seen it on so many issues in this place, whether it is the ambulance service they tried to talk about or whether it is youth justice, staffing and resourcing our police and our emergency services, transport, infrastructure, the Big Build, education or rebuilding our schools – in all these areas they have proven themselves time and time again not to be serious and not to be ready or prepared to rise to that responsibility, because it is a responsibility and a gift of the Victorian people to form a government in this state, and it is one that those on this side of the house take very seriously. It is something that is to be taken as a great responsibility and with a great sense of responsibility towards the people of Victoria, because what we do in this place has a real and tangible effect on their lives. That is exactly what led to the Bail Amendment Act of last year, which had people like Veronica Nelson in mind and which sought to make the system better and fairer and safer for the whole community. That is what I believe that bill and now act achieves, and what we see here from the Liberal Party is a desperate attempt to get some attention for a quick stunt to get that headline and to inadvertently, as it may be, put more Victorians at risk and put more vulnerable Victorians at risk.

Of course we will always be prepared to take on board genuine concerns about all of our laws, and I note the Attorney-General's commitment and openness to all members of this place and the other place in having those conversations, in being prepared to have those discussions and in listening to people to make sure that we do have those best possible laws, and where reform needs to happen because of change or other circumstance, those discussions will happen. On this side of the house we are always open to better approaches. What we are less open to is jumping on board with this false and frankly dangerous rhetoric of tough on crime being the best approach when it actually leads to worse outcomes for many Victorians whilst showing no demonstrable benefit for community safety.

Cutting corners on criminal justice reform might be the easy approach – evidently it is the opposition's approach – but it is not this government's approach, and it is not the approach of any sensible government. We know it does not work, and frankly it is dangerous. This government knows that addressing increases in offending is absolutely critical, and we are working hard to identify the best solutions across the justice and community sector to address this. It will not be addressed through the hollow and vacuous stance and the hollow and vacuous legislation that is put through this place.

It is, as I say, one thing quite enough to come into this place with a half-baked motion on ambulance services, not even talk to the crossbench and use it as a platform for 90 minutes to vent your spleen at the government and to your 30 people that watch the video on Instagram, but it is not acceptable when it comes to legislating, not on any legislation frankly but especially when it comes to something that has the potential to have such a profound impact on vulnerable Victorians' lives – literally life and death in some cases. If you are serious about making reasonable reforms to our criminal justice system that will make Victoria safer and protect vulnerable people, that door is always open, as it was in the committee-of-the-whole stage when this topic was last discussed in the house not five months ago. If you are serious, that door is always open. But this bill is not serious in any way, and that is why I will not be supporting it.

**Trung LUU** (Western Metropolitan) (10:51): I rise to contribute in relation to this bill today, the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024. It is important to mention that when addressing community safety we should always try to better ensure that we meet community expectations. The concept of bail started in the 13th century. Bail is a fundamental principle in a free and democratic society. It is enshrined in the English bill of rights and the eighth amendment to the US constitution. Those documents form the cornerstone of the system of rule of law in the Western world. In a democratic society we must respect that the greatest purpose of the rule of law is to keep our society safe and prevent dangerous criminals from doing us harm. I understand no system in the



world is perfect, but as legislators in this chamber we must strive for perfection. Victorians need a bail system that is fit for the 21st century, a demanding and increasingly complex world. Trust and goodwill in our system takes decades to build and days to break away. I know this personally from 28 years of policing in my career before this place, building rapport with the community and trust in the justice system.

In a multicultural society like ours in Australia and Victoria where many migrants who now call Australia home have had many bad experiences with the justice system in their past countries and hold very little faith in the legal system, we cannot afford to weaken the Victorian bail laws. We cannot forget why those laws were put in place. The tightening of our bail system was designed with the sole purpose of protecting the community from violent repeat offenders. Victorians need to be kept safe from individuals both in the pre- and post-sentencing stages, whether they are on parole or what we are talking about today, bail. The justice system needs to be firm but fair in both stages of sentencing.

I just want to make comment in relation to the bail changes from stage to stage throughout the years. After the tragic death of Jill Meagher in September 2012, who was brutally raped and murdered in a Melbourne laneway when she was walking home, I remember during those days after her disappearance thousands of Victorians gathered and demanded respect and safety for women in public places. Like many Victorians, and as a serving policeman at the time, I felt enraged that the perpetrator was allowed to roam the streets and strike fear into the hearts of young women and Victorians.

The then Andrews government, now Allan government, has fallen short in keeping Victorians safe. I will give an example in relation to how they have failed to do this in one aspect in relation to sentencing criminals and the bail laws. The budget itself revealed alarming trends. For the 2022–23 financial year \$290.9 million was allocated to the community-based offender supervision program, a crucial initiative aimed at reducing reoffending rates. However, shockingly, the funding plummeted the following year – a staggering decrease of 9.76 per cent, which amounts to \$28.4 million of funding deductions in the program. The government cuts show a lack of commitment in the rehabilitation program, which is essential in maintaining public safety. This funding and the support services aim to address the root causes of reoffending and offending crime, like substance abuse and mental health issues. Case management provides tailored support to offenders to reduce the risk of reoffending and aid community reintegration. Compliance measures in those programs include regular reporting, consequences for noncompliance and ensuring adherence to supervision requirements. These are the things that help to reduce the reoffending.

Labor again and again want to make bail easier but rehab harder. The government cannot be trusted to keep Australians safe; that is what I meant in relation to bail relating to community safety. Furthermore, the elimination of a robust pre-sentencing measure, such as section 30B of the Bail Act 1977, which we mentioned today, would weaken our dedication to community safety and accountability. It is essential to preserve both pre- and post-sentencing approaches to protect Victorians and maintain the integrity of the justice system. Without successful rehab efforts, we face the risk of an ongoing cycle of crime. Despite accumulating hundreds of billions in debt, the Labor government continue to fail in this area.

The proposed amendment ensures that section 30B of the Bail Act 1977, which addresses the offence of committing an indictable offence while on bail, is not replaced. I cannot stress this more clearly, as we have seen a merry-go-round cycle of arresting, giving evidence, observing bail being granted and then processing the same offender again on various days. The merry-go-round of the legal system without section 30B – it is a crucial component of Victorian bail law as a safeguard in preventing this type of cycle from happening and to support community safety. Repealing this provision would pose a substantial risk, making it easier for repeat offenders to secure bail and endanger Victorians.

We must ask ourselves about the origin and impact of section 30B that we speak so highly of today, and why it is necessary to have it in the Bail Act. It was introduced in 2014 under the initiative of the Liberal and Nationals government. It served a dual purpose: by criminalising offences committed

while on bail and elevating the bail test for subsequent offences, it ensured stricter consequences if you are a repeat offender. What does this really mean? Can you imagine the impact of changes in the bail test for an individual charged for indictable offences? If a person commits an offence while on bail, he is required to demonstrate why he should be released on bail and give a reason why he should have an opportunity to be granted bail again after committing a very similar offence.

The amendment before us is a crucial opportunity for the Labor government to address its previous oversight by strengthening the bail law to safeguard Victorians. In the realm of criminal justice reform, the paramount consideration must always be community safety. Thus endorsing this bill is imperative in mitigating the potential risks associated with the proposed repeal of this section. Balancing the principles of justice, safety and the presumption of innocence is of utmost importance. While acknowledging the rights of the individual, we must also prioritise the safety of the community when we are facing this.

Section 30B plays a critical role in ensuring that those who abuse the privilege while on bail by committing further offences face a tougher requirement for why they should be released again. That is all this bail section 30B is asking. If you commit an offence and you have an opportunity to go out and you commit another offence, you must face stricter conditions to be released again into the community. Maintaining the community's trust and ensuring accountability are vital components of effective governance. Upholding the rule of law not only serves to protect the integrity of our legal system but also fosters trust within our communities, and that is what we need to strive for – the trust of our communities that we are protecting them. When individuals on bail violate their conditions by committing serious offences, it erodes public trust in our institutions. Therefore such breaches must be met with appropriate consequences.

The Minister for Police bears a significant responsibility not only to oversight law enforcement operations but also to shape public perception. It is widely recognised that the level of crime in society is directly influenced by the tolerance shown towards criminal behaviour. Granting accused individuals unrestricted freedom while on bail can lead to illegal activities and undermine community safety. Thus it is crucial to enact and uphold laws that prioritise public safety and protect communities from potential harm.

Section 30B embodies a simple yet sensible principle aimed at curbing criminal behaviour – I will say again, curbing criminal behaviour – by enhancing accountability and the monitoring of individuals granted bail. Its preservation is essential for any government to uphold. Failure to support this bill would not only weaken the effectiveness of bail laws but also compromise the safety and security of our community that we want to uphold. In advocating for the passage of this bill lawmakers must demonstrate their unwavering commitment to justice and the wellbeing of all citizens. This collective effort is essential in maintaining public confidence in our justice system and reaffirming the principle that the rule of law applies equally to everyone, irrespective of their background or circumstances. The Liberal and National parties strongly recognised section 30B and its importance in maintaining public safety, but again this government sought to ignore our pleas.

Now, I want to quickly share with you another story about the bail law and the consequences of a weak bail system. The Luke Batty case shook the community to its core, unveiling a heartbreaking tragedy that reverberated far beyond the small town of Tyabb in Victoria. Luke, a bright young 11-year-old boy with a contagious smile, was tragically taken away by his father while his father was on bail.

I return to this bail amendment bill. The bail system is an integral part of our democratic foundation, but it is showing signs of fracture due to contemporary issues like drug abuse, family breakdown and escalating public violence, often accompanied by a blatant disregard for our legal system. In Victoria there is a concerning imbalance where the scales seem to heavily favour the accused, sidelining crucial aspects of community safety and victim protection.

I urge those of you in this chamber to please support this bill. Let us strive for perfection in the legal system and start to curb criminal behaviour by enhancing the accountability of individuals granted bail. I thank you for your time and hope for your support.

**Katherine COPSEY** (Southern Metropolitan) (11:04): The Greens will not be supporting this bill. While the government missed a number of opportunities for necessary reforms with the Bail Amendment Bill 2023 – for example, not removing the unfair and discriminatory presumption against bail, reverse onus, and retaining child bail provisions – which this chamber had the opportunity to process during the last year, one of the positive reforms that this chamber did achieve together was repealing the offence of committing an indictable offence while on bail.

This bill presented today by the Liberals is a retrograde step back into the punitive and ineffective politics of fear. We need to remember that the reason that the offence was removed was to reduce the disproportionately large numbers of people on remand in Victoria that have blown out prison population numbers since 2018. As the Yoorrook Justice Commission and the coronial inquest into the death of Veronica Nelson have so clearly outlined, the discriminatory and disproportionate harms caused by those bail laws were particularly felt by First Nations women and other marginalised people.

The overuse of remand in Victoria is harming people, and it is undermining the aims of our justice system. Even a short period in prison is long enough to disconnect people from community in damaging ways, and it is not long enough for you to receive meaningful rehabilitation or reintegration support. This disrupts people's lives, their employment, their housing and their relationships with family and friends, which are vital to people living healthy and fulfilling lives. The knock-on effects from unnecessary use of remand can have significant implications and last a very long time.

The Greens join with First Nations communities and legal and human rights experts in calling for unfinished bail reform. The best way to achieve that – to achieve the change that Veronica Nelson's family and the community united behind them are still calling for – is to fully implement Poccum's Law and ensure that the child bail laws are reformed.

**Melina BATH** (Eastern Victoria) (11:07): The Nationals entirely support this very sensible Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024. It was attempted to be introduced into the lower house by Mr Michael O'Brien, and today it is being debated in the upper house. On 25 March, so in only a few weeks, through legislation, Labor will be abolishing section 30B of the Bail Act 1977. This section makes it a crime to commit an indictable offence whilst on bail. Abolishing this offence will make it easier for those repeat offenders to do their work – to get out on bail.

This is a serious issue, and I want to drill down shortly into a case that is very close to the hearts of many people in the Latrobe Valley. We do not want to see weakened bail laws. The removal of this section passed through this house with other amendments. There were some very useful parts to them, but we certainly felt most uncomfortable about passing this particular part. The idea that we should be making it easier for repeat offenders to gain bail yet again is something that I believe the majority of Victorians do not support, yet that is what is happening in the act.

There is a balance in life, and this is what legislation seeks to do all the time – to balance the rights of offenders who have allegedly committed a crime and are waiting and their right to say, 'Well, I'll do the right thing. Put me out on bail so that I don't clog up the system but also so I have the right to be in line to have those assessments in the courts.' But what we are seeing in this state now is that the rights of those individuals seem to be becoming more and more paramount compared to the rights of victims.

We see, very scarily, that there have been just under 25,000 aggravated burglaries in the past 12 months – that is across the state – almost 70 aggravated burglaries a day. It is not 'I'll just slip in. The door's open, and I'll go and pinch whatever it is off the kitchen table' but aggravated burglaries. With the opportunity to have security systems and CCTV, we are seeing some of these people at night bashing down doors and breaking windows with balaclavas on and the like, and it absolutely would

send terror through the hearts of people. I know even our colleague here Ms Crozier had an aggravated burglary attempt at her home. She was clearly very, very visibly shocked and distressed. These are decent law-abiding people who do not deserve to have their home being attacked.

If we look at recent statistics and Victoria Police data, we see that in Victoria – largely in Melbourne – there are these young offenders who are committing the majority of serious crimes, including, as I have said, aggravated burglary and theft. There are almost 300 of them. These 80 offenders have already been arrested repeatedly, so there is a rinse and repeat position on this. You know, ‘tough on crime’ is a nice little catchphrase, but we need legislation that supports not only the rights of people who are allegedly out on bail but also the rights of those Victorians who deserve to feel safe in their own homes.

I attended one of the saddest funerals that I have ever attended last month, and that was the funeral of Ashley Gordon, a 33-year-old doctor who grew up in the Latrobe Valley. It is a parent’s worst nightmare to have to think that you are going to bury your child. And sisters, nephews, grandfathers, grandmothers, the whole community – there were 700 people in that auditorium in Kernot Hall. It was the most moving funeral I have seen because it was so unjust. That person’s life – Ashley’s life – was taken away from them. I have asked Glen and Catherine for permission to make these comments today, and I do not want to be inflammatory, but I want to put on record that that tragic, tragic death came about because there was an aggravated burglary. Dr Gordon woke, and he realised they would have had some of his equipment – he was a doctor, so there was some equipment and confidential information – and he chased them to get that back for the safety and security of his patients. Then the most horrible and unspeakable thing happened.

If we continue here to send a message out into this state to weaken bail laws, then I believe young offenders – and these people were young offenders – will think that they can continue to act with impunity. We cannot send that message. Yes, it is a complex issue, and I do not pretend to be a lawyer or have that in-depth knowledge, but I do understand human emotion. When you have a loving family and friends and community bereft because of these issues, then weakening this by enabling people to go through that churn – the idea that we should be making it easier for those repeat offenders to get out on bail is something that I believe the majority of Victorians do not support.

I also, with my colleague Mr Martin Cameron, will be sitting down with the family of Ashley Gordon in the coming weeks. It is not to say that we have a magic wand for these issues but to understand the human impacts of these crimes, these heinous crimes, on families and understand their perspective about how the system and we as legislators must do better and can do better. I am sure all in this house, including all sides, will join with me in passing on our condolences to the Gordon family, and I am sure that when I come back to this place the Attorney-General will be mindful of the comments that I have learned from the Gordon family and the principles that they want to see and the changes that they want to see. I hope we are collective in our empathy and understanding of the need.

This bill, finally, seeks to reflect a simple principle: that if you abuse the privilege whilst on bail, then you should face a tougher test to have that opportunity to go out on bail. I will not speak in depth about the particular case because I know it is before the courts and there is an issue of sub judice, and I do not want to be seen to be conflating whatever. I just want to put on record that we need to get the balance right between victims – devastated victims – and those who think that they can just with abandon abuse our laws and abuse human rights. With that, I ask the house to support this private members bill.

**David ETTERSHPANK** (Western Metropolitan) (11:16): I rise to make a brief contribution on the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024 introduced by Mr Mulholland. I will say from the outset that Legalise Cannabis Victoria (LCV) will not be supporting this bill.

The focus of Victoria’s bail and remand system should be on the unacceptable risk that an offender may pose to the community. All too often we are seeing the system overcriminalise vulnerable groups,

including First Nations Victorians, children and young people, and set them up for a lifetime of unnecessary contact with the criminal justice system. LCV supported the Bail Amendment Bill 2023, recognising that the existing system of bail was not working as it should. The Bail Amendment Act 2023, due to commence soon, removes the higher test to obtain bail for a person who commits an indictable offence while on bail.

The opposition are now seeking to reinstate section 30B, stating that its removal will threaten public safety, invoking all manner of frightening scenarios, such as aggravated burglaries committed by the most hardened, violent recidivist offenders, and I will come back to this question shortly. But we already know that a presumption against bail is retained for serious offenders and that remand is available for serious offences. Indeed, as the Attorney-General noted recently, the offence of committing an indictable offence while on bail attracts a maximum penalty of three months. It is not really going to deter a hardened recidivist from committing aggravated burglary, because they might risk an additional three months on top of the maximum 25 years they could face for that offence. Three months in remand for a young person, however, will have material and disastrous consequences for the rest of their lives.

I was privileged recently to meet with members of the youth crime prevention and early intervention project, a partnership between Westjustice, Victoria Police and Victoria Legal Aid currently operating in the cities of Brimbank and Wyndham. It is a remarkable program, and it is seeing some incredible results in diverting young people away from the criminal justice system and into services and programs that support them to get jobs and to lead productive lives. They have seen many young people overcriminalised as a result of bail laws, particularly the application of section 30B, and they cited a common scenario. A young person might be charged for, let us say, possession of drugs. They are out on bail but they have to wait 12 to 18 months for their day in court. This is a very common scenario. Along that road, in that 12- to 18-month period, they might steal a bag of chips from a shop or they might get nicked doing some graffiti – minor offences but technically indictable offences. Now that young person has committed an indictable offence whilst on bail for another indictable offence, and they will get remanded. Best case, a young person will often be remanded over a weekend or at least overnight while awaiting court, which starts that process of normalising custody and sets that young person up on an undesirable trajectory through the criminal justice system. It is a vicious cycle, and it is one that we see all the time – all too often.

Let us look at Mr Mulholland's proposal. In his second-reading speech he stated that section 30B:

... reflects a simple principle: if you abuse the privilege of bail by committing further offences, you should face a tougher test to get bail again.

This suggests that bail should work as a deterrent. Hardened recidivists aside, it may work as a deterrent for mature adults, but certainly the same cannot be said for children and young people. Opposition members may balk at the science, but brain development research in adolescents shows that they cannot attach consequences or project into the future in the same way that an adult can. It is the same reason why incarcerating young people has never really worked as a deterrent to offending. Section 30B completely undermines the principle that jail should be an absolute last resort for children.

Mr Mulholland also cited a 33 per cent increase in residential aggravated burglaries over the last 12 months, and we just heard Ms Bath summon up this vista, this image, of 25,000 balaclava-clad criminals committing aggravated burglaries across the state. I hate to interrupt such splendid visions from the opposition, but the legal reality, the truth of the matter, is that this offence, the offence of aggravated burglary, is a schedule 2 offence. There is a presumption against bail, and offenders need to show compelling reasons why they would get bail. Beyond this, the court will also consider whether the offender poses an unacceptable risk to the community, including whether they pose an unacceptable risk of offending while on bail. So the idea that the removal of section 30B is a sort of get-out-of-jail-free card for serious offenders is laughable. In the case of aggravated burglaries it is just a farchy. You are beating a drum that scares the community but is not tethered in the law or truth.

The Bail Amendment Bill 2023 dealt with two conflicting principles in our justice system: the presumption of innocence and the need to ensure community safety and the protection of Victorians. We believe that bill provided a much-improved balance for adults between those two principles and still provided protection for the community in serious cases. I reiterate that Legalise Cannabis Victoria will not be supporting this unnecessary and regressive amendment.

**Jacinta ERMACORA** (Western Victoria) (11:24): I speak today on this private members bill, the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024. Bail always tries to navigate that tension between the presumption of innocence and greater community protection. The Allan Labor government understands how important it is to have the right balance for bail, and it is really tricky to get right.

I want to inform the chamber that I will be referring to an Aboriginal person who has died; I want to be respectful there. We know that in the past there have been cases that have led to tragedy. As Mr Galea said, five months ago we debated our own bill on this, which was a carefully researched, well-consulted and very well drafted piece of work, unlike what we see from some other parts of this chamber. We know that in the past there have been cases that have ended in tragedy, and hindsight allows us to see that some accused people should not have been bailed, for numerous reasons. A stark example of that was the Bourke Street scenario in 2017, where we lost six people. The perpetrator was on bail at the time, provided by a bail justice despite strenuous opposition from Victoria Police.

The changes put forward in this bill today do nothing really to address recidivism and encourage compliance with bail conditions or assist with the safety of Victorians, quite frankly. This is why we do not support this. The Allan Labor government amended the Bail Act 1977 in 2023 to ensure that Victoria's most vulnerable people are not unfairly targeted by stringent tests. These amendments were made after recommendations from the coroner following the tragic death of Veronica Nelson. Veronica Nelson was a strong, proud Gunditjmara, Dja Dja Wurrung, Wurundjeri and Yorta Yorta woman. She was refused bail for shoplifting, was at court without representation by a lawyer and, tragically, died in the Dame Phyllis Frost Centre, a place she should not have been at for low-level offending. This tragedy highlighted why changes were needed to the Bail Act, to remove the over-representation of First Nations people in prison or on remand.

The changes proposed in this bill would reverse that good work done last year in this chamber. The amendments were also needed last year to address the significant impact that the stringent tests had on women, who were disadvantaged. The changes in this bill would perhaps have captured Veronica Nelson and future Veronica Nelsons in the remand system, which is very concerning. The Allan Labor government acknowledges that the Bail Act was not working to bring about a balanced approach to offending. Instead of ensuring serious offenders were remanded, it had inadvertently caught up low-level and vulnerable offenders stuck in the justice system cycle, adding further difficulties for them to break out of the loop.

Regardless of the human rights impact and regardless of the unfairness and disproportionate treatment, this kind of inappropriate capturing also costs the state money. The Sentencing Advisory Council found that before the amendments there was an increase from 5 per cent to 20 per cent of people on remand being given time-served sentences. This created more issues for vulnerable people who did not have the ability or resources to re-enter the community as easily as others. The changes made to the Bail Act have ensured a balanced and fairer categorisation of offences to specifically target those accused of serious offending. I did quote Nerita Waight five months ago, the CEO of the Victorian Aboriginal Legal Service, a Yorta Yorta and Ngarrindjeri woman. She explained that putting people in prison because of alleged offending related to poverty, disability or mental health issues is not making communities safer – it is putting people on a path to being in a cycle of incarceration for their whole life so that we continue to spend more money on prisons and less on essential services to lift communities up. I think that is absolutely the point I am trying to make.

So much damage was caused by imbalanced tests within the Bail Act. The tests were doing nothing to address community safety and instead hitting hardest at our most vulnerable people. This proposal here today is really a clue to what we would get in the future if they were ever to form government – returning to the laws that have racist impacts on vulnerable communities, especially Aboriginal people. Before we fixed the Bail Act we saw low-level nonviolent offenders placed on remand due to the tougher tests that were designed to address serious offenders. Bail decision makers were unable to make decisions appropriately where these low-level offenders were not an unacceptable risk to the community's safety but because of their repeated low-level offending were required to be remanded. The Allan Labor government listened and consulted with the community, as I said before, with stakeholders and other entities and other independent bodies that investigated and reviewed these circumstances and listened to the recommendations and advice received. Those recommendations included the removal of the two Bail Act offences that were seeing a disproportionate number of vulnerable people, like women and Aboriginal people and people experiencing disadvantage, placed on remand unnecessarily. This Liberal bill is definitely back to the future.

Under the changes the bail tests still apply. Serious offenders are still held to account under the new changes we put in place five months ago, and the courts may still refuse bail. It strikes the right balance between considerations of vulnerability, offending and risk to the community. The offence of committing an offence whilst on bail on a brief of evidence does not add any emphasis or sentencing considerations as opposed to an offender being charged directly with a specific indictable offence. These offences add nothing to the deterrence of offending. You are simply adding an extra slice of cheese on a hamburger with the lot, with no overall difference except that it is very unhealthy.

The Allan Labor government is serious about law reform and community safety. That is why we introduced our Bail Act amendments in 2023, only five months ago, and why we have been unafraid to be tough on parole. Let us talk about parole for just a moment. Firstly, I want to acknowledge the strength and courage of the families and loved ones of the victims of those offenders I am about to speak about. The Allan Labor government toughened parole laws to ensure that the likes of Paul Denyer cannot continue to make a mockery of the legal system, causing repeated angst, stress and trauma to the families of victims by continually applying for parole. This government has ensured that Denyer will not walk free. The likes of Julian Knight and Adrian Bayley will face years before they can ever face the Adult Parole Board of Victoria. The strengthening of parole ensures that serious offenders cannot apply for parole within a significant period of time. This government is about ensuring communities remain safe. Victims and their families can have confidence that offenders will see justice but also that our most vulnerable Victorians are not locked away in the system due to inappropriate tests that were not designed for low-level offenders. This government will not support that happening. That is exactly the opposite of what we did five months ago.

In conclusion, what the Allan Labor government has done with the Bail Act strikes the right balance between vulnerability, offending and community safety. I am not saying that it is going to come out perfectly every time, because life is diverse. Scenarios and situations are always different. It can never be perfect, but striving to strike the right balance is what I believe the Allan Labor government have done. What is being proposed by those opposite adds nothing to community safety, does nothing to address recidivism and would simply strike once again at our most vulnerable Victorians. It would simply add more and more vulnerable people to the cycle of incarceration without addressing underlying causes. We must ensure that law reforms are about offenders answering for their criminality and upholding community safety and that they do not create an imbalance between justice and the over-representation of vulnerable people in the justice system. Finally, we must ensure that we do not see an escalation of vulnerable people being caught up in the perpetual revolving door of our justice system without any justification.

**David LIMBRICK** (South-Eastern Metropolitan) (11:36): I also rise to speak on the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024. I will start by saying I accept Mr Mulholland's intent and his passion about reducing crime in this state, a passion that I also share.

However, I disagree with Mr Mulholland on the outcome of this particular bill. What we are doing here is adding back the double uplift provision which was removed only a matter of months ago by a bill put forward by the government. At the time there was an amendment by the opposition to effectively put this double uplift provision back in. I opposed that amendment at the time. Removing this particular provision was a recommendation of the coroner in the Veronica Nelson case, and I am not convinced that this double uplift provision does anything to act as a deterrent to crime. In fact I am sceptical as to whether people who commit these crimes are even aware of such provisions, which makes their deterrence element questionable at best.

I do question though both the government and the opposition. We do have a crime problem in this state, both a normal petty crime problem and an organised crime problem. As I stated in a speech yesterday, it is quite shocking to hear reporting of teenagers being recruited by organised crime to steal cars. This is something that everyone would be aware of, these arson attacks all over the state that have been happening due to tobacco and vaping prohibition. When they commit these attacks, in order to not get caught by the police they use stolen cars, and it has been reported that they are recruiting teenagers to steal cars. With modern cars, you cannot hot-wire them easily, so what they do is they break into the person's house, steal the keys, take the car to commit an arson attack and then burn the car. That is usually what they end up doing.

The idea that we cannot attack many of these issues around crime, both organised crime and petty crime, is just wrong. We know that we can solve issues around petty crime around heroin use, for example, by getting people into pharmacotherapy and undermining the organised crime market. We know that we can undermine this explosion in the tobacco and vaping market by regulating vaping for adults and doing something about the crazy federal excise taxes. I do not lay the blame for that on the state government – they are not responsible for federal excise tax – but we must be at least screaming at the federal government about what they are doing to this state in causing this explosion in organised crime. It is absolutely unacceptable what is happening. Think about this for a moment: that money that these criminals are collecting through these black market networks, where is that money going? How are they laundering this money, and where does it end up? We know that a lot of this tobacco is going to the Middle East and some other Asian countries. Only God knows where that money is going and what sort of nefarious activities it is funding.

We have to stop what is happening in this state. What the federal government has announced, this crackdown, will not work. It will be just as successful as cannabis prohibition. In other words, it will not work at all. We must do better in this state. We have to come up with new ways of fighting crime. Simply changing bail, changing parole and getting more police is not going to fix it. We have to fix the fundamental incentives. We can fight crime in this state using the power of economics whilst respecting the individual choices of citizens of this state. The current system is not working. It is broken; it will remain broken. It does not matter how many police you throw at it; it will remain broken and crime will continue to flourish until we change our approach.

**Sheena WATT** (Northern Metropolitan) (11:40): I rise to speak today, and I would like to pay tribute to Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wurundjeri and Yorta Yorta woman, a beloved daughter and partner, who tragically passed away on remand. I acknowledge the tireless efforts of her mother Aunty Donna, her partner Uncle Percy and all of her loved ones in keeping her legacy alive and in calling for reforms to Victoria's bail laws – laws which those opposite sit here trying, in part, to reverse. Their bill seeks to undo one of the changes made under the Bail Amendment Bill 2023, a change that was specifically called for by the coroner of our state following Veronica's tragic death and that has been supported by countless justice stakeholders, including the Victorian Aboriginal Legal Service, which under the guidance and leadership of Nerita Waight has been one of the powerful advocacy bodies for law reform in Victoria and that operates within my region of the Northern Metropolitan Region.

Can I also pay tribute to the Aboriginal Justice Caucus for their many years of efforts as a key partner in the Aboriginal Justice Agreement. Aboriginal community controlled legal services are vital for First



Peoples equality both here in Victoria and across the nation, and it is the tireless advocacy of such organisations that is helping us build a legal and justice system that works for all. I want to extend my thanks to all members of the Aboriginal legal and grassroots community who have campaigned and called for truth and justice for years. Thank you for your fight, your dedication and your insights throughout all of our work.

Of course we would not be here today if not for the enormous efforts of the Attorney-General and leader of this house Jaclyn Symes, whose compassion and expertise has led to the implementation of the very laws those opposite aim to strip away from Victorians. The Attorney-General along with the Department of Justice and Community Safety has been instrumental in ensuring that Victoria has nuanced and appropriate laws around bail and remand, and the last thing we need is a rushed attack on Victoria's chances of breaking the cycle of reoffending. The government considered the recommendations made by the coroner in great depth. We consulted, we tested and we drafted a series of reforms, and we did so with a clear view to ensuring we had a system that would be fairer and that would always ensure community safety was a critical consideration. In doing so we landed a suite of reforms to Victoria's bail laws which sought to ensure that Victoria's system of bail, one which has long been recognised as being one of the toughest in the country, was much more nuanced.

Specifically our reforms sought to ensure that bail tests would better distinguish low-level, nonviolent offending which would not pose a risk to community safety. This was highlighted not only in the coronial inquest into Veronica's death but also in the parliamentary inquiry into Victoria's criminal justice system. I was a member of the Legal and Social Issues Committee at the time, here in the Legislative Council, that put forward that report, and I recall that both the coronial inquest and the parliamentary inquiry called for reforms to make our bail laws fairer and more flexible. Can I just take a moment to acknowledge the fellow members of the committee in the previous Parliament, who participated in what was a very significant parliamentary inquiry.

It is the job of good governments to acknowledge when the balance just has not been achieved. With the changes made last year we were recognising that there was a problem, and most importantly, we acted upon it. That is why these reforms started us on the path of righting some of those wrongs, and I do acknowledge that work. Bail laws should be used to keep Victorians safe, not to further disadvantage the most underprivileged members of our community. The Allan Labor government is doing what needs to be done in relation to criminal justice reform for Aboriginal communities, for people with disabilities, for women and children and for all those in this state who are vulnerable or disadvantaged.

This bill reflects that those opposite lack a commitment to making Victoria a safer place for all. It does not promote any kind of positive behaviour or overall community safety. The changes they want to reverse with this bill before us require decision-makers to recognise the cultural considerations and obligations of Aboriginal people; the need for accessible Indigenous bail support services, and that is one that we certainly heard a lot about in the inquiry; and the importance of connecting to country, culture and community, one that I know has been especially championed by the Aboriginal caucus and the Victorian Aboriginal Legal Service, because these factors we know play a very vital role in successful rehabilitation.

Data suggests that the decision to introduce two bail offences in 2013 has contributed to a significant increase in the remand population of our state, with a particular impact on women. More and more women have been remanded since the introduction of these offences. The 2019 Crime Statistics Agency *Characteristics and Offending of Women in Prison in Victoria* report findings show that the number of women entering remand charged with a Bail Act offence increased from 20.7 per cent to 66.2 per cent in the period from 2012 to 2018. This increased incarceration was mainly attributed to these two bail offences being introduced, meaning the offence did little to discourage bail breaches and ongoing offending. I am given pause to consider that right before International Women's Day, do we really want to be instituting policies and reforms from those opposite that have a really significant and disproportionate impact on Victorian women? We should be caring for and rehabilitating

Victorian women, not trying to lock them up over and over again. That is not the way to break the cycle of reoffending.

The decision to repeal this offence was intended to address the disproportionate impact of Bail Act offences on women, Aboriginal people and people experiencing disadvantage. During consultations on this bill only last year stakeholders consistently advocated for repeal of these offences. Again we need to be really clear on this: removing this offence does not make it easier for serious offenders to be granted bail. People who commit indictable offences whilst on bail are still held to account for the crimes they commit while on bail, and their offending while on bail still makes it harder for them to get bail again. That is a really critical point that I recall many members on this side of the chamber making during our contributions on this bill last year that this bill is now seeking to reverse. If a person commits an offence while on bail or breaches a condition of bail, the police are able to apply for bail to be revoked, meaning the person ends up on remand, same as if they were never granted bail. This is not changing under our bail reforms, and bail decision makers must consider any offending while on bail when making a further bail determination. This is also not changing under our bail reforms.

I think it is worth noting that the opposition has been quick to call this a weakening of bail laws, and they could not be more wrong. Removing this offence does not make it easier for serious violent offenders to get bail. A person who commits an indictable offence on bail is already facing a more serious charge, an actual indictable offence. Adding an additional charge to a rap sheet does not solve the issue of preventing further offending in the long term or even in fact in the short term.

I am asking myself a number of questions as I examine their bill, as I first did as a member of the Scrutiny of Acts and Regulations Committee. I must confess that the questions when reading this did come through thick and fast because the memory of our very fulsome debate here in this place only last year was still quite fresh in the memory. These are the things I asked myself: did they not hear the debate in our chamber only five months ago, and how is it, given that, did it ever get through the party room? Then I began to think about the people that would be most impacted by that, and I asked myself: do they know what this will mean for vulnerable Victorians? Do they understand the concerns shared by members of the legal community, including those that have advocated for so very long for the reforms that we debated only last year? Then when it all got a little bit too much, I asked myself this question: will I ever understand the motivations of those opposite? And I must confess on this occasion the answer is no.

So with that in mind, I just stopped making a list of questions and reaffirmed in my mind why I am a member of the Allan Labor government. It truly is a government that listens – that listened to the coroner and acted appropriately and that brought forth legislation only five months ago, a bill that I had the good fortune of speaking on. In those remarks then I reaffirmed, like today, my many thanks to the Aboriginal legal and grassroots community for their efforts, who have campaigned and called for truth and justice for years. I thank you for your fight, thank you for sticking at it, thank you for your dedication and sharing your insights and sharing your stories through such incredible pain and heartache. It is not easy to get up and tell the story of family hardship as so many of you have done throughout the many, many, many years. So to you, I say thank you.

We know that more needs to be done in relation to criminal justice reform for Aboriginal communities, and as a former member of the Aboriginal caucus and a very active participant in the Aboriginal justice agreement, I must confess that I too join with you in saying that there is more that we can do for criminal justice reform for Aboriginal communities. But I am also thinking about the statistics for people with a disability, broadly for people of colour, for women and for children and for all those in the state who are vulnerable, disadvantaged or somehow just ended up doing the wrong thing once or twice. Bills like the one before us tell us what we know to be true, and that is that we must fight for all the gains just as hard as we fight to keep them. So whilst your eyes are firmly facing forward to the next fight for justice and self-determination for Aboriginal people and for our mob, I am happy to stand with you today as always and fight to retain the wins, the precious, hard-fought-for and always fragile wins.

Just like the views of those opposite on treaty, we know that minds can change, and memories of the recent past and recent wins slip too quickly from our collective memories. When we get comfortable just for a moment, when we think that this effort is over with and we can move on, well, those opposite do what they always mean to do and present us with a bill like this. I cannot support this bill before us.

**Evan MULHOLLAND** (Northern Metropolitan) (11:54): Thank you to all of my colleagues for your valuable contributions to this debate. I heard a lot of contributions, particularly from Mr Luu and Ms Bath, who gave some reasonable contributions. I just want to pick up on something that Mr Galea said. Obviously the Veronica Nelson case was a very tragic case, but he said very specifically that section 30B would have meant that she would have stayed in jail. The other changes to the Bail Act 1977 that operate to prevent situations such as the one that led to the tragic death of Veronica Nelson from happening again are, for example, among the changes that come into effect on 25 March that we are not taking out. A bail decision maker must consider whether the applicant for bail would be likely to be sentenced to prison for an offence if proven. As offences such as shop stealing would be unlikely to attract bail, a bail decision maker would not remand a person in Victoria in the position of Veronica Nelson under the changes. There are also a large number of offences for which bail can be denied.

Our bill will simply retain section 30B in the Bail Act or reinsert it if the change has already occurred. We know from what is going on in our communities that now is not the time to weaken bail laws. The practical effect of section 30B is to provide that a person on bail who commits an indictable offence will face a higher test to obtain bail again than if they were not already on bail. We are seeing examples from around our state where people have been granted bail over and over and over again. We have seen some pretty frightening examples in my community as well, where people have been subject to aggravated burglaries by people on bail. As I said, it is quite simple: it is to retain section 30B in the Bail Act or reinsert it if the change has already occurred. Now is not the time to weaken bail laws.

**Council divided on motion:**

*Ayes (12):* Melina Bath, Gaele Broad, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

*Noes (21):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, David Ettershank, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Motion negatived.**

**Samantha Ratnam:** On a point of order, President, as we begin question time I would like to follow up on the ruling that you made yesterday when I raised a point of order about the Minister for Housing reflecting on me personally during question time yesterday and my request for her to withdraw those comments. You mentioned that you would follow this up when the minister was in the chamber, and I believe the minister is in the chamber now.

**The PRESIDENT:** Yesterday was a very long day. I do not know if the minister has already done that, but I will call the minister.

**Harriet Shing:** I wish to apologise, Dr Ratnam, for the inference around a comment directed to you. It was in fact directed to the Victorian Greens, so on that basis I do withdraw. It was about all of you.

**Samantha Ratnam:** On a point of order, President, previously in reference to these points of order I have heard you mention that the sincerity of the retraction or apology needs to be considered. I actually

do not believe that was a sincere withdrawal, and I do not believe the comments have been withdrawn, which was what my request was.

**Nick McGowan:** Further to the point of order, President, Member Batchelor made that same point yesterday when he demanded that I unreservedly apologise, and I was required to do so. I would ask you to hold the member to the same level of account.

**The PRESIDENT:** Even though I was not here, I actually watched that, and I think you are correct. I think he did ask you to withdraw unreservedly with no commentary. Dr Ratnam, I think that the minister went over the top and actually apologised and withdrew. Minister, just say you withdraw.

**Harriet Shing:** In relation to you, Dr Ratnam, absolutely. I withdraw in relation to you, yes.

**David Davis:** On the point of order, President, the principles are quite clear. I understand she wants to annotate the discussion, but actually the task for her is just to withdraw, not to annotate.

**The PRESIDENT:** There have been many rulings along the way, so I will ask the minister to assist me by standing up and saying ‘I withdraw.’

**Harriet Shing:** Dr Ratnam, I withdraw.

**Business interrupted pursuant to sessional orders.**

*Questions without notice and ministers statements*

**Animal welfare**

**Georgie PURCELL** (Northern Victoria) (12:07): (445) My question is for the minister representing the Minister for Agriculture. The government has just doubled fines targeting animal activists under the guise of biosecurity – the second increase since the inquiry into the impact of animal rights activism on Victorian agriculture – despite there being no infringement notices or warnings issued for the last two years. Yet we only know of the severe breaches and cruelty occurring in farms and slaughterhouses because of these activists. In May 2020 the government responded to the inquiry, expressing its support for recommendation 14 to implement mandatory CCTV in Victorian abattoirs to monitor animal welfare treatment. Why hasn’t the government implemented CCTV in all Victorian abattoirs, and what consultation has occurred to reach this decision?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:08): I thank Ms Purcell for her question. I will get some information from the Minister for Agriculture and ensure that it is provided to you.

**Georgie PURCELL** (Northern Victoria) (12:08): Thank you, Attorney, for referring that on. The government also stated its support for recommendation 12 of that inquiry, being to:

... conduct an examination of alternative practices used around the world in the treatment of live male chicks in the egg industry and the use of blunt force trauma on goats, pigs, and cows with a view to adopting ‘world’s best’ practice –

with the standards to be higher than those in the Prevention of Cruelty to Animals Act. I raised the issue of live chick maceration on 9 March 2023 in this place, and we received an answer that the government’s commitment to animal welfare will be evidenced in the new Animal Care and Protection Bill. However, the proposed bill is silent on these issues, failing to protect male chicks from being minced alive in an industrial-sized blender. Can the minister share what alternative practices were identified in its review last year and if they will be implemented to ensure higher standards than this act?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09): I will certainly allow Minister Spence to provide you a detailed response, but I just think from my experience of that act there are also a lot of accompanying codes that would be required to be updated as part of the commitment in relation to animal welfare et cetera. In terms of your identification that

things are not caught by a particular act, a lot of it sits in codes. I am sure they will be able to give you a little bit more detail in relation to that.

**Gas sector job losses**

**David DAVIS** (Southern Metropolitan) (12:09): (446) My question is to the Minister for Regional Development. I refer to the closure announced yesterday of the Seeley gas appliance manufacturing plant in Albury–Wodonga and the shocking loss of 125 manufacturing jobs that has been directly blamed on the Allan Labor government’s gas substitution plan, and I ask: isn’t it a fact that just a few years ago the Andrews Labor government provided financial incentives to Seeley International to establish in Wodonga and that now the Allan Labor government has put in place shocking disincentives that have driven the firm away, with consequent job losses?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:10): I thank the member for his question. Can I first state my disappointment and of course my heartfelt concerns for those workers and their families. As a past union secretary in an industry that was hit by job losses, I well and truly understand the impacts of job losses not just on individuals and their families but also on their communities. It is always a very, very tough time at the time, but also it has a long tail as well.

From the outset can I just inform the house that this particular company did transfer from New South Wales to Victoria, so we were able to bring this company, with a range of incentives that were already available at the time, into this state. I know that RDV staff have also been working around the clock in terms of supporting regional businesses so that they can grow and obviously provide safe and stable jobs in regional Victoria.

**David Davis** interjected.

**Gayle TIERNEY**: On that point, Mr Davis, the fact of the matter is that there has been significant jobs growth in regional Victoria – you should know that – and there has been particularly good jobs growth in Wodonga. So to come in here and then say various other things to denigrate what has actually happened in regional Victoria – because that seems to be the playbook from those opposite at the moment, to talk down regional Victoria, to talk down jobs and to not recognise that there has been jobs growth –

*Members interjecting.*

**Sonja Terpstra**: On a point of order, President, I cannot hear the minister’s answer because of the constant yelling and interjection from those opposite. I ask that the minister be –

**The PRESIDENT**: I uphold the point of order. The minister will be heard for the rest of her last minute in silence.

**Gayle TIERNEY**: Thank you. Again, for those opposite, you need to be informed that at least this government has invested over \$41 billion in regional Victoria since 2015. This is a government that is very proactive. We are the ones that are there when these sorts of situations happen. Transition to work is part of our DNA. When things like this happen, we make sure that the support services are available so that there is a better transition for those workers.

This is a case also where the member is obviously trying to have a couple of bites of the apple, because last night his adjournment was exactly on this issue, and it was directed to the minister for energy. Then he walks in here and has a question for the regional development minister. I am happy to handle a lot of these questions, but the member, again, needs to make up his mind who he is actually wanting to get answers from.

**David DAVIS** (Southern Metropolitan) (12:13): Just for the minister's benefit, the previous Minister for Regional Development Jaala Pulford said in a press release:

... that's why we're continuing to back companies like Seeley's that see the real opportunities to be gained by basing themselves across the border.

I thereby say, Minister: isn't it a fact that the shocking gas plan – the gas ban plan – is undermining these opportunities and that instead of backing companies, the Allan government is now actively driving them out with its gas ban?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:14): All I would say to the member opposite is that there are a number of initiatives that are taking place that directly connect up with gas appliance businesses in regional Victoria as well as metropolitan Melbourne, and he should seek more information in regard to that from the appropriate minister.

#### Ministers statements: mental health services

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:14): I rise to update the house on the walk-in mental health support now available in Morwell. On Friday I joined a member for Eastern Victoria, Minister Shing, to open the permanent location of the Latrobe mental health and wellbeing local. The Latrobe local began delivering services via telehealth in late 2022 and expanded throughout last year, and now service provider Neami, alongside partners Drummond Street and Uniting Vic.Tas, are delivering a full service at the permanent location at 3 Hazelwood Road, Morwell. This means that people aged 26 years and over can now walk in and get the mental health support they need with no GP referral or appointment required and at no cost.

The Allan Labor government is delivering mental health and wellbeing local services right across the state, providing Victorians with free, easy-to-access mental health care and support close to home when they need it. Acting as a front door to mental health systems and staffed by qualified mental health practitioners, the locals deliver mental health support in person, via telehealth and via outreach services. The Latrobe local is demonstrating what a difference local services can make in the community, including in times of particular need. Since severe storms hit the Mirboo North region a few weeks ago, the Latrobe local has been working closely with the community to ensure people know that mental health support is available. I was really pleased to join Minister Shing to inform the locals in Mirboo North that the Latrobe local will be operating two days a week at the Mirboo North Medical Centre, providing outreach services. All mental health support is free for that community and no appointment is needed, meaning members of the community can simply walk in during operating hours and receive that immediate support.

Thank you to the team at the Latrobe local for showing us around on Friday and for the amazing work you do in the community every day.

#### Housing

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:17): (447) My question today is to the Minister for Housing. The Bell Bardia public housing estate in Heidelberg West was demolished years ago, and the Labor government's promise was to:

... replace old housing that does not meet the needs of – tenants –

... with well designed, attractive homes that improve the local area.

That is from 2020. However, instead this enormous site has sat empty for years. When will new social homes be built at the Bell Bardia estate?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:17): Thank you, Mr Puglielli, for your interest in social housing and the developments across Victoria that are continuing to address need and to work alongside a range of supports and initiatives from homelessness and crisis accommodation through to temporary housing, maintenance, repairs, upgrades and of course the delivery of new stock. We are continuing to partner with communities on the development of housing, including through the nation-leading ground lease model, and this is something we are determined to make sure is invested in and delivered in a way that is fit for purpose and that also has at its heart a reference to community design and consultation so that tenants and residents have the connectivity, the livability and the pride of place that means that they can continue to contribute and to build really wonderful lives in that community.

As far as the Heidelberg development is concerned, we are continuing to work with councils, communities and community organisations to make sure that that community housing is developed and delivered, and we do want to make sure that we are building that through a comms plan to get federal engagement. The Commonwealth government is at the heart of the work that we are doing, and we do want to make sure that in delivering stage 1 we are doing so in a way that is fit for purpose. I am looking forward to giving you further updates, Mr Puglielli – very happy to make sure that you are kept abreast of those developments as they occur.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:19): Thank you, Minister, for that information. I would definitely be keen to receive further updates from you. As you have noted in this place, even just now, and as many of us also have, the building of these homes is absolutely urgent. This is a site that was a public housing estate where the former public housing tenants had been turfed out in the process of demolition, and now it has sat empty for some years. Frankly, not acceptable – we need to see these homes built as soon as is humanly possible. By way of supplementary, my question is: how many public or community homes will be built on this site, and when will tenants be able to move in?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:20): Thank you, Mr Puglielli. Again, this is part of a matrix of delivering housing in a really efficient way and delivering, building, planning, finalising and relocating tenants back into new housing, including as part of a right of return, as soon as practicable. We are working on design and making sure that when we deliver that case for approval we have that project timing delivered with the Commonwealth, with the construction completion planned for the beginning of 2027, noting that this is alongside a range of other projects which are occurring in and around the area. We do need to make sure that we are delivering housing around metropolitan Melbourne, and we know that when and as residents identify the priority areas for allocation we are meeting their needs in terms of not just the configuration of housing but also the connections that they have to communities, which also means that we want to make sure that housing is fit for purpose and that it meets a range of needs, not just for now but also into the future. We look forward to continuing to engage with you, Mr Puglielli.

#### **TAFE funding**

**Joe McCRACKEN** (Western Victoria) (12:21): (448) My question is to the Minister for Skills and TAFE. Minister, you have previously advised the house that there are 156,000 Victorians enrolled in free TAFE, and my question is: how many of those had completed their courses at the end of 2023?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:21): I thank the member for his question. In terms of the specific question that you ask, I do not have that data on me at the moment, but I am more than happy to provide that to you. But can I say that free TAFE has changed so many lives, and it was only this week that I was at the Fairfield campus of Melbourne Polytechnic, where I met a number of students. They were primarily in veterinary nursing but also in horticulture. I met a particular guy, and I thought of you, Mr McCracken, at the time, because he had actually completed his certificate II when he was at secondary school and then as a result of that – as I said on a previous occasion, cert IIs and IIIs are tasters and they are

foundation skills and they often lead to further study, so get to understand how the real world operates and how the AQF framework operates before you make further comments – he went on to do a certificate III, and that was so great he is now completing a certificate IV and he is employed in the veterinary industry. He does paid work placements and he is actually employed. He is ready to take off and have a fantastic career, and this is a young person at the age of 21 that has the world at his feet. I can regale time and time again with story after story of how that has happened to so many Victorians in this state. I have got to say this week is the fifth anniversary of free TAFE in Victoria, and we have been able to change so many lives and the direction of so many people so that they cannot just acquire the skills but get fantastic jobs that lead to brilliant careers.

**Joe McCracken** (Western Victoria) (12:23): Minister, like you, I visited Fed TAFE last week as well and went to their awards ceremony. So I am obviously very interested in TAFE, much like you. My supplementary question is: aside from providing the number figure of the completion rates, I would also like to know what the rate of completion is compared to enrolments for 2022 and 2023. I know that you said you would take that and get back to me, so could you do that with that as well?

**The PRESIDENT:** I will put the question to the minister, but the reason I am hesitating is that there have been some rulings about questions without notice where it would be unreasonable to expect the minister to know that point of detail. That is why we have questions on notice. But I appreciate the minister's assistance in this and getting the answer to the substantive question, so I will call her for the supplementary.

**Gayle Tierney** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:24): Yes, I am aware that you were at the award ceremony, Mr McCracken, and so was Michaela Settle, who is a fantastic advocate for free TAFE and Federation University. I am told it was a fantastic evening and that you were both advised that enrolments at Federation Uni in the TAFE area have skyrocketed this year, and that is exactly what the CEO of Melbourne Poly told me on Monday as well – that we have seen an enormous return of people into the free TAFE system. We think it is largely also as a result of the changed eligibility rules that we introduced – eligibility rules that enable people who have qualifications at a higher level or at an equal level to now undertake free TAFE. We have also enabled people who have done a certificate III or II in an area that is a priority to go on and do further free TAFE courses.

#### **Ministers statements: Corrections Victoria**

**Enver Erdogan** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:26): I rise as Minister for Corrections to update the house about the actions taken by our corrections staff in response to the bushfires in western Victoria last week. Based on advice from Emergency Management Victoria and the CFA, and of course due to the severe weather conditions and the risk presented by the fires across western Victoria, Corrections Victoria made the decision to evacuate all prisoners from the Langi Kal Kal Prison. The operational experts selected Western Plains as the best and safest option for the majority of the prisoners. This would not have been possible without the significant investment our government has made into building and maintaining this state-of-the-art facility.

As I have said previously in this chamber, Western Plains is already contributing to our corrections system as a high-quality training facility that ensures that we are able to onboard and upskill staff without impacting operations at other facilities across our state. It has also provided its value in an emergency situation. Corrections Victoria was able to quickly operationalise Western Plains to receive prisoners safely and ensure they were fed and had access to essential supplies. I was pleased to hear from Corrections Victoria of the gratitude expressed by the families of the prisoners for their loved ones being safely moved out of the danger zone. I want to take this opportunity to thank the commissioner, her team and all the frontline staff involved for the fantastic job they did last week. Decanting a prison and transferring that many prisoners is no small task, and they did it with the safety of the staff, prisoners and the whole community at the forefront of their considerations.



It is important also to acknowledge that many of our Corrections Victoria staff live in and around the fire zone. On their behalf and on my behalf I wish to acknowledge the incredibly brave work of all emergency services workers in our state and the volunteers who put their lives at risk in the line of duty to protect the community and our whole state. Thank you to them.

#### TAFE teachers

**Richard WELCH** (North-Eastern Metropolitan) (12:28): (449) My question is for the Minister for Skills and TAFE. According to the Victorian branch of the Australian Education Union, TAFE teachers are working ‘excessive and unsustainable workloads, often involving significant unpaid overtime’. Minister, how many TAFE teachers are currently having to work unpaid overtime to meet their workloads?

**The PRESIDENT:** Before I put the question, once again the level of detail and also whether the positions that were put as facts were actually facts were the subject of rulings that have been made before. I will let the minister answer as she sees fit.

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:29): I thank the member for the question. I take it that the member is a fairly new member of the chamber. But the fact of the matter is –

*Members interjecting.*

**Gayle TIERNEY:** It is a fact, and the other fact is that industrial relations is within the scope of each individual TAFE. Indeed they are employees of the individual TAFE, so in terms of that sort of information, I am not privy to that. But can I say to the member, I have not received any information from teachers in respect of that, and beyond that can I say that there are negotiations currently afoot between the AEU and Victorian TAFE Association, and they will work their way through a range of issues. If what you say is true, then I am sure that is one of the issues on the table.

**Richard WELCH** (North-Eastern Metropolitan) (12:30): Thank you, Minister, for your answer. I am not saying it is true, it is the union saying it is true, so perhaps the inference is that they are lying. But the union has stated, additionally, across the TAFE sector, many departments are only able to continue offering some courses because existing teachers are working well above their contracted hours. Minister, what action is the government taking to compensate TAFE teachers working well above their contracted hours?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:30): Again, the member is repeating something from another area. I have no way of knowing whether it is true or partially true or whatever. It is a hypothetical question, and as I said, these are issues that I am sure are on the table in the negotiations that are currently underway between the VTA and the AEU. I am sure that they will deal with these issues in the most appropriate fashion. It is not appropriate for us to be having these discussions across the chamber, over the bench, when these industrial relations issues are being dealt with in the most appropriate way.

#### Self-represented litigants

**David ETTERSANK** (Western Metropolitan) (12:31): (450) My question is to the Attorney-General, and it concerns unrepresented litigants. Victoria Legal Aid has identified an increasing number of self-represented litigants appearing at the Magistrates’ Court. These are typically people who cannot afford legal representation but do not qualify for legal aid – they are sometimes called the ‘missing middle’. Matters where an accused would likely self-represent include low-level drug offences, family violence matters and some bail applications. A lack of legal representation can be disastrous for litigants who are unaware of the legal options available to them. For instance, someone charged with a low-level drug offence may not realise that diversion is available to them and instead plead guilty to the offence against their own best interests. It also prevents challenges for magistrates and courts, increasing the time taken to hear a matter and causing delays in proceedings. So I ask: what

is the government doing to extend the provision of legal representation and address this inequity in access?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): I thank Mr Ettershank for his question and certainly identification of an issue that has existed for some time and remains a challenge for and a focus of the courts, legal bodies and indeed government. Unfortunately, it is undeniable, there is unmet legal need; that is evident in a lot of the meetings I have and my experience in dealing with the courts. The Victoria Law Foundation is looking at this issue with world-leading research, really quite compelling and important research, which helps to identify some of the barriers and some of the lack of legal knowledge. But I think what was particularly confronting to me was actually a lot of people’s inability to identify they have got a legal problem, which can cascade and cause further problems. So there are a lot of people that are doing work in this regard. You have mentioned Victoria Legal Aid. They do a fantastic service; community legal centres also do. Of course they do have to have means tests to direct their services to those most in need. We acknowledge that obviously with pressures such as rising costs of living, more and more people are struggling financially and that does have a flow-on effect to people’s ability to access legal representation.

I would acknowledge there is actually a growing cohort of people who want to represent themselves as well, so responding to that cohort is also proving challenging. But courts provide a lot of guidance about court processes on their websites. There are also resources such as the legal handbook, which provides a practical guide for law in Victoria and is a resource for our CLCs in the community. I do not know about you, but I review it quite regularly to make sure that my knowledge is contemporary on issues that come up as well. Legal aid also have a lot of information on their website. I also find their information really user-friendly and a good basis to help people identify if they have a legal issue and what they can do in relation to first steps in addressing that.

There is a small, dedicated team within the Magistrates’ Court for self-represented users in federal jurisdiction matters, and some of those cross over with the VCAT jurisdiction. The legal profession also have a very proud history of pro bono work, and it is part of our legal contracting that any firms that are eligible for government work must commit to a component of pro bono work to be able to be eligible to be on our panel, for example. There are a range of measures. A lot of people have focused on this, and we will continue to be interested in ways that we can close or make this gap as small as possible.

**David Ettershank:** I thank the Attorney-General, who has demonstrated some prescience and made my supplementary redundant.

**Ministers statements: housing**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:36): I rise today in my capacity as Minister for Housing. On Sunday it was such a pleasure to join my friend and local member Ryan Batchelor to visit the newly completed housing development at New Street in Brighton. This is one of the projects that has been delivered under the nation-leading ground lease model stage 1 development.

We know that by embracing innovative opportunities for development we can achieve a significant uplift in the volume of stock that is available. This was a site which, for those who do not know, previously had 127 dwellings on it. This has been increased now, as a result of this development, to 291 dwellings. That includes 151 dwellings allocated as social housing.

On Sunday, when we were there, there were people moving in at the time to be part of this beautiful community with wide open spaces, a cafe to come, space for people to come together in a community facility. We had an opportunity to have a conversation with Tanya, a tenant who moved in last week and who has already made her stunning one-bedroom home a place all her own. It has a balcony with fresh air, great cross-ventilation, energy efficiency, double glazing, noise attenuation and of course

proximity to local amenities and community. This is what we are building. This is why we are investing billions of dollars into projects that partner with community housing organisations –

*Members interjecting.*

**Sonja Terpstra:** On a point of order, President, I refer to *Rulings from the Chair* in regard to interjections. I note that today Mr McGowan has participated in a constant stream of interjections, barrages of interjections, shouting down a member with the call. It means that we cannot hear the minister and it is disrupting her train of thought. I refer to the ruling of President Hunt in this regard, and I ask that Mr McGowan stop his constant stream of interjections.

**The PRESIDENT:** Ms Terpstra, I am a big fan of the rulings of President Hunt. I uphold your point of order as far as interjections go. I know you mentioned Mr McGowan. I think there have been a lot of interjections from a lot of areas, so I will not single out that member now. But I did say at the business meeting – and I apologise if it was not passed on – that if someone was doing a members statement, an adjournment or a ministers statement when they have limited time and that person was not being provocative, then I will say that they can start from the start and everyone will be quiet.

I apologise that there might have been instances in the last couple of days where other people have been subject to interjections while they were doing time-limited statements and not being provocative, but I think that is a good standard for us to set. I will call Minister Shing, from the top.

**Harriet SHING:** Thank you, President. I rise today in my capacity as Minister for Housing to celebrate the recent completion of a beautiful new development of social housing at New Street in Brighton. This takes a site which previously had 127 homes on it to 291 homes. This is a mixture of different configurations, one- and two-bedroom and indeed additional disability-accessible accommodation. My good friend and colleague here in the chamber today Ryan Batchelor has been a really staunch advocate for this project, and we have watched it come to life over recent months. This is what we are building, and this is why we are investing billions of dollars in partnership with the community housing sector to partner with Community Housing (Vic) and also Icon, who developed and delivered this. Homes Victoria has made sure that this project has been delivered on time and on budget, and we are determined to make sure that when residents move in – and make no mistake, they were literally moving in on Sunday when we were there – whether it is social housing, whether it is private market rental, people have access to beautiful amenity. Whether it is a community facility, a cafe, open spaces or proximity to their communities, this is why we are investing what we are investing.

Tanya, who is an extraordinary advocate for the community she now calls home, moved into her beautiful one-bedroom apartment last week. She has already made it her own, and she had the following to say:

I feel secure. I have an amazing brand new apartment. I have bird life around me. It has just taken the weight of the world off my shoulders. I come from a very old-style apartment, and just seeing everything opening and closing properly, to have a view and a balcony – it is just fantastic.

After just a few short days in her home Tanya feels safe and secure. That is what she deserves, that is what social housing residents deserve and this is what we are building.

### **Melbourne medically supervised injecting facility**

**Evan MULHOLLAND** (Northern Metropolitan) (12:41): (451) My question is for the Minister for Mental Health. Minister, recent reports in the *Herald Sun* indicate that the government is looking to replace the CBD injecting room with a pill-testing trial, with one source saying that the majority of feedback is that the injecting room is dead. Can you give CBD businesses their confidence back by confirming the proposed CBD injecting room is no longer?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:42): I thank Mr Mulholland for his question and his ongoing interest in

these issues. I guess I would just want to say from the outset that language really matters. We are dealing with incredibly difficult and sensitive issues, and I am very mindful of the tragedies of loved ones lost in relation to some of the drug harm that has been going on in our city. I appreciate that Mr Mulholland is directly quoting from a media article, but I would never describe things in those sorts of terms and use that kind of language when we are dealing with the pain that many families have experienced because they have lost loved ones to overdose.

I think I have been pretty clear about the government's work in this area. We have consistently said that we will be releasing Ken Lay's report, but for me, I think the responsible thing to do is to release it together with a comprehensive government response to all of these questions and all of these issues, and I am personally concentrating on making sure that that response looks at some of the changing drug-use patterns in the CBD and looks at the ways in which we can reduce harm for people who are struggling with opioid addiction, and that is the focus of the work that the government is doing currently. When that work is complete and has gone through the proper cabinet processes, we will be releasing both the Ken Lay report and the government response publicly.

**David Davis:** On a point of order, President, the minister is saying that the government will release the Lay report –

*Members interjecting.*

**David Davis:** No, this is a serious point of order. In fact today in the chamber the government has written and claimed executive privilege. They cannot both be true.

**A member:** Yes, they can.

**David Davis:** No, they cannot. It is clear that the document is subject to executive privilege claims.

**The PRESIDENT:** Mr Davis, I think the minister was quite clear about a process that this particular document is about to go through. I would imagine at the moment there is executive privilege, but as the minister explained the process, there may not be.

**Evan MULHOLLAND** (Northern Metropolitan) (12:45): Minister, reports indicate that the government is looking at pill testing in medical clinics instead of at music festivals. Are these reports correct?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:45): I thank Mr Mulholland for his supplementary question. I am not really sure how it relates to the substantive, but that aside – I know we are all a bit sleep deprived today – I will indulge him. I would advise those opposite to actually do some proper policy work rather than cherry-picking articles from the media and making wild assertions in the Parliament.

*Members interjecting.*

**The PRESIDENT:** We are all a bit sleep deprived, but that is no reason to turn into the Assembly. Let us just keep it together. We have one more question, and it is going to come from Mr Limbrick.

### Corrections system

**David LIMBRICK** (South-Eastern Metropolitan) (12:46): (452) My question is for the Minister for Corrections. We would all be aware of the organised crime war that is happening at the moment, with arson attacks all around the state related to the illegal tobacco and vaping market. According to Parliamentary Budget Office research commissioned by my office, currently there are about 400,000 vapers in Victoria, comprising a market of about half a billion dollars. According to the federal government, they are launching a crackdown and there has been extra funding for policing of this. In fact in New South Wales we have seen them start policing this. Even yesterday there was a video of a 13-year-old boy who was arrested for possessing a vape. It would appear that the Victorian government shares this view on the legality of possession of vapes – on the Victorian government

website vic.gov.au they talk about it. My question is: what is the minister doing to expand the prison capacity for the influx of potentially a proportion of these 400,000 vapers?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:47): I thank Mr Limbrick for his question and his interest in my portfolios. I do note that matters of who ends up in custodial settings are not matters that the Minister for Corrections is in charge of; these are decisions of independent judiciaries. In terms of what is happening in the community, as one of the justice ministers, I am very concerned. The highest priority of our government is community safety, so we have a range of operations in place. But in terms of prevention of crime and the vaping issues and the tobacco issues you have raised, I think they are more appropriately answered by the Minister for Police about the actions that police are taking to –

**David Limbrick**: On a point of order, President, my question was around expansion of corrections facilities.

**The PRESIDENT**: I will call the minister back to the question. I am a bit concerned that it might be hypothetical, but I will call the minister.

**Enver ERDOGAN**: Thank you, Mr Limbrick. In terms of our investments in our corrections infrastructure, we have been very clear in this place that we know corrections facilities are a crucial part of our justice system. They are places where the community is kept safe and where people have an opportunity to address their offending behaviour. We have made record investments in not only the facilities – and we do have capacity because we have made significant investments in our facilities; I will get to that – but the key is about making sure when people do enter our systems we have employment programs, educational programs and obviously pathways to employment through our partnership with TAFE to make sure that when people do exit the system they have a future and are able to stop their offending behaviour and address it. That is what our prison system is designed to do.

In terms of the current capacity, in Victoria we do have a positive outcome: the number of people in our corrections system has actually decreased over about the last four years by about 20 per cent, so we do have additional capacity. But also we have made significant investments, so we have additional capacity. I have talked about our prison infill program, where we are kind of commissioning out all the facilities with newer beds and newer units, and we have our Western Plains facility. If the system needs extra capacity, we have futureproofed the system because we have made the investments.

**David Limbrick**: President, I have no supplementary. I am sure the Victorian vapers will be alarmed by these investments.

#### **Ministers statements: early childhood education**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:49): I rise to update the house on the Allan Labor government's investments which are delivering more kinders on school sites. Last week I announced 13 new kinders on school sites that will be opening in 2026 alongside the member for Cranbourne in the other place. It was fantastic to meet with the inspiring staff and students at Cranbourne Primary School and hear about the interconnected services that are already being delivered on their school campus. These young people spoke so positively about the community that they have built at Cranbourne Primary School and how excited they were to know that their school would have a kinder on the school site.

These 13 new kinders across the state will provide almost 1000 extra places for local children, helping to meet demand for three- and four-year-old kinder in our Victorian communities. This investment continues our massive program of building, modernising and expanding kinders across the state. It is the next step in our nation-leading reforms for early learning. We are already delivering two years of free kinder for every Victorian child, and kindergartens are an incredibly important part of the child's lifelong education. It is where children begin to learn the skills they need to succeed in school and life, and it is where parents can begin to build communities around their children.

Having the kinder and the school together can make that important transition between kinder and school easier for children. It can make it easier for staff to share resources and ideas to benefit children, and it can make life easier for parents with kids at kinder and at school by allowing them to avoid the dreaded double drop-off. All of these benefits will make a great big difference for families from Cranbourne to Horsham, and it is why since 2021 our government has delivered 39 kindergartens on school sites, creating 79 rooms and an extra 2607 licensed places. I cannot wait to visit our new kinders on school sites across the state in 2026.

### Written responses

**The PRESIDENT** (12:51): That ends questions and ministers statements. As far as today's questions go, can I thank Minister Symes, who will get two responses, in line with the standing orders, from the Minister for Agriculture for Ms Purcell's questions, and Minister Tierney on the substantive question from Mr McCracken. I thank her for committing to getting that written response. In saying that – I hope in 44 years time someone quotes in this house a ruling from President Leane – there was a ruling from President Grimwade that questions without notice should not be so detailed as to make it impossible for the minister to answer at the time. I felt like the detail of the question asked of Minister Tierney may have fallen into that category. So I will just put the house on notice, but I do thank Minister Tierney, who will get Mr McCracken an answer in line with the standing orders for this one.

**Melina Bath**: On a point of order, President, I have got some outstanding constituency questions and adjournment debates that I would like to put on record: constituency question 619, 81 days; adjournment debates 626, 68 days; 343, 217 days; 429, 159 days; 305, 227 days; and 650, 66 days overdue.

**The PRESIDENT**: Are any of them for ministers in this house?

**Melina Bath**: Yes, there are. I will send them on to the specific ones.

**The PRESIDENT**: Can a minister to commit to following that up?

**Lizzie Blandthorn**: On the point of order, President, there are a number of matters and we will follow them up.

### *Questions on notice*

#### Answers

**Sarah MANSFIELD** (Western Victoria) (12:53): President, I have an unanswered question on notice: question 1331, which was due on 28 December 2023, for the Minister for Environment.

**The PRESIDENT**: Can a minister commit to following that up?

**Gayle Tierney**: Yes.

**The PRESIDENT**: Minister Tierney has indicated she will follow that up.

### *Constituency questions*

#### South-Eastern Metropolitan Region

**Michael GALEA** (South-Eastern Metropolitan) (12:54): (719) My question today is for Minister Blandthorn in her capacity as Minister for Children, and it relates to the new Casey early parenting centre in Clyde North. The Casey early parenting centre includes 10 residential family units, four day-stay places, kitchen and dining areas, playrooms and outdoor play areas. It is one of 12 new and upgraded early parenting centres, part of the Labor government's \$148 million investment to expand Victoria's early parenting service network. Minister, what benefits will my constituents receive from this new early parenting centre in Clyde North?

**Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (12:54): (720) My constituency question is for the Minister for Planning and concerns the construction of the Gunns Gully Road interchange on the Hume Freeway. Traffic is a constant issue for residents of Cloverton in Kalkallo. Labor's inability to plan for future growth areas has left commuters in the north paralysed in traffic. The development of infrastructure moves at a snail's pace as population skyrockets. Construction of the interchange needed to commence yesterday, yet just like many other projects it has fallen behind and is delayed. According to the Victorian Planning Authority the growth area infrastructure contribution work-in-kind agreement with Stockland is still being negotiated. I ask the minister: when will the work-in-kind agreement be formed, when will construction begin and when will the project be completed? Will it be late 2026? Will it be early 2027? We need this project done yesterday.

**Southern Metropolitan Region**

**Katherine COPSEY** (Southern Metropolitan) (12:55): (721) My constituency question is to the Minister for Housing. I have been contacted by a constituent, Steve, in Port Melbourne concerned about the lack of appropriate public consultation regarding the Barak Beacon estate. The public homes there were demolished by Homes Victoria, which is overseeing works on the site. Local residents were letterboxed with information stating that:

The final plans for the site will be informed by public consultation that is taking place until Sunday, 3 March ...

But before public consultation even closed, residents were shocked to hear that a decision was already made to remove 93 out of the 97 trees from that site. Removing almost all the trees will certainly maximise developer profits, but it is in direct contravention of the City of Port Phillip's urban forest strategy, which aims to increase total canopy coverage, and residents' wishes. Minister, will you review this decision to remove most of the mature trees at the Barak Beacon estate site?

**Eastern Victoria Region**

**Renee HEATH** (Eastern Victoria) (12:56): (722) The soaring increase in land tax in Victoria is hurting home owners, businesses and renters during a cost-of-living crisis. I received a call from Narelle from Pakenham, a local business owner of more than 34 years, and her land tax has increased by 400 per cent. Last year she paid \$23,000; this year she is being slugged with an enormous \$103,995 bill. This is completely unfair and unsustainable. After receiving it the business has three weeks to pay the money or else it can be paid in instalments, and if there are delays in either there will be additional penalties. The increase will inevitably ruin a lot of jobs. It will result in job losses and add even more to the cost-of-living crisis of struggling families. Will the Treasurer take responsibility for the job losses, the business closures and the loss of investment in Victoria as a result of these oppressive taxes?

**Northern Metropolitan Region**

**Sheena WATT** (Northern Metropolitan) (12:57): (723) My question is for the Minister for Environment in the other place. Some constituents of mine in the Northern Metropolitan Region, Jack and Clare, have two young children and enjoy going on hikes in our great outdoors. Last weekend they completed a day hike in the Grampians and were surprised to see a fox on the Three Peaks trail. You see, Jack and Clare were stunned to see a fox amongst the native bush, and after explaining to their children why the fox looked so out of place they did some research and they found that the weeds and pests on public land program aims at conserving native habitat and wildlife. My question from Jack and Clare is this: what other programs are being funded under the Allan Labor government to support our precious biodiversity and protect threatened species from invasive wildlife such as foxes?

**South-Eastern Metropolitan Region**

**Rachel PAYNE** (South-Eastern Metropolitan) (12:58): (724) My constituency question is for the Minister for Public and Active Transport. My constituent is a resident of Beaconsfield. Like many in our community, my constituent travels to and from work on public transport, relying on the 838 bus service on their way home. Unfortunately, this bus route operates with low frequency, so if my constituent misses the bus, they are forced to wait for at least 2 hours for the next one or find an alternate way home. My constituent also astutely notes that there have been no new public bus services in the area since 2014, despite the increased needs of the growing local community. So my constituent asks: will the minister consider arranging for the service 838 to operate with increased frequency and consider further expansions to other local services?

**North-Eastern Metropolitan Region**

**Richard WELCH** (North-Eastern Metropolitan) (12:59): (725) My question is for the Minister for the Suburban Rail Loop. Constituents in my electorate have significant concerns about the design of the Glen Waverley SRL station. From what can be discerned, the Glen Waverley metro station will not have a paid area connection, meaning that the commuters will have to tap off and tap on again when going between trains. This is unlike others such as the Clayton SRL station, which has a paid area connection. As the government has not committed to a paid area connection, Coleman Parade will be closed, causing locals to worry about the traffic flow in the area. Furthermore, locals are concerned that the Waverley RSL will be shut down by the SRL planning authority when construction begins. My question is: will the minister provide clarity to those in Glen Waverley about the SRL station, including why they are not a getting paid area connection, and the future of the Waverley RSL?

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

**Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (14:02): (726) My question is to the Minister for Public and Active Transport. When will the government make public the results of the trial of the additional weekend V/Line trains and mandatory bookings on the Albury–Wodonga line? The government's \$10 V/Line fare policy caused chaos on the Albury–Wodonga line as passengers as were not required to book, which left people sitting on the floor of the carriages or standing for a 4-hour journey. After much lobbying by the member for Benambra, an additional service of a train with three carriages was added to the timetable on a Saturday morning and Sunday afternoon to ease overcrowding. We were told this was a trial – that trial ended last week. With the siren about to sound on the kick-off for the 2024 AFL season, these services will again be in heavy demand, but they are still only temporary and have no food or drink service despite being fully staffed and having fully stocked fridges. These trains should be a permanent fixture on the timetable and should be increased to six carriages.

**Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (14:03): (727) My constituency question is to the Minister for Transport Infrastructure, and I ask the minister to investigate the feasibility of moving the bus stops located at the end of Hargreaves Mall to a more suitable location. If you live in Bendigo, you will know that the mall is struggling. Many shopfronts remain empty and more are closing their doors. Locals are also concerned about the increase in crime. It has been an ongoing challenge, and the local council is working on a three-year plan to revitalise the space and encourage a greater police presence in the area. Speaking with local businesses, it is evident that the bus stops located at the end of the mall and along Mitchell Street are causing issues. What was a Telstra shop on the corner now sits vacant as people waiting for buses crowd an already congested footpath. The Good Loaf has recently vacated the site of the old Beaurepaire building, shaped like a UFO, at the edge of town. A local business owner suggested relocating the bus stops from the mall to this site. The state government needs to take action to relocate the bus stops from Hargreaves Mall to a more suitable location so local businesses can thrive.



### South-Eastern Metropolitan Region

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (14:04): (728) My question is to the Minister for Children, and I ask the minister to act and advise when the maternal and child health services that other Victorian children receive will be fully restored for families in the City of Casey. The City of Casey, under this government, said the council recommended its full maternal and child health services would be operational from December 2023, but consistent complaints from my constituents show that many new parents are not able to get appointments through Casey council's maternal and child health, and some are having to go to other councils for early support. Constituent Michelle Crowther, a local women's health professional, said:

I know my friend's daughter has just had a baby and couldn't get the visits in Casey ... she's going to Frankston Council to get the visits ...

Councils provide free maternal and child health services, which are critical for detecting early development disorders in little ones from birth to age six, but our local service is not available to many new mothers in Casey.

### Eastern Victoria Region

**Melina BATH** (Eastern Victoria) (14:05): (729) My question is to the Minister for Transport Infrastructure. Committee for Gippsland, the transport organisation SEATS, Latrobe city and Wellington city all rate the Traralgon bypass as a top priority for the region. I know the Nationals – I and my colleague in the lower house and the federal MP Darren Chester – have all advocated for this along with our community. Citing a previous study, Beth Liley, the then Regional Roads Victoria CEO, said we need to evaluate the impact of the final rehabilitated form of the Loy Yang mine before considering moving towards the strategy. While totally understanding that she is the meat in the sandwich, I want to understand from the minister: will this government provide some funding in the upcoming budget for the evaluation, planning and design of the Traralgon bypass?

### Bills

#### **Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023**

##### *Council's amendments*

**The ACTING PRESIDENT (John Berger)** (14:06): I have received a message from the Legislative Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Workplace Injury Rehabilitation and Compensation Act 2013**, the **Accident Compensation Act 1985** and the **Occupational Health and Safety Act 2004** and for the other purposes' the amendments made by the Council have been agreed to.

### Motions

#### **Australian Security Intelligence Organisation**

**Adem SOMYUREK** (Northern Metropolitan) (14:06): I move:

That this house:

- (1) notes the comments made by Mr Mike Burgess, director-general of ASIO, that a foreign spy unit had successfully cultivated and recruited a former Australian politician;
- (2) expresses its unequivocal support and gratitude to the brave officers of ASIO working to ensure Australians are kept safe from threats to Australia's national security;
- (3) invites ASIO to provide a briefing to members of the Victorian Parliament on the advanced tactics, referenced by Mr Burgess, which are used by foreign agents to enlist and undermine members of Parliament;

- (4) recognises the importance of protecting the confidentiality and integrity of ongoing investigations while also understanding the potential implications of not publicly identifying a former member of Parliament threatening Australia's national security; and
- (5) notes that the stability and integrity of parliamentary democracy are fundamental to national security, as they underpin the legitimacy of the government and the trust of the public in Parliament, and our other democratic institutions.

I am going to refer to copious notes today because I have got a lot to say and limited time to say it, so excuse me for that. I would like to start by expressing my appreciation to ASIO's personnel for their hard work and dedication in keeping Australia safe. There are a lot of good people in there who are brave people, and they keep us safe on a daily basis. My motion today affirms my belief that our intelligence services should be provided all the necessary resources and powers to keep Australia safe. I believe in a zero-tolerance stance toward terrorism. I strongly believe that no cause or grievance, historical or current, justifies the loss of innocent lives. This belief is foundational to my approach to national security. I have not been operating in the national security space; I am a state MP, but occasionally I have been brought into the national security space, because of my background, over the years as an MP.

However, despite being hawkish on national security, I find myself respectfully at odds with Mr Mike Burgess, director-general of ASIO, particularly regarding the concealment of a compromised – let us call it for what it is, a rat – former MP's identity. While I recognise the importance of protecting ongoing investigations, I contend that not naming the implicated former MP risks eroding trust in Parliament. Trust in our state's institutions, courts, government, Parliament, security forces and indeed in our intelligence services is very, very important – it is crucial. What differentiates us, a functional, advanced democracy, from a fledgling democracy in the Third World is the trust in our institutions. That is why we do not have uprisings, that is why people are not storming Parliament, that is why we do not have coups d'état – because people trust us and trust the institutions. They trust the institution of Parliament and the courts, the electoral system and everything else. It is very important to maintain that trust.

The recent doubts cast on critical US institutions and the resultant social disorder there underscore the potential repercussions of undermining trust in important state institutions. Allegations of electoral fraud and critiques of the intelligence services as part of the so-called deep state resulted in the loss of public confidence by some sections of the public of the United States. This result was destructive for the States and indeed it looked for a while like the US was about to descend into civil war. It is paramount that trust in the institution of Parliament is maintained. Any erosion of this trust could precipitate a breakdown of social order.

While government and MPs must be scrutinised and absolutely power must be held to account, agencies who speak with an authoritative voice must be judicious in their public commentary about Parliament. By not naming the compromised MP and by discussing the issue publicly without naming the wrongdoers, I believe there is a risk of suggesting a broader issue of disloyalty to the country, which could undermine public confidence in this place. Public sentiment is not easily swayed. You cannot just turn public sentiment on and off like a tap on a whim. Once the genie leaves the bottle, it is difficult to put it back. There are a lot of metaphors in there, I understand, but I think they are all apt. If the public loses trust in parliament, reversing that sentiment will be very challenging, so I call on Mr Burgess to reconsider his position on not naming the MP. I call on Mr Burgess to name the former MP rather.

Another reason I believe Mr Burgess should name the former member of Parliament is that MPs do not simply disappear from this place – go outside, get into their car and drive off into the sunset. They are part of political parties, and the political party is part of their identity. It is part of who they are. A lot of them have been in here a long time. MPs become part of their social network. Even after they leave, they remain mentors to parliamentarians and ministers. Some of them are even influential after they leave Parliament as well in this place. So I think it is important that incumbent MPs, particularly

those in political parties, understand who the treacherous former MP is so they do not exchange any intelligence with them.

Another significant issue with not naming the former MP is that it invites speculation. In the name of the national interest today I will accept that invitation in the public interest and national interest. I suspect ASIO wanted people like me who have been around in the political system for decades to speculate in order to weed out other bad apples that they might come across. It is a very clever strategy – they are not called the intelligence services for nothing, because it is a clever strategy.

Before I talk about the individual who I think it is, it is important to narrow down the number of MPs that Mr Burgess spoke about. He spoke about MPs generically; he did not narrow it down. I guess he did that for a particular purpose. Let us rule out initially all state MPs, because there are divisions of powers in the constitution which separate the powers of state and Commonwealth and we know that state MPs do not receive any confidential briefings on national security. We just do not get classified information. I have been here for 20-something years. I have been a minister and I have never met an ASIO official in my life. I am ruling out all the state MPs. I think it is safe to rule out all former federal MPs as well, except for those on the intelligence committee and those in the ministry – but only certain sections of the ministry probably have administrative purview over intelligence and national security related matters. We are starting to close it in a fair bit, aren't we? So the MP in question would have to be a former member of Parliament from the intelligence committee or a former federal minister with purview of the national security space.

We are also told by Mr Burgess that the MP in question was close to a former Prime Minister and tried to compromise the former PM's family. Our next task is to investigate characteristics such as history of disloyalty, character, financial and psychological situations. Anthony Byrne certainly ticks all the right boxes here. He has been on the intelligence committee for many years as chair and deputy chair depending on whether there was a Labor government or a coalition government. It is a criminal offence to leak from the intelligence committee and there are strict protocols in place to prevent members leaking, yet Byrne leaked like a sieve. He leaked to journalists to garner favourable treatment. How do I know this? Because he would call or text me. I come with receipts. I have got the text messages that he would text me on how he leaked from the intelligence committee to journalists.

Every time Byrne leaked classified national security intelligence to journalists, I would get a call asking me to read the front page of whatever publication it was or watch whatever TV program was on that night. Strangely, he always inquired whether I liked his handiwork. His favourite saying was 'How do you like my handiwork, mate, today on the front page of the blah, blah, blah publication?' Byrne did not only divulge classified information to journalists, he would also randomly blurt out classified information in front of whoever he wanted to impress.

The most blatant instance of him leaking classified information or security information to random people was when we sat down to have lunch with a couple of businesspeople from a particular ethnic minority so that Byrne could hit them up for campaign donations to his preselection campaign. He always needed money. Perhaps sensing that he needed to prove how important he was, he blurted out detailed classified information from the intelligence committee. The information, as I recall, related to Islamic terrorism, and I think he may have thought the people that we were dining with were more interested than they were, because they seemed not to care. I do not think they understood the significance of what he was doing. I say this is one of the more extreme things that he did with that. Usually it was more casual than that.

Another box that Byrne ticks is that he was cash-strapped after two divorces. As I recall, for a period of time he even slept in his electorate office. I am not having a go at poor people. I do not want to raise this issue. I only mention this because research shows that financial vulnerability is an important motivator for people or spies who become double agents. Another box that Byrne ticks is that he had a close friendship with a former PM and his family. Byrne at one stage shared an apartment with a former PM. I am not having a go at the former PM – it is nothing to do with him. I am just merely

ticking off boxes that Mr Burgess put out there. Let us take stock: Byrne was in a select group – a very, very small group – of people who had access to classified information, he was a serial leaker, he was broke, and he had a close relationship with a former PM and his family.

Next we turn to the issue of loyalty. Since the matter under investigation relates to an extraordinarily disloyal act, the best way of conveying Byrne's disloyalty is to put my relationship with Byrne under the microscope – how we met and how it all ended. It is true I do have an axe to grind with Byrne. My grievance with Byrne is very relevant here because it relates to the theme of betrayal. I believe anyone that will betray a close mate of 25 years will betray their country. I ask for the house's indulgence as I spend a couple of minutes recounting our friendship relationship from the time we met until the time it ended in betrayal.

Soon after joining the ALP in the mid-1990s I met Byrne, who had recently relocated here – to Victoria – from South Australia to work for a then Victorian senator. It is not important who it is. I later discovered Byrne had been ostracised from South Australia's political circles for betrayal of a powerful right figure in South Australia. Byrne had seen an opportunity to get a seat through branch stacking and began recruiting hundreds from various ethnic groups, an endeavour he was openly proud of until the fateful night of the *60 Minutes* program, in which he then claimed that he did it to blow the lid on branch stacking. Byrne admitted to his branch-stacking activities during the IBAC hearings.

Many members of my community were already members of the Labor Party independent of me at the time I joined up. This attracted Byrne's interest in me. He insisted that I stack for him, but I could not because I did not have the capacity because I was not that well connected to my community. He did not stop. Byrne pursued me because he then found another use for me as an interpreter for the various Turkish community leaders who had actually recruited people into the Labor Party. Here I was, a random innocently joining the Labor Party, and an overstimulated staffer had me on speed dial to co-opt me into his sordid world. I must say I was reluctant because he was so aggressive in his engagement, but I was also curious to see how the sausage was made. Our relationship began from there.

Byrne's branch stacking paid dividends. Within a couple of years of moving to Victoria, he won preselection for the federal seat of Holt, and Luke Donnellan and I began to work for Byrne until we went into Parliament together in 2002. Due to fears that the left would take the preselection back off him – take their seat back off him – because it was very much a smash-and-grab effort by Byrne, he stacked his office with branch stackers, and he built a formidable factional machine in his office. Until the day the *60 Minutes* program went to air it existed. Byrne and I remained very close friends until the fateful night the *60 Minutes* program aired. Byrne was my best friend in politics, and I was his. Nothing could drive a wedge between us, as our relationship was forged in the bitter preselection battle for Holt. Over the years we went through many struggles together. We were brothers, and I thought we would remain that way forever.

There was a brief, two-month factional dust-up in January 2020, as is the way in the Labor Party. These things happen – factions regulate the party – and then there is a peace deal, and that is what happened in our instance. Within a month or so there was a peace deal reached and wiser heads prevailed. During the two-month period of heated tensions with the left, Byrne set up surveillance devices and encouraged me to attend the branch meetings, which he hosted in his office. He then leaked them to the *60 Minutes* program. The supposed crime I had committed was branch stacking. My former boss and my branch stacker mentor had recorded me and wanted to humiliate me for branch stacking.

Again, I stress, we had no quarrel with Anthony Byrne. I had no quarrel. I thought we were still mates until the *60 Minutes* program went to air on 14 June 2020. The scale of Byrne's betrayal of me could only be matched by someone betraying their country. Byrne's actions reflect the complex profile often seen in individuals who engage in espionage or betrayal. This is based on research. Byrne's personal discontent, failed relationships and unmet desires for recognition and power suggest deep-seated

psychological turmoil. These factors, combined with his engagement in covert actions against those closest to him, paint a picture of a man driven by ego and a desperate need for validation.

Given all of that, I call on ASIO, if Byrne is not the former MP in question, to investigate all of Anthony Byrne's activities when he was a member of that committee. Like I said, I come with receipts in terms of his leaks. I am happy to pass them on to ASIO in terms of text messages indicating that he was leaking stories the next day. I ask that ASIO, for the good of national security, investigate Anthony Byrne's activities whilst he was a member of that committee.

The only school of thought that appears to debunk Byrne as the former MP likely to have committed this treason is that Byrne is publicly seen to be a hawk on national security. Byrne is not a hawk. Byrne is very fluid. Byrne can be anti-China one day and he can be joining up to the Chinese Communist Party the next. He was from the SDA, from the Catholic right, and had railed against communism, but in his office was a picture of Che Guevara. That is just a small anecdote, but there are many such instances. You cannot judge Byrne – who is not well mentally, who suffers from borderline personality – for what he says. You just cannot, because he is so fluid. I would not pay any heed to what he has said publicly on any policy matter, because he can change at any moment. He believes in nothing.

With that, I wish the intelligence services all the best, and I am sure that ASIO will continue to keep Australians safe.

**Ryan BATCHELOR** (Southern Metropolitan) (14:24): I am going to make a contribution on the motion moved by Mr Somyurek in relation to a few matters relating to the operation of the Australian Security Intelligence Organisation in its broadest sense and also in relation to some recent matters. I will not go through the motion in detail; that has been done. It is probably worth starting the debate today by just grounding a little bit the context as to why these issues and the operation of our security and intelligence services are really matters that are best dealt with at the Commonwealth level.

Under a pretty clear set of arrangements in our constitution, matters relating to national security and defence, and in particular matters relating to intelligence services, for the last 123 years have been the domain of the Commonwealth Parliament. Upon Federation those intelligence functions that were once done by the former colonies were subsumed into the new nascent Commonwealth bureaucracy and infrastructure, and since that time, whilst we at a state level may have some quarrels with other elements of the expansion of Commonwealth jurisdiction, I think it is fair to say that in matters of national security, intelligence, defence and external affairs there is no quarrel that they are matters best dealt with at the Commonwealth level. Section 51(vi) and section 51(xxix) of the Commonwealth of Australia Constitution Act make it pretty clear that the Commonwealth Parliament has powers with respect to defence and external affairs.

Certainly the development of the national security and intelligence infrastructure in this nation has adhered to that trajectory. ASIO was established as an organisation in 1949 by the Chifley government. It found statutory form in 1956, with the current act established in 1979 following some quite considerable and lengthy inquiries into how it should function. Notably, two significant royal commissions, initiated in 1974 and in 1983, shaped the way that Australia's national security and intelligence organisations, principally ASIO but also others, developed. This gets to the point that the proper place for scrutiny of the actions of our intelligence community, calls on them to do or not do certain things and policy remits is the Commonwealth Parliament. The Parliamentary Joint Committee on Intelligence and Security is the appropriate oversight body established under Commonwealth law for these matters to be dealt with. That Parliament and that committee are the places where we should be directing questions and queries about actions and oversight of national security issues and the operation of national security and intelligence agencies.

When this Parliament convenes, as it does, to consider motions put before it which reference these issues, it is I think incumbent upon us to acknowledge and reflect that these are matters where the

Commonwealth quite clearly, without dispute and for the duration of our Federation, has constitutional competence, and that is where the substance of these oversight questions is best placed. I think that what we should be thinking about in considering this motion is whether it is something that really is a matter for this Parliament or whether these issues that the motion seeks to address, which have been brought up in contemporary political debate and not just in the last couple of weeks, are matters that would best be considered and resolved by those agencies. As I said, there have been matters of controversy related to the operation of our national security agencies for most of the 123 years that they have been in existence. You only need to go back and look at some of those inquiries, royal commissions and other investigations that have been held over the course of that time to see that. I think these are matters best placed at a Commonwealth level.

There are a couple of other points I just want to quickly make in relation to this matter. I think it is important to say, as the motion does, that we do understand, acknowledge and appreciate the role that our national intelligence agencies play in helping to keep our nation safe. They do have and have had for a long time an important role in intelligence gathering and in providing that intelligence to relevant government decision-makers for them to act appropriately. As I said, those are things that best happen at the Commonwealth level, where the expertise lies, but as citizens of this nation we can acknowledge the work that is done, support that action and support the oversight of that action, because just as fundamental to the exercise of intelligence and intelligence operations is good oversight of those as a core feature of our democratic institutions and an important accountability mechanism for those oversight organisations.

I think the last point to make is just a more general reflection on some of the matters that the motion touches on, the issues that are in the public debate about the way that information is an important currency in geopolitics. As elected representatives, some of whom participate in the functions of executive government at a state level, all of us are engaged in public debates in exercising our legislative and oversight functions as members of Parliament. We do have to acknowledge that today, as it has been for centuries, information, the sharing of information and the trading of information are important parts of how geopolitics and politics in general operate. This is not a new phenomenon, but it is something that has been a feature of various types of political fora, whether they be medieval courts or contemporary chambers, that we need to be cognisant of.

Those of us in positions of elected office do need to be aware, not just those who are connected to matters to do with national security. There are a range of other functions where information is an important commodity, whether that be in defence industries, whether that be in science, whether that be in technology, whether that be in innovation sectors or whether that be in biotechnology. We all come into contact with information which others may see as valuable. Therefore there is an obligation on us to be cognisant of the risk that can come when others seek to obtain that information. The risk vectors that we have are not just those which have emerged recently with the advent of new technologies. It is not just the cyber risk vector that we need to be aware of, although that is incredibly important. But those risk vectors occur in any number of fora where information can be exchanged. Therefore we need to be vigilant in the conduct of all of our lives, in the conduct of all of our professional dealings, whether that be not clicking the wrong link in a phishing email that exposes our internal IT systems to hostile actors or whether it is the way in which we engage with others who are friendly to us in the community seeking to use that to garner information which they may be able to use for their own purposes. Federal minister Clare O'Neil, the Minister for Home Affairs, pointed out this need for vigilance in some remarks she made last week. I will go to those.

These are issues which we all need to be aware of, but motions like this that seek to get into questions of how our intelligence agencies are operating are really ones that are best left to the Commonwealth Parliament to consider.

**Evan MULHOLLAND** (Northern Metropolitan) (14:34): I want to thank Mr Somyurek for putting forward this motion so that we can have this discussion and note the significance of this issue. I think it rocked everyone hearing this news. I was actually at the La Trobe University alumni dinner

when this news kind of broke out. I remember sitting across from some Labor MPs who were equally shocked. It is one of those things that we, as elected representatives, have to always be really conscious of, and we must not take our sovereignty for granted. I think those people of integrity ought to speak up when these kinds of things occur and ought to be patriotic, because at the end of the day it is those patriots that are flying the flag that have the national interest at heart. The integrity of our parliamentary democracy is of the utmost importance. As Mr Somyurek pointed out, integrity is what underpins the legitimacy of the government and our democracy.

We strongly support the actions of Mike Burgess, and it is important that the public understand the shocking foreign interference that exists. It is just reprehensible that a politician has betrayed our country and betrayed our trust and the trust of the Australian people, who elected and put them there. We think it is very important that these disclosures made by ASIO have been made, but we must let ASIO complete their investigations unimpeded. It is not up to us as members in this place to determine the strategies and techniques that ASIO deploys or employs.

I would also like to note the former federal coalition government for legislating espionage and foreign interference reforms that provided record support for ASIO and other intelligence agencies to do the work that they do. I am someone who remembers when that tranche went through under the Turnbull government. There was a certain New South Wales Labor candidate, who then became a New South Wales Labor senator and then lost a safe seat, who said that the federal coalition government was ‘China-phobic’. She tried to use Australia and Australians standing up for the national interest and properly funding our intelligence agencies and giving them the laws that they deserved as ‘China politics’ and ‘China-phobic’ and to bring politics into it. I will say good riddance. She lost that and then also lost a subsequent election as well, because that is not the kind of politics that should play out in situations like this when we need to put the national interest first.

It is clear that we need a strong security framework to protect us from threats, whether they come externally or internally, to our parliamentary democracy. We are seeing foreign operatives in Australia who are targeting individuals with influence to extract information to use against Australia. It is a dangerous activity that we face in Australia, and it is reprehensible for anybody to knowingly engage with foreign operatives in any way that endangers Australia’s interests. We ought to have as much transparency around that as can possibly be given.

The opposition will not oppose this motion. I tend to think it is fairly legitimate for us to have a conversation about this. I know Mr Batchelor has a different view, but I think we can have that conversation around this and that states can contribute through parliamentary democracy to being a part of that conversation. The point that we should not have anything to do with it and should not have anything to say on it contravenes several other points where we actually do. For example, states engage with foreign countries all the time. States have a formal role in the immigration act, and we have seen many members, I think all members around this place, recently speak on foreign issues. So I think it is perfectly legitimate for us to speak about a national or local government issue or an international issue or a national security issue, and I want to thank Mr Somyurek for bringing this motion to the house.

**David LIMBRICK** (South-Eastern Metropolitan) (14:40): Firstly, I also would like to thank Mr Somyurek for bringing this motion before the house. This is a very serious matter, and I concur with Mr Mulholland that it is something that members of Parliament should engage with, and I would also like to add to his point that many of our constituents, especially in the South-East Metro region, have fled authoritarian regimes. For example, in South-East Metro there are many people that have fled the communist regime in China, that have fled Vietnam and many other places, and many of these people are targeted by intelligence agencies. I would like to focus on one of the points that Mr Somyurek has raised, point (3), where he states that he:

invites ASIO to provide a briefing to members of the Victorian Parliament on the advanced tactics, referenced by Mr Burgess, which are used by foreign agents to enlist and undermine members of Parliament ...

I would like to tell a story of something that happened in 2020, which I think was a dreadful saga that affected my constituents in South-East Metro. In early 2020 I received a letter from the Falun Gong group. You might know them – they are a minority group who are heavily persecuted in China, and many of them have fled China and made Australia their home. They are people that believe in tolerance and compassion. This letter was a copy of a letter that was sent to the ABC, and it was effectively begging the ABC to not broadcast a documentary that the ABC had put together that they thought was smearing their organisation. That was not their main concern, though; their main concern was that this documentary would be used in China to further religious persecution of their friends and family back in China. I was outraged when I received this letter. The idea that Australian taxpayers money would be used to produce material that would be used for religious persecution was one of the most outrageous things that I could imagine. The ABC ignored their pleas and broadcast it anyway.

As it turned out, Falun Gong were in fact entirely correct. In fact the very next day, on the website which is used by the Chinese Communist Party to outline their activities to suppress religious minority groups that they deem unacceptable, they had a translation of this and were stating how the Australian people were waking up and finally turning on these evil dissidents that were a menace. I was outraged by it. I was outraged that our national broadcaster had done this, despite being told what would happen, and exactly what Falun Gong said would happen did happen. I went to the media and I put in a formal complaint to the ABC. I put in a formal complaint to the Australian Communications and Media Authority. The ABC investigated themselves and found they did nothing wrong, and ACMA said they also did nothing wrong. I disagree with those points. I think that they put a very vulnerable community in dire danger through their actions. But to my absolute shock, very soon after media was broadcast with me complaining about the ABC, I found myself on the Communist Party's website calling me a traitor to my country, which hurt more than anything that has happened to me in Parliament I think.

The reason that they called me a traitor is because I was defending the rights of a persecuted religious group and disagreeing with our state media. These are the type of people that we are dealing with who try to infiltrate and influence our country. I just think that it is a glaring omission that members of Parliament are not at least briefed on this sort of stuff by ASIO – on the types of techniques that Mr Somyurek has talked about here in point (3) and also the types of things that we should watch out for in our community.

Many people who have escaped these authoritarian regimes are terrified to speak. The reason they are scared to speak is not because they are scared of the Australian government. They have got friends and families that live back in these countries, and if they speak up, they are worried that their friends and families will get a knock on the door in the middle of the night. It happens – I have spoken to people that it has happened to – and it is just wrong. We need to be very mindful of this and watch out for these people. I totally support any assistance that members of Parliament can be given to help fight back against this foreign interference. It would be very welcome.

**Lee TARLAMIS** (South-Eastern Metropolitan) (14:46): I move:

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

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

### **Public sector executive appointments**

**David DAVIS** (Southern Metropolitan) (14:47): I am pleased to move:

That this house:

- (1) notes the appointment of Mr Jeroen Weimar as deputy secretary of housing implementation in the Department of Premier and Cabinet and that:
  - (a) it follows an admission by Premier Jacinta Allan MP that she had conversations with the head of the department Mr Jeremi Moule about Mr Weimar's appointment and there were no other candidates for the position;



- (b) Mr Weimar has no experience in housing and, until a few months ago, was the head of the Commonwealth Games organising committee;
  - (c) the Commonwealth Games debacle has cost Victorian taxpayers at least \$600 million and trashed the state's reputation;
  - (d) in her report on the alleged politicisation of the public sector last December, the Ombudsman Ms Deborah Glass found 'frequent side-stepping of merit-based recruitment ...';
  - (e) the Ombudsman also found candidates were 'often hand-picked without an open and advertised process';
- (2) pursuant to section 16 of the Ombudsman Act 1973, refers the following matter to the Ombudsman for investigation and report:
- (a) the appointment of Mr Weimar as deputy secretary of housing implementation in the Department of Premier and Cabinet, as it raises the same concerns that the Ombudsman's report warned against in terms of public perception of the politicisation of the public service; and
  - (b) any other breach of applicable policies, laws or codes in relation to this appointment.

This is an important motion. It is also a serious motion that requires under the Ombudsman Act 1973 the Ombudsman to act and to investigate this appointment. The chamber will be familiar with the powers under the Ombudsman Act. It has been used a number of times in recent years to insist on early and prioritised investigation. It is also important, I think, to put in perspective the work that the Ombudsman has done in recent years looking at the politicisation of the public service and the reports that she has delivered. It is important, I think, to note that not only are these reports important but some of them emanated in their origin from this chamber.

I want to say something too about Mr Weimar because he is a man who has had many, many different appointments and all of them have been appointments where he has seemed to sidestep process. He had a role with Myki. He had a role with PTV; he was a senior bureaucrat at Public Transport Victoria. He was appointed by Jacinta Allan to hop across from PTV into V/Line, where he took on a role as board chair. It is important to note that V/Line was and indeed is a troubled body, a body that has struggled on every turn, and the appointment at V/Line was a direct appointment by Jacinta Allan, who was then Minister for Transport Infrastructure but also for transport. She appointed Mr Weimar directly into the position as board chair at V/Line. I hasten to add that V/Line has been a troubled organisation. It has been politicised on the one hand, but worse than that, it has been riddled with corruption.

**Harriet Shing** interjected.

**David DAVIS:** It has. You deny that, do you? Well, you only need to see the investigations undertaken by IBAC and the investigations of James Pinder, who was the CEO of V/Line at overlapping times with Mr Weimar. Mr Pinder has been forced to leave V/Line, naturally enough after the uncovered corruption – I use that word very directly and very advisedly – at V/Line. The truth of the matter is that Mr Weimar was there at the time when Mr Pinder was there. I do not suspect necessarily for a moment that he was involved in the corruption, but he was clearly unable to detect it and unable to stop it. He was either unable to see what was going on or incapable in some way of seeing what was going on, and he certainly did not intervene to stop the corruption. It was not Mr Weimar who intervened; it was IBAC and reports to IBAC that eventually brought Mr Pinder unstuck. But I have to say the proximity of Mr Weimar to Mr Pinder and the frank corruption that was involved does not fill anyone, I do not think, with any confidence or views positively in his capacity.

How can he have been a person who was in such proximity, in day-to-day decision-making, in close decision-making and in close decisions, not only from his time at PTV but from his time as actual chair of the V/Line board, and have the CEO actively involved in the grubby process? 'Sprinkles' was one of the descriptions; there were other descriptions. There was visual evidence provided to IBAC. There was verbal evidence provided to IBAC of the distribution of huge amounts of cash in brown paper bags to contractors, cleaning contractors and others, including recently through parts of the COVID period, so tens of thousands of dollars of money corruptly tipped out by V/Line. But of course

Mr Weimar, as board chair through that time when Pinder was there up to his neck in it, seems to have seen nothing. The three wise monkeys, seeing and hearing no evil. I am happy to give Mr Weimar the benefit of the doubt. But if I was doing a recruitment process, if I was recruiting Mr Weimar to an important public job, a job where you might be paying Mr Weimar half a million dollars a year or more, I would be wanting to know a lot about his capacities and I would be very curious as to how he spent all of that time at V/Line with the frank and outright corruption that was riddled through that body. Sprinkles, corrupt money in paper bags, cleaning contracts, the whole works – the body was riddled with corruption. While we do not know that Mr Weimar was personally involved, he clearly was personally unable to stop it and personally unable to see it, and I would be very concerned.

Let us just go back to Mr Weimar's time at PTV. Mr Weimar at PTV could never get the trains running on time. He had the role there, but he actually could not get either the metro trains or the country trains running on time, and the performance of the country trains under his period, under his tutelage, as board chair and at PTV deteriorated massively. The best performance in terms of V/Line's punctuality and reliability was actually in late 2014 under the previous state government. I have actually looked at this in great detail, and it can be very clearly seen that under Mr Weimar's focus at PTV and his time at V/Line the performance of that body deteriorated massively. The performance actually of Metro Trains deteriorated rapidly too. There are real questions. Who picked him? Who picked –

**Nick McGowan** interjected.

**David DAVIS:** The captain picked, but who was it? Who picked Mr Weimar for the job at PTV? It was Jacinta Allan. Who picked Mr Weimar for the job at V/Line? She appointed him directly. There was no process, there was no advertising; she made him board chair at V/Line. This is a captain's pick by Jacinta Allan, now the Premier. You have got to ask too how she was so unaware of the corruption at V/Line. How is it that she was minister for all of that period but unable to see that? Her hand-picked person is in there as board chair, Jeroen Weimar. How is it that Jacinta Allan could not see or did not do the due diligence to understand what was going on at PTV or at V/Line?

Then when you look at the Commonwealth Games, Mr Weimar has gone into the Commonwealth Games role, and that has been a disaster, but that has been a Jacinta Allan-Jeroen Weimar joint ticket special. We have actually got a huge failure with the business case, a huge failure – as we have heard at the Commonwealth Games committee in public hearings – to actually understand what was going on and to take the steps to protect the state's financial interests and the state's reputational interests. Mr Weimar has cost this state enormously. Every place he moves, everything he touches is an absolute disaster, and you have got to ask: exactly why does Jacinta Allan continue to support him in this role?

He was also the head of transport services at the department of transport and the CEO of VicRoads – both bodies that have been troubled, both bodies that have struggled very significantly. His role at the organising committee – the hallmark of that has been the inability of the organising committee or the department or Premier or the ministers to actually wrestle with the problems of the Commonwealth Games and to actually do the due diligence and the work that was required to make sure public money was protected. But Mr Weimar, in between all of his transport and other activities, also had a stint as COVID commander, community engagement and testing, so he was right through that period. The trouble with the hotel quarantine – he was there from July 2020. He was deep, deep in that period where there were spectacular problems for the state. The state had the longest lockdown of any area. It had the most deaths of any part of Australia. It had massive lockdown periods that did huge damage to the state economy, and yet –

**Harriet Shing:** You recruited him. You headhunted him.

**David DAVIS:** No, I never did. I can assure you I never did, but you worked with him. I never headhunted him. I have never had any time for him. I have always thought he is close to a shyster but he is certainly a wide boy, to use the old phrase. A wide boy is what I would call him – somebody who you would not trust. He has got a silver tongue; there is no question about that. I know that the minister

has left the chamber, but he certainly does have a silver tongue; there is no doubt about that. He came from some of those public transport matters groups in the UK, the same ones that some of the corrupt people at Metro and some of the corrupt people at V/Line came from. It is all coming from a funnel. He may not have known about the corruption. I do not have direct evidence that he knew about the corruption, but the question is: why didn't he know? Why didn't he make it his business to understand what was going on? Why did he leave it in such a way that a massive amount of public money was wasted?

Let me just say here: the Commonwealth Games finished and we heard the stories. I can report that when I was in Europe in July, the talk of the government officials around Europe was of the loss of the Commonwealth Games in Victoria, and it has done tremendous reputational damage to our state. We have lost that. It is gone now, but there is no reason to reward those who were so intimately and closely involved in the decision-making, so intimately involved in the mistakes that were made and so intimately involved in the miscalculations. But then he got a payout – he was given a \$160,000 payout – and then within months he is back. He is back, heading up housing. I notice the Minister for Housing has left the chamber, but what we learned yesterday in question time is the minister has nothing at all to do with the head of the housing implementation group in the Department of Premier and Cabinet. She had no role in the appointments, she seems to have no role there, and she does not want to answer any questions about the housing statement and the housing plans that the state government have which are being implemented through the implementation group which Mr Weimar now heads up.

When the questions are asked, 'What was the appointment process for that?' – well, I am looking across the chamber there. What was the appointment process for Mr Weimar to land this lucrative, plum job in the Department of Premier and Cabinet? He has moved from being supremo of COVID, supremo at V/Line, supremo over here, supremo over there, all of them a disaster, and now he is over at the housing implementation group and heading that up in the Department of Premier and Cabinet. He is a deputy secretary, a very senior position, just one notch below the secretary of the department, sitting in one of the large areas of that department which has got the implementation of the housing strategy as its task – a housing strategy that it seems the Minister for Housing has no involvement with, none at all. She says it is nothing to do with her over there at the Premier's, nothing to do with Jeroen, nothing to do with the housing strategy – no involvement in any of that. She is over here; they are all over there. It does not sound to me like a very well coordinated government.

It does not sound like a well-coordinated government, but we do know that Jacinta Allan, who is now the Premier, spoke to Jeremi Moule, and I think we know what she said. She said, 'Jeremi, I want you to appoint Jeroen Weimar as head of the housing implementation group. I just want you to appoint him. We're not going to advertise that. We're not going to look for the best person. We're not going to look for the best fit for the job. We're not going to put down a job description and work out who's there. We're not going to advertise. We're not going to put it on Seek. We're not going to put it on LinkedIn. We're going to do none of that. You, Jeremi Moule, just appoint Mr Weimar. Just slot him in there. Off you go. Knock your socks off.'

This is a good example of how you get bad outcomes. It is exactly what Jacinta Allan did when she appointed him over at V/Line. She just plonked him in as board chair over at V/Line. It is exactly what she did when she put him in at the Commonwealth Games – over on the organising committee with the Commonwealth Games. It is Jacinta Allan. It is her preferred appointment model. You are in the Jacinta club and you then get to be appointed to lucrative, hundreds-of-thousands-of-dollars-style bureaucratic jobs with no appointment process, no advertisement, no due diligence. Let us be clear: we know he is a proven failure. He could not run the Commonwealth Games, he could not run V/Line, he could not run Myki, he could not run Public Transport Victoria, he could not do the COVID commander job, and this man is appointed without a proper process.

What we hope with the motion today is that a light will be shone on this appointment process and the failing appointment process that we have got around the state; on Jacinta Allan's approach to this

appointment; on Jacinta Allan's approach to these appointments, to her favourites. Her favourites are being appointed everywhere, and this favourite is the favourite beyond all favourites. So what we want to see is the Ombudsman look closely at this and to actually come back with a proper report about what has happened. That section of the Ombudsman Act, which this motion refers to, enables the Ombudsman then to accelerate that decision. This is not a large inquiry; it is a very modest inquiry. It is an inquiry into one appointment, and it says: Jeroen Weimar, appointed without any process, without any advertising, without any proper job description –

**Nick McGowan:** Or credentials.

**David DAVIS:** Well, the credentials are very shaky, but beyond that, it is a conversation between the Premier Jacinta Allan and the secretary Jeremi Moule, and Jeremi Moule just plonks him in, just drops him in, and we have seen what has happened wherever else he has been appointed.

I am concerned about the outcome for major spending in housing, the ineffectiveness of spending across a wide front where Mr Weimar has been involved. He does have the gift of the gab. He does have a silver tongue.

**John Berger** interjected.

**David DAVIS:** No, he is not experienced. He is good at talking about things; he is not good at delivering anything. He has never delivered anything in his life. He has never been able to do it. He could not deliver the Commonwealth Games. The only thing he delivered was the corruption at V/Line. He either allowed it to happen, or he knew. I do not know if he knew about it. I do not think he did – I hope he did not. So he just allowed it to happen because he was doing the three wise monkeys: I do not see anything, I do not look at the frank corruption that is coming here. He comes, of course, from the same group of firms in the UK as a number of these people have that have been subject to a close investigation by IBAC.

*Members interjecting.*

**David DAVIS:** Go back and look at Esperance; go back and look at Lansdowne. You go back and have a look at those corruption inquiries run by IBAC. It is clear that those corruption inquiries point closely at that group who have come from a number of the –

**Michael Galea:** On a point of order, Acting President, Mr Davis does have an obligation not to tell outright lies in his contributions.

**The ACTING PRESIDENT (Jacinta Ermacora):** Mr Davis's time is up. I think we will just call it at that.

**Rachel PAYNE** (South-Eastern Metropolitan) (15:08): I rise to speak in support of motion 313 brought on by Mr David Davis. This motion concerns the appointment of Mr Jeroen Weimar as the deputy secretary of housing implementation in the Department of Premier and Cabinet. Indeed we must agree with the opposition that this appointment rings some alarm bells. As highlighted in this motion, there were no other candidates for the position and the appointee lacked housing experience, not to mention this all occurred in the wake of the Ombudsman's report on the alleged politicisation of the public sector. Alarming, this report found that merit-based recruitment in the public sector is often sidestepped and that there were multiple incidents of candidates being selected without an open and advertised process.

This report went on to highlight several particularly egregious examples of improper appointments and perceived politicisation. In one such instance a former ministerial staffer was appointed to an unadvertised role as a senior executive at a department following an interview for a non-executive role in which they performed poorly. This position was newly created, it did not have listed position duties and no business case was created for it. Further, there were no records foreshadowing its creation and a communication breakdown led to people incorrectly assuming a merit-based selection process had

been cleared. Even in the absence of ill intent and inappropriate political considerations, examples like this can understandably create perceptions of politicisation that can harm the reputation of an affected applicant and weaken public trust in government.

The public service should set the standard for employers throughout Victoria. Currently it is failing to do so. This report also found rushed and shoddy recruitment practices and an overuse of direct appointments, often involving former ministerial staffers. We understand the need to fill vacancies quickly and the incentive at times to select from previously identified talent, but this government must recognise that even the mere perception of partisan hiring and promotion is insidious and damaging. Even if these perceptions are misguided, they fester fear, insecurity and distrust within both the public and the public service. I am particularly concerned that this is all happening at a time of increasing distrust in government. It is imperative that the public have faith in government institutions to operate with integrity, honesty, transparency and accountability.

In their investigation the Ombudsman reported difficulties due to cabinet document restrictions and poor record keeping. In many cases this prevented the Ombudsman from being able to reach a conclusion on whether certain appointments were partisan. This absence of proper record keeping only fuels suspicion of partisan hiring. It is our hope that this government will implement the recommendations from the Ombudsman's report. We want to see merit-based promotion, greater political independence and clarity on where public service appointments may be made without an open selection process.

Before I conclude, I do want to raise some concerns I have on the substance of this motion, specifically the fact that clause 1 sneaks in a Commonwealth Games sledge. Given that this motion deals with the opposition's concerns about the politicisation of the public service, it is ironic that the motion itself has been politicised. I also want to highlight that in their report the Ombudsman noted that the people who are the subject of questionable appointments are rarely directly involved in the decision-making process. Despite this, they must deal with the fallout of the damage to their reputation, so I hesitate to support a motion that makes such an example of an individual, but at the same time it is so important that due process is followed for the appointment of people to these often incredibly high-paying roles. If this appointment was done in good faith and with proper processes, then this government has nothing to fear from a referral to the Ombudsman.

**John BERGER** (Southern Metropolitan) (15:13): I rise to speak on the opposition's motion on Jeroen Weimar and his appointment to the deputy secretary of housing implementation in the Department of Premier and Cabinet. Jeroen Weimar is a seasoned and experienced public servant who in his long career has proved beyond a doubt that he is a competent and proficient government worker. I have every confidence that Mr Weimar will be helpful addition to the Allan Labor government's network of experienced, passionate and industrious public servants who work hard at delivering this government's trailblazing housing statement.

Jeroen Weimar's career began decades ago on the other side of the world, working in the British public service. Weimar fulfilled roles in several different capacities in Britain, most notably within the organisation Transport for London. His portfolio of work extends beyond this, also having spent time in the British Transport Police Authority, UK FirstGroup, buses and others. He later relocated to the other side of the globe, right here in Melbourne, where he first worked with VicRoads. In 2016 he then went on to become the CEO of Public Transport Victoria. In his years in the Victorian public service Jeroen Weimar has been an integral influencer on everyday Victorian life. He effectively led Victoria's public transport for several years before leaving, and then of course it would be impossible to talk about Jeroen Weimar without discussing his work during the COVID-19 pandemic. We all remember how hard those times were – the sacrifices we had to make to stay safe and to keep each other safe. This would not have been possible without the efforts of government officials coordinating the pandemic protocols.

Weimar returned to the Department of Transport to assist with the department's response to the pandemic. In his role overseeing contact tracing he helped pave the pathway to the other side of the pandemic, ensuring that the Victorian government could keep track of outbreaks, helping the government to protect the public's health and wellbeing. Weimar has worked on many key government-focused areas and shown repeatedly that he can work in and with many different departments. Whether it is health or transport, and now housing, Weimar is able to bring a unique set of skills and expertise to the role. His understanding of the public service has done nothing but help Victorians, and I am sure that he will continue to contribute to the state at the high level he has in previous roles.

Let us get to what this motion is really about. Those across from us are wanting to discredit the Allan Labor government's landmark housing statement for cheap political points. The housing statement is a key part of the government's plan for Victoria. We need to address the future of the housing market in Victoria to ensure that Victorians can achieve the Australian dream, the simple dream to own a house. The Allan Labor government understands this cannot be achieved through small and rash measures but by fixing the problem at its source: supply. It is simple – we need more houses. Victoria has experienced one of the most dramatic increases in population of any state in Australia, especially right here in Melbourne. The housing statement outlines several different ways that the Allan Labor government seeks to achieve the alleviation of housing prices and housing stress within Victoria. This ranges from much-needed improvements to public, social and affordable housing facilities to reforms that will support and encourage the supply of housing in Victoria. The housing statement will provide 800,000 new homes across Victoria in just 10 years. Much of this will be public, social and affordable housing so that we can address the cost of housing that regular people are feeling not just in Victoria, not just in Australia but across the world.

Another key aspect of the housing statement is how we have balanced the need for a quick response to housing without sacrificing the effectiveness of the policy, because this affects something that can become such a large part of someone's life. The government is doing everything it can to get it right the first time. We need to be quick, but we cannot rush. That is also why we need a capable person like Jeroen Weimar involved. The housing statement will build cheaper affordable housing in areas more central to Victoria's places of business and leisure. Victorians should have the option of having easier access to community areas, and this kind of investment in housing will ensure that. These homes will also be close to transport, ensuring that all Victorians are able to move around in the way that they want.

Materially, though, what does that mean? Beyond the big ideas, we are simply building houses. That is right – it is the Allan Labor government that is delivering the Big Housing Build. That is a \$5.3 billion investment in building homes in Melbourne and across Victoria, with a total of 12,000 houses set to be built from this investment. There are already over 3000 houses built, with over 5000 in progress. The Big Housing Build will also see an increase in social housing supply, an increase of 10 per cent to be exact. This will be a massive help for anybody waiting for social housing. This is the kind of policy you get from the Allan Labor government – a policy that helps everyone.

We are also cutting red tape to get more Victorians building houses that will become homes. The Allan Labor government has recently begun implementing planning reforms that help speed up the process of approving building permits. This means more houses being built on a quicker time schedule. The backlogs across the state were substantial before these reforms were implemented – 1400 projects had been waiting for approval for more than six months. But with these Allan Labor government planning reforms, 60 per cent of that backlog has been cleared. This has been a massive relief for Victorians trying to build houses. This also helps the supply of rental properties.

The Allan Labor government is also reforming renters protections to ensure that tenants keep safe within their rental markets. A lot of this includes closing loopholes that have had serious negative effects on the housing market, like increasing the cost of housing. The Allan Labor government is delivering more certainty to Victorians over their leases and improving living standards required for

tenants. Just like any consumer industry, it is vital that renters are protected by law. In addition to this, we have also introduced measures to keep disputes out of VCAT, ensuring that they are resolved quicker and keeping VCAT running more functionally.

We are also investing money in social housing, as I touched on before. These houses will be built for the future, built to be modern and energy efficient. This could not come at a better time, as we saw 7000 households moved to social housing in the 2022 financial year. The Allan Labor government understands that swift action needs to be taken to address the supply of social housing, as seen in our commitment.

The Allan Labor government is also doing a much-needed overhaul project of Victoria's 44 social housing towers. This project will provide not only modern and safe living for those already living in these public housing towers but also more supply of public housing for people waiting on public housing lists. Every Victorian deserves housing, and that housing should not be dilapidated or downright dangerous, like we are seeing in some cases across Victoria. These towers were built in the postwar period in response to the population increase, but they have far outlived their usefulness. It is time we built housing for the future, and that is what these urban renewal projects will be. These urban renewal projects will affect more than just housing. We are also building precincts close to refurbished towers to encourage a more positive way of living for tenants. Victorians do not just have to live in these towers; they deserve to thrive.

Because of the size of this policy we need it in the right hands, and there should be no doubt that Jeroen Weimar is more than capable of assisting in his capacity as deputy secretary of housing implementation in the Department of Premier and Cabinet to deliver a policy that will ensure a better outlook for housing in Victoria. Put simply, he is the right person for the job.

Let us talk more about that job. This is a six-month position that requires a talented individual. Government needed to employ a public servant who had already proven themselves to be capable of this kind of work at quite short notice. Furthermore, under the Public Administration Act 2004 the Secretary of the Department of Premier and Cabinet can approve executive appointments at the Department of Premier and Cabinet, including the advertising or direct appointment of these roles. As has been said before, it was determined that due to the short nature of this employment a direct appointment of an experienced and proficient senior Victorian public servant would be the most efficient and effective course of action.

Because this government, the Allan Labor government, is committed to effectively delivering essential policy for Victorian people, that policy will change lives for the better. I will finish by saying that I will not be voting in support of this motion. I would also like to reiterate that Jeroen Weimar has proved that he is an effective and talented public servant with a broad set of skills that will no doubt have an overwhelmingly positive influence on this essential response to the rising cost of housing in Victoria. The housing statement is essential to all Victorians, and Weimar's appointment will no doubt impact on its delivery in a positive way.

**Richard WELCH** (North-Eastern Metropolitan) (15:23): I stand to address notice of motion 313, the Ombudsman referral for the appointment of Jeroen Weimar. I do not know Mr Weimar, so nothing I say or refer to here is personal, but certainly this points to a genuine problem – in this case and systematically – around government appointments, so we must not shy away from the conversation and the analysis. It requires investigation.

An objective, independent public service is a crucial part of a functioning democracy, and the public service works best when it has a diversity of ideas and talents, refreshed by external hires and renewed by new ideas. The concern arises if those are compromised. I have said to this house before, I am very concerned regarding the creeping democratic deficit in Victoria, a situation where unelected bodies are unaccountable to ministers or to the Parliament, let alone to the voters. This is compounded when the public service appears as a closed ecosystem with a lack of merit-based hiring, promotion and

competition. There is no shortage of talent and experience across the community; it does not make sense that we are not recruiting there. The proposition that someone has to have worked in the public service to be hired by the public service is a reductive, circular logic that is poison to the cultural health of the public service. The fact that this role or any public service role is not put to public application is not just an invitation to insularity, groupthink and a closed culture incapable of self-reform, it is simply ethically wrong.

We believe in equality of opportunity and we believe in equality before the law, which I think this comes under. The public service exists at the voters' pleasure. The public service is there to serve the public, and the public are entitled to have clarity and transparency on its operation, especially because of the radically undemocratic powers we have improperly devolved to these bodies. Jeroen Weimar's appointment after the debacles of lockdown management and after the debacle of the Commonwealth Games, where we as Victorians were constantly misled on the parlous state of those projects, is for any normal person, any person struggling to run their business, simply bizarre. Not only does it not pass the pub test, it does not pass the boardroom test and it does not pass the dinner table test. For corporates, especially listed corporates who deal in similar levels of value and capital, it feels like the height of hypocrisy that the standard of disclosure and transparency they are ruthlessly demanded to provide somehow does not apply to the public service. The fact that it does not is clearly reflected in the government's record on project delivery across the board.

To elaborate on projects across the board, projects generally have five levers – scope, cost, resource, risk and time. You lose control of any one or more of those, you lose control of the project. You lose control of several of those, the project is delinquent, and we have delinquent projects across the board in Victoria. In the private sector anyone even tangentially involved in a delinquent project is kept well away from future ones, which brings us back to Mr Weimar's appointment. Mr Weimar's case certainly has an air of inner circle favouritism and is a spectacular case of failing upwards. To say that it stinks is obvious, but the bigger concern to me is the effect on the public. They hear things like this and it is no longer a surprise. It no longer generates anger as it once did, anger born of care and concern for the health of our democracy. No, very tellingly and troublingly, it is now just met with a roll of the eyes, because of course this government will have its favourites and hire its mates. Yes, of course it will politicise the public service. Look at every root and branch of the public service, and it has been politicised.

We merely need to look at the Ombudsman's report. We have stats here that in the DJPR, the Department of Jobs, Precincts and Regions, 45 executives were appointed in the first 45 months with 21 roles not advertised, 17 alone from the Department of Premier and Cabinet. We had 21 direct appointments, five with no briefs, three with no recorded rationale, six with the same generic reason. In the Department of Justice and Community Safety there were 60 executive appointments, 20 were former DPC colleagues; 42 executive directors and directors were appointed, almost a third former Department of Premier and Cabinet. Once is a failure, twice is intent, more than that is clearly a systematic problem. That goes far too close to the appearance of corruption for Victorians, and this must be referred. I heartily endorse this motion.

**Michael GALEA** (South-Eastern Metropolitan) (15:29): I also rise to speak on yet another shoddily put together Liberal motion, as we have become increasingly accustomed to.

**Nick McGowan**: On a point of order, Acting President, it has long been the custom in this place that when a member speaks, they rise in their place. The member is not in his place, it occurs to me.

**Michael GALEA**: It is nice to be directly opposite my good friend Mr McGowan as I make this contribution today and speak on yet another ridiculous motion put together by his colleagues in the Liberal Party – a motion today about Mr Weimar, who has been, as my colleague Mr Berger said, an outstanding civil servant in the state of Victoria across a wide variety of areas. I am looking forward to seeing the work that he is going to do in housing now.



Mr McGowan, I know you fashion yourself as the self-appointed Greens spokesperson for housing, but I am sure you too will appreciate the work that he has done in his previous roles and will continue to do in this new role as well. Housing is a very important policy for this government, at this point especially as we have talked about and as I have talked about many times in this chamber as well. We know that obviously Mr Davis – perhaps he feels like he was outwitted by Mr Weimar in the Commonwealth Games hearings we had just a few months ago, perhaps this is some form of petty revenge on the part of Mr Davis. But as I said, there was nothing in that hearing that led to any of the insinuations that we are seeing thrown out quite recklessly by those opposite today.

During Mr Davis's contribution it was pointed out that, yes, it was actually under the previous Liberal government in late 2014, the process for recruiting Mr Weimar from the UK – apparently from such a troubled public transport operator in the UK – and Mr Davis was a cabinet member of the government that recruited him from there. So obviously it was good enough for him then, or if he is standing by what he says today, then clearly there was some sort of issue with these processes and what he thought was an acceptable standard back when he was a minister; we would have to find out from him what his view on that is. Did he have those views that he has today back then? If so, that is deeply troubling. As I say, it is strange to be part of a government that recruits someone from abroad, only to come into this place and slam them for being a captain's pick.

But that just goes to the very heart of the shambles that this Liberal opposition is in – completely reckless, without any clear policy agenda that we have seen. We saw it in the earlier bill today, we are seeing it here again now, and no wonder – they cannot even get their own act together. I am sure you probably know that too, Mr McGowan. We hear from Assembly members even that apparently in your partyroom meeting this week your fearless leader had to bring in his new chief of staff to yell at everyone, apparently, I am told, for leaking. It is quite ironic that obviously some of your colleagues in the other place have seen fit to spread that around already, as it is. But what sort of leader has to bring in his own chief of staff to defend him? It is quite extraordinary.

Clearly things are continuing to go well in the Liberal Party. This motion is another example of the absolute shambolic nature in which they operate, as so beautifully epitomised by you, Mr McGowan, with your boisterous interjections and points of order, which certainly cheer us up, even on a day like today, when we all had a late night last night. I believe you were still on the precinct, Mr McGowan, I am not sure; perhaps Mr Mulholland locked you in a cupboard after your speech on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 yesterday. But we all did have a late night last night; it is no excuse for shoddy workmanship like this. I do not support this motion.

**Nick McGOWAN** (North-Eastern Metropolitan) (15:34): Where do we start? At the beginning yet again. This is sort of reminiscent of yesterday. I do rise in my place to speak on this, and like many in this place, I do not know the individual concerned, and –

*Members interjecting.*

**Nick McGOWAN**: No, I have not written a speech. I have got some notes. I have got a LinkedIn page on my laptop, which I intend to refer to and I will have some fun with that. But I think we will start with the motion. We have got 9½ minutes left, so that is great. I have plenty of time with you, my friends – nowhere else pressing to be today. Unfortunately, this is where we are at, so we have got a similar lot.

I have got to make this single observation: in my day – and I know I am getting old and grey and the rest of it – the very concept that DPC, the Department of Premier and Cabinet, was somehow a department that did anything was comical. It is still comical now, I get it, except it is a multibillion-dollar department, and they have added to it – what is his title? – the deputy secretary of housing implementation. They do not build a single house. This is like some Monty Python skit. This is better than *Yes Minister*. It is, 'Minister, minister, we have to build some houses.' 'Yes, you're the director

of housing, Minister.’ ‘Oh, excellent. But do we build houses?’ ‘Well, of course we don’t build houses. That is the Minister for Housing.’ ‘Well, do you have any relationship with her?’ ‘No, nothing at all.’ Sitting in this place today, even the minister says, ‘Oh no, nothing to do with me. That’s just DPC.’

We all know what DPC are like. They’re a lovely bunch over there at 1 Treasury. Ever since they refurbished the office in 1996, they have just got carried away with themselves. It has got bigger and bigger and they have built this sort of empire there. I mean, it is billions and billions of dollars in having a budget every year and nothing to show for it. So, sadly, they are going to have even less for it. The only thing I would have to take exception to is this: my colleague, my good friend David Davis, did say something there that I was a little uncomfortable with, because he suggested that maybe this individual, and I am not going to name him, did not have the sort of experience in the housing area. Well, I do not think that is 100 per cent true because, in all fairness, if you look at his LinkedIn profile, he did do some work with Serco. Serco is known to a lot of us. If you worked federally at any point or you have had an interest in immigration matters and Christmas Island, I think we would all agree that they did a certain kind of housing job there. It is sort of ironic that this is a government that is now waxing lyrical about what a great job he is going to do for housing. The only experience this guy has in housing is on Christmas Island – the same company on Christmas Island. That is his sole experience in the housing sector. Well done. What a choice pick. It gets better than that –

**Michael Galea:** On a point of order, Acting President, I do not believe it is appropriate for members to be clapping in the chamber.

**Nick McGOWAN:** I withdraw my clap unreservedly. I think we might have a microphone problem, but that is okay. We will just entertain ourselves while they solve that problem. For the purposes of *Hansard*, you can take everything I have just said off the record. We will resume.

Serco was what we were discussing. The sole experience this individual on, I do not know, let us say half a million dollars – I will round it up just to be kind, because it makes it easier for the story, it makes it easier for the journalists, it makes it easier for everyone because he is probably on that – but then I learn today he is going to be there for six months. Six months! Twenty-four weeks! How many houses is he going to build in 24 weeks? This is not Beijing, China, where they can build a hospital in a week. This guy is going to be flat out –

**Lee Tarlamis:** You know that he is not actually building houses. You know that.

**Nick McGOWAN:** I realise he is not. Mr Tarlamis, I have to take up –

**Lee Tarlamis** interjected.

**Nick McGOWAN:** Thank God. That is the kindest interjection we have had perhaps in the entire term of government. You are quite right. He is not actually going to be building a single house himself. On that, this house is in complete agreement. So we have appointed someone for six months, 24 weeks, on half a million dollars who is never going to actually build a house himself and has no experience in building houses other than the fact that he worked for a company, Serco, that did construct some houses, pretty horribly, on Christmas Island, which was the subject of another Ombudsman inquiry and so on and so forth.

But I did find his LinkedIn profile. Not naming the individual, and all credit to him, maybe he is what he says he is. But I do love some of his descriptions on LinkedIn. The title ‘Commander’ – I was an innocent civilian at this time when we were all having inflicted on us the damage you all wrought on us during the COVID period. I will not go there because it does provoke the less kind side in me, I must say. To call himself a commander, this is James Bond-esque. Who on earth in government, what sort of spin doctor, turned to the Premier at the time and said, ‘Mr Andrews, I’ve got an idea. Let’s call this person a commander?’

Forgive me, perhaps I am wrong. Perhaps he is a commander of some sort. I will happily stand corrected at any point if any one of you want to stand up and tell me he had some sort of military past

or he has suddenly been appointed by some wave of the wand by the Queen and now the King and has received some commandship I am not aware of. I am not a big fan of these commandships, as people here would well be aware. But he called himself 'Commander'. Wow. He says this – this is part of who he is and what you have brought into here as this tsar for housing who is not going to build a single house thanks to the confession of those opposite: he led the operational response to the COVID-19 pandemic in Victoria. Led – I am not sure he led; we shared the lead, let us be honest. There were a couple of people doing it and I would say even a couple of people on the other side could say the same thing. He was responsible for delivering the state's COVID testing program and contact tracing and oversight of the largest, swiftest – he likes the word 'swift'; I see that in a number of locations; he is very swift, a Swiftie – and most comprehensive vaccination program across the whole population. What?

**A member** interjected.

**Nick McGOWAN:** Yes, I am a Swiftie. I do not mind admitting it. She is great.

Look, to be honest, had you employed her, I would see the merit in a 24-week appointment. It would be global attention. We would have had a focus on the issues at hand. I think you might get something in return for the money. In fact at the rate she charges, it would be the greatest single contribution you have made to the Victorian economy in the last, I do not know, 20 years.

**Sonja Terpstra:** On a point of order, Acting President, I do not know what Taylor Swift has actually got to do with this motion, but I think Mr McGowan has strayed far from the content of this motion.

**Evan Mulholland:** On the point of order, Acting President, Mr McGowan was drawing on an interjection from a member of the government, so it is perfectly valid for him to respond to that interjection.

**Sonja Terpstra:** On the point of order, Acting President, Taylor Swift is not germane to this motion.

**The ACTING PRESIDENT (Michael Galea):** I note that Mr McGowan was responding to an interjection, but I ask him to return to the motion at hand.

**Nick McGOWAN:** Thank you. I just felt compelled to defend Taylor Swift, because when she is attacked by those opposite and when Ms Terpstra is attacking Taylor Swift – she has enough people attacking her day and night – I cannot stand idly by and let that happen on my watch. Too many of my constituents, too many kids –

**Sonja Terpstra:** Mr McGowan, withdraw that remark. I did not attack Taylor Swift. I did not attack her at all, thank you. I would ask that you withdraw that remark. It was misleading the house.

**Nick McGOWAN:** I withdraw that unreservedly.

**The ACTING PRESIDENT (Michael Galea):** Thank you, Mr McGowan.

**Nick McGOWAN:** Taylor Swift has led us to bring great focus here to what was the swiftest and most comprehensive vaccination program, according to the individual we are discussing today. Of course he has had all these other roles too: CEO of VicRoads, head of transport services, Myki – remember that? Remember the Myki? That went well. I will never forget when the poor minister went to use that Myki machine and it fell off. That did not go so well. We all know how that ended. Although we are still going down that debacle of a track as well – no pun intended, but there it is. A number of members today have made a number of points about the Public Administration Act 2004, which is sort of useful really because it is not often that we refer to that old chestnut, but it does sit there. It is one of those rare acts, because it does have objects. They call them 'objects' as opposed to 'objectives'.

I do not know why, but they do. One of the objectives of the Public Administration Act 2004 – and they have a number; they have got (a), (b), (c), (d) et cetera. But in particular (d) says:

to ensure that employment decisions in the public sector are based on –

not a popularity test but –

merit ...

That is what the act says. Isn't that intriguing? Mr Berger is no longer here to defend himself and his remarks in respect to the act and how he was leaning onto that particular act to somehow justify the fact that the Secretary of the Department of Premier and Cabinet can just make a magic wand decision and bring in this sort of fairy godfather of whatever it is he is going to fix. It is clearly not housing, because we know he is not building any housing.

I have very little time left, so I need to make a serious point, and I think it is a point that those from the crossbench have already made today. I accept that governments from time to time will make appointments and they will make appointments without consultation, and I would also say that governments over time, of all persuasions, have done that. But what is absolutely critical is that we make sure we have value for money and that there is transparency around that. I have been a government appointment, so I am not immune from this, and I am not about to be a hypocrite on this subject. But I was also subjected, through ministers of the day at a federal level, to an inquiry as to how I was appointed and why I was appointed, and the minister had to answer for that. To my mind, that was absolutely appropriate. In fact I would say of those who were also appointed to the same tribunal that I was appointed to that they knew exactly how I got appointed, because of the scrutiny that was applied at the federal level. We do not have that scrutiny here today, and while I jest about issues like Taylor Swift and all these other aspects – notwithstanding that clearly this individual is not going to build a single house – there is an absolute need to make sure that public money is well spent, that there is transparency and that there is accountability. In this case there is none of these things, much less any guarantee that any of the work he will do will have a meaningful impact for the people of Victoria, notwithstanding that he is about to receive a large sum of money.

**Jacinta ERMACORA** (Western Victoria) (15:44): I want to thank those opposite for providing an opportunity to talk about the work of our public servants and in particular one of our most exemplary public servants in Mr Jeroen Weimar.

**Sonja Terpstra** interjected.

**Jacinta ERMACORA**: Exemplary. But before I do so I want to express concern about the highlighting of an individual public servant to use as a bit of a tool to argue that the government has done something wrong. I think that someone's integrity or honour has been called into question, and the very content of this motion cannot avoid doing that. I mean, that is what the discussion is all about. I think that Mr Weimar would be pretty mortified by this. I respect that our public servants are independent and work really hard to be independent. I think that it is at least important to acknowledge that this is an awful day for a highly professional public servant who has been singled out and named for 90 minutes of debate in this chamber.

**Nick McGowan** interjected.

**Sonja Terpstra**: On a point of order, Acting President, the constant interjections by Mr McGowan are excessive, and Ms Ermacora cannot get one sentence out without a continuous stream of interjections by Mr McGowan. I ask that Ms Ermacora be allowed to continue her contribution in silence and without assistance.

**The ACTING PRESIDENT (Michael Galea)**: Ms Ermacora, without assistance.

**Jacinta ERMACORA**: Thank you, Acting President. I just wanted to say that at the start, because I think when you work so hard to conduct yourself professionally and then a bunch of people in a room

are judging your role in something for 90 minutes, it is pretty awful. But I will now go on to say that we all kind of know him, don't we? I have never met him personally – I do not think I have – but like many Victorians I do feel like I know him quite well because of the high-profile roles that he has had over the last five to seven years. It was not just COVID; I know him from before that in the media.

I will give you a bit of background as to his professional experience and qualifications. He holds a bachelor of science in economics and a master of science in urban and regional planning, both from the globally prestigious London School of Economics. His CV speaks to his skills in change management, team leadership, program leadership and operations management, and before coming to Australia he worked in governmental bodies such as the British Transport Police Authority, the Greater London Authority and Transport for London – I have that app. I have had the privilege of using that app; it was pretty good. He was the CEO of the UK bus company FirstGroup from 2012 to 2014, and that service delivered over 2.5 million passenger journeys a day. His professional peers speak of him as being a rare, exceptional leader and someone with incredible energy, who is authentic and down to earth with an ability to get people onboard. Unsurprisingly, Mr Weimar's professional LinkedIn account has 5594 followers.

To Victoria's benefit, he relocated to Australia in 2015. He worked for VicRoads, and for over four years Mr Weimar was the CEO of Public Transport Victoria. The first time I heard Mr Weimar was on the radio, and he was taking calls from the public, Melburnians, on all things public transport. A woman rang in with a very specific inquiry about, I think, the number 1 tram route – I do not even know if that actually exists – and a particular tram stop in South Yarra. I was listening and I thought, 'Oh, this guy's not going to know about this.' He actually responded, saying he had been down there the day before. Then he described what the challenge was and where they were planning to go. The woman on the other end of the line was very satisfied with the answer, and I was very surprised, actually. So I think that is an example of his particular talent that he has – focusing on what is actually happening on the ground but keeping a bigger picture strategic focus as well. I thought his ability to flip from strategic to operational, showing enormous respect in this case to public transport customers, was very special.

The next I saw of him was on TV, like we all did, in the incredibly difficult role of COVID response commander. I noticed that he applied that same set of skills. He was visiting immunisation centres. Remember those massive queues? He went down there and had a look to see what was going on so that he and his team could respond and fix the issues. It is little wonder that he is known as a logistics giant. He has excellent communication skills and an ability to make complex situations and information simple to understand. I know his calm presence, experienced almost daily on TV screens during COVID, reassured me and many other Victorians who needed that information to understand what they needed to do from month to month, and even year to year, as the changing circumstances emerged. He has played some amazingly important roles.

I want to finish up by expressing again the gist of this really unfortunate motion. I do find it disappointing to see that this motion singles out an individual public servant. In doing so it puts that individual under enormous pressure, if they have any respect for the independence of the public service role, and we know he does. I am sure the opposition are aware that under the Public Administration Act 2024 the Secretary of the Department of Premier and Cabinet holds the delegation to approve the appointment of and terms and conditions of executive appointments for the DPC – all the better to listen, again. This includes the advertising or direct appointment of candidates to executive roles. I am disappointed that this motion seeks to politicise the work that this individual has done.

In closing, I want to express my appreciation for all public servants in Victoria, whether they work in fisheries, land management, education, health or Victorian parliamentary services. Last night the staff that support the Legislative Council were held back at work until 2:30 in the morning to indulge this chamber. I cannot thank you enough for tolerating what happened last night. I hope everybody was safe afterwards, and I also hope that everybody here today, particularly the parliamentary services

staff, remains safe throughout the rest of the day as well, because we know a lot of people are operating on not much sleep.

**Evan MULHOLLAND** (Northern Metropolitan) (15:53): I rise to speak on this important motion moved by my colleague Mr Davis on Jeroen Weimar and on, I think, public service accountability. We need to have scrutiny of appointments in the public service. I heard Ms Ermacora say that Mr Weimar would be mortified at the debate going on today. I have got to say that it is actually a significant public interest piece. It was not just the opposition talking about this appointment, it was people flooding into talkback and it was basically every single media outlet that reported on this story. It is a significant appointment.

Mr Weimar is going to have his work cut out as director of housing implementation because of Labor's new member for Dunkley. She is not the biggest supporter of new housing, and she is making statements contrary to what the Minister for Planning is saying. So Jeroen is going to have his work cut out for him to deal with NIMBY Labor federal members – opportunistic Labor federal members. I was interested to see an article in the *Guardian* saying:

Housing is also a pressure point for this electorate.

As mayor, Conroy has spearheaded a push to increase developments in the Frankston area. This includes a plan to construct apartment towers on the Nepean Highway of around 14-to-16 storeys, overlooking the beach.

Now, all the narrative I hear, whether it be from Mr McIntosh or Mr Galea, would be that they would be pretty supportive of things like that because it offers more housing to more people. I know Ms Kilkenny has allowed for that as well, but there are several people from what is called 'Stop the Great Wall of Frankston' that are raising concerns about that. But during an election Labor people cannot help saying one thing and doing another. Belyea said:

... people want to feel as if they are being listened to and consulted, and "having 20 storeys on the Frankston beach line is not what they're wanting".

"I am for responsible development. We need more homes and housing in the Dunkley electorate, but we need the right sort of homes that are going to really cater for the diverse demographic of the populations ...

I hear members on the other side talk about new housing and I wonder whether anyone counselled Ms Belyea. Did Mr Galea counsel Ms Belyea? Did Mr McIntosh? Or, in the neighbouring electorate, did Ms Kilkenny say, 'Ugh, I actually just made an order and approved what you're criticising here'? No. So they are all talk on the other side because this housing statement is a con.

It is a con. We saw new data released by the ABS that confirms approvals for new private sector houses in Victoria fell by 16.7 per cent across January 2024, the single sharpest reduction of any state in Australia. Across this period a total of just 2370 new dwellings were approved, the fewest monthly approvals since October 2013.

**Nick McGowan** interjected.

**The ACTING PRESIDENT (John Berger):** Order! Mr McGowan, contain your comments to yourself, please.

**Evan MULHOLLAND:** The target is a con. They are not going to get anywhere near 80,000 homes a year and they know it; industry know it, people like the Housing Industry Association know it and people like the Grattan Institute know it. We have a significant lack of availability of skills, supply and labour to meet this challenge, and I tend to blame it on all of it being sucked up into the government's Big Build, which is the government's big bill of waste and mismanagement – \$38 billion of cost blowouts.

**Sonja Terpstra:** On a point of order, Acting President, I notice Mr Mulholland is referring to the government's Big Build program. That is not part of the motion that has been moved by Mr Davis, so it is not germane to the motion. I would ask that Mr Mulholland contain his comments to the motion that we are debating.

**Evan Mulholland:** On the point of order, Acting President, I was talking about Jeroen Weimar being the deputy secretary of housing implementation. I was talking about challenges for him in that role and the housing statement, which he is implementing, and the challenges to that, which is the Big Build and several –

**Sonja Terpstra:** Further to the point of order, Acting President, Mr Mulholland is debating the point. He has not indicated what information is further to the point of order, so I ask that Mr Mulholland be relevant to the matter being debated. It is not relevant to talk about the Big Build.

**The ACTING PRESIDENT (John Berger):** Okay. Let us try this: how about we bring Mr Mulholland back to the motion in the 3 minutes that he has left, and we do it in complete silence.

**Evan MULHOLLAND:** What I want to know from this government, and what this chamber deserves to know, is: why was the role not advertised? In what selection process was Mr Weimar interviewed along with other potential candidates? Prior to Mr Weimar giving evidence to the Commonwealth Games inquiry of the Victorian Parliament, were there discussions with any other person on the government's behalf about the possibility or existence of any role being made or offered to Mr Weimar, such as that of deputy secretary of housing statement implementation? Was Mr Weimar promised this job because the 2026 Commonwealth Games was scrapped at a cost of at least \$600 million to taxpayers? What is Mr Weimar being paid for this new role? How long is it for, and could it be extended? What skills and experience does he bring to housing? What is the so-called housing implementation team? We know from question time this week that Ms Shing as the Minister for Housing has nothing to do with the housing implementation scheme – funny that. How many staff are in it, and what are they being paid? Why does the team need to be set up in the Premier's department? How is he going to deliver 80,000 homes a year for the next 10 years when his record on public transport, COVID-19 and the Commonwealth Games is so poor? And isn't the housing statement just another con job by Labor?

We know that he was given the plum role. Of course Jacinta Allan defended this new appointment, but for someone that was in charge of the Commonwealth Games that was meant to bring Victoria so much investment and legacy and infrastructure and excitement – many young athletes in my electorate were very excited at the opportunity to compete in the Commonwealth Games – this is someone, along with Jacinta Allan, that let the whole state down. He is being set up for failure as deputy secretary, even though he did receive a payout for his work on the Commonwealth Games. He and Jacinta Allan have let the entire state down. The future of so many athletes – and speaking to many people at the Olympic function that was here last night, they are still devastated at the effect that this has had on grassroots sport. I commend this motion. It needs to be investigated. We need transparency in our public service.

**Sonja TERPSTRA (North-Eastern Metropolitan) (16:03):** I rise to speak on this motion in Mr Davis's name in regard to the appointment of Mr Jeroen Weimar, who many would know is a very well-known public servant and a very public-facing public servant, somebody who has served Victoria incredibly well during some of our most testing times, particularly throughout the pandemic. I think Ms Ermacora's contribution very ably detailed the role that Mr Weimar had as commander during that period, when he stood up a lot of the COVID testing regime that we had at the time.

I think what is obvious and apparent in regard to this motion today is that really when it comes to those opposite, nothing has actually changed. If we go back to look at what happened during the Kennett years, it was the Kennett government who mercilessly went after public servants. They went after public servants, they sacked them, they sacked teachers, and many, many public servants did not feel safe as public servants working for the good state of Victoria under that administration. What we see here is that nothing has actually changed. It is the same nasty personalised attack on somebody who is a very valued and skilled public servant and somebody who has done an enormous power of work for Victorians and for the public good.

It is regrettable that we see such a personalised attack by those opposite on Mr Weimar. The very disappointing thing is that what those opposite do not seem to understand is that Mr Weimar is a person and someone who is not a politician. As politicians we decide to stand for election. Often people think that politicians are fair game and that they can make comments about us, make personal accusations, all those sorts of things. We are on the public record as saying things. Public servants are not politicians. They do work for the state, and it is really disappointing to see such a nasty personalised attack by Mr Davis on Mr Weimar. As I said, those opposite tend to have a bit of a pattern, which is they attack the person, so they play the man, not the ball. This is just another example of that, and it is a very shameful situation.

I listened to Mr Mulholland's contribution, and I have read the motion moved by Mr Davis. Mr Mulholland in his contribution focused on the fact that there had just been an appointment of a candidate and there had been no recruitment selection process. Let me address that point now, because those opposite clearly are not aware of the functions and the ability of government to appoint people. Again, those opposite may not be aware that under the Public Administration Act 2004 the Secretary of the Department of Premier and Cabinet holds the delegation to approve the appointment of and terms and conditions of executive appointments to the Department of Premier and Cabinet, including the advertising or direct appointment of candidates to executive roles. Hello, nothing to see here. Honestly, nothing to see here. But let us try and make something of it, because that is all they have got over there – smear and innuendo and nasty personal attacks. I think this is a really poor reflection on those opposite. It is like 'We have got nothing of substance to say, so we'll smear somebody. We'll smear their reputation and them personally.' It is shameful.

Mr Davis's motion references the Ombudsman's report. Let me talk about that for a moment as well. I like to dismantle these fake arguments that get put up by those opposite, because it is actually quite easy to do so. What we see here is selective reporting of bits of information that may be contained in the report.

**Harriet Shing:** Really, from the opposition?

**Sonja TERPSTRA:** I know. It is surprising, Minister Shing, that that would in fact happen. Let us talk about what the Ombudsman found in her report, because it is important to make sure that we get the full picture about what the Ombudsman actually said. I do not know whether the opposition has read that report, because what she said is she examined 5.4 million records. That is a lot of records. She examined 5.4 million records and 545 public sector appointments. That is a lot of appointments. That is a lot of appointments over many years – in fact 20 years. Twenty years of appointments. I will say it again: the Ombudsman examined 5.4 million records and 545 public sector appointments and yet did not find one example of partisan political hiring in the Victorian public sector in the past 20 years.

**Harriet Shing:** That includes Mr Weimar's recruitment from the UK by the coalition.

**Sonja TERPSTRA:** Incredible. Let me just put that on the record, because that interjection by Minister Shing is an important one. It was the opposition who recruited Mr Weimar back in the day. This motion speaks to a personal attack on Mr Weimar, who has dedicated much of his working life to public service. I know Ms Ermacora put this on the record, but I think it is important to do this again. He was the CEO of Victoria 2026. He was the commander of the COVID response for two years. Before that he was the CEO of VicRoads for 12 months. He was the head of transport services in 2019–20. For four years he was the CEO of Public Transport Victoria. I could go back to what he was doing in the UK: CEO of UK Bus for FirstGroup. He was also a non-executive member of the British Transport Police Authority for over seven years, and he spent nine years in various roles for Transport for London – it goes on.

Any suggestion that Mr Weimar is somehow not a meritorious candidate and that there is some personal friendship connection with the Premier is just not plausible. It is just not credible. It is a nasty



personal attack and needs to be seen for what it is – just that, a nasty personal attack. Again I remind those opposite to think about how this is a person you are talking about. It is somebody who has dedicated their life to public service, not only in the state of Victoria but in England, and in doing so they do not deserve to be publicly attacked. I will reference remarks I made earlier: under the Kennett regime there was a very distinct pattern of going after public servants, and nothing has changed. It is part of their DNA to attack public servants, and it is shameful.

Our public servants in Victoria work incredibly hard for Victorians every day in a whole range of ways, whether it is police, whether it is teachers, whether it is nurses in our hospitals, and we need senior public servants who can deal with complex policy rollouts like our housing statement. There are many other areas of complex policy rollout, like our mental health space and our Big Build. There are so many things that we have on our agenda.

In regard to our Big Housing Build, we need to build 12,000 homes. That is a 10 per cent uplift in the number of social homes across Victoria and an added \$1 billion for an additional 1300 homes in regional Victoria with our Regional Housing Fund. This is a big undertaking and a really big operation, so you want and need a safe pair of hands, somebody who can be across the brief and somebody who can come up to speed quickly and make sure that we get the rollout of these homes happening. Victorians are depending on us, a government that they voted for. They voted for this Labor government to make sure that we could do the things that they voted us in to do, like deliver on public housing and so many of the other commitments that we have made, like our Big Build and, like I said, the infrastructure we are building.

I think it is a fantastic appointment. Mr Weimar will be in charge of housing and will be working with Minister Shing and others to make sure that we roll out that very important commitment. I encourage members in this chamber to not support this motion. It is ill founded and ill considered.

**David DAVIS** (Southern Metropolitan) (16:12): This is an important motion. This senior public servant is a public servant who has held a swathe of jobs, all appointed without proper process, the most recent example being the appointment into the housing role in the Department of Premier and Cabinet. It is very clear that this appointment was made with the Premier directing the Secretary of the Department of Premier and Cabinet to make that appointment. There was no proper process, there was no advertisement and there was no proper arrangement to go forward, and that is a serious concern. Whatever the background and history of Mr Weimar –

*Members interjecting.*

**David DAVIS:** I am happy to go there if you would like, but I think I have said enough about that. I am zeroing in on the actual, clear appointment issue: the failure to properly advertise, to properly recruit, to properly appoint someone of this seriousness to the arrangements that will see housing advanced hopefully in this state. This is an important motion. The Ombudsman is a very relevant place to examine this appointment. The Ombudsman has obviously looked at a number of these matters in the recent period and is well placed to examine the appointment of Mr Weimar. Now, Mr Weimar has many flaws, and they have been aired to some extent in the chamber today. But it is the government that have made the mistakes with these appointment processes. It is the government that have got to be held to account. The Premier and the Secretary of the Department of Premier and Cabinet have not set the right example here with the proper recruitment processes, and these need to be investigated properly and reported to the community.

**Council divided on motion:**

*Ayes (15):* Melina Bath, Gaele Broad, David Davis, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

*Noes (18):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

**Motion negatived.**

*Business of the house*

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

**Lee TARLAMIS** (South-Eastern Metropolitan) (16:21): I move:

That the consideration of 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 Treasury and Finance**

*Budget papers 2023–24*

**David DAVIS** (Southern Metropolitan) (16:21): I want to draw the chamber's attention to the Standard & Poor's report that was released last Friday. What that report shows is a massive surge in state debt, a state debt that is spiralling out of control. That state debt, according to Standard & Poor's, is heading for \$250 billion. That is money that is going to have to be paid back by Victorian families and Victorian businesses, by our children and by our grandchildren. This is a huge amount of money, and it is money that is seriously crimping the ability of state to do the work that is required.

A large part of that debt that is there now has been put in place by the Andrews Labor government and now the Allan Labor government. A decision was made ahead of the state election in 2018 to allow a surge in state debt, a deliberate plan announced by the Premier and the Treasurer in the lead up to the 2018 state election to double the amount of state debt held by Victoria as a share of gross state product. They did that, it surged off and the large number of major projects that were already running and then were further put into the system led to a massive surge in the amount of money the state was borrowing for these projects. Further, those projects –

**Ryan Batchelor:** On a point of order, Acting President, I am just wondering which tabled report the member is speaking to and the date tabled.

**David DAVIS:** I am speaking to the budget. What is very clear is the huge spending by this state government on major projects, which has been largely uncontrolled. There is more than \$40 billion in cost overruns that have not been properly constrained, blowouts in projects of more than \$40 billion. It is now at the point where Victoria's debt is so great that in the short period ahead it will be greater than New South Wales, Queensland and Tasmania combined. This is back to the days of the Cain–Kirner governments and worse. It is back to the days of the Cain–Kirner governments, where state governments thought they could run an independent policy and just surge forward with more and more borrowing and more and more debt, not concerned at all about the quality of that debt, not concerned about how that debt was applied and not concerned about the return on that debt.

We see it with the Suburban Rail Loop, as the biggest project in Australia's history, a project that has not been properly scoped and a project that does not have a proper arrangement in terms of a business case. It does not have proper, clear cost controls on the way the project is being run. Already the Auditor-General has pointed out that the cost of the first stage has increased from around \$35 billion to \$41 billion, and that is only the start. The Parliamentary Budget Office costed the first two stages at \$125 billion, a massive capital hit on the system. That \$125 billion is very different of course from the \$50 billion that the state government went to the 2018 election with. They said in 2018 they were

going to build three stages of the Suburban Rail Loop for \$50 billion. No-one serious believed that that could happen. But the state government was not challenged on that by the media sufficiently, and the state government got away with the claim that it would be \$50 billion.

Now we know on their own figures the first stage will be \$35 billion, but actually the auditors say it will be \$41 billion. The Parliamentary Budget Office say that the first two stages will be more than \$125 billion. You have got to ask how they are going to fund that. Let me just say something here. The state government has \$11.5 billion or just a bit over \$11 billion in their own money and \$2.2 billion of Commonwealth money. That is all the money they have in the kitty at the moment to fund a project that is far and away the biggest project in the state's history. They are going to do it by taxes, they are going to do it by levies, they going to do it by value capture and they are going to have to backfill. They said at first they were going to do a third state, a third federal and a third value capture. That federal money is now not there, so it is all going to have to come out of the value capture or new taxes and charges – or new borrowings perhaps is what the state government might intend.

You have got to ask how that is going to benefit the community. I live in those areas and represent the areas where some of the Suburban Rail Loop stations are, and they have not properly engaged with the community. The community does not know about these costs. The community is going to pay through the nose through these value capture projects, value capture – (*Time expired*)

### **Department of Energy, Environment and Climate Action**

#### *Victorian Greenhouse Gas Emissions Report 2021*

**Sheena WATT** (Northern Metropolitan) (16:26): I rise today to speak on the government's response to the *Victorian Greenhouse Gas Emissions Report 2021*, the response tabled in November 2023. I speak to and update the house on the ongoing work this government is doing to drive down emissions and create a cleaner Victoria for all Victorians. I want to start by thanking DEECA, the Department of Energy, Environment and Climate Action, for compiling the report in the first place, their continued work in supporting government and their continued commitment to providing Victorians with the power that they need, a power of information in fact. This report is the sixth in a series of annual emissions reports required under Victoria's Climate Change Act 2017. The report provides an overview of the state's greenhouse gas emissions from 1990 to 2021 with a focus on the trends since 2005.

In the last three years Victoria's population and economy have grown whilst emissions have declined. Victoria's emissions have declined by 27.6 per cent between 1990 and 2021, while the economy has grown by 126 per cent and the population has increased by almost 50 per cent – just shy, at 49.5 per cent. Our per capita emissions in 2021, a measure of the state's total net emissions divided by its population, were well below the national average. This smashed our initial reductions target of 15 per cent by 2020. We have cut our net emissions by almost a third since 2005, and this is a reduction of over 50 million tonnes of carbon dioxide equivalent following its peak in the 2010–11 period. That is, for some perspective, the equivalent weight of about 16.6 million HiLuxes. That number was just extraordinary for me to even imagine.

This government is well on its way to delivering the zero-emissions future that Victorians want and voted for and a better tomorrow for the generations to come. As much as energy, environment and the climate have become a political hot-button issue at the moment, the perspective that we all need to remember is that this affects everybody, no matter how big or small, in Victoria and throughout our entire nation. This is not about doing what is popular or what is easy, but this is about continuing to do what is right by the people to deliver on climate action solutions, to drive down energy prices and emissions for Victorians and to safeguard our collective future and the future of generations to come. I will take a moment to acknowledge and praise the work of the Minister for Energy and Resources, Minister for Climate Action and Minister for the State Electricity Commission Lily D'Ambrosio in the other place for continuing to do just that – to make the hard choices and continue the hard work

through times like the high-risk weather events of just a couple of weeks ago. That is what this government is about, getting on with the hard work, knuckling down and indeed delivering.

As outlined in this report, Victoria has firmly established a downward trajectory for emissions. The historical emissions data show a turning point in the last decade, when emissions fell steeply while the population and economy continued to grow. This reflects the Allan Labor government's commitment and clear path to continue to cut emissions and to continue the advancement of renewable technologies and the efforts of all Victorians to take action on climate change in government and of course in the private sector. To continue this drive towards our set renewable target of 95 per cent this government invested more than \$1 billion for the SEC to build energy projects that it needs to hit that target to drive energy prices down for the everyday consumer and businesses. The energy sector, while it is responsible for 51.8 per cent of Victoria's total net emissions in 2021, is also leading the state's emission reduction efforts.

Two-thirds of the reduction in Victoria's total net emissions came from the energy sector. Between 2020 and 2021 we saw electricity emissions fall due to the growth in renewable energy generation, reducing the demand for gas power generation as we move forward on our gas substitution road map. Further to this, emissions have declined for all sectors except industrial processing and products since 2005, and the Victorian land sector has an increasing role in absorbing emissions that has only continued to grow, absorbing upwards of a quarter of Victoria's emissions in 2021. The land use, land use change and forestry sector continue to play a role in the emissions reduction plan.

I could stand here all day and talk about statistics. But I have said this is only possible through climate action and the continued work of climate scientists, departments and committed ministers of the Allan Labor government, and I hope that we will continue to work hard and collaborate and come together for a better future that all Victorians can be proud of.

### **Select Committee on Victoria's Recreational Native Bird Hunting Arrangements**

#### *Inquiry into Victoria's Recreational Native Bird Hunting Arrangements*

**Georgie PURCELL** (Northern Victoria) (16:31): I rise to speak to the Victorian government response to the Legislative Council select committee's inquiry into Victoria's recreational native bird hunting arrangements report recommendations tabled on 20 February 2024. For those who are not familiar, this is a response to a select committee that was not only formed by the government but chaired by the government. I note the chair of that inquiry is here in the chamber, and that inquiry made a very clear recommendation that recreational duck shooting be banned in Victoria on public and private land from 2024 onwards.

Now, a whole lot of work went into that committee. I was a member of that committee. We made seven other recommendations, but the main one was that recreational duck shooting be banned by this Labor government, just as Labor governments did in New South Wales, Western Australia and Queensland decades ago. In fact Western Australia banned duck shooting before I was even born, and now I am here in this Parliament still fighting it. It is certainly not the action of a progressive Labor government, as they love to call themselves. In fact we are one of the worst states on animal welfare, and it is absolutely shameful. The government has responded to this report by ignoring the main recommendation, recommendation 1, to ban duck shooting, which is absolutely shameful. They took us all on a ride and made us do a whole bunch of work last year travelling out to the regions and having public hearings, only for them to ignore this very important report that would have brought us in line with the majority of the country in protecting our native waterbirds and keeping them safe from recreational gunfire.

I want to talk to you about the seven other recommendations that the government has supported, and what is absolutely astonishing to me is that they will be phasing them in from 2025 onwards. It is 2024, so what does that mean? There will be a recreational duck-shooting season this year under the status quo, and this committee found that the status quo is not working. Thousands of birds are

wounded and maimed and killed every single year. So many are left to suffer on the wetlands, and the lucky ones – I hate to call them the lucky ones – are retrieved by duck rescuers. Duck rescuers simply cannot be at every wetland in the state. It is impossible. There are thousands of places where you can go duck shooting, and that is exactly why the committee also found that the Game Management Authority has an impossible task when monitoring compliance and shooter behaviour, because there are only a handful of authority officers and thousands of places where you can go duck shooting.

We will have our voluntary vet teams and duck rescuers out on the wetlands again with the season commencing from 10 April. I will be out there on opening weekend with my staff and dozens of other rescuers doing something that we should not have to be doing. This government should be ashamed of themselves and their actions by not adopting recommendation 1 of our committee's report.

I am finding out some more information on these changes from the media, and last week we found out that proficiency testing will be brought in for shooters. That might be a good thing; however, it is only for new duck shooters. I can see the Chair shaking his head; I am probably saying what he would like to. We had already found through the inquiry process that wounding was an enormous problem, and that is from the existing cohort of duck shooters. Proficiency testing might deter new duck shooters from getting their licences, but it certainly will not fix the wounding problem. We are embarking on an incredibly expensive process. We do not know how much it is going to cost. We know it is going to cost a lot. The government has already committed \$10 million. There is going to be more. We are in a cost-of-living crisis, and they are intent on spending taxpayer money to prop up an activity that is participated in by less than 1 per cent of the population and opposed by the majority. They should hang their heads in shame that they have made this decision.

Finally, I just want to talk about the government's comments that traditional owners will be closely involved in the future of recreational hunting. I just want to acknowledge the work of Gary Murray, who I know is very, very disappointed in the outcome of this inquiry. He is on the First Peoples' Assembly, and he appeared before us at the inquiry. Many other First Nations representatives have reached out to me in response. We will keep on working to end recreational duck shooting in Victoria. This is a shameful response from the government.

### **Remembrance Parks Central Victoria**

#### *Report 2021–22*

**Wendy LOVELL** (Northern Victoria) (16:36): I rise to speak on the Remembrance Parks Central Victoria annual report of 2021–22. The reason I speak on the 2021–22 annual report is because that is the only annual report that they have tabled in this term of government. They tabled that report late – on 20 December in 2022. It was not tabled by the required time at the end of October, but it was an election year. But this year we still have not seen an annual report that was required to be tabled by the end of October last year. We are now well into March, and we still have not seen an annual report from the 2022–23 year. The year before last, because they came with their annual report so late, they did not manage to hold their AGM by the end of December, which is required by the legislation. They held that in the last week of June last year. Of course this year we have not seen an annual report, but we also have not seen an AGM scheduled. This is a class A cemetery trust, and this class A cemetery trust is incompetent. There is no doubt that the rot comes right from the top, from the chair of the board. The chair of the board is a former member of the Labor Party in this house, Marg Lewis. She is also a cousin of the Speaker of the lower house, and she is a protected species. We have started –

**Harriet Shing:** On a point of order, Acting President, Ms Lovell has just referred in utterly offensive terms to a former member of Parliament as a 'species'. That is completely disrespectful and completely disgraceful.

**The ACTING PRESIDENT (John Berger):** I ask the member to come back to the debate.

**Wendy LOVELL:** We have started the last three years with a scandal from these –

**Harriet Shing:** On a point of order, Acting President, the member has also impugned the character of the Speaker in the other house in relation to casting aspersions on her impartiality, and I ask that Ms Lovell withdraw.

**The ACTING PRESIDENT (John Berger):** I ask the member to withdraw the reference to the member in the other house.

**Wendy Lovell:** I withdraw, but I did not reflect on the Speaker.

**Harriet Shing:** On a point of order, Acting President – do not roll your eyes, Ms Lovell; this is actually a serious matter – I would ask that the member unequivocally withdraw.

**Wendy LOVELL:** I withdraw. We have started the last three years with a scandal every year from this cemetery trust. The first was in 2022 when they tried to put the cost of burials up by 300 per cent. When that was exposed in the media and there was heat on the cemetery trust, of course they blamed the then CEO. That CEO resigned and moved on. He was not going to be associated with it.

In 2023 we saw the desecration of graves at a number of cemeteries that are managed by this trust. The memorials on those graves were destroyed, taken, thrown away, and families were horrendously distressed about it. Of course they blamed the acting CEO, and she was moved on. We then saw the debacle at the Pine Lodge Cemetery, where they changed the headstones, and the appointment of a new CEO was a positive for this cemetery trust. She actually met with families who were distressed by that action at Pine Lodge and reversed that decision. That has been one good thing, and that is the appointment of a new CEO, certainly not the appointment of a new board.

In 2024 we saw the year start with another scandal, the desecration of the grave of James Ness in Sunbury. This caused enormous distress to the family. The family was distressed enough because – *(Time expired)*

### *Petitions*

#### **Waste and recycling management**

**Sarah MANSFIELD** (Western Victoria) (16:41): I move:

That the petition be taken into consideration.

The proposed waste incinerator in Lara must be stopped, and before we get into why, I first want to thank the Lara community and especially those who have come up from Lara to Parliament today and the thousands of Victorians who have signed this petition to enable this debate to happen. A dedicated group have put in countless hours fighting against this incinerator proposal. They have taken it upon themselves to do what the proponent and the government have failed to do and inform their fellow Lara residents about this project that is slated for development in their backyards.

What they have found is that when people hear about this project, they are appalled and astounded that anything like this could even be considered. For decades the government has neglected waste and recycling, and now they want to burn the problem and leave communities like Lara to deal with the mess. We need to reduce the amount of waste going to landfill, but setting fire to our waste problem should never be the answer. Yet the Victorian Labor government has been allowing the development of waste incinerators across the state.

The latest project awaiting sign-off from the government is a massive waste incinerator proposed by Prospect Hill International in the suburb of Lara, about 18 kilometres north of Geelong. If built, it will burn 400 000 tonnes of waste per year, which is more waste than is collected in the red bins across my whole electorate of Western Victoria in a year, so it is unclear where this waste is going to come from. The proposed site is within hundreds of metres of homes. It is incredibly close to many schools, preschools, childcare centres and agricultural land. The Lara community has made it abundantly clear they do not want this project to go ahead, and for good reason. Studies have shown that waste incineration is not safe, it is not sustainable and it is definitely not renewable.

One, it is not safe. Lara already faces air pollution levels the World Health Organization would deem unsafe. Understandably the Lara community is deeply concerned about the impact this incinerator would have on their health and environment, and they have been working hard to fight against this project. The burning of waste materials such as plastic and PVC releases toxic pollutants into the air, including mercury, lead and dioxins, many of which have no safe exposure limits, and studies have indicated a range of human health impacts related to exposure to pollutants resulting from waste incineration. It is not good enough that our regional communities like Lara are the ones being burdened with these hazardous waste facilities. As representatives of these communities, we must ask ourselves: what are we willing to risk, given the proximity of this incinerator to communities and key farming land?

Number 2, it is not sustainable. Not only does this project risk the health of Lara residents, it completely undermines efforts to build a genuinely circular economy. It is inevitable that these incinerators will end up burning recyclables, plastic and organic waste because there is no commitment that they will separate the waste that they receive and very little confidence in the mechanisms available to ensure that this is monitored and enforced. These facilities are beasts that need to be fed waste 24 hours a day, seven days a week, in order to run properly. In places where these have been established overseas it has been shown that they actually undermine investment in alternative, sustainable waste management options. What this state government needs to be focused on is waste reduction and recycling, not supporting toxic incinerators.

And number 3, they are not renewable. Mass incineration is not a form of renewable energy. They are fossil fuel power plants. It is one of the most emissions-intensive and expensive forms of energy, and that is before you consider the fossil fuels and finite resources used to make all the waste that is being burned to turn into energy. We are in a climate crisis, and projects like this are taking us in a direction that we cannot afford.

The community of Lara have sent a clear message to Labor that we need to end short-term fixes that endanger their health, undermine a circular economy and only make climate change worse. With the stroke of a pen the Minister for Planning Sonya Kilkenny could knock this project off – she could put people first – and I stand with the Lara community in calling on her to do so.

**Sheena WATT** (Northern Metropolitan) (16:46): I rise today to speak on the petition tabled in the last sitting week in regard to the proposed Lara waste-to-energy plant. Victoria is making real change as we shift towards a circular economy, and waste-to-energy systems have an important role to play. Waste-to-energy plants are the final opportunity to extract valuable energy and other output materials that would otherwise be sent to landfill. This complements and emphasises our other circular economy initiatives, which prioritise our reduce, re-use and recycle ethos.

This government has established a framework to regulate waste energy in this state. The Environmental Protection Authority Victoria – the EPA – planning authorities and the newly established Recycling Victoria all have an important role to plan to ensure that thermal waste-to-energy facilities meet best practice standards to continue to protect our environment, the communities in which they operate and the matters of human health and land planning. In addition to requirements under Victoria's environmental protection and planning frameworks, the Victorian government has recently introduced new, legislated licensing requirements for thermal waste-to-energy facilities under Victoria's waste-to-energy scheme to ensure these facilities support Victoria's transition to a circular economy. The act and supporting regulations also set out what types of waste are permissible for processing in thermal waste-to-energy facilities – and permitted waste is truly residual waste that cannot be reasonably subject to further sorting and recycling, whereas waste that can be further sorted and recycled is banned from processing by thermal waste-to-energy facilities.

The scheme is designed to ensure investment in our waste-to-energy facilities does not exceed our needs as we avoid, re-use and recycle more waste in the future. It strikes the right balance in Victoria's transition to a circular economy. You see, all thermal waste-to-energy facilities that intend to process

permitted waste in Victoria, whether they are existing or proposed, will be required to have the licences under all three of these legislative and regulatory frameworks.

The proposed facility will service Greater Geelong and the western metropolitan area, processing 400,000 tonnes per year of municipal solid waste and industrial and commercial waste into 35 megawatts of electricity, with a possible future extension for an additional 200,000 tonnes per year. The energy generated will power 50,000 Victorian homes, including surrounding care facilities, schools and community centres. The proposed plant will not just create energy, it will create hundreds of jobs during construction and more than 30 additional jobs during the ongoing operation, and it will divert 300,000 to 400,000 tonnes of waste from landfill every year throughout its 25-year landscape.

I know that there are many community members who feel strongly about this proposal and have deep concerns about the health and environmental impacts of a facility like this. I acknowledge that some of those community members are here today, and I commend their passion. I have spoken with the member for Lara in the other place, who has been working closely with community members who stand in opposition to this facility. I know that the member for Lara has attended committee forums on this matter and engages regularly with constituents, including those who have organised this petition. The Labor government will continue to work with community groups to provide the best outcome to all parties and will continue to collaborate for a better future for all Victorians. Energy from waste is an important and exciting link to the sustainable waste management chain, and it complements existing waste management processes such as recycling, re-use or avoiding the creation of waste. Thank you very much, and I cannot commend this petition to the house.

**David ETTERS HANK** (Western Metropolitan) (16:50): I rise to make a brief contribution to the debate on the petition to reject the proposal to construct a waste-to-energy plant at Lara in Geelong. There is no question that we need to address the state's growing waste management problems. We need to find alternatives to tipping tonnes of waste into our landfill sites every day. But I am not surprised that people in Lara are opposing the construction of a waste-to-energy facility in their community, which will see 300,000 to 400,000 tonnes of waste incinerated per year. It will have disastrous impacts on air quality and create dangerous levels of environmental contamination. Waste-to-energy incineration is the most expensive and pollutant-intensive way to manage waste or to make energy. Incinerators emit vast amounts of greenhouse gases, and while they may reduce landfill it is important to remember that for every hundred tonnes of waste burned, 25 tonnes will become toxic ash which will still require secure landfilling. I want to quote from the government response to the 2019 recycling and waste management inquiry. In relation to waste-to-energy technology, the Victorian government committed to supporting only projects that, amongst other conditions: (1) met best-practice environment protection requirements including air pollution controls, (2) did not inhibit innovation in re-use or recycling of materials or (3) reduced greenhouse gas emissions compared to the waste and energy services they displaced. By its very nature, waste-to-energy incineration relies on the production of waste to keep the facility running, and this includes waste that could be recycled.

Now, they are not very good at reducing gas emissions either. While the CO<sub>2</sub> emitted from waste incineration depends on the composition of the waste, the emissions released from waste-to-energy incineration can be very high. Every tonne of waste incinerated can produce as much as 1.7 tonnes of carbon emissions, including emissions from fossil fuels, burning plastics and biogenic fuel, wood, paper and food. That is not a huge win for the environment when you consider the vast amount of noxious pollutants also being emitted. Waste-to-energy technology also inhibits the re-use and recycling of materials and undermines the move to lower carbon options for waste management.

These facilities have a massive appetite for waste. The Lara facility, as I said before, is looking to incinerate 300,000 to 400,000 tonnes per year, and if the City of Greater Geelong has already ruled out using the plant, where is the necessary waste to keep this facility operational going to come from? Well, I reckon a fair chunk of it is going to be brought in from Melbourne – surprise, surprise – and it is going to be trucked through the western suburbs. So we are looking at thousands of additional trucks passing through our western suburbs on the way to Lara, further impacting the already very poor air



quality in our region. We know that one of the key sources of air pollution in the inner west comes from transportation, with the EPA acknowledging that:

Air quality in the area doesn't meet Australia's national air quality standards.

And the level of particulate matter regularly exceeds the national standard. On top of everything else, the facility requires an investment of \$700 million. That is investment that could be going into innovative recycling initiatives and could even help fund the state's transition to a circular economy. Rather than building more waste-to-energy incineration plants, which will lock us into a 25-year cycle of producing waste to feed the beast, we should be investing in solutions to reduce waste that meet best-practice environment protection requirements to protect the health and wellbeing of all Victorians.

**Samantha RATNAM** (Northern Metropolitan) (16:55): I rise too to speak in support of this petition, which makes clear that the community of Lara want to send a clear message that the proposed waste incinerator must be stopped, and I want to thank all the community campaigners for the momentum and the awareness they have created through their activism and their advocacy. It is so important that these issues get a spotlight on them, because they are issues that so many people do not want us to know about but that are so important for our public health, our wellbeing and the future of our environment.

Waste incineration is an antiquated response to both waste management and energy production. It is preposterous that this government wants to burn more toxic pollutants into the atmosphere when we are in the midst of a climate emergency. We should be looking towards the future with climate-safe solutions. We should be creating better waste-sorting practices and incentivising the use of non-wasteful materials. Instead the Labor government is committing the Lara community and Victoria to an incinerator, which will allow the ceaseless release of greenhouse gas emissions into our atmosphere. In fact it will produce more emissions per unit of energy than even a coal plant, and that is to say nothing of the toxins released from the burning of plastic and other hazardous materials.

Implementing such a program in the midst of a climate crisis is a huge step in the wrong direction. The people of Lara have clearly spoken out against this project and I anticipate will continue to speak out to get the government's attention. They are horrified at the thought of toxic pollutants being emitted into their backyard, but the government is not listening to them. The public were given just a token one month of consultation over the Easter school holidays last year. The community's rejection of the project was clear then, and it is clear now. Thousands have signed the petition, as residents know that this project presents serious risks to the wellbeing of their community. The government cannot in good conscience sign off on this incinerator. If they are truly committed to better waste management and to the people of Lara, they should scrap the incinerator project now.

Speaking to the issues regarding waste and recycling that the proposed incinerator and a number of incinerator projects pose to Victoria, I would like to expand on that for the remainder of the time that I have. As has been referenced by the previous speakers, Dr Mansfield and Mr Ettershank particularly, it is really important to remember that this conversation is happening in the context of previous conversations this Parliament has had and this chamber has had about the future of waste and recycling in this state. A few years ago, when the recycling system essentially ground to a halt and we had a crisis, this Parliament did its work by launching a parliamentary inquiry into waste and recycling in Victoria. It was groundbreaking, it was expansive and it had some very, very strong recommendations for government. Through that inquiry we looked deeply into the prospect and the avenue of incineration as a potential pathway to consider for materials that would otherwise go to landfill, and it was clear that there were a number of problems with the incineration pathway.

Firstly, they lock in waste. We have already seen in jurisdictions that have gone down the pathway of incineration that we are talking about corporations who make a profit off waste. There is a lot of PR around energy generation and how this is good for the environment, but you have to look at the contracts and how much waste they require for these incinerators to be viable. We have seen in the

US, for example, counties facing fines or legal action because they did not produce enough waste. The councils were doing the right thing by reducing the amount of waste the community was producing, which was a good environmental outcome, yet the councils were then punished by these corporations because they were not producing enough waste for the company to make a profit.

We have already heard that incinerators generate large amounts of greenhouse gas emissions, and that cannot be a viable pathway in the midst of a climate emergency. We know that waste incinerators are energy inefficient and expensive, as Mr Ettershank has already cited. Studies have found that energy recaptured by recycling plastics was nearly 75 megajoules per kilogram compared to just 6 megajoules per kilogram of waste. There is a wasted opportunity here in terms of job creation. We know that waste incineration would create one job versus six jobs created through recycling programs, so if we are thinking about setting up a proper circular economy, we should be looking at ways that both support our local economies and support the reduction of waste. I commend this petition and thank the community for bringing this issue to the attention of the house.

**Sarah MANSFIELD** (Western Victoria) (17:00): I would like to thank my parliamentary colleagues who have contributed to this debate this afternoon. In particular I would like to thank Mr Ettershank for highlighting a range of facts about this facility and about waste incineration more broadly that I think really demonstrate quite clearly why this facility should not be approved. He also pointed out that this facility will impact not only the Lara community but communities beyond, like the western suburbs of Melbourne. I would also like to thank my colleague Dr Ratnam, who again outlined the case against waste incineration more broadly and has campaigned heavily against this throughout her time in Parliament.

While I am really pleased that the government was willing to contribute to this debate, and I think it is really important for the community of Lara to hear the government's position, I think it will be of cold comfort that Ms Watt appeared to be speaking quite favourably about this development. As far as I understand, it is yet to receive planning approval, but from what has been said I am very concerned that it may be headed for a tick of approval from the Minister for Planning. I can tell you that if that is the case, this will not be the last you hear about this. This community has been fighting. They stand ready to continue to fight, and they are not alone. An increasing number of bodies across the Greater Geelong community are uniting to stand against this facility. I know that there are people exploring legal action that can be taken, including a number of developers in the area. The Committee for Geelong, most recently, which is a consortium of different business groups and various other entities, have come out in opposition to this facility. So this will not be the end, and I would urge the government to listen to our community, to listen to the science around waste incineration and to stop the Lara waste incinerator.

**Motion agreed to.**

### *Business of the house*

#### **Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (17:02): I move:

That the consideration of notices of motion, government business, 202 to 325, be postponed until later this day.

**Motion agreed to.**

*Bills***Constitution Amendment (SEC) Bill 2023***Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:03): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I table a statement of compatibility for the **Constitution Amendment (SEC) Bill 2023** (Bill).

In my opinion, the Bill, 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 aims to entrench the SEC in the *Constitution Act 1975* (Constitution) to safeguard its existence and ownership by the State.

Specifically, the Bill will amend the Constitution to:

- require the State to always have a controlling interest in the SEC;
- provide the SEC is to have the objects of:
  - o supporting Victoria’s transition to net zero greenhouse gas emissions;
  - o generating, purchasing and selling electricity in Victoria;
  - o owning, operating, or participating in the operation of, renewable energy generation and storage systems and facilities;
  - o developing or supporting, or participating in the development of, or investing in renewable energy generation and storage systems and facilities; and
  - o supplying energy related products or services to energy consumers in Victoria;
- prohibit the SEC from doing anything which would result in the State no longer having a controlling interest in the SEC, as ‘controlling interest’ is defined in the Bill;
- prohibit the SEC from owning, operating or investing in a fossil fuel facilities; and
- constrain the Victorian Parliament’s power to repeal, alter or vary provisions relating to the SEC by requiring Parliament to comply with the special majority manner and form requirements set out in s 18(2) of the Constitution.

**Human Rights issues**

The Bill engages the following rights under the Charter:

- right to life (section 9);
- right to take part in public life (section 18); and
- right to property (section 20).

For the following reasons, having taken into account all relevant factors, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable and justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

*Right to life*

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

The Charter applies to public authorities in Victoria, which includes entities, such as the SEC, established by a statutory provision that have public functions. Section 9 requires public authorities to act in a way that is compatible with each person’s right to life and to give proper consideration to this right when making decisions.

Climate change has been described by the United Nations Human Rights Council as one of ‘the most pressing and serious threats to the ability of present and future generations to enjoy human rights, including the right to life’. Reducing greenhouse gas emissions by transitioning to renewable energy sources is a necessary measure in addressing this threat, which is why Victoria has set renewable energy targets of 65 per cent by 2030, 95 per cent by 2035 and net zero by 2045.

Clause 4 of the Bill inserts into the Constitution the objects of the SEC, which will include supporting Victoria's transition to a net zero greenhouse gas emissions electricity system and owning, operating, supporting, developing, or investing in the operation or development of, renewable energy generation storage systems and facilities.

In this way, the Bill contributes to positively support Victorians' right to life under section 9 of the Charter, both now, and in the future, by entrenching these objects in the Constitution, making it more difficult for future parliaments to repeal, change or vary them by requiring any amending Bill to be passed by a special majority (three-fifths of the whole number of members) in each House of Parliament.

#### *Right to take part in public life*

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

The right applies to a wide range of activities such as state and local politics and public administration. It might include being involved in politics or sharing your opinion in an election or referendum. Every eligible person has the right to vote in state and local council elections.

Clause 3 of the Bill amends the Constitution to constrain the power of the Parliament to make laws that repeal, alter or vary the provisions relating to the SEC, by requiring the amending Bill to be passed by a special majority in each House of Parliament.

This requirement may indirectly limit the right of Victorians to participate in the conduct of public affairs (with respect to the SEC) to the extent it constrains the actions of Victorians' freely chosen representatives, making it more difficult for them to change current laws due to their entrenchment in the Constitution.

However, this potential limitation of the right to take part in public life is reasonable in terms of section 7(2) of the Charter, which allows for limitations on Charter rights insofar as they can be justified in a free and democratic society, taking into account relevant factors. Such factors include the importance and purpose of the limitation and its nature and extent.

The purpose of the Bill and the limitation on the right is to entrench the objects of the SEC and the requirement that the State maintain a controlling interest, measures which will support Victoria's transition to a net zero greenhouse gas emissions electricity system; help achieve Victoria's renewable energy targets; and support the operation and development of, and investment in, renewable energy generation and storage systems and facilities on behalf of Victorians. By entrenching these provisions in the Constitution, the Bill will safeguard those measures in the future by making it more onerous for future parliaments to change the objects or ownership requirements of the SEC.

In contrast to the importance of its purpose, the extent of the limitation on the right to take part in public life is minimal. The limitation is an indirect one, affecting Victorians' individual rights by way of limiting what their elected officials may do. Furthermore, the limitation on the conduct of elected officials is not absolute – future parliamentarians will not be prevented from voting to change the Constitution so that the SEC provisions may be repealed, altered or varied; they will just be required to meet the more onerous burden of achieving a three-fifths majority to do so.

Accordingly, I consider the potential limitation reasonable, necessary, justified and proportionate in the circumstances. The Bill is consistent with the right to take part in public life in section 18 of the Charter.

#### *Right to property*

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are specific and limited, accessible to the public, and formulated precisely.

The Bill will contain provisions that provide the following are of no effect:

- any transfer of shares in the SEC to another person resulting in the State no longer having a controlling interest in the SEC; and
- any contract, arrangement or deed made by the SEC with another person that would mean the SEC is owning, operating or investing in a fossil fuel facility.

The Bill will also displace provisions of the *Corporations Act 2001* (Cth) (Corporations Act) which may result in property rights being impacted. For example, if the Corporations Act granted any rights in property, or required any transfer of assets, liabilities or other forms of property, this would be prevented by the Bill's displacement provisions.

The provisions in the Bill which relate to property are reasonable and necessary to ensure that the State retains a controlling interest in the SEC, and to prevent the SEC investing in fossil fuel facilities, and are therefore a

justified and proportionate limit on the right to property. The provisions are also specific and clear, so that the SEC and any person who would attempt to transact with the SEC, will be aware of the limitations before completing a transfer of shares, or entering into any arrangement, contract, deed, or transaction.

Accordingly, the Bill is consistent with the right to property in section 18 of the Charter.

**Hon Ingrid Stitt MP**  
**Minister for Mental Health**  
**Minister for Ageing**  
**Minister for Multicultural Affairs**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:03): I would like to draw to the attention of the house that the bill was amended in the Assembly. The context and policy intent of this bill is to enshrine the State Electricity Commission – the SEC – in the Constitution Act 1975. For the benefit of the house, I will briefly explain the nature of the minor amendments to clause 4 of the bill. The intention of the house amendments is to make more explicit elements of the original bill. The first amendment provides some additional clarity to general prohibition on the SEC investing in fossil fuel-based projects. The remaining amendments give additional clarity to the government’s total ownership and control of the SEC as an entity, regardless of what corporate form the SEC entity might take in the future. I move:

That the bill be now read a second time.

**Ordered that second-reading speech be incorporated into *Hansard*:**

The Bill will entrench the SEC in the *Constitution Act 1975* (Constitution) to safeguard its enduring existence and ownership by the State. The Bill fulfils the Victorian Government’s 2022 election commitment to ‘enshrine’ the SEC in the Constitution this year.

The SEC has been established as a government-owned renewable energy company. The SEC will support Victoria’s energy transition by investing in new renewable energy generation and storage, supporting households to go all-electric, and building the renewable energy workforce we need to drive Victoria’s energy transition.

Enshrining the SEC in our State’s Constitution will help ensure Victorians can continue to rely on the SEC to invest in renewables, support households and help create training and work opportunities for generations to come.

The Bill will entrench the SEC in the Constitution in a way that will make it difficult for a future government or Parliament to significantly alter the State’s interest in the SEC and the SEC’s objectives, whilst ensuring the SEC can operate effectively as an active energy market participant.

Specifically, the Bill will amend the Constitution to:

- require that the State always has a controlling interest in the SEC (being, the SEC Victoria Pty Ltd) and its successor entity;
- provide that the SEC is to have the objectives of:
  - o supporting Victoria’s transition to net zero greenhouse gas emissions;
  - o generating, purchasing and selling electricity in Victoria;
  - o owning, operating, or participating in the operation of renewable energy generation and storage systems and facilities;
  - o developing or supporting, or participating in the development of, or investing in renewable energy generation and storage systems and facilities;
  - o supplying energy related products or services to energy consumers in Victoria;
- prohibit the SEC from doing anything that would result in the State not having a controlling interest in the SEC; and
- prohibit the SEC from owning, operating or investing in a fossil fuel facility.

The Bill will entrench these features of the SEC by amending the Constitution to provide that the new Part may only be repealed, altered or varied if the third reading of a Bill is passed by a special majority of all members of the Legislative Assembly and Legislative Council. A special majority is three-fifths of each House of Parliament.

A special majority requirement is intended to create a more onerous threshold on a future Parliament seeking to amend or repeal the SEC provisions in the Constitution.

The State will have a controlling interest if it controls the composition of the board of the SEC and is in a position to cast or control the casting of more than 50 per cent of the maximum number of votes that might be cast at a general meeting of the SEC.

This ensures that the State will always have ownership of the SEC's operational and strategic decision-making processes, including control of appointments to the board, while providing the SEC and government with flexibility in the long-term.

The Bill recognises that the SEC will require some flexibility to change legal form in the future, for example, it may need to become a statutory corporation or another type of legal entity. To provide this flexibility, but also to ensure there is a check on a future government interfering with the SEC in a way that may be contrary to the Bill's objectives, the Bill includes provisions that enables the Parliament to declare a single successor entity to the SEC. The provisions will require each House of Parliament to pass a resolution declaring the entity which is the successor to the SEC. This ensures that a future government is not able to simply change its legal form to undermine the Bill's purpose.

The SEC's entrenched objectives will give the SEC an enduring purpose beyond its immediate-term role in accelerating the transition to renewable energy in Victoria.

These objectives are sufficiently broad so as not to limit the SEC's future role or commercial flexibility, but still provide sufficient clarity and certainty. This ensures the future endeavours of, or government priorities for, the SEC are not unduly constrained.

The Bill will allow the SEC to change corporate structure or legal form in the future, and allow the SEC to establish subsidiary entities to meet its commercial needs.

Anything that would result in the State no longer having a controlling interest in the SEC will be of no effect. This will prevent a future government interfering in the government's majority ownership of the SEC unless the new Part is repealed by a special majority of the Parliament.

The SEC will be prohibited from owning, operating or investing in fossil fuel facilities directly.

As the SEC is a *Corporations Act 2001* (Cth) (Corporations Act) company, the Bill includes provisions that would seek to prevent the Commonwealth government from interfering with the matters enshrined by this Bill, by displacing the operation of the Corporations Act to the extent that it is inconsistent with the matters enshrined by this Bill.

The Premier will be responsible for the provisions of the Constitution inserted by the Bill after they commence operation.

I commend the Bill to the House.

**David DAVIS** (Southern Metropolitan) (17:05): I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

## **Education and Training Reform Amendment (Early Childhood Employment Powers) Bill 2024**

*Second reading*

**Debate resumed on motion of Ingrid Stitt:**

That the bill be now read a second time.

**Wendy LOVELL** (Northern Victoria) (17:05): I am actually delighted to be standing here talking on the Education and Training Reform Amendment (Early Childhood Employment Powers) Bill 2024 because as a former minister for early childhood, I understand the absolute importance of having quality early childhood facilities, and particularly quality early childhood learning in this state. Most people probably would not be aware of the importance of what happens prior to a child attending school, but in the first five years of a child's life, by the time the child the child is five, 90 per cent of their brain has actually already developed, and in the year before they go to school, a further 5 per cent. So by the time they start school, at six in this state, 95 per cent of a child's brain development has already taken place. This is the time in a child's life where we can make the biggest contribution

to their future. By having quality early learning facilities and quality early learning programs, we can really make a difference to the outcome of a child's life, and this needs to be provided for all children in the state, regardless of their status.

Most parents in the past may or may not have sent their children to child care or to kindergarten; they sent their children along to a local primary school and perhaps started them at a local high school and then when they got to about year 10 thought, 'We should get serious about education.' But actually what we know now is if we want to be serious about education, we start the day they are born. We put that investment into the first 5½ to six years of their life before they start school, and that will set those children up for better learning outcomes, to be better students and to be able to have a better life, because the early years are where we make the biggest difference.

The purpose of this particular bill is to give effect to the government's commitment to open 50 new government-owned early learning centres by employing staff and setting up a framework to allow the department to employ staff and also to set up charging fees to parents for children attending. This is work that we actually looked at when we were in government. It is work that we actually began when we were in government, because we did know that there were problems in early childhood. Local governments are increasingly looking at what the future might look like in the provision of kindergartens et cetera, and also in some country areas it is particularly difficult to attract teachers and to have class sizes that are sustainable. One of the things that we did up in the Mallee when these problems arose was to run composite classes in primary schools with prep and kindergarten to ensure that children were able to get access to their four-year-old kindergarten year. That is when we began looking at the opportunities for the state to actually run these centres and to employ teachers, and I had the department doing work on that just prior to the 2014 election. But of course we did not win that election, Labor did, and now 10 years later we are actually debating that work that we had commenced back in 2014.

These new centres, the 50 centres to be built on school sites, actually build on more work that the coalition did with the co-located centres on primary school sites. Co-located centres provide really good outcomes for families and really good outcomes for schools. A co-located centre becomes a one-stop shop for a family – an early learning centre with maternal and child health in it and a primary school co-located together. For a family that may have one child who is attending maternal and child health, one child in a childcare class or a kindergarten class and one child who is in a primary school class, it becomes a one-stop shop where they can drop all those children off and attend their maternal and child health nurse at the same time rather than going all over town to different drop-offs and different appointments.

It also produces really good outcomes for the children, because what we know is that transitions are the time when children struggle most in their education. Whether that transition be from kindergarten to primary school or primary school to secondary school, it is the transitions when the children struggle. By having the early learning centre on a primary school site, the children are much more integrated into that primary school. They are used to being on that site, they can visit the prep class a number of times in that year before school and they become much more comfortable. It makes the transition easier. It is also fantastic for the school because it becomes a feeder for students for the school and ensures that their prep numbers will remain strong. So early childhood centres co-located with schools are a win-win all around for families, for children and for the schools themselves.

The coalition does recognise the important role that child care and early childhood education plays for families in Victoria today, not only in the education of their children but also in the ability to allow for mothers to go back to work. It provides the opportunity for greater workforce participation for women if they have access to child care. According to Deloitte, a lack of access to child care takes almost 27,000 women out of the workforce in Victoria entirely. This costs our economy about \$1.5 billion a year in lost earnings. Child care actually provides families with the ability to strike that right balance, and families will make choices. Some parents make that choice to stay at home and to be with their children themselves, some parents make the choice to go back to work full-time and some parents

make the choice to go back to work part-time. But whatever choice that family makes we should be providing them with the ability to make that choice and providing them with quality programs for their children so that they know that their children are not only being looked after but being educated at the same time and that they are not missing out on anything by not being at home with their mothers during the day, that they are actually gaining the benefit of being in a childcare centre.

A childcare centre provides much more than just child care and even more than education, it provides socialisation for those children. We know that children who have attended early learning programs actually do have better outcomes later in life. We need a childcare system that is flexible and responsive to every family's needs and every family's priorities. That is something that is imperative for this state to provide.

There are many studies that have been done across the developing world that point to the importance of early childhood education and the future outcomes for children. One study from the UK found that children who had attended a preschool had higher English and maths results in high school. They had better self-regulation and social behaviour and were less inclined to hyperactivity. The research also shows that the children most likely to benefit from early childhood education are those from disadvantaged backgrounds, and I would agree with this. I remember visiting one of my local doctors one day who was telling me about a mother who had come in and the child was having trouble feeding. While he was cleaning the teat from the bottle which had congealed milk in it and explaining to her that you have to clean it and the child will then take the milk out of that bottle, he was also talking to her about how she interacted with her child, whether she read to the child, talked with the child, played with the child and sang to the child. The mother said to him, 'What, you expect me to play with this child too?' These are the sad circumstances that some children, very few we hope, are born into. Not every child has the opportunity to have highly educated parents or to live in a wealthy household or even a middle-income household, so we want to make sure that for those children who do not have some of the advantages that other children have we as a state can give them the best early childhood learning that they can possibly have.

There is a thing called the Heckman curve that shows that every dollar spent in early childhood returns \$17 later on. That is in savings to government for different things. It is things like welfare, and it is also because we can lower the incidence of people going on to be part of the justice system. That is not to say that if you do not attend kindergarten you are going to end up in the justice system or if you do attend kindergarten you are not going to, but what we know is if we can give people better opportunities for education they are less likely to end up in the justice system. The Heckman curve shows that every dollar spent in early childhood saves \$17 later on. That is a great indicator of why we should invest in early childhood.

It is an unfortunate thing that all across the country families are struggling to access child care due to a chronic shortage of childcare places. A 2022 report by the Mitchell Institute at Victoria University found that more than 9 million Australians live in an area where there are insufficient childcare places for families, with 1 million of those having no access to child care at all. Twenty-eight per cent of metropolitan and 52 per cent – more than half – of regional Australians live in areas that are considered to be childcare deserts, where three or more children under four years of age are vying for every one childcare space available. That really shows the challenges for rural and regional families in accessing child care. In Victoria the median stands at 0.41 childcare places per child, with multiple regions across our state still designated as childcare deserts, where families are unable to access child care. Unsurprisingly of course you find these deserts in regional and remote communities, where families face severe shortages of early childhood education and care opportunities.

I can remember back just before I became minister for early childhood the federal Labor government at the time removed all funding for an occasional care program that was called Take a Break. This was a program that was jointly funded by the feds and the state, but the majority of the funding came from the federal government. That caused significant disadvantage in regional areas, because many regional areas had been innovative in the way they used that occasional care to provide day care for working mothers.



What we also found when we got to government was that the Brumby government had announced that they had extended the occasional care for six months, but what they had done was spend the entire 12 months budget in that six months. There was no money to actually continue that program post December, and we had just won government in November. We continued that program on for another six months, but because of the lack of federal funding and the lack of interest from the federal government to rejoin that, we were forced to cut that program. That did cause significant problems in the state, and I acknowledge that. I lobbied very hard for the federal government to continue that program – child care of course is a federal government responsibility to fund. We were able to get a concession at the next federal election out of the coalition that if they were returned to government, they would return the funding to that program. They did, fortunately, win that election, and they did return funding to that program, which enabled it to start up again in a slightly different format. But at least it was back on the table, and some regional communities have been able to make good use of that funding.

Two recent reports from the ACCC and the Productivity Commission have outlined a role for government to help boost the supply of childcare places. The ACCC argues that some form of broad government stewardship of childcare markets across the sector is warranted. There is always a tension in early childhood because there is community-provided early childhood, there is a lot of it provided by local government, church organisations or not-for-profit organisations and there is the private sector et cetera. But the Productivity Commission is arguing that there is an argument for government to also be in this market. The Productivity Commission found that in persistently thin markets – the childcare deserts – government should provide additional funding to support the establishment of appropriate services where necessary to ensure their ongoing viability through block funding. Despite this, any government intervention must be very delicately managed so as to not distort the private sector market nor crowd out the not-for-profit providers. We need to be very careful that the government being in this sector does not create significant shortages of educators for those sectors, because we know early childhood workers are not paid the same as primary school teachers. If the government is in the market, will they be paid in parity with teachers? Will that mean that the local not-for-profit providers or the local private providers cannot compete with the government paying higher wages and taking teachers away from that sector?

We had a similar situation in my home town just with a cafe at our local gallery. When the gallery was renovated and the council reopened it, they did not get anyone applying to operate the cafe so the local government decided they would run the cafe themselves for a little while. But it meant that they had to pay at local government rates, which were much higher than the rates that local cafes were paying their staff, and the local cafe owners were very, very concerned that their staff would move over to the cafe at the gallery because the wages were going to be higher. That cafe is now being run by a group of young people who are doing an excellent job, so that problem no longer exists. But it was a real concern for our cafe owners at the time, and I am sure that the government entering the early childhood education and care space will be a real concern for many of the not-for-profit and private providers in the early childhood space.

This bill will confer upon the Secretary of the Department of Education the authority to employ the childcare workers and support staff to operate the government-owned early learning centres. The Secretary of the Department of Education has existing employment powers that are used in relation to the employment of public school teachers, and the government has advised that these powers are not suitable for use in the childcare and early child learning space. That is something that I know is correct because, as I said, we were beginning to do this work back in 2014. The bill gives the Secretary of the Department of Education the authority to employ childcare workers and other staff, such as early learning centre directors and cooks; gives the ability to the department to charge fees to parents for sending their children to government-owned early learning centres; and enables the minister to make ministerial orders setting out the employment conditions for the public sector childcare workforce and the fees charged to parents of children attending government-owned early learning centres. As I have

said, these things must be managed sensitively because they will impact on other providers, and we do not want to see a shortage of staff and a loss of places because other centres are closing down.

There are some concerns that the opposition have with this bill. As I have already said, there are significant risks that this bill will exacerbate the workforce crisis and distort the market. The early learning sector is already plagued by severe workforce shortages. It will now need additional teachers – not just reshuffling the teachers but additional teachers. If we reshuffle teachers, we will have a loss of places in other centres. In 2023 the Australian Childcare Alliance surveyed over 600 childcare centres, and over two-thirds of them stated that they had already capped their enrolments because they were unable to recruit enough workers to cover their shifts. So that tells you that the government need to invest far more in attracting people into early childhood and in training teachers.

As a result of those difficulties in attracting workers, some 16,000 childcare places are currently offline due to the workforce crisis. Given we are already at crisis levels of workforce shortages, any interventions in the sector must be made with the utmost care so as not to disrupt existing service providers and distort the market. We are concerned that the government does not have a plan that will increase the capacity to support the new government-run early learning centres without taking staff away from other existing centres. It is estimated that they need some 700 educators, over 100 teachers amongst them, not to mention dozens of centre directors, assistant directors, education leaders, admin supports and cooks. They will need to source hundreds of staff for these centres from day one, and there is no plan on how they are going to do that. If the staff come from the centres down the road, as I have said, that will be detrimental to numbers in those centres. What will these existing centres do if they can no longer fill the shifts? They will have to reduce the places that they can offer, so that would not be a good outcome.

There is no plan to get childcare workers to regional and remote areas either. We know from experience of trying to attract teachers to primary and secondary schools in these locations that additional resources need to be deployed to get staff onsite. I know from what was happening in the Mallee when I was minister that it is difficult to attract early childhood teachers to remote areas of the state as well. Of the 50 new government-owned early learning centres, 17 are going to be located in regional or remote locations according to the ABS classifications, but the government has no specific plan in place to overcome the likely staffing challenges at these locations. The government has been unable to provide us with any information about the budgetary impact of the establishment of these government-run early learning centres, and that is another concern to the coalition. There is just a complete lack of detail about the budget impact. We know that they allocated \$921 million to establish the first 35 of 50 early learning centres, but this money is just to cover the capital cost of building the centres and does not include any forecasting around operating expenses, including staff wages. So the government is seeking the Parliament's support to establish a whole new public sector childcare workforce, likely under a brand new enterprise bargaining agreement, and they cannot give us even a ballpark figure for how much this is likely to cost.

This, as I said, is about more than just the cost of the build. There are a lot of other things to consider – the cost of staffing these centres et cetera – but there are a lot of other costs to consider about the schools that these are going to be put on as well, because these will put extra pressure on those schools. Will the drop-off points at those schools be capable of taking the extra traffic, or will they need to be expanded? Will the school crossings be adequate for these children and the additional families using the schools? Will the infrastructure at the school itself be able to cope with the additional enrolments from having the feeder centre onsite? These are all things that the government has not even considered. The government's track record is of course not very good with managing anything, and once again we have a press release and an announcement, but we do not have any detail on how this is going to actually be funded.

The coalition is going to move a reasoned amendment. We moved this reasoned amendment in the lower house as well, and we are moving this reasoned amendment for a reason: we do support the measures to increase supply of child care and early learning places, but it is vital that any moves in

this space are carefully considered and precisely implemented to ensure they do not distort the existing market. There is no evidence that Labor have been sufficiently diligent to ensure that this bill will be saved from the unintended consequences we have seen from so many of their other policy debacles. That is why the coalition will be moving a reasoned amendment – that the house declines to read the bill a second time until the government actually does its homework and comes back to this space with evidence it fully understands the impact of its actions on the early childhood education and care sector. I move:

That all the words after ‘That’ be omitted and replaced with ‘the bill be withdrawn and not reintroduced until the government:

- (1) provides a preliminary or draft fee structure for the early learning centres (ELCs) scheduled to open in 2025 and 2026;
- (2) seeks written feedback from any childcare centre, kindergarten or preschool within a 15-kilometre radius of the proposed government ELC sites regarding the likely impact of a government ELC on their workforce capacity and enrolments and provides their feedback to the house;
- (3) conducts an analysis on the childcare workforce implications of the new government ELC sites, including:
  - (a) establishing the workforce vacancy rates around the locations of the new sites;
  - (b) providing the house with a comprehensive plan on how the government will ensure existing childcare centres and kindergartens are not disadvantaged in their ability to recruit and retain staff in their existing programs; and
- (4) provides an estimate of the budget impact of the operating costs for the government ELCs scheduled to open in 2025 and 2026.’.

This reasoned amendment is by no means opposing this bill. This is about getting the policy right. As I was saying, the reasoned amendment is not about opposing the centres. It is about making sure we get the policy right – or the government gets the policy right, because they so often get it wrong. It is about ensuring we understand the full impact of the costs of running these centres on the budget, which is something that we do not have now and something that we see all too often from this government, where their costs just completely blow out and become enormous. We already know that the government’s policy around free kindergarten has been having some negative effects in the community, with a number of kindergartens saying that they cannot continue to operate. At Summerhill Park, their program costs them \$4000 per year per child.

They now only receive \$2500 a year from the government, and they cannot charge fees to cover that gap. Their president says that they will probably have enough money to sustain them for a bit longer, but certainly the way it is, it is not sustainable for them. We have also seen several local councils that are backing out of early learning services delivery, including in Glen Eira and Knox, and we know that there are a number of kindergartens, particularly in the Glen Eira area, that are now considering closure just because of the cost pressures on them. The *Age* did a big article on this a couple of weeks ago. This is another example of the government not getting a policy right. If you can get the policy right in the first place, you will not run into these problems afterwards. The government need to actually invest in this. The government do like – (*Time expired*)

**Tom McINTOSH** (Eastern Victoria) (17:36): I am absolutely delighted to stand here and support this bill. It is an issue that actually brings me joy every time I stand up to speak on it, because investing in future generations of Victorians, as I will go through throughout my contribution, and investing in their academic capacity and the future productivity they will bring to this state, their emotional wellbeing, what they get and what their families get through early education, and as Ms Lovell has discussed, the importance of early education in the development of individuals and in the development of our communities is vitally important.

The Education and Training Reform Amendment (Early Childhood Employment Powers) Bill 2024 is the next step in the delivery of our 50 government owned and operated early learning centres, which was a commitment from the 2022 election. What this bill will do is it will empower the Secretary of

the Department of Education to employ staff, which includes cooks, admin staff, centre directors and educators – everything needed within a centre; sometimes some of us can take it for granted if we think about the workers directly working with our children, but it needs the whole team to make it operate – to enable the fees to be fixed and charged to parents of children enrolled at the centres; and to enable the minister to make ministerial orders fixing the fees to be paid for attendance at government centres and setting the employment terms and conditions for the workforce.

We need this bill to pass, and I will go through the important reasons why we need it – what it is going to mean to kids, to families, to our economy and to the wellbeing of our communities. Ms Lovell has just talked about some Australian statistics and about the need for more early education centres. My concern re the reasoned amendment is we have had legislation passed to ensure we have the land for the centres, so we need to pass this so we can employ the workforce and get on with delivering early education in areas where we need it – where children in these areas need it and where families need it. I think it is really important here today that we get this bill passed so we can get on with delivering an election commitment that is so important to so many people.

From a childhood development perspective Ms Lovell mentioned, and I completely agree, the absolute importance of the development of our kids at an early age. As I touched on before, I think the academic side of it is incredibly important – the ability to learn, learning how to learn. Those academic skills build that foundation that actually leverage up that young toddler that becomes a child, that becomes a teenager, that becomes an adult as an active participant in our society and in our economy. This work we put in to the early stages is leveraged up every single year of their life. The emotional wellbeing that they learn through being with others, through the skills they develop in socialising and through being taught by the incredible and I think absolutely beautiful workforce, again, is enabling those children to become full participants in our community as they grow older. And it is that workforce, that incredible workforce, that is delivering what our kids and our families need.

Ms Lovell talked about the required workforce, and that is exactly why we have a workforce strategy. We are attracting, we are training and we are retaining the workforce that is needed to deliver these commitments that we went to the 2022 election with, which will deliver for Victoria for generations to come. The Victorian government is investing \$370 million in the workforce supports under the *Best Start, Best Life Workforce Strategy*. The strategy supports all kindergarten providers by attracting high-quality early childhood teachers and educators to the sector and supporting professionals to upskill. It includes early childhood scholarships to support people to study or upskill to become early childhood teachers, with over 4000 scholarships awarded so far; a new certificate III upskill support program to provide financial support for certificate-III-qualified educators working in funded kindergarten programs to upskill to a diploma; innovative initial teacher education which supports diploma-level-qualified staff to upskill to become qualified early childhood teachers while they continue to work, with up to 1700 students enrolled so far; free TAFE for a certificate III or a diploma of early childhood education and care, with students who have undertaken the certificate III as free TAFE also eligible to undertake the diploma; and early childhood educator traineeships which support students to work in an early childhood education service while completing their educator qualification, with over 200 students supported so far; and financial incentives for teachers. So I think this line being put that the government is not considering in its entirety what is needed to deliver the land, the facilities and the workforce to support those who most need early education in our community is a furphy. I think Ms Lovell went a little bit broader in her comments, and I think it is fair to say that this side for two decades has rebuilt TAFE's training and skill capacity in this state, so we are absolutely mindful of what it takes to deliver a workforce for such a crucial part of our society and economy.

The benefits go on. They go on to parents and the families, getting people back to work – and we know it is predominantly getting women back to work. It is getting them earning an income, back in the workforce, ensuring that their peers are not continuing to pass them by and by the time they get into the workforce those opportunities of promotion, of training, of upskilling are not passing them by. And the other thing it is ensuring is that their superannuation is growing, because when they are working

and their superannuation is growing it is setting them up for later in life. That is something that every single Victorian should have access to: the opportunity to build that financial security for later in their life.

We are thinking about the way we build these facilities, the locations, so that the dreaded double drop-off does not become an impediment to parents getting to work. It is about thinking about infrastructure, something that this government has done since day dot upon coming back into government, ensuring that the infrastructure of our roads, of our public transport and of our services is connected and that we can move people from A to B as efficiently as possible. It is another way that the state government is ensuring the productivity of this state. We have heard a lot recently about our workforce growth and low unemployment rates, that this state is performing incredibly well and leading the nation, and this is another example of investing in infrastructure and investing in services that enable our economy to continue to grow and to flourish. I will also just talk about the jobs that are involved in the construction. I have talked about the ongoing jobs, which of course are critically important, but construction jobs will be created through investing in this infrastructure.

Ms Lovell mentioned the Australian stats around early education and the shortages, and that is why I am so proud that in Victoria we have been getting on with supporting early education. Ms Lovell also commented on the regions. One of the best parts of my job since coming into this place 15 or 16 months ago has been getting out to our early education centres and getting out to our new centres – the centres we are building in Yarram, in Sale, in Korumburra, in Mirboo North and in Leongatha. There are so many centres just in eastern Victoria alone – in the regional areas; I will not even go into the suburban areas of the electorate – where we are putting in more early education capacity and more early education ability to deliver for local kids and local families.

I just want to come back to the point that a bill like this, work like this and everybody who has been involved in it – Minister Blandthorn and her office and team and those who have come before in developing it – are why I am Labor. This is generational change for our people and our state. It is fundamentally important, as is the work we have done since being in government around family violence and around mental health. This is the sort of work that will flow on through generations to come through our productivity and our collective prosperity. I will conclude my comments there, but I absolutely want to commend this bill the house.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (17:47): I too rise to speak on this bill. It is an incredibly important bill, because early childhood is important and education is important for children. Having had a mother who for many years studied for but did not quite complete her masters in early childhood education and worked in this space for a very long time, I am well aware of how important early childhood education is. I want to commend my colleague Wendy Lovell, who spoke and opened the debate on this bill for the coalition, because what people need to know – and they absolutely need to know this – is that when the coalition was in government in 2014 four-year-old kinder had a 98.2 per cent attendance rate. Under this government it has dropped to 90 per cent of four-year-olds attending kinder. That is a nearly 10 per cent drop. So when we are talking about education and what is important and the value of early childhood education and having these free kindergartens, then let us look at what the coalition did in the very short time that it was in government. Out of the last 24 years we were in government for only four years, and yet we had four-year-old kinder at 98.2 per cent.

On top of that, it is really important to understand that when the coalition came into government in 2010 only 57 per cent of Aboriginal children in Victoria were attending four-year-old kindergarten. However, under a coalition government, in 2014 that had been raised to 95 per cent. Ninety-five per cent of Aboriginal children were attending four-year-old kindergarten under a coalition government. That shows that we take the learning of children in this state as being incredibly important, and we are very much committed to making sure that when we talk about early childhood education we are going to provide the very, very best for the families of Victoria. That is why, whilst we are very interested in

the bill and we want to see things being facilitated for families in Victoria, we also have major concerns.

I too wish to read out the amendment and to just discuss it a little bit in terms of what we are putting as a reasoned amendment. Number one, we are concerned in terms of this bill, and that is why we have said that the first thing that we are looking at is that we need it to provide:

... a preliminary or draft fee structure for the early learning centres (ELCs) scheduled to open in 2025 and 2026;

As a coalition we believe in responsible government. We believe that a government needs to be able to afford what it promises and not go to an election with some grandiose idea and not actually work out how to make that affordable for the people of Victoria who are already struggling to put food on the table and to pay their enormous power bills. We want to be able to see the fee structure. We want to see what the government has in place for that because we want to make sure this is going to work for Victorians and also that it is going to be sustainable, that it is going to work within our economy.

Number two:

seeks written feedback from any childcare centre, kindergarten or preschool within a 15-kilometre radius of the proposed government ELC sites regarding the likely impact of a government ELC on their workforce capacity and enrolments and provides their feedback to the house;

I happen to know, because part of my region is Narre Warren North, that there has been huge concern from locals regarding a childcare centre that was being built in a residential area. People have chosen to live in this area because it was a quiet street. It was one way in to a particular residential area, and a childcare centre has now been started and has commenced its building in this area despite the locals continually saying, 'We don't want a childcare centre here, we don't need the childcare centre here and there are actually vacancies in enrolments in our area.' This is what concerns me. We can have a government that makes election promises, and it is like they make the election promise and they have got this square peg and now they are going to somehow try and smash it into the round hole to make it work. There are actually areas in Victoria that desperately need these childcare centres, and we need to be thinking through very carefully where they go so that those who are in most need – and when we say 'most need' it is not always financially disadvantaged areas – of a childcare centre actually can have that childcare centre.

My colleague Wendy Lovell spoke about the regional areas. What I find surprising is that only 17 out of the 50 promised childcare early learning centres are going to be in a regional area. If you consider that we have documentation and studies that have been done that suggest there are a million people who cannot easily access a childcare centre and the government is actually saying they are going to have 50 built and only 17 of those are going to be in regional areas, mathematically that makes me wonder how many areas are still going to be without a childcare centre under this proposal.

The transparency for us as a coalition – which is part of our job, to make sure that the government is being held to account, to make sure that it is doing the very best by Victorians – is incredibly important to us. We take this role very seriously, and that is why we have this reasoned amendment. We want the feedback from other childcare centres. We want to know what their enrolment is. We want to know what the impact is going to be on these local areas, and we want to make sure that these childcare centres are not going to be putting other childcare centres out of business but are actually going into the place of greatest need.

I can say as a mother of four kids that a lot of the time I could not afford child care – I could not afford to use child care – which is just crazy. There were parents putting their kids in child care who had no intention of working, but I would have liked to have gone back to work and could not afford to use the service. On top of that, I know that, for instance, my sister, after years of working and getting this massive HECS debt, did not have the availability of affordable childcare services to her in her line of work. She was not considered to be one of those people that would deserve to be able to have a

government childcare centre for her family's use. The cost to her of her income on child care – it was unbelievable what she had to pay to find someone to look after her children. At the moment she is living overseas. If you look at what is happening in other countries – what governments are providing in other countries for children – it is incredibly different. In fact they are getting proper schooling in some countries from the age of three when they go to these English language centres, and they are getting a hot meal provided, and it is all provided by the government. It does not matter what your income is – everybody is entitled to it. Everybody is provided with that opportunity. I am not going to state the country. I am not here to plug national issues, but I think it is important that we look at this in terms of what is happening around the globe. If we are wanting to be leaders in early childhood, then perhaps we need to be taking a look at some of the other countries and what they are doing well.

The reasoned amendment continues:

- (3) conducts an analysis on the childcare workforce implications of the new government ELC sites, including:
  - (a) establishing the workforce vacancy rates around the locations of the new sites;
  - (b) providing the house with a comprehensive plan –

not some sketchy thing –

on how the government will ensure existing childcare centres and kindergartens are not disadvantaged in their ability to recruit and retain staff in their existing programs ...

With a young family member that currently works in this space, I can say – in fact more than one, and more than one that has qualifications in this area – that at the lower level we do not pay early childhood workers very much money. Really, they are poorly paid. People that go into this profession go into it because they love children and they want to be able to work with them. But when you have too many children to one person who is working with the child and you are not funding it adequately, it does not work. On top of that, you can have people that are actually prepared to work for these wages, but the reality is it is not sustainable in a state that has made everything so unaffordable for the average Victorian.

**A member** interjected.

**Ann-Marie HERMANS:** I am talking about the workers and their wages. It is the workers and their wages, and the workers do not get paid very much to work with young children. I am talking about the workers and their wages. This is a government that brags that it actually cares for a fair Victorian society and that they are going to look after these people. Let me tell you: people that work in early childhood are underpaid.

As I have just said, (3) is 'conducts an analysis'. We want to look at how you are going to do the recruiting, because the reality is there are not enough staff. You are going to do your 50 kinders. It is a bit like the level crossing removal in Progress Street – the proper analysis is not done, and someone just decides: election promise, we are removing everything. Who cares if it makes their life more difficult – we are just going to do it. Well, this needs to be done properly. If you were doing it the way the coalition would do it, you would have a rise in the number of children that are using the service and you would be putting these in places where they are most needed, not where it is most politically advantageous.

Next is:

- (4) provides an estimate of the budget impact of the operating costs for the government ELCs scheduled to open in 2025 and 2026.'

We have given some thought to these amendments, and that is why we are proposing them – because we do have concerns. We are 100 per cent in favour of helping mothers be able to go into the workforce while their children are also getting the great opportunities that kinder can provide. Three- and four-year old kinder is a wonderful thing. I have enjoyed being able to have my children participate in

kinder programs, and I am really saddened by the fact that this government has also defunded councils. They have not given them any additional money. They have given them a whole lot more things to do with the same amount of money, so councils are now going to have to close their doors to all these wonderful programs that they had for young children before they go to school.

We are now looking at a situation where instead of facilitating things we are making them worse. What is more, a frightening number of childcare centres have been failing the safety standards. I wonder what this government is going to do. There has been a lot of discussion and a lot of articles done in this area. This is from a couple of years ago, but more than one Victorian childcare provider a week was being shut down or censured for serious failings in their care of children.

If we are going to have the state providing 50 childcare centres, we want to make sure that they are providing exactly what is needed where it is needed, where it is not putting Victorian businesses that are currently operating and providing child care out of business, where we can afford it and where it is in the best place possible. Whilst we are 100 per cent for childcare centres and kindergartens and giving people choice and allowing mothers to go back to work after having their children, we want to make sure that this is done right. We want to make sure this is done in a way that is going to be affordable, in a way that is going to help Victorians and that is not going to make their life chaotic with drop-offs and pick-ups.

We have enough congestion in some of our suburban areas because the planning has somehow been shot by somebody who decided they were going to be allowed to do something that really did not work for the local area and the thought was not put into it. In some of our school areas in the south-east the roads are narrow. They are in suburban areas; they do not have wide roads. There are little roundabouts and hardly any parking. It is already incredibly difficult. If we are going to be putting childcare centres near these schools, I just wonder how on earth we are going to make that work without having somebody pay a price for it.

It is something that needs to be thought about, because (1) we do not want to make everybody's life more miserable, (2) we do not want to make it unaffordable and (3) we do want to make sure we can have people working in these childcare centres if they are getting built, not just say, 'We built a childcare centre.'

#### **Business interrupted pursuant to sessional orders.**

#### *Adjournment*

**The PRESIDENT:** The question is:

That the house do now adjourn.

#### **Fire services**

**Trung LUU (Western Metropolitan) (18:03): (754)** My question is for the Minister for Emergency Services. Today I rise to ask for the enhancing of our fire management, primarily focusing on boosting community safety. As bushfires and grassfires continue to devastate regions to the north and west of my constituency, we must prioritise the replacement of the ageing fleet of fire tankers serving the Western Metropolitan Region, my area. The action I seek is for the minister to implement a thorough review of the metropolitan fire truck fleet to ensure that no vehicle operates beyond its designated service date and immediately invest in modernising all out-of-service-date fire trucks to prioritise community safety.

Our current fleet of fire trucks is rapidly deteriorating, posing a significant risk to the safety of families in the Western Metropolitan Region. Recent incidents, including two breakdowns en route to bushfires in the state's west, have highlighted the pressing need for immediate action. There are reports that a recent review by Fire Rescue Victoria showed that 60 fire trucks in the metropolitan region are over 15 years old and are showing various issues, such as out-of-date engines, cracked doors and rusted



roofs. Additionally, the United Firefighters Union has raised concerns that 73 frontline vehicles, representing 58 per cent of the fleet, have passed their service dates.

This alarming situation underscores the critical need for a comprehensive review of the entire fleet of fire trucks across the state, so I call upon the minister to support the implementation of a fire truck review to ensure that no vehicle operates beyond its designated service date. Furthermore, I urge the implementation of proactive measures to prioritise community safety by investing in modernising our fire truck fleet. The safety and wellbeing of our community must be the uppermost priority, and proactive steps must be taken to address this pressing issue without delay.

### Councillor conduct

**Moira DEEMING** (Western Metropolitan) (18:05): (755) My adjournment matter is for the Minister for Local Government. Will Ms Horne ensure that her department operates as a model litigant and overhaul her department's Councillor Code of Conduct regime by (1) relinquishing control of the process to an independent agency, like the inspectorate, (2) ensuring that councillors are provided with indemnity against lawsuits and (3) withdrawing her plans to force the lowest paid, lowest level of elected government representatives to lodge their privately funded code of conduct appeals in the Supreme Court, the highest, most expensive court in the country, instead of VCAT. Currently the Councillor Code of Conduct system incentivises systematic misuse of the arbitration process because it denies natural justice, has no proper rules of evidence and arbiters – for whom I understand there is no actual job description – are preselected by the Department of Jobs, Precincts and Regions and appointed by Minister Horne's own department.

The conflicts of interest are glaring, and therefore it is not surprising that the rulings coming out vary wildly and to many of us laypeople appear politically biased. There are cases like Cr Jasmine Hill at Wyndham, suspended for months despite no concrete evidence of the claims made against her ever being produced; Cr Susan Bissinger at Mornington Peninsula, where the CEO publicly announced that she had been banned from talking to council staff and then refused to ever tell her why – and when she made a guess publicly as to why, she was suspended; former Cr Steven Hughes from Frankston council, who was suspended on the basis that he made negative comments about the performance of council – I would have thought that was his job; Cr Daria Kellander from Hobsons Bay, suspended for explaining in an internal email to councillors that she felt uncomfortable participating in a closed-door meeting that she thought would unduly influence the outcome of the mayoral vote, à la Operation Sandon – and yet at that same council, then mayor Tony Briffa was declared guilty of misconduct for naming and defaming me, as it happens, as a far-right bigot and Nazi affiliate, on the basis of commentary from people in this building, I might add, and yet she received no sanction at all and was not even required to apologise or take it down.

Cr Melissa Ferguson at Latrobe City Council was forced to make a ridiculous apology simply for asking questions about where public bushfire recovery funds had gone and suspended and forced to apologise for retweeting a post about concerns of a person now being investigated for paedosadism. Oscar Yildiz from Merri-bek was publicly vilified by some of his own fellow councillors to the point of death threats, and yet nothing has happened to them. Crs Tachos and Kerr at Brimbank were denied any chance at mediation before being served with an incredibly long list of complaints. And do not forget that because these rulings are not only unfair but are ultimately public, the psychological distress is ridiculous. End this reign of terror.

### Victorian Homebuyer Fund

**Melina BATH** (Eastern Victoria) (18:08): (756) My adjournment matter is for the attention of the Treasurer, and the action I seek is for the Treasurer to review the value of the cap on the purchase price for the Victorian Homebuyer Fund. I have a constituent who wants to go and be their first home buyer, enter into the market and purchase a home in Cockatoo. They have applied for the State Revenue Office to assess their eligibility, but the issue around this is that the median house price in Cockatoo is around \$780,000 to \$800,000, yet the maximum cap price for regional Victoria – and Cockatoo is

classified as regional – is \$600,000. It is one of those situations where this funding stream for homebuyers was introduced some years ago – I think it was probably seven years ago – and it has not kept pace, we will say, with the increasing values of homes.

Now, I am sure that there are cases in metropolitan Melbourne, but I will keep mine specifically in the regions. Rather than asking Cockatoo to have a special cap, I think we should ask the Treasurer to look at that whole upper limit and at enabling people to have their first home and enter their home. Of course we all know that for so many people it seems to be getting further and further away – the opportunity, the potential and the reality of owning their own home and getting into the market. We know – and I am sure we in this place appreciate the huge benefit and privilege it is to own your own home – that we need to still continue to provide for people to be on the front foot and have access, where possible, to these grants.

As I said, I note that in country Victoria during COVID when there was a mass exodus of people from Melbourne, country prices for domestic real estate went up considerably. I know from speaking to some of my real estate constituents in Eastern Victoria Region, indeed in far east Gippsland, that people were buying them just off the photo, which they were saying was quite unusual.

In order to support this constituent, could the Treasurer please review the value of the upper limit of the purchase price with a view to increasing it and enabling more people to get these first home buyer grants.

### **Cannabis law reform**

**Rachel PAYNE** (South-Eastern Metropolitan) (18:11): (757) My adjournment matter is for the Minister for Mental Health, Minister Stitt. Last week the *National Drug Strategy Household Survey 2022–2023* was released, providing us with a treasure trove of data on Australia's use and opinions on legal and illicit drugs. This survey gave us long-awaited data on the impact of the decriminalisation of cannabis in the ACT. Despite the changes made by the ACT government, the use of cannabis in the previous 12 months had not increased. Instead it remained stable, at 8.7 per cent. Since 2007, usage has ranged between 8.4 per cent and 10.5 per cent, meaning that 8.7 per cent is one of the lowest recorded rates. In fact the use of cannabis in the ACT during 2022 and 2023 was lower than in the rest of Australia. The results are in, and they could not be clearer: decriminalisation does not increase usage.

It is so disappointing that Victoria continues to lag behind its domestic and international counterparts. The time for reform is now. Our current prohibition model continues to burden police, burden the criminal justice system and burden its victims with criminal convictions – all at the taxpayers' expense. And it is not like this government is short of options for reform. Our bill, the *Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023*, improves upon the model of decriminalisation in the ACT, dealing with issues like possession of seeds and gifting. Not only do we have the evidence that decriminalisation does not increase usage, we also have a prepared bill that can help you make the reforms that you so desperately need. So the action I seek is that the minister commit to regulating the personal adult use of cannabis.

### **Home building industry**

**Evan MULHOLLAND** (Northern Metropolitan) (18:13): (758) My adjournment tonight is directed towards the Assistant Treasurer, and it concerns the liquidated builders customer support scheme. Customers of Montego Homes and Chatham Homes today are ecstatic after the government finally announced an extension of the scheme – after the government was dragged kicking and screaming by the Liberals and Nationals. We heard voices in the debate, like Jess from Doreen, who made it quite clear in the media – I know on the front page of the *Whittlesea Review* yesterday she made it quite clear – that the government should offer them the same support as offered to Porter Davis customers. We saw that many other families, including at least a dozen from Mount Duneed, got coverage on the front page of the *Geelong Advertiser*, and I know my colleague Mrs McArthur has

been quite a big advocate for those families as well. They say that their local member did nothing and that they were a bit puzzled as to why he was not speaking out publicly. It was only the Liberals and Nationals that offered that vocal support and emotional support to them in their time of need. I am very pleased that the government made this decision – only a day after over a thousand signatures were tabled in this place calling on the government to extend that support. However, despite the announcement, constituents of mine in Wollert and others around have already raised issues of noncompliance.

Exactly one week ago, on 28 February, the Supreme Court ordered Apex Homes into liquidation. Like Montego and Chatham and Porter Davis – literally exactly the same – Apex failed to take out appropriate insurance on behalf of some of their customers. Unfortunately, the government's extension only applies to builders liquidated up until 20 February. We believe the government must extend the scheme indefinitely until the Victorian Building Authority can get on top of their enforcement of domestic building insurance requirements under law. Jonathan Dhondee from Narre Warren actually wrote to me. He has a family of four, two young girls, and has lost a \$41,000 deposit. There are at least a dozen customers in Victoria and at least five families he knows of that have been affected as well. We cannot have this heartbreaking situation continue where the great Australian dream becomes the great Labor nightmare for many of these families, so I seek the action of the minister to extend the support scheme to cover families affected by the Apex Homes collapse as well.

#### **Melbourne medically supervised injecting facility**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (18:16): (759) My adjournment tonight is to the Minister for Mental Health, and the action that I seek is that a medically supervised injecting centre be opened in the City of Melbourne as soon as possible. A community member, Katrina, wrote to me recently, and with her permission I would like to share part of her email.

My name is Katrina, my son Danial Korver died in Melbourne's Rainbow Alley on Saturday the 11 of June 2022 from an accidental Heroin overdose.

Two weeks ago my husband John and I visited Rainbow Alley on Danial's birthday, the 8th of February, he should have been 40 this year.

...

We would visit Rainbow Alley, Danial's home in Glenroy, his favourite coffee shop and then have lunch where we had celebrated his 38th birthday together two years ago.

We arrived in Rainbow Alley and headed towards the step where Danial died, as we approached, we noticed that someone had left some beautiful carnations carefully wrapped with a pink bow and a bottle of Heineken beer – tucked away within the ... wrapping was a small envelope, inside the envelope was an elegantly written poem by William Blake "Holy Thursday", and a small bud of marijuana, we felt overwhelmed, we weren't alone in our grief, eighteen months later his friends still miss him and think of him.

We then travelled the well-worn path to Danial's house, hoping to feel his presence and reminisce our last past birthday journey with him, as we walked up his driveway his neighbour came running out waving a sheet of paper, carefully protected in a hard plastic sleeve, inside the plastic sleeve was a Certificate 111 Business certificate that Danial had completed and passed dated the 9th of June 2022, two days prior to his death. Confirmation for us that he had been trying to get back on his feet and restart his business, we felt proud of our beautiful boy, despite all his challenges he had been making progress.

This is what families do with their grief, always there, forever present, just a word, a moment can bring tears, hollowness, sadness and despair for the young life lost too soon, along with that comes guilt, guilt that we should have, could have done more to protect our boy.

Every month two families lose a son or daughter in Melbourne's CBD, while they may be statistics to some, they are loved by their families. Danial was a father, son, brother, grandson, nephew, cousin and friend to many, he should not have died on that day, we miss him so much.

...

I have grandchildren I worry about. Danial was a beautiful boy, no one would have ever thought he would end up with an addiction and dependency on heroin, it could be anyone's child or grandchild next.

### Firewood collection

**Gaëlle BROAD** (Northern Victoria) (18:18): (760) My adjournment is to the Minister for Environment on behalf of a constituent who contacted me to raise concerns about the lack of available firewood. The action I seek is for the minister to secure Victoria's future firewood supplies, extend the firewood collection season and enable the collection of free firewood in areas with fallen trees after the recent storms, especially where there is community benefit. In many regional areas people rely on firewood for heating as electricity and gas bills continue to rise under this government. The 2024 autumn firewood collection season opened on 1 March and runs until 30 June and should be extended. On the government's website there is no guarantee that firewood will be available for collection in the domestic firewood collection areas after it has been opened, and that is certainly true for the Bendigo region, where designated areas quickly clear out. Free firewood zones are under pressure and commercial supplies are drying up. VicForests supply a large amount of commercial firewood, but with the closure of the sustainable native timber industry, these supplies are at risk. Commercial firewood licences finished on 31 December and small specialty licences finish on 30 June.

The cost of firewood is skyrocketing, and some people are becoming so desperate that they are resorting to illegal firewood collection. Just last month, a 39-year-old man from Kyneton was fined \$3000 after he pleaded guilty to illegally cutting firewood on public land. He had used a chainsaw to cut down trees in the Metcalfe state forest in September 2022. I asked the minister a question about firewood supplies in October last year, and I am yet to receive a response. It appears as though the government has no plan for affordable firewood in Victoria. Winter is fast approaching, and Victoria is facing a significant firewood shortage. The government needs to secure Victoria's firewood supplies, extend the season and enable the collection of free firewood in areas damaged in the recent storms where there is community benefit.

### Wildlife Act 1975 reform

**Georgie PURCELL** (Northern Victoria) (18:21): (761) My adjournment matter is for the Minister for Environment, and the action I seek is for an update on the government's promised but still not yet delivered reform of the Wildlife Act 1975, which was supposed to increase penalties. In 2019–20 Victorian farmer James Troeth ordered the clearing of a former bluegum plantation in Cape Bridgewater at the expense of bulldozing and massacring 21 koalas to their deaths, with 49 koalas needing to be euthanised due to their irreparable injuries and more than 200 koalas left injured, dehydrated and starving with nowhere to go, as Mr Troeth had trapped them in by building a 2.2-metre-high fence around the gum trees when the bulldozers came in. Can you guess who assisted these koalas? Not our government, but Vets for Compassion, who were flown in by Animals Australia. They received no aid from our government but were entirely self-funded in their rescue mission. It is almost fitting that the very purpose of the land clearing was to build a site for livestock farming, which will now exist on top of the gravesite of all these koalas to further stain this land with cruelty and death.

For the displacement and suffering of more than 200 koalas, Mr Troeth was sentenced without conviction to pay a fine of \$34,000 for his breaches of the Prevention of Cruelty to Animals Act 1986. Despite it being a wildlife crime, he was ultimately not charged under the Wildlife Act. Mr Troeth himself said that 70 koalas was 'not the big hoo-ha it's been made out to be' and was busy labelling the world and wildlife authorities 'fascists' for their outcry for the koalas. This is whom our native wildlife is in the hands of. This is the message our animal legislation is sending – that deliberate and mass cruelty is not a big deal.

We now have the opportunity to ensure this never happens again, with the new Animal Care and Protection Bill and the promised overhaul of the Wildlife Act the government promised in 2021 in response to this very atrocity. This government loves deterrence and increasing penalties for animal activists. How about it now increases penalties for those that bulldoze our native species to their deaths, like it promised to? The deliberate habitat clearing and the fatal impalement of a koala by a stick was priced at a fine of \$170. The fines were an embarrassment to our nation and an insult to our national

symbol, and to openly butcher and crush hundreds of koalas was a devastatingly wicked act of cruelty. I call for the minister to remember these deaths and his government's promise three years ago to modernise the Wildlife Act and to finally increase penalties in its prospective bills to deter and punish those who inflict cruelty on our animals.

### **Thompsons Road bike path**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (18:24): (762) My subject tonight is the urgent action required to address hazardous conditions on the Thompsons Road bike path. My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to urgently fix a critical issue of maintenance and care plaguing the Thompsons Road bike path, particularly along the stretch from the McCormicks Road roundabout to the Western Port Highway in Lyndhurst. A constituent of mine, who is a concerned member of the community and is part of a group of recreational cyclists using the area, is deeply troubled by the deteriorating conditions of this bike path and the safety for riders. The area has become an eyesore and is posing a significant hazard to bike riders due to the encroachment of noxious weeds, hard rubbish and general disrepair. Every Saturday morning the group embarks on a cycling journey from Sandhurst to Lynbrook railway station and Marriott Waters shopping centre, dodging overgrowth over the path, which is making the ride more of a hazard than a recreational pursuit. The Thompsons Road bike path is overrun with blackberry bushes, gorse bushes, wild grasses and weeds, all of which are rapidly encroaching upon the path itself. Additionally, overhanging tree branches and dumped hard rubbish further exacerbate the dangers faced by the cyclists.

Despite repeated efforts by my constituent, including personal visits to the local member of Parliament's electoral office with photographic evidence, the response has been inadequate and delayed. While some action was eventually taken to remove some of the dumped hard rubbish, the core issue of hazardous overgrowth remains unresolved. It is evident that this pathway urgently requires some mechanical slashing on both sides, followed by targeted spraying of poison to eradicate the remaining roots of the blackberry brambles and gorse bushes. Understanding that the responsibility for this matter may fall under the jurisdiction of the state government, the involvement of both Dandenong and Frankston city councils I realise does complicate the situation. But my constituent has said it has become challenging to identify the appropriate authority now to address and rectify this unsightly and dangerous mess. The safety and wellbeing of cyclists and pedestrians utilising the Thompsons Road bike path must be prioritised. I urge you to take whatever steps are necessary to ensure that appropriate measures are taken without further delay. Your intervention in this matter could prevent potential accidents and injuries. I sincerely hope, Minister, you will heed this urgent call for action.

### **COVID-19**

**David LIMBRICK** (South-Eastern Metropolitan) (18:27): (763) My adjournment matter this evening is for the attention of the Minister for Education. Back in 2020, when former Minister for Education Mr Merlino appeared before the inquiry into the Victorian government's response to the COVID-19 pandemic, we had a bit of back-and-forth engagement regarding the balancing of risks, where I suggested that the consequences of school closures could be significant. I stated that this amounted to conducting an experiment on children. The impact was not known, but it was expected to create harms. Then, in a fit of panic and recklessness, the government spent over \$100 million getting HEPA filters into every classroom, with no evidence that they would have any positive effect whatsoever. It was a great windfall for Samsung, but Victorian parents and Victorian students might wonder if this money could have been better spent. Some classrooms did not even have air conditioning. I am willing to bet that these students would have preferred air conditioning to a useless HEPA filter in the corner.

But where are we now? The coroner released a report a couple of weeks ago that last year Victoria recorded the highest number of deaths by suicide in our history, including an alarming uptick in suicide

in under-18s. If you listen to one of the many segments on talkback radio about the difficulties parents are having with kids, the term ‘school refusers’ is now quite common. Not every kid struggled and not every kid continues to struggle, but of those who found remote learning and disruption to school life difficult, many still have challenges. One of the justifications for government-funded state schools is that they are supposed to provide an opportunity for kids from more disadvantaged backgrounds to get a decent education and have an opportunity to thrive through hard work and study, but the evidence is that the school closures have exacerbated these gaps.

One of the things that have prompted me to bring up this topic today was an in-depth analysis done by the *Sydney Morning Herald* of the school closures in New South Wales. This is really important reporting, with experts quoted and also the responses from many teachers. The story it tells is grim: emotional dysregulation; a massive spike in truancy; behavioural issues, including violence towards teachers; and massive rates of anxiety, depression and other issues. We should not have to wait for some decent journalist to step up though. The government conducted this experiment, and they should now understand the results. My request for the minister is to conduct a review of school closures during the pandemic and table a report in Parliament on the findings and recommendations so that we can learn and not make the same mistakes again.

#### Police resources

**Richard WELCH** (North-Eastern Metropolitan) (18:29): (764) My adjournment is a matter for the Minister for Police. The minister has approved significant cuts to counter hours at many police stations. Despite suburbs in my electorate like Glen Waverley topping the list of areas with the highest rates of aggravated burglary, stations like Forest Hill station have already seen a 33 per cent cut in counter hours. Clearly our communities need more police resources, not less. The Glen Waverley police station, first built in 1984, has not seen a major upgrade since then – 40 years. The crime rate is on the rise, and we must secure a commitment to upgrading this station. Many community members have approached me on this issue concerned there is no one in their area willing to take up the issue and truly fight for the Glen Waverley community. Well, I am willing. Glen Waverley deserves better and in a well-managed state there is just no way anyone would be making cuts to first responders and essential services, so this is clearly a consequence of bad financial management coming home to hurt the community in a real way. We are spending \$35 billion on another tunnel; the entire police budget is just \$4 billion.

What concerns me more is that the savage cuts to Forest Hill police station were only the first stage of many cuts the minister plans to approve and implement. Other parts of my electorate like Greensborough, Eltham and Boronia have now also seen cuts to counter hours, and this needs to end. The action I seek from the minister is to fund the long overdue upgrade to Glen Waverley police station and more broadly to reverse these savage cuts to frontline services and put the funding where our community needs it most – in essential services, not tunnels.

#### Middle East conflict

**Samantha RATNAM** (Northern Metropolitan) (18:31): (765) My adjournment matter tonight is for the Premier. When five-year-old Hind Rajab’s story broke, many of our hearts broke into a million pieces. Hind had been escaping the terrifying violence in Gaza with her family when the car she was travelling in came under gunfire. Her fate captivated the world as her cousin made a phone call from the car seeking help. This call was recorded and played across the world. We heard the gunfire and then their voices fell silent.

I was hurtled back into my memory to being a six-year-old girl. My twin sister and I had been bundled into a car with our aunties attempting to flee the violent conflict that was erupting in Colombo in 1983 as we Tamils were hunted by violent mobs. Our aunties were weeping – the first time I had seen adults crying – as we sped down the streets that were being ravaged by fire on either side as far as we could see ahead. We made it to safety. Hind Rajab did not.

Her death adds to the over 30,000 Palestinians who have been killed by Israel's brutal assault on Gaza. Many were innocent children like Hind and Layan. As a member of the Tamil community, we feel the Palestinians' trauma and grief as our own. Many thousands of other Victorians, especially from Muslim and migrant multicultural communities, feel the same. The experiences of racism and colonisation of our diverse communities have been triggered by the war on the people of Gaza that for many of us evoke the experiences of war and oppression we and our ancestors endured. But this time, we have a voice.

Victoria's multicultural community has just demonstrated the collective power of its voice by forcing the Premier to cancel her planned Iftar dinner. We have also taken every opportunity to join with the Palestinian community to march in the streets in solidarity, to denounce Israel's brutal attacks and call on governments to sever ties with weapons manufacturers and defence entities. But the community's pleas have been met with denial and silence. The Victorian Labor government refuses to end its relationship with Elbit Systems or withdraw from its agreement with Israel's defence ministry, and it refuses to express sincere solidarity with the Palestinian people and recognise the unfolding genocide.

If Labor was listening to Victoria's multicultural community, they would hear the hurt. If they were listening to Victoria's multicultural community, they would hear that we are tired of being taken for granted and used for photos to boost their diversity credentials. Representing multicultural Victoria means listening to the community, genuinely caring about the issues that impact our lives and taking action. While the Victorian government retreats and remains anxious that our multicultural fabric may be at risk of splintering, the reality is that it is just beginning to show its true strength. I ask the Premier to respond to Victoria's Muslim communities who are asking the government for a statement of solidarity and to end their relationship with Elbit Systems and Israel's Ministry of Defense.

#### **Teacher workforce**

**Renee HEATH** (Eastern Victoria) (18:34): (766) My adjournment is for the Minister for Education, and the action that I seek is a commitment to release the 2022 teacher supply and demand report so we can properly assess and address the teacher shortage in this state. In December last year the Department of Education's teacher application rate showed that outer Gippsland secondary schools were among the hardest hit by Victoria's teacher shortage, with an average of 0.7 applications per job. Nine out of 10 principals in the region reported a teacher shortage. I have been contacted by a parent whose child attends a senior high school in the area. It is halfway through the first term and the child still does not have a science teacher, yet we do not know the extent of the problem because the government continues to bury the 2022 teacher supply and demand report. Schools and families are being left in the dark. This hits regional schools the hardest. It means students miss out on a consistent quality education and are behind their suburban and private school peers. This is unacceptable, so will the Minister for Education release the report?

#### **Rutherglen bypass**

**Wendy LOVELL** (Northern Victoria) (18:35): (767) My adjournment matter is for the Minister for Roads and Road Safety, and the action that I seek is for the minister to provide details of what will happen with the remaining money allocated to the Rutherglen bypass study. This study, jointly funded by the Victorian and federal governments, was aimed at improving the safety of pedestrians and motorists on Main Street in Rutherglen, one of our major tourist and wine towns. The Commonwealth and state committed \$1.93 million each in a funding announcement in 2017. That was the start of a process best described as shambolic. The study began with \$4 million to examine the option for a bypass, got hijacked by the roads authority to be used for roadworks and at one stage looked at rerouting the traffic, both cars and B-doubles, away from Main Street and down a residential road past the town's major sportsground and a unit block for the elderly. The community backlash to this was furious and understandable, and the government's retreat was inevitable. Regional Roads Victoria then went weak at the knees and threw the Up River and Gooramadda roads into the planning mix. This was after they sat at kitchen tables along this route and told people the road was not wide enough, the

bridges were too weak and the pavement was under strength. The project was then handballed between Indigo council, the community and Regional Roads Victoria. The last and possibly final iteration of the plan was a series of traffic treatments that only served to cut parking and push B-doubles closer to pedestrians. Not surprisingly, last November the federal government withdrew its support as part of the Commonwealth infrastructure investment program review.

The Rutherglen alternative truck route funding was and remains a line item in the rural and regional roads package in the 2023–24 Victorian budget, with \$2.3 million unspent. In the *Australian Financial Review* of 17 November 2023 the Premier called for the federal contribution to these projects to remain in Victoria. The people of Rutherglen hoped that this same logic might apply within the state, with the state's commitment to the north-east being invested into the same projects or supplementing road fixes. I note that the funding for the McKoy Street interchange was also withdrawn by the Commonwealth, and that included a \$42 million commitment from the Victorian government. I understand the member for Benambra has also written to the minister seeking some assurances about the future of the unallocated state funding for the bypass study. The reality is that Main Street, Rutherglen, is still dangerous, with 500-plus trucks rumbling through its only shopping strip each day. The risk is further exacerbated by events like this weekend's Tastes of Rutherglen, which will bring thousands of visitors to the region. What will happen to the unused funds from the Rutherglen bypass study?

#### Fire services

**Nick McGOWAN** (North-Eastern Metropolitan) (18:38): (768) This has been a challenging fire season in many respects, and we are by no means at the end of it; I recognise that. In my district of Ringwood I have had the good fortune over the last 18 months or so to visit the Fire Rescue Victoria stations both in Nunawading and also in Ringwood, and there I have had the good fortune also to spend some time with our firefighters, men and women who dedicate themselves every day to putting themselves in the line of danger on our behalf, and I thank them for their services. Particularly at this time of year of course we sigh a half-sigh of relief. It is only half, because as we all know, fires happen right throughout the year, particularly in the metropolitan area but in any area for that matter.

It is concerning to me then of course that the United Firefighters Union has raised the very legitimate concern that some 73 frontline vehicles, and that represents some 58 per cent of the fleet, have surpassed their service date. It is imperative, and I think most Victorians would agree, that when we ask others to stand in the line of danger on our behalf we equip them appropriately. I think that is the least we can do. No-one in this place I think would differ with that either.

However, with such a large percentage of our current fleet either out of service date or well beyond their life expectancy, it is time for this government to act. The firefighters union have been advocating for this for some time. I have experienced this on a number of occasions when I have had the good pleasure, as I said before, of visiting particularly, say, Nunawading fire station only recently to learn that one of their trucks had yet again been taken off the road. It is disappointing, because at the end of the day not only is it a risk to their safety, it is a risk to the safety of the entire community.

So the action I seek from the minister in this case is to implement a thorough review of the metropolitan fire truck fleet to ensure that no vehicle operates beyond its designated service date and that the government further immediately invest in modernising all of our out-of-service-date fire trucks to prioritise community safety.

#### Responses

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (18:41): A number of members have raised matters for a number of ministers, and I will refer them accordingly.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 6:41 pm.**