



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 15 October 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 ¹	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira ²	Western Metropolitan	IndLib	Ratnam, Samantha ⁵	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 ³	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 ⁴	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard ⁶	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² Lib until 27 March 2023

³ Appointed 14 November 2024

⁴ LDP until 26 July 2023

⁵ Resigned 8 November 2024

⁶ Appointed 7 February 2024

Party abbreviations

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

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

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

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

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Tuesday 15 October 2024

The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.

Bills

Residential Tenancies and Funerals Amendment Bill 2024

Victorian Institute of Forensic Medicine Bill 2024

State Civil Liability (Police Informants) Bill 2024

Royal assent

The PRESIDENT (12:04): I have a message from the Governor, dated 17 September:

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

33/2024 Residential Tenancies and Funerals Amendment Act 2024

34/2024 Victorian Institute of Forensic Medicine Act 2024

I have another message from the Governor, dated 24 September:

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

35/2024 State Civil Liability (Police Informants) Act 2024

Questions without notice and ministers statements

Alcohol and other drug services

Georgie CROZIER (Southern Metropolitan) (12:04): (677) My question this afternoon is to the Minister for Mental Health. Minister, since September 2020 the number of drug and alcohol users waiting for residential rehabilitation has soared by 93 per cent according to a survey by the Victorian Alcohol and Drug Association. Why are some of Victoria's most vulnerable people waiting almost twice as long for treatment despite the government's \$1 billion mental health tax?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:05): I thank Ms Crozier for her question. Of course when it comes to harm reduction and tackling the difficult issues around addictions, whether that is alcohol or other drugs, the Allan Labor government are absolutely proud of the fact that since 2014 we have actually doubled the investment in AOD services. In the four brief years that those opposite were in government, I will tell you how many residential rehab beds they delivered.

David Davis: On a point of order, President, question time is not an opportunity to attack the opposition. That is what the minister is proceeding to do. The government has been in power for 10 years now, and she is seeking to –

The PRESIDENT: Thanks, Mr Davis. I uphold the point of order to the degree that answering the question is not an opportunity to have a crack at the opposition, but I was not sure if the minister was going to. I just heard the start of the answer.

Ingrid STITT: What I was actually in the process of doing was contrasting the approach between those on this side of the chamber –

David Davis: On a point of order, President, the minister has just now indicated that her task is to contrast, but her task is actually to answer questions, and she should answer the question rather than go on a debate –

The PRESIDENT: I will call the minister to the question.

Ingrid STITT: I thank Mr Davis for the advice, but I am very clear about what my priorities are as Minister for Mental Health in this area of policy. We have taken a harm reduction approach every single day that we have been in office, and we have doubled the number of rehabilitation beds that are available across our state, because what we understand is that the scourge of addiction is something very confronting for those individuals that are faced with that situation and their families and loved ones. That is why we have doubled the number of rehab beds and withdrawal beds in the state, not just in metropolitan Melbourne but across regional Victoria, because one of the hardest things when you are actually putting your hand up and asking for support is the reality that you have to travel hundreds of kilometres to be able to get a residential rehab bed. So we have doubled the number of beds, and in fact we have invested since 2014 \$3 billion to expand our drug treatment offering as a state, and that at the heart of it has had harm minimisation as the guiding principle. But of course rehab beds are only part of the system that we deliver. We have a number of different counselling services across the state. We have prevention programs. And the reality is that we treat more than 40,000 Victorians a year with AOD treatment services, including residential rehabilitation facilities.

Since coming into this portfolio a key focus of mine has been to make sure that we are reducing harm in other areas as well. It is why we have added an additional \$95 million in investment to tackle the statewide drug harm situation. It is why we are introducing pill testing into Victoria – and the Assembly will be debating that bill this week. It is why we are absolutely serious about providing additional treatment services for Victorians who are struggling with, for example, opioid addiction, through additional and expanded pharmacotherapy treatment. So I do actually reject the premise of Ms Crozier’s question. We are doing a lot in this area and will continue to do so.

Georgie CROZIER (Southern Metropolitan) (12:09): Minister, there are significant concerns from a number of people, including the Victorian Alcohol and Drug Association, and my supplementary question to you is: there are no adult residential rehabilitation beds in Mildura, Shepparton, Warrnambool, Frankston or the Latrobe Valley; Minister, why are some of Victoria’s most vulnerable going without, despite the government’s \$1 billion mental health tax?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:10): I am very glad that Ms Crozier has raised Mildura and the Latrobe Valley, because these are examples of record investment by our government. I was up in Mildura just about a month or so ago advising the community there that we had picked the location for, wait for it, a residential alcohol and drug treatment service in Mildura.

To my earlier point, we do not want to have a situation where Victorians have to travel hundreds and hundreds of kilometres in order to get a residential rehab bed. That is why we have delivered investment for a new facility in Mildura. It is why we have delivered an investment in Traralgon in both the youth space and the adult space. It would actually serve the opposition a little better if they got their facts straight. In fact the member for Mildura has written to me about the Mildura facility, asking me to commit to talking to the community about the location. So if Ms Crozier was tuned into that, she would know.

Housing

Samantha RATNAM (Northern Metropolitan) (12:11): (678) My question is for the Minister for Housing. This week OFFICE released a report outlining a feasible alternative to your government’s plans to demolish the public housing estate at 120 Racecourse Road, Flemington. Their report outlines a repair, retain and reinvestment approach which would achieve the same uplift in the number of dwellings on that estate as the government’s current plan, avoid the displacement of the estate’s residents, build even more public housing and save the government \$364 million in costs at one site alone. The government made its decision to demolish, redevelop and privatise Victoria’s 44 high-rise public housing estates without releasing a shred of evidence to support it over the last 12 months. Minister, will you now stop the planned demolition of these towers and commit to refurbishment and retrofitting instead?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:12): Thanks, Dr Ratnam, for that question. I am surprised and delighted to see that you are still here after your successor was here on 5 September, waiting in the wings for you to perhaps take your tilt at Canberra.

I would like to address the OFFICE report. OFFICE is an organisation – I think they have actually participated in Greens party fundraising events, so therefore it should be viewed against that particular context. What I would like to do perhaps, Dr Ratnam, is take you through a number of components of the OFFICE report that address, in part, the issues that we are presented with when it comes to ageing high-rise towers and the need for development.

Dr Ratnam, one of the things that I know and that I would hope that you know – that communities know – is that the public housing towers, built between the 1950s and the 1970s, do not reflect the pride, the vibrancy, the histories and the identities of the people who have called them home. They are no longer fit for purpose. They are, Dr Ratnam, as I would hope that you know, freezing cold in winter and incredibly hot in summer. The concrete slab construction which was used – and it was built by Holmesglen at the time – was able to deliver a large volume of housing in a relatively short period of time, but in doing so it worked through a number of elements of construction that are no longer able to keep pace with contemporary standards.

As I have said on a number of occasions and as the CEO of Homes Victoria Simon Newport has said on a number of occasions, including at a parliamentary inquiry hearing which, Dr Ratnam, I think you were at when he gave his evidence – I think it is extracted pretty comprehensively in the Parliament's inquiry and the report in relation to those matters – that to retrofit the towers would merely accommodate habitability, not amenity or livability to the standard that I would imagine you would expect and that I would imagine that people would quite rightly expect around energy efficiency, around ventilation, cross-breeze and the issues of insulation. It is about making sure that people have somewhere to call home that meets their needs and aspirations.

What I would say is that the OFFICE report itself is based on really limited studies and extrapolations. They have not properly quantified and they have not estimated properly the costs. They do not include all upgrades, they do not allow for relocation costs and they do not include the impacts upon people who are affected by this. And it is not additional housing, it is from 2000 down to about 1200, Dr Ratnam. Have a read of the report.

Samantha RATNAM (Northern Metropolitan) (12:15): Minister, for the last 12 months this Parliament has pursued you at every turn for a shred of evidence – a single piece of paper – that can provide any backing to the claims you are making. We are tired of your words: we want evidence to back up your false claims. OFFICE's *Retain, Repair, Reinvest* report demonstrates that it is possible to actually maintain and increase the number of public housing dwellings on the Flemington public housing estate without displacing residents, whereas this Labor government wants to demolish these towers and refuses to commit to building any public housing at Flemington or North Melbourne or any of the other sites, which are the first sites to go. Minister, why doesn't the government have plans to build more public housing at Flemington and North Melbourne?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): You are wrong. And I would give you the example, when you say 'at any of the other sites', to again have a think about Carlton. Carlton and the red-brick towers – they have been empty for some time, notwithstanding claims by a number of your counterparts that they should be made available for people to occupy and to live in. They have sewerage in the walls, frankly. They are not fit for purpose. They are all going to be rebuilt. They are all going to be public housing. Dr Ratnam, I have explained this to you on a number of occasions. Dr Ratnam, for about a year now I have been offering you a briefing on social housing, and not once have you taken me or my office up on this offer. So do not dare come into this place and talk about how you have not received information that

you have been asking for. If we were to retrofit these towers, every resident would need to be relocated – every single resident.

Samantha Ratnam: On a point of order, President, I asked a specific question about two sites. I ask the minister to stay relevant to the question that I asked.

Harriet SHING: On the point of order, President, Dr Ratnam did refer to ‘at any of the other sites’. If there is a question with the public record on this, perhaps Mr Southwick in the other place has recorded it.

The PRESIDENT: The minister’s time has expired anyway.

Ministers statements: anti-vilification legislation

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:17): I rise today to update the house on the government’s commitment to strengthening our anti-vilification legislation. We have heard – and I have spoken on this in this place many times – that our current anti-vilification laws have not been effective or accessible, and that is why I have publicly committed to introducing anti-vilification reform in legislation this year. I am pleased to confirm to the house that the development of these reforms is on track. The development of anti-vilification reforms has been significant, and it has been complex. We have had four rounds of public consultation on potential changes take place in the last 18 months, including the most recent round, which ran from 20 September to last Friday. This does not include the countless number of briefings that my department have had with peak bodies, stakeholders and community members and the many face-to-face conversations that I have personally facilitated. It is indisputable that community sentiment, particularly as we acknowledge the solemn one-year anniversary of the 7 October attacks and the subsequent conflict, is that we need these crucial reforms and without further delay, unlike what some of those opposite have shamefully called for as recently as last week.

As I finalise this extensive work, I will continue to meet with people within multicultural and multifaith communities as well as members of the LGBTIQ+ community as we work on getting these laws right. I know that there are also members in the chamber that have requested briefings, and of course they will be facilitated as well. My focus is and always has been on the outcomes of the reforms to protect Victorians and to make sure that there are responsive criminal, civil and legal avenues to address the harm caused by hateful conduct and vilification. Ultimately, I am committed to promoting the full, safe and equal participation of all Victorians in society, free from hate, because of course hate has no place in our community. Every Victorian without exception deserves to be safe, supported and equal.

Mental health services

Georgie CROZIER (Southern Metropolitan) (12:19): (679) My question is to the Minister for Mental Health. Since the Royal Commission into Victoria’s Mental Health System presented its final report to the government in the Royal Exhibition Building, access to mental health support in the community has worsened, and the workforce remains at critically low levels. Why has the government broken its promise to people with lived experience, carers and mental health workers that the Labor government would implement all recommendations of the royal commission?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:20): I thank Ms Crozier very much for that question because it allows me to dispel some of the misinformation that has been peddled by those opposite. I have been on the record many times, both in the chamber and publicly out in the community, confirming the Allan Labor government’s absolute commitment to the work of the royal commission and our absolute commitment to implement every single one of the royal commission’s recommendations. In fact there would not be a day that goes by where I am not having a conversation with a peak body or a stakeholder about the importance of this work.

My department has been working incredibly hard. We have commenced the implementation of 90 per cent of the 74 recommendations that the royal commission has made, and we have seen many additional services delivered in the community, which I am happy to elaborate on in great detail if that is what the opposition would like me to do. For example, we now have 15 mental health and wellbeing locals out there in the community right across regional and rural Victoria and metropolitan Melbourne that have already assisted 11,000 Victorians. Let us not forget that before the royal commission handed down its final report people only had two choices: turn up at an emergency department and wait for a mental health bed or go to their GP and spend hundreds of dollars on a private psychiatrist or psychologist through a GP referral.

We are absolutely rebuilding the system so that no matter where you live in Victoria and no matter what your pay packet is you can actually get access to free mental health supports right across the community. This is a 10-year reform journey. So we are not going to take lectures from those opposite when our government held the royal commission, committed to implementing every single one of the recommendations and had the political courage to strike a levy that is absolutely dedicated to building the mental health system that Victorians deserve. If you talk to any family out in the community, you will hear time and time again how important this is. We know that youth mental health is a critical issue in the community. I am proud to be part of a government that is serious about reforming the system, and I will continue to support our incredible mental health workforce in the very challenging work that they do right across the system, whether that is in the community or in our acute end of the sector.

Georgie CROZIER (Southern Metropolitan) (12:23): Minister, in the royal commission's report the chair Penny Armytage said the system had 'catastrophically failed to live up to expectations'. Why, three years later, has the Allan Labor government again catastrophically failed to live up to the expectations of those waiting for mental health support by scrapping the implementation of all the recommendations of the royal commission? You just said '90 per cent' – that is not all.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:23): Well, I do not know if you were listening, Ms Crozier, and through the President I will address this point, because it is pretty important. It is very unfortunate that those opposite seek to mislead the community about what is going on here and scaremonger, because the reality is that through our reforms and through striking the hypothecated mental health levy we are actually doubling the investment year on year that we have made in mental health. We collect about \$1 billion through the levy, and our current output for this budget year alone is almost \$3 billion. They might want to actually spend a bit of time reading the budget papers, which very clearly set out what our reform agenda is. The royal commission's final report was very clear: this is a 10-year reform journey and a job that we are all absolutely committed to delivering.

Anti-vilification legislation

Rachel PAYNE (South-Eastern Metropolitan) (12:24): (680) My question is for the Attorney-General. Consultation on proposed changes to Victoria's anti-vilification laws closed last week. It has been 18 months since the Attorney first promised these reforms, and I note the comments made in the Attorney's ministers statement to have legislation introduced by the end of this year. I do congratulate both the Attorney and the Minister for Equality for getting us to where we are today. Anti-vilification laws already protect people based on race and religion. These must be extended to protect LGBTIQ+ people against the mountains of hatred and vitriol often directed towards us. We exist no matter how much fringe groups may try and push us out of public life. We are not going anywhere, and we deserve to be treated with dignity and respect. So to pivot, legislation is only part of the wider initiatives that the Attorney has talked about in this space. Can you please expand on what these initiatives include?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): Thank you, Ms Payne, for your question. I know you are very passionate about this. I think it was my answer to you almost 18 months ago, and I actually regret giving the timeline because it sounds like it

was so long ago. But it did take that long to get through what we needed to do. We wanted to make sure we were out there talking to everyone. We wanted to make sure those that were missing out on a protection that was not adequate could be included at the same time as lifting those protections so that we could cover many, many attributes, including LGBTIQ+ attributes, which you have referred to today, as well as disability. You did jump around a little bit between me and the Minister for Equality in relation to programs and education, which probably fit more squarely in the minister's remit, but I can assure you that we work closely together. We have a taskforce that we both regularly engage with. But you are right. We do not want people to be charged with anti-vilification laws – we do not. We want the conversation. We want people to be tolerant. We want people to live in harmony. We want people to learn what is appropriate and what is not, and we want people to feel safe.

The laws should be a safety net. They should not be a tool to change behaviour. That is why we all, particularly as leaders in the community, have a role to play. This will be a debate that we will use as an opportunity for positivity. I want to talk about the good things that Victoria stands for. I do not want to say this is necessary, but I think we should also be talking about the amazing attributes or the amazing qualities that many Victorians have and the standards that we expect. I want this to be a safe debate. Nearly every time I bring laws into this chamber that involve greater protections for the LGBTIQ+ community I have grave concerns about the impact on that community, because it often brings out divisive, hateful debate. I hope we can do better than we have previously in relation to that, and I will be working closely with my ministerial colleague in ensuring that we provide the support we need to get through this debate to ensure that the laws are there to protect everyone.

Rachel PAYNE (South-Eastern Metropolitan) (12:28): I thank the Attorney for her response. My apologies for jumping around a little bit; I did have to pivot with that question. By way of supplementary, the federal government has failed to fulfil its promise to deliver a bill to criminalise broader vilification and hate speech. Given the varying levels of protections in different states and territories, these vital changes would have ensured a nationally consistent approach to anti-vilification. So I ask: what advocacy will you do to encourage your federal counterparts to reconsider this decision?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:28): I thank Ms Payne for her supplementary question. I share your disappointment that the federal government have not proceeded with some commitments that they have provided, but it means that we can continue to lead the way in Victoria. I think that we can lead by example. Other attorneys in other states are very interested in what we are doing. I am also interested in some of the initiatives that other states are doing. There is a role for the federal government, but I will not wait to protect Victorians in the absence of any movement in that space. We do have a federal government that has a lot of people that are interested in this space and want to move in this space. The timing is not potentially right for them right now, so rather than rely on the federal government, we will do what we can here in Victoria.

Ministers statements: Wulgunggo Ngalu Learning Place

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): I rise today to inform the house of the wonderful achievements of the Wulgunggo Ngalu Learning Place, a key part of our government's commitment to reducing Aboriginal over-representation in the justice system. Located in beautiful Gippsland – I will add, a region very familiar to Minister Shing and Mr McIntosh – the unique residential diversion program supports Aboriginal and Torres Strait Islander men on community correction orders, providing them support to complete their orders and connect to culture.

I had the pleasure of touring the facility with Shaun Braybrook, an inspirational leader and Aboriginal elder. I was provided with a spectacular welcome to country, with the current group of residents telling their stories and performing a series of cultural dances. The team at the learning place shared with me how they support their residents to complete their orders and give back to the local community. Through participation in different vocational and employment programs, the men increase their

chances of employment, because we know how important having a secure job is to stopping reoffending.

Participation is voluntary, but since the centre opened in 2008, 307 men have successfully completed the program. Besides the requirements of the order, there are two topics that each resident must participate in: education – and when I say education, that includes life skills – and also a key cultural component, because we know connection to culture and community is a key part of addressing people’s behaviour. These programs integrate cultural connection with other practical skills, helping them turn their lives around.

The program has been internationally recognised and received an award from the International Corrections and Prisons Association. Wulgunggo Ngalu is just another example of what is possible when government and the Aboriginal community partner together, and that is exactly what the Labor government is committed to doing.

Sobering facilities

Georgie CROZIER (Southern Metropolitan) (12:31): (681) My question is to the Minister for Mental Health. Minister, on 19 September an extremely intoxicated person was banging on the doors and windows of the sobering-up centre in St Kilda, screaming obscenities and demanding to be let in, yet was ignored by staff. Local residents were left to call the police. Minister, given you have said the sobering centre operates 24 hours a day, seven days a week, and is staffed by a trained multidisciplinary team to ensure physically and culturally safe responsive and holistic service provision, why has this situation occurred where local residents were left to call the police?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:32): I thank Ms Crozier for her question and her interest in these issues. I would reiterate the importance of the reforms that the government has pursued when it comes to decriminalising public intoxication in Victoria, something that has been a long time coming and something that the First Peoples communities right across the state have been campaigning for for decades. In fact since the Royal Commission into Aboriginal Deaths in Custody, this has been an issue that has been raised with successive governments, and it took until last year for our government to actually deliver on this recommendation and decriminalise public drunkenness. That is because we know that the laws as they stood before these reforms were having a disproportionate impact on Aboriginal Victorians and were causing harm.

Since changing the law we have also made sure that there is a health-led response across the community. That has included assertive outreach through a number of different organisations across the state, and it has also included our dedicated sobering services in Collingwood and St Kilda. I have actually personally been to visit the service in St Kilda, and they do an incredible job. They do outreach and they also provide a service for people who are not able to be safely returned home or to family or friends.

The services across the state, since we reformed the system in August, have helped more than 17,000 Victorians, so there are 17,000 examples of where we are getting a better outcome, a health-led response. And in our sobering centres we have assisted, so far, 863 –

Georgie Crozier: On a point of order, President, I appreciate the minister is giving some context, but the question was very specific around why the residents were left to ring the police when the sobering-up centre staff failed to do so. Could the minister be directed back to the question, please.

The PRESIDENT: I will call the minister to the question.

Ingrid STITT: As I was saying, the sobering centres have already assisted 863 Victorians to get that health-led response and to get the care that they need if they are intoxicated in public. As Ms Crozier knows, that service is 24 hours. I am not in a position to be able to comment on the specific example that she raised, but what I will say is that there is always the ability – in fact in circumstances

where there are issues arising in the community that could pose a safety issue for either that individual who is intoxicated or any other member of the community, it is still the advice that people ought to ring 000 in those circumstances. But if Ms Crozier would like to provide my office with more information about the specific case that she is raising – she has probably photographed it anyway – I would be happy to follow through.

Georgie CROZIER (Southern Metropolitan) (12:35): The minister might want to give a cheap shot, but these residents have actually emailed you on a number of occasions around significant issues and you are well aware of them. Your former colleague Brian Tee has been cc'd. Councillors and local member Nina Taylor are well aware. If they are not raising it with you, then you have got a problem over there. But the question I have got is: Minister, you have failed individuals seeking help and you have failed the local residents of this quiet suburban street, who are living in fear and frequently dealing with these incidents while the centre staff are not responsive. Minister, will you review the location of the St Kilda sobering-up centre?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:36): I completely reject the premise of what you are suggesting, Ms Crozier. This is a health service, and it has been in that location on that street in that community for decades. It has been there for more than 30 years. I know firsthand from speaking to the staff of that service how committed they are to working with the local community. If there are specific issues that Ms Crozier would like me to follow up with Ngwala – who are a highly respected Aboriginal community controlled health organisation providing very important outreach services in that community to some of the most disadvantaged members of our community – and if Ms Crozier wants to be part of the solution, then by all means come forward with some information that might help with the solution. But I have always said that this is about giving people a health-led response and caring for them in an appropriate way.

Western suburbs infrastructure funding

Moira DEEMING (Western Metropolitan) (12:38): (682) My question is for the minister representing the Treasurer. The *Herald Sun* reported on Sunday that the government is facing a \$400 million black hole as the housing market continues to slump. The Metro Tunnel has blown out with an additional \$837 million spend, and just this week the government has had to announce an additional \$1 billion to fix our roads that are completely falling apart. We are clearly in dire financial circumstances, with investors getting cold feet and the weight of taxes and fees making life incredibly difficult for ordinary Victorians. Health and other social services in Melbourne's west have long been underfunded. I am concerned that the state of the finances in this state will continue to degrade and Melbourne's west will miss out again. How will the Treasurer ensure that residents in Melbourne's west will receive the funding and infrastructure that they need?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:38): I thank Mrs Deeming for her question. There is a lot in that, but I am sure that the Treasurer, as a western suburbs MP himself, would be delighted to have a conversation with you about investment in the west. You particularly mentioned health, and the Footscray Hospital is a pretty significant investment. I am sure the Minister for Health can give you a bit of a run-down on how that is shaping up as well.

Moira DEEMING (Western Metropolitan) (12:39): It is also well known that the western suburbs are the fastest growing in the state. Therefore will the Treasurer commit to allocating a significant base load of funding based on population?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:39): I thank Mrs Deeming for her supplementary question. I will pass that on to the Treasurer.

Ministers statements: mental health services

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:39): Further to the topics that we have been talking about today, I do believe that Victorians deserve a world-class mental health system, and the royal commission set out a very clear path of reform to rebuild our mental health system from the ground up. Today I would like to give a bit of an update on some of the great work that we have been delivering right across the community so that Victorians can get the mental health care that they need when they need it. We have supported more than 11,000 people across 15 new mental health and wellbeing locals; we have delivered Australia’s first public specialist women’s mental health service; we have delivered Victoria’s first child and family residential mental health centre; we have delivered three new children’s health and wellbeing locals in partnership with the Commonwealth; we have delivered eight family-led mental health and wellbeing connect centres; we have delivered 179 new mental health beds, including Hospital in the Home; we have established the new statewide trauma service, Transforming Trauma Victoria; we have commenced work to double the capacity of Victoria’s youth prevention and recovery centres network, with five new centres and upgrades to three existing centres; we have delivered the North West Women’s Prevention and Recovery Care Centre; we have delivered on a key recommendation for a statewide suicide prevention and recovery strategy; we have invested \$1.2 million to co-design two Aboriginal healing centres, with work being led by the Balit Durn Durn Centre; we have funded VACCHO to undertake co-design for a culturally appropriate family-orientated service model for infants and children; and this is in addition to a huge program of capital works and grant rounds to improve community and inpatient mental health services right across the state. I am proud to be part of a government – (*Time expired*)

Child protection

Georgie CROZIER (Southern Metropolitan) (12:41): (683) My question is for the Minister for Children. Minister, why was an eight-year-old boy in state care allowed to roam the streets, leaving the facility each day to beg for money at the train station, according to a caseworker and as reported just recently in newspaper articles?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:42): I thank Ms Crozier for her question. At the outset I would say that it is not appropriate for me to comment on an individual case if the member is referring to an individual case. But what I would say is that this government has made the biggest ever investment in therapeutic care in residential care. That is despite the fact that Victoria has the lowest rate of residential care, 5.3 per cent, and we also have the highest rate of kinship care, which is obviously the preferred placement model for children in care as far as is possible and as is safe and as is in the best interests of the child – that a child be placed in kinship care. But we do have therapeutic care and we do have the largest ever investment in the last budget – more than half a billion dollars – in therapeutic care, which is about ensuring that we have therapeutic supports wrapped around all placements in residential care, which is about ensuring that not only do we have the appropriate staffing levels of course but we also have the other supports that help children.

Some of those children – in fact all children who are in residential care have had a fairly traumatic experience of one kind or another, but it is about ensuring that all children in residential care are receiving the therapeutic supports that they need, the disability services that they need, the psychology services that they need and the family support services that they need to support them in their residential care journey. But also as far as is safe and is possible and is in the best interests of the child, those children are returned from residential care to kinship care or foster care or indeed to their biological family. The complexities of the children in these environments are great, and every child is different. Always at the heart of every decision around the placement of a child, whatever their age, is what is in the best interests of the child and where we can ensure that the child gets the services that they need.

Georgie CROZIER (Southern Metropolitan) (12:44): Minister, thank you for that response. I am not asking for the individual details of the case, but it is a clear failure of what is occurring in the system, given this eight-year-old boy was allowed to roam the streets and do what he was doing. You mentioned therapeutic care. According to the report the boy was not receiving therapeutic care, was not being adequately cared for and had not been seen by his former child protection officer assigned to him for eight weeks. Clearly there are issues in the system. Minister, can you advise why this child was so neglected and did not receive that therapeutic care that you have just spoken about whilst under state care?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:45): As I said from the outset, I cannot comment on individual cases. I will not comment on individual cases here or in the media. It is entirely inappropriate, and –

Georgie Crozier: On a point of order, President, I am not asking for the details about the eight-year-old. I cited what was reported, but there are clearly failures in the system. I was asking the minister: why was the state government letting this child down – so neglected?

The PRESIDENT: I think the minister did answer the question.

Georgie Crozier: It is a systems issue – the government is failing – it is not about the boy.

The PRESIDENT: A point of order is not an opportunity to repeat the question. I call the minister to the question.

Lizzie BLANDTHORN: Ms Crozier did put to me alleged particulars of the particular case in question that she is referring to, and as I said, I will not comment on individual cases. But what I will talk about is that this government has made the biggest ever investment in residential care, more than half a billion dollars – far more than when those opposite were described by the Auditor-General as having –

Georgie Crozier: On a point of order, President, my question was very simple: can the minister advise why this child was so neglected and did not receive the therapeutic care that the minister spoke about? I would ask you to bring the minister back to the question rather than debating the answer.

The PRESIDENT: The minister is being relevant to the question.

Lizzie BLANDTHORN: Ms Crozier, I advise you to go and have a look at *Hansard* following this debate. You have put the particulars as you have read them in the *Herald Sun* to me in relation to a particular child. I will not be drawn into providing commentary in relation to a particular child, but what I will say is that those who work in child protection each and every day are making decisions – *(Time expired)*

Flood mitigation

Katherine COPSEY (Southern Metropolitan) (12:47): (684) My question is to the Minister for Water. Minister, over 900 households in Kensington Banks who had their homes reclassified as being in the flood zone are still waiting for any word from government on what they will do to support these residents and whether the government are going to prioritise any flood mitigation in this area and in the Maribyrnong catchment. Minister, does the government plan to fund and fast-track flood mitigation in this area?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:47): Thank you, Ms Copsey, for that question. It is an issue that has caused so much grief and so much anxiety and uncertainty for residents that were affected by the flooding in October 2022. This is something which I know has occupied a lot of time, energy and effort, not just from government but from local elected representatives, who have taken a really keen interest in understanding what supports have been made available, the work of water corporations and the partnerships with local councils.

I want to assure you and other members of this place and the Parliament more broadly, who have worked so hard to partner with all levels of government and to discuss these matters with communities, that the work on updated flood modelling and studies is something which Melbourne Water continues to work on, as was indicated following the Pagone review. This was outlined in the recent parliamentary inquiry into the floods. There was extensive discussion about the importance of accurate flood modelling, and the last lot of modelling did not require – or did not actually deploy – the number of data points that have now informed the updated modelling. Between now and 2026 Melbourne Water will undertake that modelling right across the catchment, with a review every five years of that modelling and a redoing of that modelling every 10.

There will be changes as a result of that modelling when we look at the combination of that with the impact of climate change, of coastal erosion and of the very fact of the residency and population that lives and works in and around those flood-prone areas. We are working to provide that assistance and to make sure that Melbourne Water, in seeking that global tender for resourcing, understands what impact and mitigation look like, acts with a sense of urgency but also does not cut any corners in the process. The parliamentary inquiry had referred to a number of supports that might be able to be made and accommodated, and government is considering that report and the recommendations that were contained in it. I will look forward to continuing to update you and to update other members of the house as this work continues. We will be in a position to better understand what the impact of that modelling looks like, what the options are and what community licence looks like for the purpose of pursuing options and taking next steps from there.

But again I also want to assure you and to assure others that I am continuing to work alongside insurance peak bodies, local councils, water corporations and communities, because this is an issue that we do need to attack in a very coordinated and disciplined way to make sure that the very impact that is being felt by communities is able to be addressed in a way that is going to make a meaningful difference to them, including as our population grows, and to make sure that as we build and develop infrastructure in and around those flood-prone areas, as we understand what the impact looks like, we can take those steps to mitigate that risk in a way that is place based and a way that accommodates the nature of risk as it changes over time for the reasons that I have just outlined.

Katherine COPSEY (Southern Metropolitan) (12:50): I thank the minister for the answer. Residents are obviously keen to see progress in this area. Minister, when the residents bought their homes, they were given explicit advice from government agencies that their homes were above the one-in-100-year flood level, then overnight they were told that this advice was wrong and now their homes are at risk. Also they are worth a lot less than they thought previously. It would be deeply unfair to make these residents wait years for government decisions on mitigation works. I ask: has the state government approached the federal government to ask them for help to fund urgent mitigation works for the Maribyrnong catchment?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:51): Thank you very much, Ms Copsey, for that supplementary. Again I want to assure you that we are working across every level of government to understand what those different interfaces are, whether it is council and drainage issues or whether it is the Commonwealth government and natural disaster and risk-mitigation options. This is not just confined to the Maribyrnong catchment, it is in fact statewide. If we look at what has just happened with the Commonwealth inquiry into the insurance response across flooding in Queensland, New South Wales and Victoria, of course that will also inform the way in which the Commonwealth can and indeed may well wish to invest in funding and solutions to provide that natural disaster response and relief. I will continue to work with colleagues across all jurisdictions. I will continue to advocate for funding and for the sort of early warning and information –

Katherine Copsey: On a point of order, President – apologies, but just with the short time on the clock – I appreciate the context, but I would ask you to draw the minister back to my question, which was: have you approached the government?

The PRESIDENT: I think at the outset of her answer the minister said she is working with all levels of government.

Katherine Copsey: I heard ‘council’.

Harriet SHING: No, no, I said the Commonwealth as well. Just to be really clear, with the time I have left, as I think I indicated, we are working really closely with the Commonwealth. I will not stop advocating to the Commonwealth. On top of the \$37 million that we have got into FloodZoom there are other responses that are being funded by the Victorian government. I am looking forward to continuing to provide you with those updates.

Ministers statements: regional housing

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:53): Regional workers do not just need good jobs, they need places to live, and that is why the Allan Labor government is delivering the \$150 million Regional Worker Accommodation Fund. I was proud to be in Shepparton last Friday alongside the Premier to announce more than 20 recipients for round 1, delivering around \$75 million towards new affordable regional housing. This is unlocking almost \$250 million of investment in key worker accommodation and supporting new homes for thousands of workers and their families.

We are backing industries with worker shortages, like health care, agriculture and tourism. In Shepparton, Goulburn Valley Health will deliver 15 fully self-contained apartments for clinical staff, meaning more properties will be able to go back into the rental market. Leading kiwi grower Seeka will build 64 new bedrooms, supporting their seasonal workforce and ensuring their fantastic produce makes it to our tables. Pear and apple grower Kalafatis will build 12 new townhouses, providing much-needed accommodation for vital horticultural workers. Over 1300 beds will be delivered by the Grollo Group across the alpine region for vital tourism workers.

We also know that regional councils have faced challenges securing vital building surveyor services, placing a strain on planning approvals for new businesses and homes. We are backing the Yarriambiack shire with a \$200,000 grant to work with neighbouring councils to trial a new innovative shared services model so that rural councils can speed up approvals, delivering more housing for our regions so that regional economies can grow and thrive and so many more people can live, work and stay in our fantastic regions.

Written responses

The PRESIDENT (12:55): Minister Symes will get responses from the Treasurer for Mrs Deeming’s two questions.

Samantha Ratnam: On a point of order, President, I do not believe my supplementary question was answered relevantly, so I would like you to consider reinstating that question.

And on a further point of order, President, I believe in a response to my question the minister made false assertions about the independence of a community organisation, and I ask you to ask the minister to withdraw those comments.

The PRESIDENT: No, the minister has got parliamentary privilege to make commentary on organisations. I am happy to review the supplementary. I did believe in real time that she definitely answered it, but I will review that and get back to the house.

Questions on notice

Answers

The PRESIDENT (12:56): Before we go to constituency questions, I have some reinstatements of questions on notice. I have received a written request from Mr Davis seeking reinstatement of a number of questions on notice directed to various ministers. Having reviewed the responses, I have

ordered that questions on notice 1216–19 be reinstated in full, as the responses provided do not address the specific data range sought by Mr Davis; questions on notice 1220–22 and 1228–30 be reinstated in full, as the information sought is not available in the entity’s annual reports; question on notice 1226 be reinstated, as only part of the information sought is available in the entity’s annual reports; and question on notice 1565, parts (b), (c), (d) and (f), be reinstated, as the information sought is not available in the department’s annual report.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:57): (1134) My question is for the Minister for Environment in the other place. Minister, what is the Victorian government doing to tackle the issue of wild deer in Eastern Victoria? Wild deer are a major problem for my constituents in Gippsland. In Foster I have heard from local farmers and South Gippsland Landcare board members about the damage that wild deer have been doing to farmland, destroying crops and eating fodder. This includes vital revegetation works. Wild deer are also a threat to local places, with many native plants and animals affected by deer, especially in our region’s national parks. The feral deer are causing problems to constituents in Eastern Victoria, including for road safety. While some progress has been made, we need to continue controlling wild deer to best support our local natural places and local communities.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:58): (1135) My constituency question is for the Minister for Education, and in particular it relates to Mullauna College. I had the good fortune yesterday of being at Mullauna College. Unfortunately, some months ago – in fact four months ago now – part of the wall in the stadium collapsed. That was four months ago. Immediately the department did a make-safe fix, so now there is some fencing, some barricading, around both the outside and the inside of that stadium. Sadly, however, four months later there is still no sign of any permanent works to correct the wall itself, much less to investigate the structural damage, more importantly, to the rest of the facility. This has a flow-on effect not only for the school of course and the students who cannot use part of that stadium but also for Nunawading Basketball. Nunawading Basketball use that stadium for their own training, their own games and so forth. So my question to the minister is: please can you advise as soon as possible when that stadium will be fixed and when the wall will be repaired? We need it done before the new school year starts in 2025.

Western Metropolitan Region

David ETTERS HANK (Western Metropolitan) (12:59): (1136) My question is for the Minister for Public and Active Transport. My constituent is a single mother in Altona Meadows who shares a car with her 19-year-old son. Her son often takes the car on Sundays for work, and because the 415 bus does not run on Sundays, she is effectively housebound. In Perth they seem to have mastered the art of bus reform, optimising routes to increase frequency and increasing patronage in the process. They consult with the public on route reconfiguration, stating the benefits of the revised bus routes, and listen to the community’s feedback. It is not that hard. My constituent asks: will the government add Sunday services to the 415 bus route by making efficiencies to the route, and will the minister undertake public consultation to determine if there is community support?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (13:00): (1137) My constituency question today is for the attention of the Minister for Planning. I am aware, from the City of Boroondara meeting last night, that the Victorian Planning Authority, the VPA, late on Friday insisted on a response from the City of Boroondara – in caretaker mode, I note – on the high-density activity zone that is proposed in the City of Boroondara and that that be provided to the VPA by the close of Wednesday this week. These catchment zones are huge. Nearly 50 per cent of the catchment zone in the Camberwell, Canterbury, Hawthorn and Hawthorn East area of Boroondara that is caught in the catchment zone is in fact

heritage listed in one form or another, but the state government is pressing. I ask the minister: will you provide sufficient time for the community and the council to respond?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:01): (1138) My question today is to the Minister for Public and Active Transport, and it relates to the urgent need for a safe pedestrian rail crossing at Coolabah Reserve in Eltham. Our community – over 500 people – have requested a formal crossing to connect Coolabah Reserve with the Eltham North adventure playground and Eltham North Primary School. Currently the 1.9-kilometre stretch of road from Wattletree Road to Allendale Road has no pedestrian crossings, isolating the eastern residential area from essential services and facilities. This of course poses safety risks for children, limits walkability and increases traffic congestion. Despite strong community support and alignment with the Victorian infrastructure strategy, no action to date has been taken. There is, however, already an informal sort of dirt track going up and across the rail lines; people are already crossing frequently at this point, which is just not safe. It is time to make a formal and safe crossing for this community. Minister, will you commit to building a safe pedestrian rail crossing at Coolabah Reserve to enhance community safety and connectivity?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:02): (1139) My question is for the Minister for Roads and Road Safety. Will the minister conduct a full safety audit of traffic flow at the intersection of High Street and Violet Street in Bendigo and fund any upgrades needed to improve safety? The intersection of Violet Street and High Street – the A79 – in Bendigo is likely to have a surge in traffic in the near future. As the site of the former Pizza Hut, it is soon to be converted to a new and very popular fast-food restaurant that will draw many patrons and a large amount of traffic to Violet Street. My constituents and local residents are concerned that local parking is already at capacity and that the new development will make the area more congested by increasing the volume of traffic turning off the arterial road and into the side street. I call on the minister to review traffic flow in the area, consult with local residents and fund an upgrade to the intersection to improve traffic flow and safety.

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (13:03): (1140) Last week I spent some time talking to constituents at Cranbourne Park shopping centre and listening to issues that people have in their local areas. One person expressed frustration that the Camms Road bridge overpass had not had the lights switched on yet. The government's Big Build website on this project stated nearly a year ago that improved lighting to create safer spaces was a listed benefit of the project. This person stated that the lights on the overpass and the nearby roundabout were not operating. My question for the Minister for Transport Infrastructure is: when will the lights be switched on for the Camms Road bridge overpass?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:03): (1141) My question is to the Minister for Roads and Road Safety. Recently Danny O'Brien, our Shadow Minister for Roads and Road Safety, and I met with the Lang Lang business and community group to discuss their very valid concerns about the significant increase in heavy-vehicle traffic on the main street and beside a new housing precinct. They are concerned about public safety, and they are concerned about dust, fumes and noise. Hundreds of truck-and-dog haulage vehicles pass through the city centre daily. The Department of Transport and Planning met recently with the group and others and said in April that they would, and I quote Travis and Peter, 'work on a plan'. This prospective bypass has been mooted in this area for years, so my question is: Minister, what are you doing to complete the planning works for the Lang Lang bypass?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (13:04): (1142) My question is for the Treasurer. Constituents in Geelong are once again raising their voices in opposition to a floating gas terminal in Corio Bay. If your government allows this to proceed, it will require significant additional infrastructure, including a Refinery Pier extension of 570 metres, a new treatment facility, 7 kilometres of pipeline and substantial dredging of Corio Bay. This would have destructive impacts on marine life and ecosystems, including saltmarshes, mangroves, seagrass beds and the critically endangered Burrnan dolphin. The Geelong community are dismayed that the Labor government is pursuing new fossil fuel projects in a climate crisis. They are seeking assurances that this government will not fund any new fossil gas. Treasurer, will you rule out providing any financial support for this project, including for the dredging of Corio Bay?

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:05): (1143) My question for the Minister for Planning concerns setback distances for wind turbines and high voltage transmission lines – both now dominate the lives of many of my constituents. Too often the impact on their mental and physical health and their finances is catastrophic. Last week I visited Greg and Sheona in Gordon at the stunning dream home they have built in beautiful country, carefully equipped to support them in their well-earned retirement. AusNet now plan to build 85-metre, 500-kilovolt towers right up their drive, barely 100 metres from their front door. The impact on the livability and the fire safety of their home will be disastrous. Other constituents neighbour wind turbines. I welcome the coalition's new promise to reinstate 2-kilometre setbacks for turbines, a protection Labor halved in 2015, and I ask the minister: will you match this commitment, and when will you apply mandatory statewide setbacks for transmission line infrastructure?

Western Victoria Region

Joe McCracken (Western Victoria) (13:06): (1144) My question is for the Minister for Local Government, and it relates to candidates in my electorate that have raised concerns about the conduct of the Local Government Inspectorate. My constituent, who offered two tickets to a concert for people to like and share his page to promote his own candidacy, was contacted by the inspectorate about his post. It was alleged his post breached election guidelines. When contacted he was immediately threatened with five years jail – imprisonment. When asked to have a meeting with the inspectorate, he agreed to do so immediately. After a long meeting and tense discussions, my constituent happily agreed to remove the offending Facebook post despite not asking for a vote or how to direct votes; it was merely to promote his candidacy. He would have done so first up had it been raised with him appropriately. So I ask the minister: will she look into this heavy-handed conduct of the inspectorate to ensure that jumping to threats and jail time does not happen first up? An appropriate approach which tries to work with the candidate might be better than dealing with candidates in such a punitive way.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (13:08): (1145) My constituency question is for the Minister for the Suburban Rail Loop. Box Hill Gardens is a beautiful garden. It is used for tai chi, table tennis, basketball, walking and of course running. During the commencement of the SRL works they have cut off a solid third of that park, compressing all of the activity into the remaining space. A key victim of this is the running track that runs through and around the perimeter, as this is the part that is clearly marked in red. It is an important track. I note that new roads in Watsonia and Bulleen for the North East Link can be laid overnight; when it comes to works for the community, it seems to take a lot longer. The asphalt and barriers in the Box Hill Gardens went up over a weekend. I would like to see this running path restored as promised. Will the minister commit to working with the Whitehorse council to fund and complete the rerouting of the running track in Box Hill Gardens immediately with the same efficiency that they remove roads, create barriers and remove trees?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:09): (1146) My constituency question is to the Minister for Transport Infrastructure in the other place. Minister, please explain why there is no public toilet at the new ‘fully rebuilt’ Merinda Park station and how long my constituents will have to wait for toilets to be installed. The new Merinda Park station was announced with much typical Labor fanfare when it was opened in early 2022; however, one thing not mentioned at the opening nor in the accompanying press release was the shocking fact that there would be no public toilet available to commuters. My constituents have to drive often to this station, and given the government is estimating more than 1500 passengers will use this station on a daily basis, the exclusion of a public toilet is either complete incompetence from this government, disrespecting locals, or yet another example of penny pinching from a government that is completely unable to manage finances. It is probably a combination of both. What are the pregnant women, the people with young families, the children, the disabled people and the elderly expected to do when they are in desperate need of a toilet?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (13:10): (1147) My question is to the Minister for Health. I am concerned about massive budget cuts to Bendigo Health Care Group of \$120 million, which recently led their management to write to all staff notifying them of redeployments and redundancies. I have seen up to 10 ambulances ramped outside Bendigo Hospital, and earlier this year they called code yellow emergency days as their services were overwhelmed. Local pharmacies play an important role in reducing the pressure on hospital services, yet on 30 September the state government also cut all supercare nursing services in Victorian pharmacies, including UFS pharmacy in View Street, Bendigo. I received a letter from a constituent, and I know many people who are keen to see this service reinstated, as it was very effective in looking after minor medical issues and relieved the pressure on the casualty department at the hospital. Can the minister please advise what action is being taken to continue this service and ensure that residents of central and northern Victoria are able to access healthcare services when they need them?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (13:11): (1148) My constituency question is also to the Minister for Planning. It relates to the issue that Mr Davis has raised, and that is around the activity centres at Camberwell Junction. These activity centres are going right across the city, as we know, and many, many people have been concerned about the government’s lack of consultation, particularly with councils but also with residents. On 6 October I attended a forum with Mr Davis, Leader of the Opposition Mr Pesutto, the member for Kew Jess Wilson and also Shadow Minister for Planning James Newbury, along with Professor Michael Buxton, who was incredibly informative around the issues that are going to occur given the government’s approach. It is very concerning that the government refuses to have proper consultation on this process, but what I want to ask the minister is: what discussions has she had with Professor Buxton and his working group in relation to the planned Camberwell Junction activity centre?

Petitions

St Joseph’s Christian college

Evan MULHOLLAND (Northern Metropolitan) presented a petition bearing 4730 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the rejection of the proposed establishment of St Joseph’s Christian College located at 1585 Mickleham Road, Yuroke VIC 3063. Despite substantial community support and assurances of adherence to the Department of Transportation and Planning requirements, the proposal was dismissed without adequate consideration of its potential benefits. This institution would have a positive impact, through tailored curriculum and pedagogy, on the preservation of faith, cultural heritage, and the UNESCO listed endangered Assyrian language.

The Petitioners therefore request that the Legislative Council call on the Government to approve the St Joseph's Christian College proposal and reconsider it with due regard to the significant community backing.

Evan MULHOLLAND: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of next sitting week.

Health services

Georgie CROZIER (Southern Metropolitan) presented a petition bearing 4091 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the plans of the Allan Labor Government to amalgamate local regional and rural hospitals across the State. This decision threatens to reduce the range of vital and lifesaving healthcare options available to communities and will mean longer waiting lists, the loss of local voices in healthcare, increased travel for treatment, and local job losses. Ultimately, these plans to amalgamate hospitals will adversely impact rural and regional communities that have already been ignored by the Government.

The petitioners therefore request that the Legislative Council call on the Government to cancel its plans for hospital amalgamations and ensure that local hospitals remain stand-alone entities, with local voices that continue the great work of delivering quality care to each and every community.

Royal Children's Hospital

Georgie CROZIER (Southern Metropolitan) presented a petition bearing 248 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the Allan Labor Government's plan to amalgamate The Royal Children's Hospital with other metropolitan Melbourne hospitals as part of its state-wide strategy to amalgamate public health services. The Royal Children's Hospital provides clinical expertise and care to thousands of children and their families each year. It is an icon of Victoria and is internationally recognised as a world leader in paediatric medicine and research. Victorians on social media are showing they support the hospital by using #HandsOffTheRCH

The petitioners therefore request that the Legislative Council call on the Government to cancel its plans to amalgamate The Royal Children's Hospital with other hospitals and ensure The Royal Children's Hospital remains a stand-alone entity equipped to deliver the highest quality care to children.

Western suburbs bus services

David ETTERS HANK (Western Metropolitan) presented a petition bearing 3021 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the inadequacy of bus services in Melbourne's western suburbs.

The Victorian Government can show it cares for local communities in Melbourne's west, who are currently facing social isolation and shouldering the costs of running extra cars, by taking bold action to reimagine Melbourne's broken bus system into a fast, frequent, and connected network of clean electric buses.

The petitioners therefore request that the Legislative Council call on the Victorian Government to commit at least \$100 million additional annual operational funding in the next budget cycle, as well as a capital investment of at least \$100 million, to reform the bus network across the Western metropolitan area into a fast, frequent, and connected grid, serviced by clean, electric buses before the 2026 election.

David ETTERS HANK: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of the next sitting week.

Progress Street, Dandenong South, level crossing

Ann-Marie HERMANS (South-Eastern Metropolitan) presented a petition bearing 608 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Level Crossing Removal Authority (LXRA) has announced that it is removing the level crossing in Progress Street, Dandenong South. To do this, it will be permanently closing Progress Street. The closure of

this vital and extremely busy access to the vibrant Dandenong South industrial estate will be very dangerous and detrimental to local businesses and workers. Unlike all other level crossing removals across Melbourne, no rail or road bridge is to be built. By closing Progress Street and permanently removing direct access to the Princes Highway and the Monash Freeway, businesses in Progress Street and the surrounding industrial estate will incur many millions of dollars in additional transport costs and delays. It will also create an enormous amount of road congestion in nearby streets and possibly force some businesses to close. Traffic will be forced to use Fowler Road for access, a road that is too narrow and unsuitable for the increased traffic volumes. No provision for pedestrian or bicycle access is included in the LXRA's plans, also adding to the danger. The LXRA is not solving traffic problems with its approach, but rather creating traffic problems and increasing the risk to pedestrians and cyclists who use this area. Halting the closure of Progress Street and leaving the existing level crossing in place will enable continued safe and efficient access to the area and protect the hundreds of jobs and businesses which are being unnecessarily put at risk.

The petitioners therefore request that the Legislative Council call on the Government to halt the announced closure of Progress Street, Dandenong South and to leave the existing level crossing in place.

Ann-Marie HERMANS: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Short-stay accommodation

David LIMBRICK (South-Eastern Metropolitan) presented a petition bearing 1247 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Victorian members of the Short Term Accommodation Association Australia (STAAA) oppose the Short Stay Levy Bill 2024. The proposed bill threatens the livelihood of thousands of short-term rental accommodation (STRA) owners and operators, and the broader tourism industry. There are a number of key concerns. Firstly, there is a lack of public consultation. The bill represents a significant shift in policy without sufficient consultation. The changes are unexpected and were not part of Labor's October 2023 announcement. We advocate for a fair, evidence based approach recognising STRA's contributions to the Victorian economy, especially during natural disasters. The bill imposes a 7.5 per cent tax on STRA bookings under 28 days, increasing costs for travelers, reducing Victoria's competitiveness and burdening property owners already paying substantial taxes. Excessive powers granted to local governments and owner corporations will allow for additional restrictions, potentially raising costs by 15–20 per cent and creating inconsistent regulations across Victoria, leading to uncertainty for owners and visitors. Finally, there is a negative impact on STRA's support for local businesses and jobs. The proposed regulations would limit accommodation availability, deter tourists, threaten small operators and impose barriers that hinder economic recovery.

The petitioners therefore request that the Legislative Council call on the Government to oppose the Short Stay Levy Bill 2024, prevent the imposition of unjustified and unfair taxes and restrictions on short-term rental accommodations, engage in meaningful consultation with the short-term rental accommodation industry and affected stakeholders to develop fair, evidence based regulations and support policies that encourage tourism growth and the sustainability of individuals and small local businesses.

David LIMBRICK: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Health services

Wendy LOVELL (Northern Victoria) presented a petition bearing 1298 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the concern that –

1. the Health Services Plan developed on advice from an Expert Advisory Committee, will result in the forced amalgamation of health services in Seymour;
2. Government budget cuts to healthcare will put at risk our Seymour Memorial Hospital and accompanying allied Health Care Services; and

3. Our rural community will face many more challenges if we lose our acute and urgent care services, and further that any amalgamation would lead to the eventual closure of our local Hospital.

The petitioners therefore request that the Legislative Council call on the Government to release the advice of the Expert Advisory Committee, conduct genuine public consultation about any proposed Health Services Plan, consider the community's desire that the board of directors' responsibilities remain local and that no amalgamation of Seymour Memorial Hospital and its allied Health Care services takes place.

Wendy LOVELL: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Tarneit public transport

Trung LUU (Western Metropolitan) presented a petition bearing 113 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need for immediate action to address the critical issue of inadequate public transport services in Tarneit. The complete lack of reliable bus services in Tarneit's new and established developments is causing significant challenges for residents, impacting their daily lives and economic stability. Many residents in Tarneit North are forced to walk up to 30 minutes to reach Tarneit Station, which results in delays and difficulties, especially in adverse weather conditions. The existing FlexiRide on-demand service, operating from 6.00 am to 9.30 pm Monday to Friday, fails to meet the community's needs due to high peak-hour demand, making timely bookings difficult. There are insufficient parking spaces at Tarneit Station which leads to infringement notices for residents who cannot find legal parking, adding a financial strain and discouraging the use of public transport. The inadequate public transport services in Tarneit also impacts employment and students and puts constraints on basic shopping due to the lack of bus stops in the community. We believe that improvements to public transport services in Tarneit are essential for enhancing the quality of life for Wyndham Tarneit residents and reducing reliance on private vehicles, promoting public transport usage, and fostering economic growth.

The petitioners therefore request that the Legislative Council calls on the Government to immediately establish a dedicated bus service in Tarneit North with regular and reliable services to and from Tarneit Station, provide more frequent and reliable bus services in peak hours and expand parking facilities at Tarneit Station until a new station is established.

Trung LUU: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Recognition and settlement agreements

Joe McCRACKEN (Western Victoria) presented a petition bearing 242 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that this Government, on behalf of the State of Victoria, has signed a Recognition and Settlement Agreement (RSA) with the Barengi Gadjin Land Council (BGLC) on behalf of five indigenous groups, the Wotjobaluk, Jaadwa, Jardawadjali, Wergaia and Jupagulk Peoples (WJJWJ). It impacts 10 local councils. If fully implemented, the RSA would change the way the local councils operate and place the BGLC as sole manager of Crown and/or public land and waterways in the area. The BGLC would have 'equal footing' with the councils in developing council plans and require consultation on all strategies and planning permits. The cost to ratepayers are multiple and unknown, including 'resource sharing' and preferential employment and contracts to WJJWJ Peoples and entities.

The petitioners therefore request that the Legislative Council call on the Government to halt the the Barengi Gadjin Land Council Recognition and Settlement Agreement (RSA), including any negotiations, to enable the community to understand the details and implications of the RSA and inform, within a reasonable time, their local councillors of their views before any further negotiations with the Barengi Gadjin Land Council begin.

Joe McCracken: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 13

Sonja TERPSTRA (North-Eastern Metropolitan) (13:19): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 13 of 2024, including appendices and extracts of proceedings, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Legal and Social Issues Committee

Inquiry into the State Education System in Victoria

Trung LUU (Western Metropolitan) (13:20): Pursuant to standing order 23.22, I table the report on the inquiry into the state education system in Victoria of the Legal and Social Issues Committee, including appendices, extracts of proceedings and a minority report, and present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Trung LUU: I move:

That the Council take note of the report.

Education is something that all of us care about. Parents and young people, most obviously, are deeply invested. So too are governments, policymakers and everyone interested in ensuring that we live in a fair and prosperous society. The challenge for all of us is that education is more complicated than it ever has been. The rapidly changing nature of technology and its place in our lives, combined with evolving social expectations about the role of schools, made this important area a fascinating subject for the parliamentary committee. This is reflected in the broad terms of reference the committee worked with for this inquiry. As such, this report is the most comprehensive look at our state education system in many years – certainly since the dramatic impact of the COVID-19 pandemic.

The committee approached the terms of reference by weighing them against the Department of Education's current policies and programs. In doing so, the committee hoped to achieve two outcomes: to help explain to the public the complexity of issues and challenges facing Victorian government schools and how the department responds to them and to help the department understand how its work is perceived in the community and suggest improvements. The structure of this report reflects the five key areas the committee focused on: learning outcomes, support for students, the teaching workforce, student welfare and funding.

Learning outcomes are clearly the most important way of measuring how our schools are performing. The committee looked at the NAPLAN system to identify both what it can reveal and its limitations. Critical to this discussion as well is the debate around pedagogy – how we teach our young people – and what should and should not be included in the Victorian curriculum. The committee investigated these issues informed by the support that the Department of Education provides to those young people who need it most. Not everyone learns in the same way and not every young person turns up to school ready to learn – two key factors that help us understand why some of our young children disengage

from education. It is therefore vital that we are flexible in how we teach all school students and that we remain committed to giving them help when and where it is needed.

The committee has included the stories of parents and young people we met during this inquiry throughout the report. We thank them for taking the time to explain how important education is to them and their families. Victorians should be proud of what our school students achieve, consistently performing well across most fields. We should be equally proud of our teachers and the commitment they show to their students. Teaching is one of the hardest professions. To succeed as a teacher, you must combine a high level of skill with a strong dedication to helping others succeed.

When the committee looked at the issues around attracting and retaining teachers, it found that this problem is not unique to Victoria. The great challenge for government is how to attract more teachers and ensure that they stay teaching for longer. The wellbeing of our students – especially following the huge disruption of the pandemic – was a constant topic of discussion throughout this inquiry. Student behaviour, attendance and engagement are all factors that schools consider when addressing the academic and wellbeing needs of the young people in their care. The committee appreciates that the department is very active in this area and hopes that the firsthand evidence it included in this report guides further improvements.

Finally, the committee tackled the issue of funding. Everyone agrees that our public schools are underfunded and that we should look into this area. It is a longstanding debate between governments – Commonwealth, states and territories – and the debate has gone on for far too long. It is imperative that governments confine this debate to the past and give government schools the funding they need to ensure that every student has the opportunity to reach their full potential.

On behalf of the committee, I would like to thank everyone who made a submission to this inquiry or spoke to us through our public hearings. The committee greatly appreciated hearing from parents, students, teachers and experts in the field. I would also like to thank my fellow committee members for their hard work and cooperation throughout the inquiry. Can I also take the opportunity to thank the secretariat – Jo Clifford, Julie Barnes, Alyssa Topy, Jessica Summers, Ben Huf, Kieran Crowe and Patrick O'Brien – for their assistance. I commend this report to the house.

Ryan BATCHELOR (Southern Metropolitan) (13:25): As the deputy chair of the Legal and Social Issues Committee, I will make a brief contribution on this quite comprehensive and timely report on the state education system, which shows pretty clearly that Victorian schools are continuing to perform well, particularly in our standardised testing. But we can do better, particularly for some marginalised and disadvantaged groups. The system is working well overall, but we can do better for some groups, and aspiring for excellence, both at academic and vocational levels, is something that I will continue to be an advocate for. As I said in my inaugural speech to this place, we can support our public schools while admitting that our kids need to be better taught reading, writing and maths. I will continue to be an advocate for doing more to improve our schools.

The committee report and the committee's inquiry took place when the Deputy Premier made an announcement of the government's decision to introduce structured synthetic phonics education for reading in our schools. The overwhelming evidence that this committee received was that that is the right policy approach, and we absolutely welcome the government's move to introduce this approach to reading in our schools. The committee heard of the significant challenges, which the chair has mentioned, on issues such as teacher retention. We heard evidence on the need for better alternative settings for students who have got difficulties in the system.

As a last point on funding, the committee received evidence that since 2011–12 the current funding of government schools here in Victoria has increased by 23.4 per cent – well above the Australian average of 10.8 per cent. There has been a lot of investment in public education in the last 10 years. On capital investment, in the last five years half of all of the new schools built in Australia were built

here in Victoria, and that was at a time, from 2017 to 2023, when the Commonwealth contributed nothing. This state is making strides as the Education State.

Melina BATH (Eastern Victoria) (13:27): Our state schools are under pressure like never before. We heard in the committee that the Department of Education overwhelmingly makes noises of ‘continuous improvement’ and ‘nothing to see here’. The many, many submissions and hearings that we had in both regional and metropolitan Melbourne painted a different story. Our hardworking and dedicated teachers are facing pressures like never before. We are facing a teacher shortage at present. Over 1500 vacancies exist today, and there will be a shortfall of 5000 in the coming year. Our committee heard about the targeted financial incentives, which are producing short-term outcomes at best and are highly divisive at worst, particularly in regional Victoria.

We also know that principals and teachers are facing a great uphill battle. In Bairnsdale, teacher Matt Kell said to us:

Public education is on the brink of collapse in the regions ...

Almost 30 per cent of students are failing to meet standards in literacy and numeracy, and it is no coincidence that the Minister for Education came out and finally supported phonics after three terms in government. Why? Because the Nationals and the Liberals put a motion up to put this inquiry up and forced him kicking and screaming to do it. It was a policy position for two successive election commitments – 2018 and 2022.

We also know that this committee wholly and solely told the government to support all of the 42 *Let Us Learn* recommendations from the Commission for Children and Young People. We also heard from parent Catherine Civelle, who said:

They need to put children first. At the moment they put the department first.

This government is letting children slip through the cracks, particularly if you are in the disability sector and a special needs student.

I commend the report. I thank the committee members and thank the secretariat for their work. There is much to be done by this government to support better education in Victoria.

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:35): With the tabling of this report I would like to thank all of the committee staff who have worked so hard on this inquiry – to Patrick and to every single one of the team who have done wonderful work, as they always do. I would also like to thank everyone who appeared at the hearings and made submissions to this inquiry process; without your personal experiences, your accounts, we would not have learned what we did about the state of public education here in Victoria right now.

This inquiry was an important review of the Victorian public school system, which is experiencing significant pressures. We heard from people in both metropolitan and regional areas about what it is like to be in a school community right now, from challenging teacher working conditions to the difficulties of attracting and retaining new teachers and school staff, through to student wellbeing and learning outcomes. There were many serious challenges that the system right now is facing.

The evidence, I think, was resoundingly clear in this process that the Labor government has not gone far enough and has not done enough yet to tackle these issues that are causing such struggle for the public education system. From conversations around education and the issues before the committee, there is often a lot of focus on testing – on scores, on test results, on who is passing and failing when it comes to literacy and numeracy and so on – but really I think it is the politicians who are failing. They are failing our students, failing to step up and provide the funds necessary for our public schools to thrive.

So many of the issues raised throughout the inquiry could be addressed if schools received their full Gonski resource funding. This should be the minimum level of funding, and yet Victorian public

schools remain some of the lowest funded schools in the country. The flow-on effect of this is significant, and it is experienced by teachers, by students and by school communities everywhere. We call Victoria the Education State – it is time the Labor government stopped shirking its responsibility to fully fund schools.

Michael GALEA (South-Eastern Metropolitan) (13:32): I also rise to share a few comments on what is a very thorough and comprehensive report that those of us on the Legal and Social Issues Committee are presenting into the house today, which is on the state education system in Victoria. I will, in doing so, echo the words of both our chair and our deputy chair in acknowledging that the overall trends are indeed very positive and that the education system is by and large performing and delivering for Victorian students. But as our inquiry has outlined, and in particular as the deputy chair Mr Batchelor outlined as well, there are certain areas where we can make some improvements.

One of the good things about conducting inquiries in live environments is that you can do a litmus test of changes that come into place, and one such change that came into place during the course of our inquiry was the teaching of phonics. A very exciting announcement was made by the Deputy Premier, the Minister for Education Mr Carroll, who has shown considerable leadership on that. It was very good to see the overwhelmingly positive feedback from the various stakeholders and academics who spoke to us on the issue of phonics as well.

Of course in order to deliver the best educational outcomes for Victorian children, we need to be investing in those children, and that is why I am also pleased to see the final recommendation of this inquiry, recommendation 54, which calls on the Victorian government to continue its advocacy to the Commonwealth government to deliver that full 25 per cent of Gonski funding to Victorian school students, which they absolutely deserve. It also discusses capital funding, and I have spoken many times in this place about the vast array of new schools being built, indeed just in my electorate alone.

It is a very comprehensive and a very good report, and I encourage members to engage with it. In closing, I wish to very much thank Patrick O'Brien and the entire secretariat team for assisting us with such a good report.

Joe McCracken (Western Victoria) (13:34): I too rise to speak on the inquiry into the state education system. Firstly, I too would like to thank the secretariat staff that worked quite tirelessly to bring this report to fruition.

There are a lot of challenges identified in the current state education system, primarily around teachers – their workload is unbelievable. The difficulty attracting and retaining teachers has been extremely significant – we heard a lot of evidence to that effect – particularly now that schools are almost entirely reliant on CRTs to plug the gap. That is a big challenge that a lot of school principals are dealing with.

Phonics – it was great to see the minister concede on that point and during our inquiry announce that phonics would actually be included. I dare say he would have had to read the report and find that was a recommendation had he not done so beforehand, so I am glad that that has occurred. NAPLAN – inconsistent. And I have got to say the report here only looks at the Australian jurisdictions. It does not look at international jurisdictions, so there is no comparison between Victoria and any other international jurisdiction, where I dare say we would probably have results not so positive. But at least amongst the Australian jurisdictions there is some positivity to see.

Student behaviour continues to be a significant issue that pushes teachers out of the system, and an inability to deal with that has caused a lot of challenges which at this point now remain unresolved. I hope that there is some way in a systemic sense that we can deal with that. Time-in-lieu arrangements are causing difficulty in managing excursions and extracurricular activities, and we are finding and we heard evidence to the effect that there are many schools that just will not run programs because of these extremely restrictive arrangements.

At the heart of this, students have to be first – they always have to be – but families also need to be included in discussions around what the future is of that young person and how they go forward, and I think bringing families into the conversation is so important. I know that as a teacher in my former life as well. I hope everyone has a good chance to read the report.

Motion agreed to.

Integrity and Oversight Committee

Inquiry into the Operation of the Freedom of Information Act 1982 (Vic)

The Clerk: Pursuant to section 35(2)(c) of the Parliamentary Committees Act 2003 and following the release of the report on 23 September 2024, I table the report on the inquiry into the operation of the Freedom of Information Act 1982, including appendices and extracts of proceedings, from the Integrity and Oversight Committee.

Ryan BATCHELOR (Southern Metropolitan) (13:36): I present the transcripts of evidence and move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Ryan BATCHELOR: I move:

That the Council take note of the report.

The Freedom of Information Act 1982 in Victoria is 40 years old, one of the first acts of the Cain Labor government. It was a world-leading piece of legislation, but it is pretty clear from this inquiry that the Integrity and Oversight Committee has been doing for close to the last 18 months that Victoria's freedom-of-information laws are not written to take account of the digital age and that the way information is created, accessed and used across government has changed, unsurprisingly, in 40 years. The committee calls for a pretty fundamental rewrite of our freedom-of-information laws in this state to take account of the changes to the way information is being used across government today.

One of the big revelations certainly to me in the course of the inquiry was that two-thirds of the freedom-of-information requests made in Victoria every year are by individuals seeking information about themselves that government holds, and many wait too long – sometimes months, occasionally years – to receive that information. In the committee's view that is not an acceptable practice. The experiences that too many individuals have are varying agency to agency, with a lack of consistency. We certainly heard some exemplars of great practice that exist in Victorian public sector agencies subject to the FOI act where access pathways are quick and consistent, and we heard some examples which were the opposite.

Freedom-of-information laws are also important for transparency and accountability in government decision-making, and effective government is in the interests of all citizens. We heard from many witnesses who spoke of the important role of effective decision-making and the ability for governments to tackle complex public policy challenges and come up with policy solutions that are important to our democracy, and of the role that our cabinet system plays in protecting that effective decision-making. The committee examined the freedom-of-information rules that sit around the cabinet system here in Victoria. We recommended some changes to the test – and whether documents were created for the dominant purpose of cabinet decision-making as being a new test – but we found that the principles of cabinet confidentiality and cabinet solidarity were important to our system of government and important to effective government here in Victoria.

The committee made 101 recommendations, critically also recommending that we abolish fees for accessing personal information – as I said, two-thirds of all requests made under freedom of information were for personal information – and limit access charges, fostering a better culture of freedom of information. We think we should do that by creating a new third-generation push system,

which we would recommend be called a ‘right to information act’, to replace the first-generation act, which was passed by this Parliament in the early 1980s. So instead of applicants having to pull information out of the system, we would push out relevant information. We would change the definition in the laws to encompass broader concepts of information that we have and have a new three-part test apply to almost all of the exemptions that relate to disclosure of information, underpinned by a presumption favouring disclosure of information so that if refusal is contemplated by an agency, they must demonstrate (1) that they are protecting a legitimate interest – for example, privacy; (2) that disclosure will cause substantial harm to that interest; and (3) that that harm is not outweighed by any public interest disclosure, which we would view as a public interest override.

The committee heard evidence from experts from around the country and some international evidence as well. There was a lot of thought that went into a lot of the submissions that were made to this inquiry, and I want to thank all those who gave evidence both in written form and to the committee. I want to thank my fellow members of the committee. This was a cross-partisan effort looking at what is a pretty fundamental piece of legislation that underpins our system of government and our democracy. I think the work of the committee secretariat in distilling that and proposing recommendations for a new system in the future is a testament to the quality of those staff. I commend the report to the chamber.

David DAVIS (Southern Metropolitan) (13:42): (*By leave*) I rise to make a contribution to the Integrity and Oversight Committee’s recent inquiry. I think the inquiry has an enormous amount to be commended. The 101 recommendations do recommend a shift in the model, a shift with a focus on the pushing out of information. I am not absolutely sure that they have quite got to the nub of how difficult government can be in resisting the release of information. The Office of the Victorian Information Commissioner data on their website shows the deterioration in performance since 2014 in the release of information across a wide variety of departments. But there is much to commend the inquiry on. I think the submitters have added significantly to it, I think the committee staff have added very significantly to this and I think the members of the committee have made a very useful contribution here.

It is, as Mr Batchelor says, true that the handling of information is fundamentally different now to what it was 40 years ago, the then Liberal government introducing an administrative regime prior to 1982, and then in 1982 the Freedom of Information Act introducing very significant changes to the essence of our regime that has existed ever since. But the system has become very cumbersome and very slow, and the huge power of government departments and agencies to utilise legal processes and delaying tactics is something that has to be addressed. If we are to have genuine right-to-know information and genuine open government, we actually need to address that huge power imbalance that is there, whether it is MPs doing the FOIs or journalists or members of the community. Mr Batchelor is of course right that the majority of FOIs are about personal information, and they should be treated as a class that is moved through very quickly. I commend the committee for this report.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Auditor-General’s Office – Report, 2023–24.

Crown Land (Reserves) Act 1978 –

Order of 9 September 2024 giving approval to the granting of a lease at O’Donnell Gardens and Shakespeare Grove Reserves.

Order of 14 August 2024 giving approval to the granting of a licence at Footscray Park.

Order of 29 September 2024 giving approval to the granting of a licence at St Kilda Botanical Gardens.

Order of 29 August 2024 giving approval to the granting of a licence at Queen Victoria Gardens and Memorial Statue Reserve.

- Environment Protection Act 2017 – Sustainability Fund Guidelines, 2024.
- Financial Management Act 1994 – Financial Report for the State of Victoria, 2023–24 (incorporating Quarterly Financial Report No. 4) (*released on 4 October 2024 – a non-sitting day*) (*Ordered to be published*).
- Health Complaints Commissioner – Report, 2023–24.
- Independent Broad-based Anti-corruption Commission –
- Special Report on Operation Leo, October 2024 (*released on 9 October 2024 – a non-sitting day*) (*Ordered to be published*).
 - Special Report on Operation Turton, September 2024 (*released on 25 September 2024 – a non-sitting day*) (*Ordered to be published*).
- Interpretation of Legislation Act 1984 – Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 45 (*Gazette G39, 26 September 2024*).
- Major Events Act 2009 – Major Sporting Event (2024 to 2026 Melbourne Marathons) Order, dated 8 October 2024, under section 22 of the Act.
- Planning and Environment Act 1987 – Notices of approval of the –
- Ballarat Planning Scheme – Amendment C215.
 - Baw Baw Planning Scheme – Amendment C148.
 - Bayside Planning Scheme – Amendment C204.
 - Buloke Planning Scheme – Amendment C46.
 - Cardinia Planning Scheme – Amendment C279.
 - Glen Eira Planning Scheme – Amendment C265.
 - Glenelg Planning Scheme – Amendment C114.
 - Kingston Planning Scheme – Amendment C223.
 - Melbourne Planning Scheme – Amendment C473.
 - Moyne Planning Scheme – Amendment C69.
 - Nillumbik Planning Scheme – Amendment C152.
 - Stonnington Planning Scheme – Amendment C346.
 - Victoria Planning Provisions – Amendment VC270.
 - Wyndham Planning Scheme – Amendment C274.
- Professional Standards Act 2003 – Law Society of New South Wales Professional Standards Scheme (*Gazette G38, 19 September 2024*).
- Road Safety Camera Commissioner – Report, 2023–24.
- Statutory Rules under the following Acts of Parliament –
- Building Act 1993 – No. 106.
 - Bus Safety Act 2009 – No. 96.
 - County Court Act 1958 – No. 88.
 - Credit Act 1984 – No. 90.
 - Credit (Administration) Act 1984 – No. 91.
 - Electricity Industry Act 2000 – No. 104.
 - Gas Industry Act 2001 – No. 105.
 - Livestock Disease Control Act 1994 – No. 95.
 - Local Government Act 2020 – No. 92.
 - Planning and Environment Act 1987 – Nos. 100 and 107.
 - Road Safety Act 1968 – Nos. 101 and 102.
 - Seafood Safety Act 2003 – No. 87.
 - Sex Offenders Registration Act 2004 – No. 94.
 - Status of Children Act 1974 – No. 103.

Subordinate Legislation Act 1994 – No. 99.

Supreme Court Act 1986 – No. 89.

Transport (Compliance and Miscellaneous) Act 1983 – No. 97.

Transport (Safety Schemes Compliance and Enforcement) Act 2014 – No. 98.

Valuation of Land Act 1960 – No. 93.

Subordinate Legislation Act 1994 –

Documents under section 15 in relation to Statutory Rule Nos. 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105 and 107.

Legislative Instruments and related documents under section 16B in respect of a Declaration of the dingo to be unprotected wildlife under the Wildlife Act 1975.

Victorian Local Government Grants Commission – Allocation Report, for year ended 31 August 2024.

Victorian Multicultural Commission – Report, 2023–24.

Proclamation of the Governor fixing operative dates in respect of the following act:

Transport Legislation Amendment Act 2023 – Division 1 of Part 2, Division 1 of Part 3, sections 27, 28, 29 and 30 and Division 3 of Part 8 – 1 October 2024 (*Gazette S508, 24 September 2024*).

Petitions

Recreational fishing

Ballarat East substation

Community health services

Housing

Waste and recycling management

Little River freight terminal

Community safety

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: the Minister for Agriculture’s response to a petition titled ‘Exempt fishing competitions in animal care and protection legislation’; the Minister for Energy and Resources’ response to the petition titled ‘Halt building electrical substation at Ballarat East site’; the Minister for Health’s response to the petition titled ‘Policy to notify next of kin for high-risk patients’; the Minister for Housing’s response to the petition titled ‘Stop wholesale destruction and privatisation of public housing’; the Minister for Planning’s responses to three petitions, ‘Halt building electrical substation at Ballarat East site’, ‘Reject proposed Sunbury Road, Bulla Eco-Hub waste-to-energy incinerator’ and ‘Stop plans to build a shipping container transfer hub at Little River’; and finally the Minister for Police’s response to a petition titled ‘Boost police presence in Lang Lang’.

Production of documents

Credit assessment

The Clerk: I table a letter from the Attorney-General dated 9 October 2024 in response to the resolution of the Council on 11 September 2024 on the motion of Ms Crozier relating to the credit assessment produced by Fitch Ratings. The government has identified two documents within the scope of the order, and I table these two documents together with a schedule of the documents.

Business of the house

Notices

Notices of motion given.

General business

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:02): I move, by leave:

That the following general business take precedence on Wednesday 16 October 2024:

- (1) notice of motion given this day by Georgie Purcell on transparency in Greyhound Racing Victoria's records;
- (2) notice of motion given this day by David Davis on planning changes for high-rise, high-density zones in municipalities across Melbourne; and
- (3) notice of motion given this day by Moira Deeming on mature minor declaration record keeping.

Motion agreed to.

Motions**Middle East conflict**

Katherine COPSEY (Southern Metropolitan) (14:03): I move, by leave:

That this house:

- (1) notes that the United Nations report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel submitted its third report to the United Nations General Assembly last month, which examines the treatment of detainees and hostages and attacks on medical facilities and personnel from 7 October 2023 to August 2024;
- (2) further notes the commission found that:
 - (a) the state of Israel has 'implemented a concerted policy to destroy the healthcare system of Gaza ... Israeli security forces have deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel and targeted medical vehicles, constituting the war crimes of wilful killing and mistreatment and the crime against humanity of extermination';
 - (b) 'Mistreatment of Palestinian detainees by Israeli authorities is the result of an intentional policy ... Acts of physical, psychological, sexual and reproductive violence were perpetrated to humiliate and degrade Palestinians';
- (3) does not support the state of Israel's continued invasion of Gaza;
- (4) supports calls for an immediate and permanent ceasefire; and
- (5) calls on the Victorian government to advocate to the Australian federal government that it ends its support for the state of Israel's invasion of Gaza.

Leave refused.

Members statements**West Gate Bridge tragedy commemoration**

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:05): The West Gate Bridge is one of the most recognisable landmarks in our state, and like many people who call Melbourne's west home, I use the bridge often. It not only provides a really important link between the east and west of our city but also connects our state, and it stands as a symbol of the proud industrial history of Melbourne's western suburbs.

It also has a tragic history. At 11:50 am on 15 October 1970 a 112-metre span of the still-under-construction West Gate Bridge collapsed into the Yarra River, killing 35 workers and injuring 18 others. The collapse shook buildings hundreds of metres away. It was the worst industrial disaster in Victoria's history and had long-lasting impacts not only on the community in Melbourne's west but also on improving safety standards across the construction industry.

I want to pay my deepest respects and sympathies to the families who lost loved ones in the collapse. Their tireless advocacy in the following years, together with the union movement, championed important reforms to our occupational health and safety laws. Today we remember those who died

and commit to not losing sight of how dangerous going to work can be and why it is so critical to constantly renew our commitment to safety in every Victorian workplace.

Royal visit

Bev McARTHUR (Western Victoria) (14:06): Today I am pleased to anticipate the visit of King Charles and Queen Camilla to Australia, which begins on Friday. I welcome the King as head of state and friend of Australia on his 17th visit to a country he dearly loves and where he has spent much time, including in our state. It is particularly notable that the tour is undertaken despite His Majesty's ongoing treatment for cancer. The value of the personal interest shown and publicity generated by royal visits should not be underestimated. I wish the royal couple well on their varied itinerary, so clearly tailored to reflect their respect for those who serve others in all walks of life.

Unfortunately, I cannot end this statement here, thanks to our Premier's petty and inhospitable failure to welcome the King and Queen to Australia. It is a short flight to Canberra and the least they can do as the most senior elected representatives of their states. Worst of all is their pathetic, spineless attempt to pretend their non-attendance is due to unavoidable diary clashes. In my view, the public respects those who have a sense of duty, who fulfil their roles despite their own views or wishes. It is why the monarchy is loved and politicians are not. God save the King.

Pregnancy and Infant Loss Remembrance Day

Jeff BOURMAN (Eastern Victoria) (14:08): Today is 15 October, which is now Pregnancy and Infant Loss Remembrance Day. The loss of babies between I think it is 21 weeks and full term is kind of stagnant at about 6.7 to 7.7 per 1000. That is a one in 175 – 'chance' is the wrong word – happening. Remember, this does not include miscarriages and other problems such as ectopic pregnancies. This is a tough topic for me to speak on, but I am going to push on through. There are few feelings worse in this world than to hear your baby is no longer with you – even if it has not been born; I will just add that. I am really appreciative that this day has been set aside for this. I think it is still one of those things that is not very much talked about. In fact I was quite surprised, when it happened back in the day, how many people in this place have been through it and did not say anything at the time. To those three people that are watching, if any of you have gone through this, there are people in this place who do know what it is like, and we will do what we can to help.

Middle East conflict

Ryan BATCHELOR (Southern Metropolitan) (14:09): Last week marked a year from the dreadful 7 October attacks by Hamas on Israel, which marked the greatest loss of Jewish life on a single day since the Holocaust. Hostages were taken; many are yet to be returned. There has been a huge loss of innocent lives, both Israeli and Palestinian, caused by these attacks, and that has been catastrophic. As I said in Parliament last year to mark the 7 October attacks, 'In the maelstrom of conflict we cannot lose our shared humanity', and for many the last year has been a sombre and harrowing time. Victoria's strength is that we are multicultural and diverse, and our Jewish community is important to that. Last week I stood alongside the Jewish community at the 7 October memorial event in Moorabbin, along with many colleagues. It was a showcase of resilience.

I am pleased the Labor government is backing our faith communities. Last week six schools in Caulfield, St Kilda, Elsternwick and Brighton received funding under the safer faith-based schools program as we continue to take a stand against antisemitism. I met with the Jewish Community Council of Victoria and discussed the concerning recent rise in antisemitism and the role that funding from the Labor government has played in supporting the rollout of antisemitism education programs. We have also seen a disturbing rise in the use of hate symbols and hate gestures in public, and appropriate action is being taken under laws passed by this Parliament to end that.

Right now is a time of division, but it does not have to be. It is more important than ever to embrace our diverse communities and say no to hate. We must continue to carry hope, push for a ceasefire and

return to a pathway to peace where Israel and a Palestinian state can coexist, free from terror and the horrors of war.

Flood recovery

Wendy LOVELL (Northern Victoria) (14:11): This week marks two years since the devastating floods that wreaked havoc and destruction across Victoria in October 2022. Most Victorians in metropolitan areas have moved on and think that the recovery is finished, but it is not. Unfortunately for far too many people in flood-affected areas the process of recovery is far from over. I admire the incredible strength and resilience of locals who continue to work to rebuild their communities.

In Rochester, where 90 per cent of homes were inundated, up to 300 homes are still not ready for the residents to return. That is a quarter of the town that is still displaced or living in caravans. It is the same situation in other towns like Seymour, Shepparton and Mooroopna, where homes have not yet been repaired and residents continue to suffer. In my own street two homes have not yet been repaired and three have been demolished but not rebuilt. For me it is a daily reminder of how slow and inadequate the recovery has been.

For many the mental health battle continues, particularly in Rochester, where the government is not providing funding for one-on-one mental health counselling, and the community house has had to step in and provide this through fundraising. Rochester is also about to face its third long, hot summer without a swimming pool because the state Labor government has still not committed funding to rebuild it. It is now three months since the final report of the flood inquiry was tabled, and the government has still not responded to any of its recommendations. Flood-affected communities deserve better, and government members should hang their heads in shame.

Extremism

Samantha RATNAM (Northern Metropolitan) (14:13): Over the weekend we once again heard distressing reports about far-right extremists threatening and intimidating our communities. In the border town of Corowa neo-Nazis, including Victorians with a history of this type of racist extremism, paraded through the streets with signs that read 'White man fight back'. We also heard on the weekend about a serving member of Victoria Police using a now outlawed gesture that symbolises Nazism at the state's police academy. This officer is said to have served the police force for over 40 years.

For years the Greens have been sounding the alarm on the rise of far-right extremism in this state and across the country. We initiated a parliamentary inquiry to look at how to counter this threat of far-right extremism, which was opposed by the Liberals and Nationals at the time. The government delayed responding to the findings of the inquiry, and now, nearly two years on, we have had no demonstration that the government is taking this threat seriously.

Taking this threat seriously is doing and funding the things we know can inoculate our communities from these threats and keep us safe. It involves doing the work of anti-racism. Three years since the consultation we still do not have our anti-racism strategy. We need dedicated community-building and social connection programs that build the bonds of trust and cohesion between people in the community and break down fears, stereotypes and distance between people.

We have all the warning signs in our society of a community that could move to the margins of extremism because the systems that should be supporting them to build good lives and strong communities are crumbling beneath their feet. People in this government may not know the fear of racist targeting, but many of us do. If you are serious about social cohesion, implement and fund all the recommendations of the inquiry with urgency.

International White Cane Day

Lee TARLAMIS (South-Eastern Metropolitan) (14:14): Today is International White Cane Day. Held on 15 October every year, it is dedicated to visually impaired people and it is an opportunity to

acknowledge their remarkable achievements and advocate for their rights. It is estimated that over 250 million people worldwide are visually impaired, and the white cane is a symbol of independence and achievement. Over 100 years since the white cane was established, it continues to be an instrument in enabling its users to safely anticipate obstacles, scan their surroundings and achieve daily tasks. Whether it is crossing the road or travelling across the world, the device has created a revolutionary impact in providing a more active and independent lifestyle. Vision Australia and the wider blind and low-vision community are celebrating this day across Australia.

One of those celebrations is happening in Dandenong, where around 30 white cane users and Vision Australia staff are walking from Dandenong station to Harmony Square and on to the Dandenong Market. This walk is about those clients coming together to celebrate their independence, but it is also about educating the wider community as to how we can support people who are blind or have low vision to be active and independent in our community.

I would like to commend the staff and volunteers of Vision Australia for the support and services that they offer to visually impaired people in my electorate and around Australia. I believe that it is important that we not only celebrate this day but use it as a reminder of how important education can be when it comes to creating a better understanding of issues impacting members of our community, such as this one. I would like to acknowledge all those who are blind or low vision for the unwavering determination and spirit that they display each and every day. It is not easy to regain one's independence, and I wish them well on their journeys.

Middle East conflict

David DAVIS (Southern Metropolitan) (14:16): Today I want to draw the chamber's attention to the fact that it is just over one year since the terrible Hamas attack on southern Israel. I was fortunate to attend, with a delegation, to look at some of the sites and to see the destruction that had occurred. The extraordinary armed crossing by Hamas destroyed not just property but people – the murders, the rapes, the extraordinary activities. I can understand the concerns of the Jewish community here and around the world. I have the greatest sympathy for them. Israel needs to be given the security to exist, and a long-term solution needs to be found in the Middle East. But that in no way excuses what occurred in that time a year ago, as we saw the terrible destruction. The fact is that hostages are still held by Hamas in Gaza. I think the community is entitled to call on the Hamas terrorist group to return those hostages and to do so immediately. I know Israel faces enormous challenges, and I for one understand why they would want to ensure that their northern border is safe too. But it is a matter with which I think all Victorians have sympathy.

Mooroopna Park Primary School

Rikkie-Lee TYRRELL (Northern Victoria) (14:17): I rise to highlight and commend the staff of Mooroopna Park Primary School on the work they are doing to ensure their students have full bellies when they tackle their schoolwork each day. I was lucky enough to visit Mooroopna Park recently and meet principal Hayden Beaton to learn about the school's healthy food program, which provides students with meals prepared by a full-time chef employed by the school. The program provides students with breakfast, morning and afternoon tea and a cooked lunch free of charge. The school has also created a stall at the office where parents or carers can help themselves to groceries and other produce that they need. Staff also deliver grocery hampers to students' homes when required.

While similar programs operate in other schools, it is obvious that Hayden and his team at Mooroopna Park have taken their program to the next level. With an enrolment of 150 students, Mooroopna Park Primary School is ranked in the top 3 per cent of the most disadvantaged schools in Australia, with the majority of students coming from a low socio-economic background. In 2019, the staff recognised that many students were coming to school without any food, and since then the program has made a massive difference in the attendance rates and academic results. But most importantly, it is delivering healthy meals to the children. I want to thank Hayden and his staff for the opportunity to visit their

wonderful school and congratulate them on their healthy food program, which is making a real difference in students' lives.

Fishermans Bend public transport

Katherine COPSEY (Southern Metropolitan) (14:19): In 2018 the Labor government gave a commitment via the *Fishermans Bend Framework* to build both tram and rail connections in Fishermans Bend, connecting the CBD to both residential and employment districts of Fishermans Bend by 2025. A year ago I asked the Minister for Transport Infrastructure when this tram would be delivered and the response was 'We're working on it.' I asked again in February of this year. The response arrived last week, a full seven months overdue, and the response was still 'We're working on it.' Granted, in the interim we have got the bus routes running a little bit more frequently. But covering an area that is almost three times the size of Melbourne's CBD, a full transport solution is desperately needed for the 80,000 people who will live in Fishermans Bend, the other 80,000 who will work there and another 20,000 who will study there. A few extra buses on existing bus lines just will not cut it for such huge growth in population in the community there.

Beyond the issue of a broken promise, we are already hearing from residents and businesses that they are choosing not to go to Fishermans Bend, and as a result, development within the precinct is stagnating. Landowners, businesses and the local council are all calling for clarity. In a housing crisis what a short-sighted decision it is by this Labor government to neglect investment in clean, climate-friendly transport that would open up this precinct that is so close to the city and already serves a community that is only set to grow.

Country Fire Authority Newborough brigade

Melina BATH (Eastern Victoria) (14:20): It is CFA brigade recognition time of year, and many of our country towns are celebrating the great work that our volunteers do. Last week I had the pleasure of attending the Newborough brigade's annual awards, and I was delighted when Captain Adam Watt received his recognition for attending over 1000 call-outs in his volunteer career. Anticipating their long-awaited new home in a new location in Newborough, Adam and Hugh Falls showed me the cardboard mock-up of this new station. They have been waiting for over five years since the funding was acknowledged, and hopefully it will be delivered next year. The service awards were fantastic. There was 10 years for Daniel Soles and Cameron Ball, celebrated and recognised for their work; 15 years for Nathan Kemp; and 25 years for the fabulous Kieran Kenneth, who received his service award. The firefighter of the year was Hayden Fletcher, the encouragement award went to Eddie Gill, and a special award that I cannot mention was for Natasha Kenter, who is a tremendous person in the brigade.

National Retrieving Trial Championship

Melina BATH (Eastern Victoria) (14:22): I also want to celebrate and acknowledge the 53rd national retrieving championships, hosted in Bairnsdale. The event organiser was Trevor Stow. I was pleased to officially open it. These are magnificent dogs, and their trainers retrieve hot game. Congratulations to Mark Stockdale and Lucy from Traralgon for being in the winners circle at the highest level.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (14:22): I move:

That the consideration of notices of motion, government business, 278 to 562, be postponed until later this day.

Motion agreed to.

*Bills***Criminal Organisations Control Amendment Bill 2024***Second reading***Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (14:23): I rise to speak on the Criminal Organisations Control Amendment Bill 2024. From the outset I inform the house that the coalition, the Liberals and Nationals, will be supporting this bill, as we did in the other place. My friend the Shadow Attorney-General Mr O'Brien sought to amend the legislation at that time, and in this chamber I will seek to do the same. I do recommend that all members take the time to read the Shadow Attorney-General the member for Malvern's speech on this bill, because with the benefit of many years in this Parliament he has summarised and brought together just how all over the place and weak this tired Labor government is when it comes to this issue. In 2015 the then Attorney-General in regard to these laws was beating his chest with glee. Mr Pakula said:

Outlaw motorcycle gangs are the target of new consorting laws to be introduced in Parliament this week which will give Victoria Police stronger powers to target criminal networks.

It goes on to say:

These laws will help to ensure that Victoria does not become an attractive target for members of outlaw motorcycle gangs seeking to avoid new laws introduced interstate.

And then, to quote from the then Attorney:

These anti-consorting reforms give police the powers they need to disrupt and dismantle criminal gangs.

Then three years of inaction has passed. In another press release, Pakula said:

The Andrews ... government is giving police the powers they need ...

Very consistent language to three years prior. I thought the laws in 2015 gave them the powers they needed, which is interesting. But now with the new Attorney we learn that, quoting from the second-reading speech in the other place:

The scheme has not been used since it commenced in 2016.

It is not being used. So a lot of chest beating, not a lot of action, and it seems like they have come back again to correct their own homework. That is how effective this government has been; that is how ineffective these laws have been. This is in the minister's second-reading speech:

The scheme has not been used since it commenced in 2016.

So this tired Labor government have been in office for almost 10 years. They have had three goes at getting this right, and they still cannot put in place a scheme or regime to fix the criminal networks running riot on their watch. It is a long-running problem of Labor's own making that is now causing Victorians to feel unsafe on our streets. If the government wants to know who to blame, then they can definitely look in a mirror.

As the member for Malvern said, we have become Disneyland for bikies; that is what Victoria has become under Labor. It is Victorians who are paying the price, because they are not just bikies riding around, going to pubs, making themselves feel tough – these are serious drug traffickers, drug peddlers and drug manufacturers. They are organised criminals, and it is Victorians – innocent Victorians and ordinary Victorians – who are feeling the pain because of crime that is being undertaken by these outlaw motorcycle gangs. This government has sat by and effectively sat on its hands for nine years and put ineffective law after ineffective law after ineffective law through this Parliament and done nothing. And we still get the same rhetoric; it is almost a copy and paste: 'We will give the police the

powers they need.’ Well, they have clearly not, because this scheme has not been used one time in nine years – update, update again. In nine years this scheme has not been used once – a shocking failure.

Of course it is all well and good on their third attempt to pass this law, but without boots on the ground it is going to do very little to solve Labor’s crime crisis. Police say they do not have the numbers they need. Forty-three police stations have closed their doors at night-time this year alone. That includes stations at Epping, Brunswick, Northcote, Flemington, Fitzroy and Collingwood in my electorate. I particularly want to mention Reservoir, where you had the former police minister, Ms Neville, open a brand new police station a couple of years ago – at the expense of millions of dollars for it to be open as a 24-hour station in Reservoir – only for it to be closed not long after that, after she was no longer police minister. It shows the shocking waste and incompetence from this government. You have got police stations closing down and reducing their hours. We do not even have police stations through the growing parts of my electorate in places like Kalkallo and Mickleham, and I want to acknowledge the over 600, I think, residents of Kalkallo, Mickleham and Donnybrook that have joined me in calling on the Victorian government to open up a new police station in their local community. I am looking forward to joining hundreds of them this weekend with the shadow police minister Brad Battin at a crime forum up there in the outer north. Last November Victoria’s own annual report revealed that the number of active serving police had reduced by 317 in the year to almost 15,850.

This Labor government cannot even keep the lights on in the cop shops, but do not worry – this latest law will fix the problem! As I said, they have gone through it once, they have come back again and the third time is the charm for this government when it comes to tackling this issue. I suspect they do not, but they should feel embarrassed about the fact that for nine years they have had two sets of laws, and they have still got the same language in there: ‘This time this will give police the powers they need.’ And they have had to come back and correct their homework three times. It is embarrassing. You should be embarrassed. Through you, Chair, they should all be embarrassed, because this is the third time they have had to do this. I know that not many people held Mr Pakula in high regard, and clearly his laws did not work, but this is a Labor government – this is a tired old Labor government – and they finally think they are going to get this one right.

There are five aspects to the bill before the house today. The first is to make changes to the unlawful association scheme in part 5A of the Criminal Organisations Control Act 2012. It also provides for the Independent Broad-based Anti-corruption Commission to have oversight functions. The bill seeks to replace the scheme for making declarations and control orders with a scheme for making serious crime prevention orders. The bill also seeks to prohibit the public display of the insignia of certain organisations. The bill seeks to prohibit adult members of certain organisations from entering certain areas at Victorian government worksites – interesting. The government has had a bit of controversy in this regard when it comes to members of outlaw motorcycle gangs getting jobs on the government’s Big Build – you know, the one that has about \$40 billion of overruns on infrastructure projects. Of course that has been exploited by the criminal organisation – sorry, not the criminal organisations we are talking about today – known as the CFMEU, who have been quite happy to have outlaw motorcycle gangs as part of their ranks as standover men. We saw it all detailed, and we saw it all detailed that the Premier was actually warned about this. When allegations were put to her – and I know she has collapsing support in the polls – her answer was, ‘What? What? What are you talking about? What documents?’ That happened in her press conference.

So you have got outlaw motorcycle gangs repeatedly on government worksites being used as standover men. I do not think that is appropriate. The government has known about this for a long time. To quote a senior Labor source, ‘It was an open secret.’ In one extraordinary case in Melbourne a convicted criminal and bikie figure was appointed as a CFMEU health and safety official earning an estimated \$250,000 in one year on Labor’s Big Build upgrading the Hurstbridge line and used a car assigned to them to conduct worker safety checks to engage in bikie gang activities. In 2019 it was revealed that senior CFMEU official and the Premier’s friend John Setka had connections with

members of the Hells Angels and Comanchero outlaw motorcycle gangs. These associations were not incidental but indicative of a deeper systemic issue within the union. In 2021 it came to light that Mick Gatto, a known figure in Melbourne's underworld, was allegedly involved in mediating a dispute between the CFMEU and construction companies. His presence and influence within the union dealings were a clear sign of criminal infiltration into our construction sector. In 2021 did this government have anything to say on that at all or did this government look into it? It seems like they absolutely did not. You would have thought that they might have thought, 'We might have a problem here.' No, because they were too afraid to stand up to the CFMEU, who happen to have been their biggest donor and have donated millions of course since then. Of course they were not going to speak up, because they are complicit in it, and they know it. They have not done anything about it because they have been complicit. They were too afraid to stand up to the CFMEU until they were caught out and exposed on *60 Minutes* and in the *Age*, and then all of a sudden the Premier had tough talk. She is taking tough action. She had been warned about this over and over and over again.

More recently in 2023 police investigations uncovered that several CFMEU shop stewards were receiving kickbacks from organised crime groups in exchange for allowing them to operate on construction sites. These stewards were facilitating drug trafficking and other illegal activities, using their union positions to shield these criminal enterprises from scrutiny. They knew about it then, and they did nothing. They are only doing something because they got caught out. We hear pathetic language from the CFMEU saying, 'Well, everyone deserves a second chance. That's why we employed bikies on government construction sites, because they deserve a second chance,' even though while they were on construction sites they were conducting illegal activity – drug trafficking and using government cars to conduct criminal activities. But everyone deserves a second chance!

This bill is the government's third chance at these laws, because they have already had two. Of course they love second chances over there, but only for criminal organisations and bikies that are associated with the CFMEU and the Premier's friend John Setka. I mean, seriously, it was pathetic by the CFMEU. Then all of a sudden, under the threat of administration, they found 25 bkie gang members that were working on Victorian Big Build sites – 25 or something like that. It is no wonder we have over \$40 billion in cost blowouts on Victorian infrastructure projects. I mean, seriously. They do not care, because the CFMEU control some of their preselections and are their biggest donor. It was only once they got caught out that they took any action. It is not good enough, and it is indicative of a 10-year-old government that has lost its way.

Again, this is the third time they have tried to change these laws. In terms of unlawful association, they are lowering the threshold for committing an unlawful association offence. At the moment there needs to be association three times within three months or six months within a 12-month period, and this bill reduces that threshold to one occasion only. The bill also redefines the term 'associate with' to make sure that accidental meetings or communications do not cause an issue. The bill also provides for a number of exemptions from the unlawful association scheme. For example, there is an emergency services volunteering exemption, there is a welfare services access exemption and there is an Aboriginal and Torres Strait Islander cultural practices and obligations exemption. This makes sense, and it is a sensible protection against what we might call the unforeseeable. The bill sets out what is an applicable offence and raises the maximum penalty threshold. It used to be an offence punishable by five years if it was an applicable offence; it is now punishable by at least 10-years imprisonment. This narrows the scope of the use of those powers.

The opposition will be supporting this bill, but as I have flagged, we remain sceptical as to whether after nine years and two attempts the government has finally got it right. It is important that we do our best to crack down on bkie gangs and organised crime, and I say 'crack down' because I think there is a lesson that those opposite do need to hear: you prosecute bikies and crooks – you do not hire them to work on your construction sites. You do not give them a free pass because they are connected to John Setka and they are mates – a concept that might be a bit foreign to the Premier and her colleagues,

who have let crime and corruption run rampant on the Big Build, which is otherwise known as the 'big rort'.

This bill also seeks to expand oversight by the Independent Broad-based Anti-corruption Commission of Victoria Police's use of the powers conferred by the bill and by the underlying act. The opposition supports this measure but notes that no additional funding is being provided to the commission to support this widening of their powers, which is classic. Former IBAC Commissioner Robert Redlich is on the record as saying:

... with IBAC's resources, we can investigate approximately 2 per cent of the complaints concerning police matters that come to us, and have to refer back to Victoria Police the balance, which in a given year may be as many as 1400 investigations.

Ninety-eight per cent of matters referred to IBAC regarding police misconduct cannot be investigated by IBAC because of the resources the government gives to IBAC, which I suspect is on purpose. It is not good enough. If the government is serious about tackling corruption in this state, they need to look at their investment in IBAC – a proud legacy of the previous Liberal and Nationals government – to make sure it has the funding to do what it was set up to do.

We know that this government sees IBAC as convenient only when it wants it to be and that when it has been in their way they have either cut its funding or restricted its remit or ability to hold public hearings. They raised the threshold in order to make it harder for IBAC to hold public hearings.

Ryan Batchelor: Are your notes correct?

Evan MULHOLLAND: They absolutely are. They have changed the rules, and it is concerning that Labor continue to pile more obligations and more responsibilities on the commission without commensurate funding to let it do so effectively. Perhaps they should listen to former commissioner Robert Redlich.

Part 3 of the bill replaces declarations and control orders with serious crime prevention orders. Under this change the Chief Commissioner of Police may apply to the County Court for a serious crime prevention order, an SCPO. This must be in writing and must state the identity of the individual and grounds on which the order is sought. The person proposed to be subject to this order must be notified of it and will be able to be heard from before the order is determined. In a society governed by a fair trial and the rule of law this is very important. It would be fundamentally unjust for someone to not be able to be heard from to make their own argument before being subject to something as serious as an SCPO. An SCPO can be for up to five years and can be renewed, but a renewal must be made before the previous order ceases to have effect. The Chief Commissioner of Police can apply to the courts and have an order varied or revoked, but the person subject to it can only apply to have the order either varied or revoked with the consent of the Chief Commissioner of Police. Given that the threshold for an SCPO is the civil test of the balance of probabilities and not the criminal threshold of beyond reasonable doubt, this is quite an onerous penalty for such an order.

The types of conditions that can be imposed by those orders are quite broad and are far more than the sorts of bail conditions one would expect. Bail matters come up when somebody has been charged with a crime. An SCPO can apply in circumstances where nobody has been charged with a crime, yet the conditions that can be applied to them go far beyond what a court could do in relation to bail. Examples of these conditions include prohibiting the respondent from associating with a specified individual or individuals in a specified case, prohibiting the respondent from leaving Victoria or Australia, prohibiting the respondent from entering a specified place, prohibiting the respondent from possessing or using firearms or other weapons, prohibiting the respondent from possessing more than a specified amount of cash, prohibiting the respondent from using specified telecommunications devices, prohibiting the respondent from engaging in specified business activities, prohibiting the respondent from using an alias and requiring the respondent to notify Victoria Police before doing a specified thing. So these are very, very broad indeed. Not only that, breaching a condition of an order

is an indictable offence, and the penalty is 600 penalty units, imprisonment for five years or both. These are significant penalties as well. Do we object to these powers in the context of tackling organised crime? No, we do not, but with any exceptional powers there must be accountability for them and there must be responsibility for them. And given this government last week, with the help of some crossbench, rammed through this house and threw accountability out the window with their Lawyer X bill, you can forgive me for being a bit sceptical of that.

As I flagged at the start of my contribution, the opposition does seek to amend this legislation. Clause 110 provides for a review of the legislative changes, which is to be provided to the Attorney-General and then tabled in Parliament. However, it provides for the review period to start on the commencement of the day and conclude on the 31 December following the third anniversary of the commencement. There is a period of a year given for a review to be conducted before the report is given to the Attorney-General and then tabled in Parliament. That means that, for example, if the changes commence on 1 January 2025, the review period does not conclude until 31 December 2028, meaning that it could be more than five years before a review is tabled. We think that is far too long and should be amended so that the review is three years flat and the review must be completed within six months of that three years. We think that is much more sensible. I ask for those amendments to be circulated.

Amendments circulated pursuant to standing orders.

Evan MULHOLLAND: As I was saying, after 10 long years and three attempts we still see criminal organisations running amok. We do see it on our construction sites and in the labour movement as well, and it is something that this government has allowed to happen. This goes some way to fixing that. Hopefully third time is the charm. We have had a few different Attorneys-General in their time. Let us hope this one has it right for once. We do hope the government is successful this time in its attempt to fix this legislation up in what has been a shocking episode, particularly recently – but, you know, it is very sloppy work in the fact that the powers have not been used once. I will conclude my remarks there.

Ryan BATCHELOR (Southern Metropolitan) (14:49): Well, the Criminal Organisations Control Amendment Bill 2024 is new legislation the government is introducing to prevent and disrupt serious organised crime in Victoria by introducing a further tranche of reforms to strengthen the response that the state law enforcement agencies have to organised crime. It is part of a broader suite of reforms, pieces of work that are part of our government's longstanding commitment to tackling organised crime in this state. Mr Mulholland in the course of his contribution critiqued, it would seem, the government's longstanding commitment to tackling organised crime. He thought that somehow it was something that we should be ashamed of, that we have brought legislation to the Parliament to tackle organised crime. We have seen how organised crime operates. We are in a continual process of examining the way that organised criminal networks conduct their nefarious activities in this state, and in consultation and conjunction with law enforcement agencies we are continually looking at ways to make sure that law enforcement has the tools that it needs to tackle organised crime. We do not apologise for that. We never apologise for the fact that we are always looking at ways to make sure that our law enforcement agencies have the tools they need and the power they need to tackle organised crime. If Mr Mulholland and the Liberal Party want to critique the government for that focus, they can continue to do so, but we do not resile from our commitment to trying to keep Victorians safe from organised crime. We will not do that today, we have not done that in the past and we will not do so in the future.

The bill before us today will amend the Criminal Organisations Control Act 2012 to do a range of things, including strengthening the existing unlawful association powers in part 5A of the act and providing for an oversight of the scheme by IBAC. It will provide a new scheme for the making of serious crime prevention orders in Victoria, enabling the court to impose conditions restricting the activities of one person subject to the order in place of the existing declaration control scheme; prohibit

the public display of designated insignia or gang colours in Victoria; and create a new offence prohibiting members of declared organised crime groups from entering government worksites.

As I mentioned, the government does take seriously the need to tackle organised crime in this state. It does have a significant and detrimental impact on community safety right across the board. We know that the serious nature of organised crime leads to serious harm in communities. We know this at a global level. We see the report from the institute of criminology that says that organised crime costs Australians up to \$60 billion a year.

What we also see is the effect that organised crime has right across the community. We see the harms in the way that organised crime is used to do things like traffic in illicit substances and engage in behaviours that inhibit people's ability to freely go about their business and enjoy their activities safely. We see it and members of our community see it on our streets in the way that organised crime has used the illicit tobacco industry to make money to funnel into other activities, further perpetuating the cycle of violence, and what we see is the government taking seriously these issues and responding to changing circumstances in the community, as good diligent governments do, providing new powers such as are contained in this bill to crack down on those criminals and ultimately to protect Victorians from the harm that these organised criminals do to the community.

One of the most important things the bill is doing is changing the current unlawful association scheme, which was introduced in previous legislation, and the experience of those laws and the way that our organised crime networks work, because they need to be looked at in parallel, have shown that the current system is not working in its current form, so the bill proposes to reduce the threshold to issuing a notice under the scheme to better enable Victoria Police to act. Currently a senior sergeant or above can issue a notice if the officer reasonably believes that prohibiting the association is likely to prevent the commissioning of an offence, and in practice this was demonstrated to be an incredibly high threshold. The reforms proposed by this bill will instead lower that threshold such that the officer must now be reasonably satisfied that the issuing of a notice is likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network and is appropriate in all the circumstances. The threshold to contravening an unlawful association notice has also been reduced. Currently a recipient of a notice commits an offence if they associate with a person named in a notice on three or more occasions over a three-month period, or six in 12 months. The bill reduces that so that one occasion of association may constitute an offence, giving police greater powers to ensure that the known associations that we see can be actioned in a much more expeditious way, increasing the effectiveness of these laws.

Obviously there will be exemptions. Associations with family members are not prohibited by the scheme, nor will a person be accused of contravening an order during the provision of welfare services, in the course of emergency services volunteering or in the case of an Aboriginal or Torres Strait Islander person engaging in cultural practice, and those under 18 will not be subject to the scheme or any of the reforms. Importantly, it provides an oversight role for IBAC, who will continue, as part of their police oversight and monitoring powers, to report on the operation of the scheme to ensure that it is being used appropriately, and that annual report will be tabled in the Parliament.

The bill also introduces a new serious crime prevention order scheme to be overseen by the courts. These orders will prevent and inhibit the involvement of individuals in serious criminal activity. It does so by restricting the activities of adults involved in the most serious end of organised crime to curtail future involvement in serious criminal activity. The scheme will allow the Chief Commissioner of Police to apply to the court to impose a broad range of conditions on someone who has participated in serious criminal activity or is likely to help another person who is engaging in serious criminal behaviour. This is targeted at the leaders of these groups. There is no uncertainty. Make no mistake that the serious crime prevention orders are designed to target the leaders of these organised crime groups and can include prohibitions on people leaving Victoria or possessing firearms or certain amounts of cash. There are a range of steps that need to be gone through. I will not go through them in detail here today, but the courts must be satisfied in a range of ways and to a certain standard in the

imposition of the order, which then is punishable by some serious fines or imprisonment if there is contravention.

The other element of the bill, which is important, is obviously prohibiting the public display of designated insignia or gang colours. As we know, most gang members wear colours so that people know they are part of a gang. They are designed as tools to associate, to intimidate and to exert unlawful influence over members of the community so that they fear those who wear those colours. It is also a recruitment tool. It is also a way that these gangs go out and attract others to them. The bill will create a criminal offence by banning the public display of insignia, such as patches, logos or other text of certain organisations to be set out in the regulations. This is a further step that we are taking to eliminate these sorts of behaviours across the community, which will hopefully reduce the potency of those insignia and reduce their effectiveness as emblems of standover tactics and unlawful behaviour.

The last thing I just briefly want to mention is that the bill will create a new offence that is designed to stamp out rotten culture that has seen organised outlaw gangs, motorcycle gangs, infiltrate parts of worker organisations, parts of trade unions. The bill will create an offence to prohibit members of organisations prescribed in regulations from entering an area that is located at a Victorian government worksite, where public access is restricted and development is taking place. In line with the process for prescribing a criminal organisation, the bill will provide clear criteria and processes for prescribing a worksite. They are important steps the bill seeks to introduce into laws to strengthen the regime to tackle organised crime in this state. We do not shy away from our commitment to making sure that organised crime groups have no place in Victoria and that Victoria Police and law enforcement agencies have the tools they need to stop them.

Katherine COPSEY (Southern Metropolitan) (15:00): I rise to speak on the Criminal Organisations Control Amendment Bill 2024, and at the outset I will state today that the Greens hold concerns around the breadth of this bill and the increasing police powers that it represents and will not be supporting the bill today. I will outline a range of the concerns that we hold and that have been raised with us by stakeholders in relation to this bill, but I will also note at the outset that, as has been canvassed in contributions on the bill so far, the Greens oppose the original expansion of unlawful association powers that was represented by the principal act, basically on the grounds that we held the belief that police had the powers to intervene in serious criminal activity without infringing on the right to people's freedom of association, and I think it has been borne out through the life of these powers, as has also been discussed, the fact that they have not been utilised to date. The non-use of the powers that were granted around the existing unlawful association scheme I think bears out that they were not necessary.

We will outline now our concerns around this amendment bill that is before us today. The bill seeks to amend the Criminal Organisations Control Act 2012 in the first instance by changing the existing unlawful association scheme by the mechanism of increasing police powers to issue unlawful association notices and by lowering a number of thresholds. As examples of those lowering of thresholds, a relevant association can now occur after one occasion only. This lowers the current threshold, which requires three or more occasions in a three-month period or six or more occasions over 12 months. This means that people can be criminalised after a single or one-off meeting under this bill. The definition of 'family' member has also been narrowed, and First Nations legal stakeholders have outlined that this could inadvertently affect Aboriginal people, who have communities with a broader and more diverse definition of 'family'. This risks unlawful association notices being given to people that they were not intended to cover and who are not involved in serious criminal activity or organised crime. Further, there is no test that a police officer needs to have a reasonable belief that issuing a notice will prevent the commission of further offences, as is the practice under the current regime; that test will be abolished by this bill.

So this bill today yet again from this government expands police powers, broadens police discretion, lowers thresholds and creates new criminal offences. Because of this, a range of legal stakeholders have raised with us that the application and use of these powers, as we have seen in other instances

where police powers have been increased, could be disproportionately used against people who are not engaging in serious crime, and it will create a risk, according to the Federation of Community Legal Centres and the Victorian Aboriginal Legal Service, of ‘discriminatory policing and the criminalisation of marginalised community members, particularly the over-policing of Aboriginal people’.

When New South Wales recently reviewed their consorting laws, which are similar to those proposed in this bill, that review found that 42 per cent of the 4257 people that were subject to the consorting laws were Aboriginal. They also found that many of the warnings that were issued under those laws were issued for less serious offences than intended by general duties police officers targeting vulnerable communities that are already overpoliced rather than by specialist officers targeting serious crime. I will explore these concerns further in committee with questions. I understand that the Attorney-General’s office has attempted to insert sufficient protections for Aboriginal people within the drafting of this bill, including meeting family and community, but to me these explanations are not sufficient or compelling in light of the many risks that have been identified by stakeholders with this bill.

The Greens do support the clauses in this bill that provide for a review and reporting function for IBAC, and we think that that is important given the expansion of powers contained in this bill. The review and reporting function in relation to the issue of unlawful association notices is important work, and I hope that IBAC will be adequately resourced in order to undertake these functions. I will make the point at this juncture that IBAC was not and is not set up as a dedicated police oversight body, and we have heard also in contributions to the debate so far that there is already a large element of police misconduct matters directed to IBAC that they are not resourced to investigate but then in turn get referred back to police.

The Greens have been calling for years – for decades now in fact – for effective police oversight, and we want to see an independent police ombudsman set up to oversee police conduct. When we are shoehorning police oversight into the responsibilities of an anti-corruption body, it is burdensome on that body and therefore needs to be adequately resourced, and at the moment it is not serving the people of Victoria. We need an organisation that will be fit for purpose to carry out those duties. It is timely to make the point that we have stood in this chamber almost every other sitting week over the last year and we are speaking on yet another bill which provides more powers to police without seeing the long-promised reform to the police oversight system. So I sincerely hope that we will see those reforms around police oversight advanced by this government and brought to the Parliament next year.

The bill also replaces declarations and control orders with serious crime prevention orders. These orders criminalise conduct that has not yet occurred and may not occur. The Law Institute of Victoria has raised concerns that the thresholds for these prevention orders are too low given that they could be made in respect of a person who has not ever been convicted of a crime and that the subsequent restrictions placed on a person’s association abilities are, in the LIV’s words, ‘severe and harsh’. The bill creates a criminal offence to display the insignia of certain organisations which will be prescribed in regulations. Again, concerns we hold around this element are that the criteria for prescribing an organisation appear to be broad and discretionary, and at this stage we believe it lacks transparency. There is also a risk that police could use these powers to target any group of people wearing clothes or marks that police interpret to represent their membership of a particular group, regardless of whether the group is engaged in serious criminal offending.

The bill also creates a worksite prohibition offence which excludes members of organisations that have been prescribed under regulations from entering Victorian government worksites. We understand the intent of these provisions, but again, it is unclear at this stage how this will work in practice, and given it will be defined in the regulations, it is yet to be written. For these reasons we hold some concerns about this bill. We will explore those further in the committee and see if we can get some clarification from the Attorney around the proposed operation of the bill. However, as I stated at the outset, the Greens are not in a position to support the bill today.

Georgie CROZIER (Southern Metropolitan) (15:08): I rise to speak to the Criminal Organisations Control Amendment Bill 2024. As my colleague Mr Mulholland has pointed out, this government has had ample time to get these laws into the house. They have failed to do so. I want to talk a little bit about the history of how they have attempted to stamp out the illegal activity that is occurring with these organised groups and bikie gangs and the like. We know that they have been in the news and have been a massive headache for the government – with good reason. The infiltration of these bikie gangs into the CFMEU on government worksites, causing all manner of intimidation, and the disgraceful display that has gone on has been nothing but shameful. I will come back to the points I want to make about what the government has been faced with, their inability to deal with these unlawful gangs and their close associations with some of these individuals that are also closely linked to these undesirables.

What this bill does is to amend the Criminal Organisations Control Act 2012 to make changes to the unlawful association scheme and provide for the Independent Broad-based Anti-corruption Commission to have oversight functions in relation to the unlawful association scheme, replace the scheme for making declarations and control orders with a scheme for making serious crime prevention orders, prohibit the public display of the insignia of certain organisations and prohibit adult members of certain organisations from entering certain areas at Victorian government worksites. I mentioned that, and as I said, there have been significant issues around bikie gangs infiltrating the CFMEU and the control of the CFMEU and the demands that they have over government, inflating prices and causing these substantial issues around the project blowouts that are costing the Victorian taxpayer tens of billions of dollars.

But a bit of history: it was in 2012 that the then coalition government introduced the Criminal Organisations Control Act 2012 in a bid to better tackle organised crime in Victoria. That act has been amended a number of times by Labor, the first time in 2015, and I note what the Shadow Attorney-General said in his speech. He pointed out the ongoing chest-puffing of the government in relation to what they were saying, but the delivery and actual implementation of any real change has been far from impressive. The government in 2015, as I said, did look at amending that act that I spoke of. That was in 2015, and it was to give police the powers they needed to disrupt and dismantle criminal gangs. Again that did not work, and the government failed to bring about any meaningful powers for police to dismantle these groups. In 2018 they had another go, and again there was much lauding of what the government was doing. But here we are again in 2024, some six years, later debating legislation around strengthening the powers so that these unlawful groups and particularly bikie gangs are dealt with, giving the police and IBAC the powers that they need to be able to do their work.

I have mentioned the CFMEU and the control they have over the government. Nick McKenzie's stories and the report he did a few months ago in relation to the extent of the infiltration of the CFMEU and subsequently the undesirables in these bikie gangs that have got in and are controlling these taxpayer-funded worksites – it has been really dreadful. It was only after that that this bill came into the house, so it is another reactive action by the government. Let us hope that they can actually get it right this time so that we see some meaningful change, because it has been too long. Nine years with no action is far too long, and look what has happened. As I said, the infiltration of these people – they have got into government worksites and are calling the shots.

We know that there have been a number of cases. Mr Mulholland highlighted a few of them, and I want to go through a couple of them as well. As we know, there was the extraordinary appointment of a convicted criminal and bikie figure as a CFMEU health and safety official, earning around \$250,000 a year – what a disgraceful abuse of taxpayers money. In 2019 CFMEU official and the Premier's friend Mr John Setka, who we know has had a lot of connections with these groups – I am aware of two in particular; there could be more, I do not know, but the Hells Angels and the Comancheros. These bikie groups have gotten into the CFMEU and are working on the taxpayer projects. They have got a lot of power, and they have caused a lot of intimidation and a lot of concerns. They are associations and they are connections, and they have been allowed to thrive under the watch of the

Premier, who was the minister responsible for major projects. She is now the Premier and has allowed this activity to flourish. Under her watch as the minister and now as Premier she has allowed it to flourish. She is trying to do something now after Nick McKenzie's article and the *60 Minutes* program which exposed the extent of this infiltration, but it goes to the extent of the relationships of the Premier with the CFMEU officials at this very high level, like John Setka.

In 2021 Mick Gatto, another known figure in Melbourne's underworld, was also allegedly or supposedly mediating disputes between various groups at the CFMEU and others on construction projects. That is the extent of the infiltration that I am speaking about – how they have got into working on government projects, got into those government sites, and how deeply these underworld figures and these undesirables have infiltrated and are calling the shots, whether it is a health and safety official or whether it is negotiating between groups and therefore coming back to the government. And we know how close the government is to the CFMEU – of course they are. They have donated millions and millions of dollars to Labor and continue to do so, and that says it all. This group, the CFMEU, closely aligned to Labor, has been exposed, and finally the government is acting, but they would not have. They would have let it all go through to the keeper, and they would have allowed these groups to continue to ride roughshod over the Victorian taxpayer. Frankly, the Victorian taxpayer has seen what has gone on, and they are absolutely appalled, as they should be, by the abuse and the gross wages and payments that have been paid to some of these individuals.

Of course we know that just last year there were kickbacks from organised crime groups – these groups allowed to be operating on these construction sites – and that was exposed. So all of these issues are very, very murky, they are very, very dodgy and they are very, very concerning to the Victorian taxpayer. I have got to say, when those stories broke it really did highlight the extent to which and how deeply these criminal organisations had infiltrated the CFMEU and other groups and the intimidatory standover tactics that were being applied. I had people who contacted me. They were too terrified to speak out because they were subcontractors and they did not want to lose their work on these jobs. It has flowed on. And it is such a dark chapter in the state's history regarding these dreadful, dreadful happenings.

But anyway, I go back to this bill, because as has been pointed out, this is the third time the government has tried to strengthen the laws. They tried in 2015 and 2018; they failed. I fear that it will be not strong enough. I fear that the police need powers so they can actually do what they need to do. They have been let down by Labor and they have been let down by Jacinta Allan as Premier. We are not giving them the powers that they need to be able to move on people that need to be moved on or get to the bottom of what is going on on some of these sites and really be able to do that police work. Likewise with IBAC – and we know that the government has not funded IBAC. Robert Redlich belled the cat on that before he left. And the government might say that they support IBAC, but they are not stumping up with the funds that they require.

Genuinely I do say that we need to make sure that this is working. I know that Mr O'Brien and Mr Mulholland have spoken about an amendment to ensure that the review provisions be completed within six months of the three-year anniversary of the commencement of this bill so that we can see if it is actually working or not. I do hope the government sees fit to support that. We need to ensure that when legislation is coming into place – especially on the third time, when the government are trying to strengthen these laws and it is their third time in doing so – it actually is working, and so we need that review undertaken in a timely fashion, not one that is being dragged out.

Jacinta ERMACORA (Western Victoria) (15:19): I speak today on the Criminal Organisations Control Amendment Bill 2024. This bill seeks to disrupt serious and organised crime in Victoria by strengthening existing criminal organisation laws and disrupting and preventing involvement in criminal groups in public construction. We know that the scourge of serious and organised crime has a significant and detrimental impact on community safety in Victoria. According to the Australian Institute of Criminology, serious and organised crime costs Australians up to \$60 billion each year. That is \$60 billion that could be going to better the Australian community but instead is used to traffic

drugs and firearms and to blow up small businesses and tobacco shops, which ultimately results in deleterious outcomes for our community.

Our reforms will give Victoria Police the tools it needs to crack down on these criminals and ultimately protect all Victorians from the harm they cause to our community. In particular they will strengthen the existing unlawful association scheme, making it easier for Victoria Police to issue and endorse an unlawful association notice; introduce a new serious crime prevention order scheme to replace the existing declaration and control order scheme; prohibit the public display of designated insignia or gang colours in Victoria; and create a new offence prohibiting members of declared organised crime groups from entering or accessing Victorian government worksites.

This bill modifies the existing unlawful association scheme, which has been in operation for over eight years but under which no unlawful association notice has been issued – that is the clue. Victoria Police has said that the scheme is unworkable in its current form, so the reform lowers the threshold such that a police officer must now be reasonably satisfied that issuing the notice is likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network and that it is appropriate in all of the circumstances. The threshold for contravening an unlawful association notice has also been reduced.

This bill also introduces new exemptions where an association occurs whilst receiving welfare services, in the course of emergency services volunteering or whilst an Aboriginal person or Torres Strait Islander person is engaging in the performance of cultural practice or obligation. Victoria Police is also required to report on the number of Aboriginal people and Torres Strait Islanders who receive a notice or are charged. I do point out that what is not counted is not known and what is not known is not fixed.

I have just a couple of comments briefly today on serious crime prevention orders. The bill will also introduce the new serious crime prevention order scheme, enabling the Chief Commissioner of Police to apply for a court order restricting the activities of individuals aged 18 or older who are involved in the most serious end of organised crime. Orders might prohibit, for example, the use of an alias, the possession of firearms or cash or the individual leaving Victoria or Australia. Before making an order, the court must be satisfied that an individual is an eligible offender for the purposes of the bill or has been involved in serious criminal activity. Judicial discretion and oversight are an essential safeguard in the scheme, and this reflects the significance of the serious crime prevention orders for the lives and activities of the persons subject to them.

Before I finish up, I just want to comment on the prohibition of the public display of insignia of certain organisations. Members of some criminal groups, including outlaw motorcycle gangs, wear and display colours, such as patches, logos or other insignia. Victoria Police has indicated that such public displays are used to intimidate, stand over and influence others in the community by creating fear and sometimes an implied threat of violence and also to attract and recruit new members through visual presence and status. I just want to say how important it is that we stop intimidating behaviour. Some individuals – in any forum, place of work or community organisation – experience that intimidation differently to others. To display insignia of membership of an organisation that is quasi criminal or declared and acknowledged as such can be incredibly intimidating, particularly if you are wanting to use critical thinking to improve your workplace or even to quite legitimately lodge a complaint. This is really important to try and codify. Intimidation is not tolerable, and this is a very, very strong message.

Police will have the power to direct a person to cease display of an insignia, seize without warrant property bearing insignia in a public place or obtain a warrant to seize insignia in public view. I fully support this initiative, and I am confident that the discourse that happens as a result of this will go to improving the environment within workplaces on public sites in particular. The other improvements in this bill are a really good step in the right direction. I commend the bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (15:26): Once again the government is playing whack-a-mole with the consequences of organised crime whilst continuing to ignore the incentives that are causing organised crime in the first place. Many of these root causes have been alluded to in the course of this debate, but there are no actions that I can see that are actually trying to attack the root causes. In relation to some of the well-known root causes, much has been said about the CFMEU and the infiltration of that by organised crime, as was reported in the media recently, but not much has been said about the vector of infiltration, which was the government's own workforce diversity quotas. Organised crime saw an opportunity through these diversity quotas, set up specialist labour hire agreements and found a vector for corruption.

The big one, which I have spoken at length about, is tobacco and vaping stores. Again, the incentives are caused by government itself. In this case it is the federal government, but nonetheless the incentives for the arson attacks that are happening all over the city and now interstate as well are caused by federal tobacco excise taxes and vaping prohibition, which has had no effect on reducing smoking rates in recent times and has only incentivised organised crime involvement.

The other big thing which has also been alluded to is drug trafficking. Prohibition – I have spoken about drug prohibition many times in this place – continues to be an incentive for organised crime. Why this government continues with cannabis prohibition, for example, I do not know. I will give the government credit for one thing: they are expanding the opiate pharmacotherapy options for people. I also commend the opposition for supporting that. But they are not doing it at a large enough scale, they are not doing it fast enough. Every person that we get onto pharmacotherapy is another person that we get out of the hands of organised crime.

The other thing that people are not talking about with organised crime is: where is this money being laundered? And we are talking billions and billions of dollars. I do not think we have a good handle on that, but I dare say there are not many industries in this state big enough to handle that money other than construction. Eventually we are going to get to the bottom of this, but I think that we need to take a serious look at what is going on in the construction sector – not just organised crime involvement in routing taxpayers but also laundering money through this sector. These billions of dollars cannot just be disappearing and being laundered through vegetable shops. It is simply far too big for that – we are talking industrial-scale laundering.

One of the things that this bill is doing – of course, again, the government is infringing on the rights of Victorians without necessarily even having any sort of criminal conviction or charges – is banning insignias. This has been spoken about. What the government is doing here is actually quite similar to what they did with the Nazi swastika ban, basically taking an organisation's logo and outlawing it in the hope that somehow that will make the organisation go away or it will somehow stop intimidation. Well, let us look at the results on that. The government has a track record here. It is an appalling track record, but they have a track record here that we can point to where they have tried to disrupt an organisation that they do not like – in this case it was Nazis – and they banned gestures and symbols used by that organisation. What has happened since then is, firstly, they consider themselves more important because they have the attention of the state and, secondly, as was pointed out, as I warned about when this legislation came into effect, they now have their martyr. The courts have said that they will jail him. These groups are openly celebrating the fact that they have someone that is going to be a historic martyr for their movement, and they are using it for recruitment purposes. These laws have spectacularly backfired on the government. They are spectacularly counterproductive, and they should be repealed immediately. There is absolutely no reason whatsoever to think that these insignia bans that are contained in this legislation, which are almost identical to what was done with the Nazi ban, are going to be in any way more productive – in fact quite the opposite.

I am not the only one who has concerns about this. I will quote from quite an extensive report that Liberty Victoria did on the bill, opposing it. They said about the insignia:

Our position is that due to the adaptability of icons and difficulty of enforcing these prohibitive offences, the legislation is unlikely to be effective, and may paranoically only succeed in giving these organisations more attention as the matters are invariably tested through the courts.

On this point I totally agree with Liberty Victoria, and in fact we can see already the results of this type of legislation and the actual outcomes, which are totally different to the intentions purported by the government.

The other thing that this bill does is bring in new serious crime prevention orders which limit a whole bunch of rights under the Charter of Human Rights and Responsibilities without necessarily anyone even being charged. This is totally the wrong way to go about fighting organised crime in this state. If we are going to undermine organised crime, we have to undermine it at the economic level. The only way that we can do that is by changing the incentives available. That means doing something about tobacco excise tax. That means doing something about the conditions on worksites, like the workforce diversity quotas, for example, which have had this terrible unintended consequence. That means things like looking at what has happened with cannabis prohibition and the criminal market that that has incentivised. That means looking at what is happening with the vaping market and the criminal market that has incentivised.

I spoke about money laundering. The other thing that really concerns me is where this money actually ends up. I have spoken about this a number of times publicly, but it would not at all surprise me if the proceeds of some of these criminal activities ended up funding foreign terrorist organisations. That is totally within the realms of possibility; in fact I believe it to be the case, at least in part. In short, the Libertarian Party will be strongly opposing this bill. We think it is totally the wrong way to go about fighting organised crime. If we want to fight organised crime, we need to focus on the incentives, and those incentives have been set up by the government itself.

Trung LUU (Western Metropolitan) (15:34): I rise today to make a contribution in support of the Criminal Organisations Control Amendment Bill 2024. It is time for all of us to demand a safer Victoria for ourselves and future generations. Since the coalition government introduced the Criminal Organisations Control Act 2012 we have made strides against criminal groups, but we know much more needs to be done. In 2012 the coalition government introduced the Criminal Organisations Control Act 2012 in a bid to better tackle organised crime in Victoria. This bill is somewhat of a half-measure, and I am afraid it does not go far enough to dismantle the financial pathway that enables organised crime to thrive in our state.

As we have seen borne out in recent times and current investigations into criminal elements, organised crime profits from government contracts. If we do not cut these funding sources, criminal activities will rise. We must prevent further escalation, ensuring zero taxpayer dollars fall to organised crime gangs working on government contracts. This bill introduces serious crime prevention orders, granting police anti-association powers similar to those in New South Wales, monitored by IBAC. It prohibits respondents from associating with specific individuals or individuals of a specific class, prohibits respondents from leaving Victoria or Australia, prohibits respondents from entering specific workplaces and prohibits respondents from possession or use of firearms and other weapons.

It aims to ban the public display of the '1%er' bkie patch and it restricts criminals from accessing certain government worksites. The purpose of this bill is that the mark of the '1%er' insignia denotes organised crime by including the organisation's name or logo, including membership organisations, to indicate an association with organisations. Organised crime has long plagued Victoria in the form of groups like the Hells Angels and Bandidos pursuing illegal activities. Under Labor's current weak laws, Victoria has become a haven for these criminals, as highlighted by the history of gangland killings and drug trafficking. After nine years of ineffective response, the Allan Labor government

continues to allow crime to flourish, with the significant increase in property crime linked to organised activities.

This bill was introduced by the coalition, but the Labor Party failed to give it any associated powers as in the Criminal Organisations Control Act 2012. The Attorney-General at the time, Robert Clark, stated that:

Criminal organisations pose a serious and ongoing threat to public safety and order in Victoria.

More needs to be done to prevent criminal activities, especially among groups that are resistant to traditional policing methods. The impacts of organised crime every day in Victoria include fear of these gangs' violent actions. The increase in aggravated burglaries and motor vehicle theft is connected with the influence of organised crime, particularly through gang conflicts and over illicit markets, as we have seen in recent times with the tobacco industry.

A recent report by the Victoria Police's Commander O'Brien notes that the link between arson attacks and extortion efforts of organised crime networks indicates the dire need for effective intervention. This bill empowers police to disrupt both bikies and Middle Eastern crime syndicates, but the government must demonstrate that it can be trusted to enforce these measures. Strong oversight is necessary for this bill to be effectively implemented, and IBAC needs full funding to guarantee accountability. IBAC will be in charge of the monitoring of serious crime prevention orders. These orders empower authorities to prevent respondents from leaving Victoria, as I stated, possessing weapons, and entering specific locations. A well-resourced IBAC is crucially needed for maintaining transparency and preventing the abuse of power. Improving the contracting process is vital to prevent criminal infiltration, particularly in the construction industry, as we have seen in recent times.

This bill will introduce an important power, but we must question whether it is enough to effectively tackle the root of the issue. While imposing a fine and a penalty is a step forward, we need comprehensive reform to truly safeguard against corruption and criminal influence. The current scheme Labor has overseen has hamstrung police, overburdening them with paperwork and impossible requirements to fulfil. When I mention this I am referencing what various acts have done in previous years. In the Criminal Organisations Control Amendment (Unlawful Associations) Act 2015, a new amendment gave Victoria Police power to issue a notice to persons ordering them not to associate with each other and warning them that they may be committing an offence of unlawful association. However, under this act which was implemented in 2015 no offence is committed unless a warning has been issued. How can police implement their authority if first they must give a warning when known criminal associates are associating with each other? They must issue a warning before a crime is committed. Hamstrung police are tied by various obstacles.

While imposing a fine and a penalty is crucial, the history of laws addressing organised crime in Victoria reveals a longstanding struggle of the balance between public safety and civil liberties. Organised crime costs Australia over \$60 billion a year, and this bill will make it harder for criminals to do their business. Previous amendments aimed at counteracting criminal associations have had limited effectiveness and demonstrated the need for robust enforcement and new strategies. Successful frameworks in other states, despite the introduction of serious crime prevention orders, have required clear guidelines and oversight.

In closing, the Criminal Organisations Control Amendment Bill 2024 is a necessary step forward in the fight against organised crime in Victoria. Laws like this have a longstanding history in Victoria, with anti-consorting legislation originating in the 1850s. This law was necessary to prevent criminals from freely gathering during our early colonial settlement and aimed to curb criminal association and enhance public safety. But as society has progressed, legislation has attempted to keep up with current modern activities. This bill is designed to adapt to and evolve with criminal threats. While introducing this important measure, we must also push for further reform to tackle corruption in the construction sector and beyond. It is time to send a strong message that Victoria will not accept the influence of

organised crime in any organisation. We can look forward to a safer and more accountable society in Victoria.

John BERGER (Southern Metropolitan) (15:44): I rise today to discuss the bill before us, the Criminal Organisations Control Amendment Bill 2024. This bill will equip our criminal justice system to address criminal organisations within Victoria. These tools we are giving to our police include several measures, such as new serious crime prevention orders, reforms to the unlawful association scheme, the barring of members of certain organisations from state government worksites and the prohibition of displays of insignias by certain organisations. Before getting into the substance of this bill I would like to touch briefly on some facts we know about organised crime, both in the context of Victoria and as a broader concept.

The simple fact of the matter is that organised crime ruins lives and ruins communities. Organised crime has no place in our state. It has no place in our society. On an economic level organised crime costs the larger community billions of dollars each year, with an Australian Institute of Criminology report suggesting that the financial costs of organised crime could range from \$27 billion to \$60 billion a year due to a series of factors, including but not limited to the cost of prevention and the cost of responses to serious crimes committed by criminal organisations. Additionally, the costs of money laundering, which many of these organisations are involved with, have a significant economic impact on the state and the community. It is estimated that \$3.5 billion was laundered in less than a decade. This economic damage alone is a matter of deep concern, but we know where there is smoke there is often also fire. The same study that found an estimated \$3.5 billion was laundered in seven years also found a significant connection between money laundering and other serious crimes. Criminal organisations involved in money laundering are 1.7 times more likely to have committed a range of other criminal offences.

Another study even found that there is a correlation between outlaw motorcycle gangs, one of the most common cohorts of organised crime organisations in Victoria and Australia, and an individual's likelihood of committing high-harm offences. Whilst this may seem obvious, it is helpful to be able to quantify these connections to further understand the nature of organised crime. This study found roughly 73 per cent of outlaw motorcycle gang members or prospects have committed prior offences; among the most common of these are violent and drug-related offences, both incredibly dangerous kinds of crime. Involvement in outlaw motorcycle gangs just pushes these people to reoffend. Their influence is unacceptable, and our criminal justice system must be supported to be able to respond in a way that prioritises public safety.

There is also of course the question of the drug trade and organised crime. There is a notable connection between organised crime, particularly outlaw motorcycle gangs, and the domestic drug trade. Far and away the most common drugs crime organisations have been found to be involved with are methamphetamines. This includes the trafficking, manufacturing and selling of said substances. In 2021 a study found that 74.1 per cent of organised crime bodies were involved in the methamphetamine market. This is an out-and-out evil industry that ruins lives. It ruins livelihoods, health and families. It simply has no place in our community, and organised crime is integral to the continuation of its presence. Methamphetamine is directly correlated with a series of health issues on the user and influences on the user's behaviour, impacting the likelihood of other crimes, such as domestic violence. This is all facilitated by the involvement of outlaw motorcycle gangs and other crime organisations.

All of this is to illustrate the gravity of the topic before us and why the Allan Labor government is pushing ahead with these reforms. Organised crime is a direct and indirect aggregator of many social problems, such as violence and drug use. They offer nothing but harm and risk to the community, and it is essential Victoria has a government that takes crime seriously. Because of this I am proud to be a member of the Allan Labor government. We are tough on crime in ways that matter. Those across from me often like to imply that we are not, but it is often the case that this just does not stack up with the facts. Since 2016 we have invested a record \$4.5 billion into our police to ensure they have the

technology, equipment and manpower to tackle crime. Today this bill will enable that further by giving them the ability to more effectively tackle organised crime. We are committed to delivering the outcomes that matter in a safer and better Victoria.

This bill uses the term ‘prescribed organisations’, which I would like to explain before discussing the intricacies of this bill. Within this bill it refers to the organisations that are prescribed by regulation by the government at the recommendation of the Attorney-General. This recommendation can only be made following consultation with the Chief Commissioner of Victoria Police. Additionally, the recommendation may only be made if the Attorney-General is confident that the measures will meaningfully disrupt and prevent the occurrence of criminal activity and that the measures are considered reasonably necessary to the prevention of criminal activity. This can be found under the division 4 stipulations. The bill also refers to prescribed organisations as certain organisations throughout. The inclusion of this means that once the bill takes effect, any and all offences included in it may only apply to the members of said prescribed organisations. This is to ensure that, whilst the bill is strong against crime, it leaves no leeway. It is also targeted. In finishing my contribution, I would like to acknowledge the Minister for Police in the other place. It is important that our police be properly equipped to prevent and respond to criminal activity. I commend the bill to the chamber.

David ETTERS HANK (Western Metropolitan) (15:50): I rise to make a contribution to the Criminal Organisations Control Amendment Bill 2024 on behalf of Legalise Cannabis Victoria. As the name suggests, the bill is amending the 2012 act to allow for a more robust response to the activities of criminal organisations, notably outlaw motorcycle gangs, amongst others. Firstly, the bill amends the unlawful association scheme. It lowers the criminal threshold for issuing an unlawful association notice, allowing police to issue notices to a broader range of people for lesser offences, with more severe penalties for breaching them. It also replaces the existing declarations and control orders with new serious crime prevention orders. The bill bans adults from knowingly displaying the insignia of certain organisations in public. Finally, the bill seeks to prohibit members of prescribed organisations from entering Victorian government worksites.

I will say from the outset that Legalise Cannabis cannot support this bill in its current form. Given the bill’s very easy passage through the Assembly, however, I doubt that our votes will decide much in this chamber on this matter. Nevertheless, it would be good to see some more guidance and clarity around parts of the bill for the benefit of the legal community, so we will have some questions during the committee stage.

This bill, once passed, will again hand yet more power to Victoria Police to restrict a person’s civil liberties and basic rights. The existing legislation already gives police substantial powers to restrict individual freedoms of association and political expression and, as Mr Mulholland noted, has not been used. Victoria Police are not known for wielding power with restraint or consideration. Where is the case for handing even more extreme powers to them? There is already insufficient oversight of police conduct. How is IBAC, the agency responsible for overseeing police misconduct, supposed to take on additional oversight when it already struggles to fulfil its current brief? As it is, less than 3 per cent of police complaints are investigated by IBAC; the rest are reviewed internally. And how is IBAC supposed to objectively oversee a scheme which relies on Victoria Police’s self-reporting on how that scheme is operating?

The Victorian Inspectorate noted the dangers of an institution that relies on the self-reporting of its members – the risk of corruption, the unwillingness of Victoria Police officers to act against their own, the conflicts of interest it engenders. It is highly problematic. Stakeholders we have met with have also expressed alarm at the creeping authoritarianism that appears to have been enthusiastically embraced by both sides of politics over the last two decades. Police can exert extraordinary control over individuals’ lives in circumstances where they have not committed a crime or they have done their time and are entitled to move freely and associate with whoever, and we see these laws being frequently abused. It is what happens when you hand unchecked power to the police.

Indeed this bill reminded me of formative events in my distant past, when another instance of police being handed extraordinary powers spurred my first foray into political activism. In 1977 Premier Joh Bjelke-Petersen announced a total ban on street protests, handing power to the police commissioner to approve or reject any application, no questions asked. The gathering of two or more persons without a permit constituted an illegal assembly. As an idealistic uni student, I was incensed by this violation of my democratic right to protest and even more appalled at the state handing extreme powers to police to uphold this violation, so I went along to the march with a bunch of mates, ostensibly to fight for our right to assemble. All sorts of people showed up that day; 400 were arrested, myself included. And 50 years later, here we are. While this bill is not the sledgehammer or nutcracker that Bjelke-Petersen tried to use back then, it is nonetheless a blatant expansion of police powers and the control order regime. As the saying goes, ‘History doesn’t repeat itself, but it often rhymes.’

Turning to the changes to the unlawful association scheme, these reforms remove the need for an individual who is subject to one of these notices to have been previously convicted of an indictable offence, allowing the police to issue notices to more people for lesser offences. The prerequisite that the association is likely to lead to the commission of a crime is changed so that police need only be reasonably satisfied – so based on a vibe, for example, that a notice will prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network, thereby preventing criminal conduct. Similarly serious crime prevention orders can be used to impede an individual’s ability to associate with who they like, to travel, to use certain telecommunications devices and to prevent them from engaging in certain business activities without that individual ever being charged with a crime. I am reminded of the movie *Minority Report*, pre-emptively criminalising conduct that has not yet occurred and may never occur. It is quite chilling, in my opinion, and without more robust police oversight the scheme is ripe for abuse.

Only last week we learned that Victoria Police still employ racial profiling despite the fact of this being banned in 2015. The Centre Against Racial Profiling has used FOI data to track how the ban on racial profiling was working. They found that Aboriginal and Torres Strait Islander people are still 11 times more likely to be searched by Victoria Police than non-Indigenous people, and people perceived as African were eight times more likely to be searched, and of course we know that Aboriginal and Torres Strait Islander peoples are already subject to overpolicing and over-representation in the justice system. Victoria Police have a problem with systemic racism, and in the absence of a statewide monitoring scheme and some robust oversight they do not appear to have an appetite for monitoring or enforcing their own zero-tolerance-to-racism policies. As I have noted, there are significant concerns around IBAC’s role in overseeing this scheme. The Australian Lawyers Alliance warned that:

The proposed plan to give IBAC further monitoring tasks simply increases the strain on an organisation that already cannot cope with its current police misconduct remit.

We will be asking some questions around the oversight of these schemes in the committee-of-the-whole stage. We will also be asking some questions about the ban on the public display of insignia of certain organisations. Legal stakeholders we have spoken to are concerned that the legislation is vague enough to capture people who are not the intended targets of the legislation, including members of political organisations or protesters, and again that there should be more oversight. They would like to see some tightening of the definitions in the bill.

Turning to the prohibition of members of prescribed organisations from entering Victorian government worksites, we are opposed to this provision, particularly as there is very little detail about how these organisations will be prescribed. Building sites are possibly one of the few remaining places where someone with a previous criminal record can find stable work and turn their lives around. Restricting these people’s capacity to earn a living and depriving them of the other protective factors that a job provides may in fact force them to seek out the very criminal connections they are trying to leave behind just to earn some money. Stakeholders would like to see this legislation tightened, particularly around definitions. The intent to target serious criminal gangs could be more explicit to give the legal community more direction around how the law should be applied in court.

As I noted at the start of my contribution, we cannot support this bill in its current form. Serious organised crime is obviously an issue in Victoria, but I am not convinced the legislation will have any effect on thwarting crime. A better way to protect our communities and to tackle serious organised crime in Victoria would be to cut off their source of funding. As I noted in this chamber only last month, illicit cannabis is a boon for organised crime, aptly described by a senior New South Wales police officer as ‘the jet fuel of organised crime’. According to our own Parliamentary Budget Office, illicit cannabis pulls in around \$1.25 billion a year in Victoria alone. By conservative estimates, Victorians consume about 8 tonnes of illicit cannabis each year. Indeed only a couple of weeks ago a Victorian with a link to organised crime was charged with trafficking cannabis between Victoria and New South Wales. Police seized 58 kilos of cannabis worth about \$600,000, which is but a drop in the ocean. With the money we could save on policing, not to mention detention and court resources, we could prevent a lot of serious criminal activity and do a lot of good in this state as opposed to passing ever more reactionary legislation that hands more power to the police.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:00): Thank you to previous speakers on your contributions on the Criminal Organisations Control Amendment Bill 2024. I will just take a brief opportunity to sum up given that there has been good coverage of the bill’s proposed amendments and intentions.

Effectively, this bill is about ensuring that Victoria Police have the tools they need to prevent, disrupt and tackle serious and organised crime in Victoria by delivering a tranche of reforms that aim to strengthen the response against organised crime. The bill will strengthen the existing unlawful association powers in part 5A of the Criminal Organisations Control Act 2012 and provide for oversight of the scheme by IBAC. It will also provide a new scheme for the making of serious crime prevention orders in Victoria, enabling the court to impose conditions restricting the activities of persons subject to the order, replacing the existing declaration and control order scheme. Notably it will also prohibit the public display of designated insignia, commonly known as ‘gang colours’, in Victoria, modelled on our nation-leading ban of the Nazi symbol and also bringing us into line with many other jurisdictions in the country. The bill will also create a new offence prohibiting members of declared organised crime groups from entering prescribed Victorian government workplaces. It also complements earlier work we have done, including passing the Confiscation Amendment (Unexplained Wealth) Act 2024, which strengthened Victoria’s unexplained wealth scheme, and the Major Crime and Community Safety Legislation Amendment Act 2022, which expanded powers around cybercrime, cryptocurrency seizures and electronic and specialist search powers.

There is no doubt that this is a significant piece of work. It has been informed by comprehensive public review into the existing criminal organisation laws, which were seen as not fit for purpose, not an effective response, and needed to be updated. In that respect it has been a journey. It has been incredibly complex, and there have been a lot of conversations and negotiations. As you can tell from the flavour of the debate, I think there are people that think this has not gone far enough and there are those that think it has gone too far. Often that is an indicator that the government is balancing a lot of different views and therefore has landed in the middle, which is sometimes the best place when you are drafting complex laws that impact the lives of Victorians.

I understand that the opposition will be moving their review amendment. I note we are not proposing to oppose that amendment, but I would like to take the opportunity to briefly explain the rationale for the initial review period. The review period was set to be engaged at the end of three years from the reform’s commencement and scheduled to go for 12 months. They were chosen to maximise the data collected to more comprehensively review the effectiveness of the reforms. Reducing these timeframes is likely to result in a shorter, less comprehensive report back to Parliament. But as I often do, I have read the tea-leaves in this respect, and I am not shying away from a review. I just think it would have been more effective to keep those resources to be deployed at a time when they would have been more effective. But we do have a habit of bringing forward reviews to legislation, particularly in my space often, and it seems to be the will of this chamber therefore so be it.

In conclusion, the reforms in this bill are an important tool to tackle and disrupt serious and organised crime in our state. They have been informed by, as I said, public review – broad and significant consultation with a variety of stakeholders, including Victoria Police. Victoria Police have not got everything that they asked for, contrary to some of the contributions today. Obviously we have gone into measures that people believe are impinging on people’s rights, and I acknowledge that this is what this bill does in effect, because it is all about ensuring that we get the balance right to protect Victorians, discourage the growth of organised crime and disrupt those organisations from growing by impacting their recruitment tools and indeed jumping on illegal activities that are causing significant harm to the state.

Thank you to Mr Bourman and Legalise Cannabis in particular for their engagement with my office on this bill.

In conclusion, we as a government are wanting to do everything we can to crack down on criminals who ultimately are a threat to ordinary Victorians because of the seriousness of the harms that can be caused by their illegal activities. We are hoping that this enables police to do what they do best, and that is to keep Victorians safe. I know there will be a series of questions in committee, which I am more than happy to address.

Council divided on motion:

Ayes (32): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Noes (7): Katherine Copsey, Moira Deeming, David Limbrick, Sarah Mansfield, Aiv Puglielli, Samantha Ratnam, Rikkie-Lee Tyrrell

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (16:14)

David LIMBRICK: I just have a couple of questions primarily related to the insignia ban. We have seen some consequences of this type of ban in other jurisdictions where, after the ban, the only motorcycle insignias or group of insignias that you see are actually legitimate organisations, not criminal ones. My question to the Attorney-General is: what sort of training will be provided to police and general communications to ensure that legitimate, law-abiding motorcyclists are not hindered or harassed as a result of these laws coming into effect?

Jaclyn SYMES: Thank you, Mr Limbrick, for your question. As you have indicated, the bill creates a criminal offence banning the public display of insignia, such as patches, logos and other texts, colloquially known as ‘gang colours’, of certain organisations which will be set out in regulation informed by the intelligence from Victoria Police. Members of criminal groups often wear and display colours, such as patches and other insignia, to represent their affiliation with a group. Victoria Police has indicated that such public displays are often used to intimidate, stand over and influence others in the community by creating fear and an implied threat of violence and also to attract and recruit new members through visible presence and status. As indicated, the purpose of the new offences is to prevent and disrupt serious criminal activity in Victoria which is created or facilitated by the public

display of insignia. As you have indicated, legitimate members of the public who ride motorcycles and might wear a leather jacket are not intended to be caught by this legislation.

In terms of other jurisdictions, other states have taken approaches equivalently. We will obviously draw on some of the experiences from other states, but our proposed offence actually goes further than New South Wales and South Australia, because it will ban the wearing or carrying of clothing and other items, whereas the other states do it in licensed premises only. There will be the opportunity for police to be trained and educated in relation to the enforcement of these offences. They will only apply to organisations that have been prescribed in regulation under this act. To become prescribed, organisations will have to be set with clear criteria and processes for when the organisation may be prescribed to ensure that it is confined to directly relate to its intended purpose. I cannot state more clearly that this is a bill that has been informed by a lot of consultation, and my conversations with Victoria Police were very much around ‘I understand what you want to deal with. You want to deal with organised crime.’ This is not another crime-fighting tool for offences and other groups, even if they are engaged in criminal activity outside of this organised crime, this particular targeted thing. In terms of other gangs that are not organised crime or other crimes that are committed that are similar to what maybe outlaw motorcycle gangs might engage in, even that is not captured by these laws. This is about targeted disruption, dismantling and prevention of these types of gangs because we know the harm that they can cause. There will be training, as I said, in relation to the prescription of which organisations are in. That will be informed by police, and there will also be the disallowance ability of Parliament.

David LIMBRICK: I thank the Attorney-General for her explanation on that. Another related question, again relating to the insignias – I suppose you could call it one of the benefits of these people wearing colours is that you can easily identify them. What sort of effect does the Attorney think that these laws will have on gathering intelligence on these types of organisations? After they are prescribed, they will no longer be visible therefore I would expect that gathering intelligence will be much more difficult. What is the expected outcome of that? If you have been consulting with other states that have similar things, then how does the Attorney expect that that will work?

Jaclyn SYMES: It is not a matter for me to have a view in relation to the specifics of your questions because that is an operational matter for Victoria Police. Given that Victoria Police sought these laws and they have been engaged in a process for many years in relation to this, they have thought through the implications of the impact on their intelligence gathering.

Jeff BOURMAN: Minister, just going back to the listing of clubs in the regs – and not knowing how the police intend on doing it – say someone is, let us call it, borderline, or it is someone from the Ulysses motorcycle club, who are growing old disgracefully and are basically just a bunch of older blokes without the one-percenter-type criminal element, if they got caught up in this, is there a method for disputing being listed in the regulations? And how would they go about it if they feel that they were unfairly done by?

Jaclyn SYMES: Mr Bourman, apologies for the delay. I just want to take you through the process before coming before coming to your specific question. The bill provides clear criteria and processes for when an organisation may be prescribed to ensure the scheme has a confined impact directly related to its purpose. Specifically, an organisation may only be prescribed upon recommendation via the Attorney-General, where the Attorney-General has first consulted with the Chief Commissioner of Police and is satisfied on reasonable grounds that the application of the prohibition on publicly displaying an insignia to the organisation is likely to substantially assist in disrupting or preventing serious criminal activity and is reasonably necessary to prevent or disrupt serious criminal activity. In considering that threshold, the Attorney-General may have regard to whether any person has been involved in serious criminal activity whilst a member or prospective member of the organisation. The criteria set out an appropriately rigorous threshold to overcome and will ensure that organisations with no involvement in criminal activity will not be captured by this scheme. Your example of Ulysses, to my understanding, would not meet the threshold in relation to the purposes of disrupting organised

crime. There would also be the ability to make submissions before regulations are made, and procedural fairness requirements would apply in the process.

Jeff BOURMAN: Just for the record, for the benefit of anyone from the Ulysses motorcycle gang – club, I should say – that may be watching: just because they look like bikies, I am not saying they are. But the question still is: if someone feels unfairly done by, is there a process that they can attend to to try and get themselves delisted?

Jaclyn SYMES: Mr Bourman, in addition to the answer that I gave to Mr Limbrick earlier, there are opportunities along the way, just by the application of the principle of procedural fairness, and the ability for the Attorney-General to seek submissions, views, evidence and the like. There is the ability for organisations to raise a concern, and there is also the ability of Parliament to disallow a regulation in this legislation. It is not exactly a specific appeal to a court per se, but the Parliament could disallow a regulation if it was convinced on the merits it was inappropriate.

Jeff BOURMAN: Moving on to a couple of other things – if you are okay, I am just going to deal with a couple of questions I have in clause 1. There are a couple of definitions in the bill regarding Aboriginal and Torres Strait Islanders and a couple of other things about age-related exemptions. What is the government putting in place to make sure that these exemptions will not be abused and so that someone is not going to, for the want of a better term, create a First Nations motorcycle club and run around doing the same thing? Again, I am not suggesting they are going to, but where there is an exemption, humanity is very good at finding its way out of it. Also, what about young people being recruited to do the dirty work, which we are seeing out in the community right now? As far as this bill goes, how does the government see that there is a safeguard against these things happening?

Jaclyn SYMES: As you have indicated, there are exceptions in the legislation to the unlawful association offence. We want to ensure that they are not abused, so therefore the exceptions do not apply where there is an ulterior purpose for associating. I have had examples put to me that we are going to see bikie gay marriages so that people that have got orders against them can hang out under the exemption of a genuine family connection. I do not think we are going to see that happen. I have had other examples put to me in relation to people going to overtake a CFA brigade, going to start up a bikie men's shed or going to make up a sorry business, for those that identify as Aboriginal, and also happen to be a member of a bikie gang. These are theoretically possible examples, but there is the ability to ensure that if you have an ulterior purpose for associating, the exceptions do not apply.

I really do not see these exceptions playing out. I think in instances where an order might apply to two people and they both happen to be emergency service volunteers – again, it is really remote – if they are both responding in an emergency, I do not think they will have much time to talk about their organised crime activities if they are actually genuinely part of an organisation that is responding to an emergency. I am more than happy to have a look if examples pop up of these hypotheticals. I think it is extremely unlikely, and I think the ulterior purpose clause covers the field.

Jeff BOURMAN: I am with you. I do not think it is going to come up, but it was put to me a couple of times, and the question had to be asked.

Moving on to another thing, at this stage we are generally talking about outlaw motorcycle gangs as such and organised crime in general. There are people that have wide and deep influence within the building industry that may or may not make the fit and proper person test. Will this prevent people in the building industry – whatever the intent of the government's bill is – from associating with people outside? I do not like using names in this place, but Mick Gatto, for instance, runs a company. He at this stage would not be touched by this legislation, as I understand it, but he would probably meet the threshold for organised crime, and he has a lot of influence over the industry. Is this envisaged to touch upon those sorts of relationships?

Jaclyn SYMES: Mr Bourman, there are a range of laws and police powers to respond to criminal activity. This is not designed to be the answer to all criminal activity that may be committed by

somebody that is affiliated with organised crime; it is just one tool. The orders are designed to keep individuals apart where they are identified to be apart. The example you have put is, with respect, a little clunky in how you would apply the law, because it is not really a specific example that you have given me. However, if there was one individual, regardless of their status as an employer or a community member, if they were identified as somebody that fits this prescription then they could be captured for an order. But I am going to answer in a way that I think you were trying to allude to in relation to the worksite exclusion offence as opposed to the orders, because either could apply depending on the circumstances. But let us go down the workplace exclusion path. The worksite exclusion offence will operate to prohibit any member of a prescribed group from attending specific worksites. The offence will not apply to directions that might be given by a member of an organised crime group to contractors or other workers who are not members of a prescribed group. If a member of an organised crime group is directing a person to conduct criminal activity on a Victorian government worksite, then both persons can be charged with any offence being committed. So there is a place for this scheme, but it does not displace normal police operations.

Jeff BOURMAN: One last question: New South Wales has the New South Wales Crime Commission. Queensland has the Crime and Corruption Commission. Does Victoria envisage setting up a similar body? I see this could be quite a strain on Victoria Police's resources, and following the lead of other states, would Victoria set up a similar body to oversee these sorts of things?

Jaelyn SYMES: In relation to the operational matters for Victoria Police taskforces and how they go about their affairs, that is a matter for Victoria Police. In relation to the ability for people to make complaints about police interaction with these laws, then there is IBAC for people to be able to seek guidance from in that respect.

Jeff BOURMAN: Attorney-General, I actually was not talking about police complaints or misbehaviour; the crime commissions are for specifically more organised crime. I do not know if it is exactly a separate body to the police, but just for the avoidance of any doubt, I was not saying that there is a separate body for IBAC. It is a separate enforcement body or an enforcement body alongside the police.

Jaelyn SYMES: Mr Bourman, Victoria Police do the majority of the intelligence work. They obviously consult with the AFP, and then we also have a role for the Office of the Chief Examiner in relation to the powers that that office holds.

Katherine COPSEY: Attorney, you have alluded to this several times, but just for total clarity in the committee stage, what is the government's intention around what types of people will be subject to the unlawful association notices and serious crime prevention orders?

Jaelyn SYMES: Ms Copsey, this is a very targeted bill. This is about ensuring that it is focused on people that are involved in serious criminal activity. It is designed for police who have intelligence in relation to organised crime and outlaw motorcycle gangs and their engagement in criminal activity to be able to have expanded powers to respond appropriately. There is concern about whether this is a broadbrush approach to capture other illegal activity. It is not. It is designed purely for the purposes that we have outlined in the bill. The unlawful association notice has to be issued by a senior police officer to persons so that they do not associate with each other. One of those persons must be an eligible offender who has previously been convicted of an applicable offence. This is of course for the association notices. If a notice has been issued, the recipient commits an offence if they associate with a person named in the notice. Both the recipient of the notice and the person named in the notice will be subject to the same obligations not to associate.

It is important to note that a person who is 18 years or older can be issued with an association notice, not people under the age of 18. You have to have the reasonable belief that they have previously associated with an eligible offender and be reasonably satisfied that preventing the person from associating with one or more eligible offenders is likely to prevent or inhibit the establishment,

maintenance or expansion of a criminal group or a crime network and thereby prevent or inhibit criminal activity. The issuing of the notice must be appropriate in all the circumstances, having regard to factors such as the nature and gravity of the applicable offence and the time that has passed since the offence. As you have asked more about people, it is not about the identity of a particular person, it is about their connections, their criminal activities and their involvement with prescribed gangs.

David ETTERS HANK: The New South Wales Law Enforcement Conduct Commission's review of consorting laws, which are similar to those proposed in this bill, found that many of the warnings were issued for less serious offences than intended by general duties officers rather than specialist officers targeting serious crime. Is it the government's intention that the new police powers in this bill be used against high-ranking or senior gang members responsible for organised crime rather than community members or young people suspected of low-level offending?

Jaelyn SYMES: Yes.

Georgie PURCELL: Attorney, why has the unlawful association scheme not been used since it commenced in 2016 when the Criminal Organisations Control Act 2012 was amended?

Jaelyn SYMES: Basically as soon as I came into the role of Attorney-General and was meeting with the police commissioner and going through a list of their priorities – obviously you would appreciate that a lot of the legislation relating to police powers and conduct sits with the Attorney to avoid a conflict with the minister who is responsible, being the Minister for Police – what became apparent was that we have existing laws that do not work and that are not being used. Therefore it was my task to ensure that I negotiated and listened to people about what was needed and why the existing laws did not work and what we could do to rectify that.

There was a report into the Victorian criminal organisation laws. It was a review that evaluated the effectiveness of the existing unlawful association and declaration and control order schemes. It noted Victoria Police's view that the complexity of the declaration and control order scheme, the standard of proof required and the challenges associated with the protection of criminal intelligence hampered the effectiveness of the scheme, and as I have indicated, it has not been overly successful or has not been successful. It has not been utilised and therefore has not met its intended purpose. The report also noted that the high thresholds for the issuing of unlawful association notices, specifically the need to demonstrate that an offence is likely to be prevented and the requirement for multiple instances of association, have been barriers to the use of the unlawful association scheme, and therefore it was the view of the police that if these laws were indeed going to be effective and disrupt organised crime, we had to look at changes particularly in relation to some of the barriers that they identified as to why they were not being able to be applied.

Katherine COPSEY: Thank you, Attorney, for the answer to Ms Purcell's question. I wanted to dig into that as well. Given there have been no unlawful association notices issued under the previous schemes since 2016 there is a bit of a lack of data around the effectiveness of those notices. The report you have spoken of, I am interested to understand, from your previous answer it sounds like that relied heavily on submissions from police as to their views on what tools were required. What has informed the government's decision to revitalise this scheme when there does not seem to have been a necessity for its use that has arisen in the past eight years? Have there been things additional to police?

Jaelyn SYMES: It is an independent, publicly available review that was quite comprehensive and, as you would appreciate, has taken some time to work through in relation to landing legislation that is responsive to the needs and the intention of when it was first introduced. It has not been working, so since that time we have been working with particularly Victoria Police because they are the ones with the intelligence in relation to the crimes that are being committed and by whom and the impact they are having on the community. They are saying that if they had these tools, then they could get in earlier and stop the harm in the community. They were pretty compelling conversations that I had with Victoria Police in relation to the good that these laws can do if you get them right.

David ETTERSHANK: I thank the Attorney for the answer to Ms Copsey's question. Attorney, could you explain how this bill will avoid encroaching on judicial powers when the bill effectively hands Victoria Police the power to pre-emptively judge whether the commission of a crime will take place?

Jaclyn SYMES: In relation to the different orders that are available, there are obviously the two different schemes. Which scheme would you like me to go through?

David ETTERSHANK: I would like you to cover both please, Attorney.

Jaclyn SYMES: All right. Mr Ettershank, I am just thrown a little bit by your question because the way you have framed it is indicating a false premise – that there is not a role for the courts when determining the criteria for the application of a serious crime prevention order. Can you just re-ask your question, because it is the court that would determine that order and you have said it will displace judicial independence, so I am a little confused about how you have constructed that question.

David ETTERSHANK: I guess my question strikes to the issue of whether or not judicial interpretation of intent is effectively pre-empted or prejudiced by Victoria Police pre-emptively judging whether the commission of a crime will take place and whether you could comment on that.

Jaclyn SYMES: Let us have a conversation and see if we can tease out exactly what you are trying to understand. A person who is subject to a notice can seek an internal review by Victoria Police of the decision to issue or amend a notice within 28 days of the decision being made. The review must be undertaken by an officer above the rank of inspector who was not involved in the decision being challenged. That can be affirmed or it can be set aside. The bill also allows a person to seek an extension for a review. A person can also seek a revocation notice if there has been a substantial change in the circumstances – for compassionate grounds or something like that. Every unlawful association notice must include information about the review rights available for a person subject to a notice, and a person issued with a notice is entitled to seek a review of the decision to issue or amend a notice internally within Victoria Police. They may seek judicial review of the decision to issue the notice, because the decision to issue a notice is an administrative decision affecting a person's rights. So that is one pathway. Then in relation to the court orders, they still need to be satisfied that either the person is an eligible offender or they have been involved in serious criminal activity, so the court has a role in that pathway. There is the ability to engage the court in both pathways and have those conversations, so I do not see, again, how you believe that there is no court oversight or that it is impinging on judicial independence here.

David ETTERSHANK: I might be getting this wrong, but isn't the court effectively being presented with almost a *fait accompli* in that the police are forming a view as to intent and presenting it to the court, and is that in and of itself not prejudicial or limiting of the judicial role of the court to make a judgement about that intent?

Jaclyn SYMES: Mr Ettershank, the court has to be satisfied on the balance of probabilities that the individual is either an eligible offender or has been involved in serious criminal activity whilst aged 18 years or older. They must be satisfied that there are reasonable grounds to believe that compliance with conditions imposed under an order would protect the public by preventing or inhibiting the individual's involvement in serious criminal activity and that imposing conditions is otherwise appropriate in all the circumstances. There is a fair bit of consideration that the court has to go through, as set out in the bill, so I reject your characterisation of it as a *fait accompli*.

There is also broad discretion in relation to serious crime prevention orders for the court to impose any conditions that it considers appropriate, so it is able to tailor conditions to the individual's specific risk profile and circumstances. The bill contains a non-exhaustive list of conditions by way of example. For instance, you can prohibit the individual from associating with specified individuals; from leaving Victoria or Australia; from possessing or using certain things, such as firearms, telecommunication devices, cash or an alias; or from engaging in specific business activities or specified activities in

respect of property. The court can also impose conditions that require an individual to provide information and notification to Victoria Police regarding specified things.

Discretion in determining appropriate conditions is something that we consider an essential safeguard. They must balance the protection of the community in preventing persons from being involved in serious criminal activity with the restrictions on the liberty of an individual. I expect that in the instances where courts are considering these matters there will be a lot of submissions in relation to what is an appropriate course of action and what is not. I do not think it is a *fait accompli* at all.

Georgie PURCELL: Attorney, I am just seeking some clarification around the definition of ‘family’ in the bill – if the government can clarify whether or not it intends to impose what we would see as colonial notions of family on First Nations people or if there will be an understanding that who is considered family by First Nations people can be different and therefore cannot be the subject of association notices.

Jaclyn SYMES: Ms Purcell, the short answer is yes to that. Let me find the provision. Ms Purcell, the bill narrows the exception for association with family members by amending the definition of ‘family member’ so that it applies to a more confined group of people, as you have identified. The new definition includes close family relationships, such as parents and siblings, but will no longer capture any persons who can reasonably be regarded as like family, having regard to specific considerations. The definition retains the reference to intimate personal relationships to ensure that relationships such as engaged couples are included. It does not, however, extend to mere close friendships. In relation to Aboriginal and Torres Strait Islander cultural concepts of family, there is a specific carve-out to accommodate that.

Katherine COPSEY: Attorney, taking the example of the New South Wales consorting laws, the Aboriginal Legal Service New South Wales, the Public Interest Advocacy Centre and the New South Wales Bar Association have criticised how those New South Wales consorting laws have been misused to disproportionately target Aboriginal people and young people. As I referred to in my debate on this bill, the New South Wales review found that 42 per cent of the 4257 people who were subject to the consorting laws were Aboriginal, and in western New South Wales over 75 per cent of people warned or named in warnings were Aboriginal. What provisions in this bill will ensure that unlawful association notices and serious crime prevention orders are not disproportionately used against Aboriginal people and young people beyond the requirement that Victoria Police self-report these numbers to IBAC?

Jaclyn SYMES: This is something that was front of mind in my consideration of how to craft this legislation, and it was something that has been discussed in detail. In fact one of the reasons this took so long to land is that I was extremely determined to not have a disproportionate outcome for disadvantaged and vulnerable people. You have cited New South Wales. I can confirm that the Victorian scheme contains safeguards that are not in the New South Wales legislation, including limiting the application of the scheme so that it does not apply to children, a higher threshold for an applicable offence, meaning any offence punishable by at least 10 years imprisonment, and certain other organised crime offences, such as firearms offences, which may be linked to organised crime. There are processes for a person subject to a notice to apply for internal review by Victoria Police of the decision to amend the notice or to have the notice revoked. There is a requirement for Victoria Police to report annually to government on the use of the laws, including the age of persons given notices and the number of Aboriginal and Torres Strait Islander persons issued a notice, and of course there is oversight by IBAC.

In relation to further consideration of how this bill lines up with New South Wales laws, as I said, in New South Wales a child aged 14 to 17 may be issued a notice. As you have indicated, the New South Wales Ombudsman and the Law Enforcement Conduct Commission and others have recommended the removal of children and young people in the applications of their law, and certainly something I was pretty firm on from the outset in this legislation was that I did not want it applying to children.

Even in the context of youth crime concerns, this is not an appropriate vehicle for dealing with youth crime. This is about organised crime gangs, and I wanted to ensure that it was very much targeted in relation to that and not an ability to cast a wider net to address other concerning criminal conduct that is outside of this. There are other ways to deal with other forms of offending, and as I have indicated, the Aboriginal and Torres Strait Islander reporting mechanism will be something that I will be looking at very closely.

Katherine COPSEY: After seeing the results and the impacts of the New South Wales consorting laws on Aboriginal people, can you tell the chamber if there will be more funding for oversight to avoid that disproportionate targeting of Aboriginal people in Victoria?

Jaelyn SYMES: I am not in a position to make funding announcements through the process of this bill, but where I would probably like to go with the answer to your question is my other piece of work in police oversight and IBAC's role in relation to the police stream and in particular Aboriginal and Torres Strait Islander complainants. That is a big focus of that reform, and I am sure you and I will have the opportunity to have more conversations about that. In a sense, those changes could be of benefit here. I will leave it there.

Katherine COPSEY: Attorney, how do the expanded police powers in the bill protect against the risks that police intervention and police contact – just the mere interaction – have to young people and Aboriginal people's lives?

Jaelyn SYMES: Ms Copsey, I think I have answered that question. I have a commitment to Aboriginal community and those that engage regularly with me at the Aboriginal Justice Caucus to consider ways of reducing the over-representation of Aboriginal people. That is why there are special provisions in this bill and many of the bills that I bring to the Parliament that touch on the response to criminal lawmaking policy. It is always a factor; it is something that we consider; it is something that we consult with Aboriginal leaders on in relation to crafting of legislation.

As I said, we have safeguards in this bill, and the target is organised crime; the target is not vulnerable, disadvantaged groups in Victoria. In relation to your question about children: this bill does not apply to children, so that is the protection there.

David ETTERS HANK: I am going to keep pushing on this issue a little bit I think, Attorney, so bear with us. The racial profiling data monitoring project found that in 2023 Aboriginal people were 11 times more likely to be searched by Victoria Police than white people. What safeguards does the bill provide to actually prevent the racial profiling of First Nations people?

Jaelyn SYMES: Mr Ettershank, I have answered that question. This is not a bill that I anticipate will have a disproportionate impact on Aboriginal persons; there are safeguards and reporting requirements for me to keep an eye on in relation to that. As I have indicated in my previous answers, this is a very targeted piece of legislation. It is about dismantling organised crime. It has been confined specifically to respond to that type of activity and not be a tool to capture broader concerns about alleged criminal behaviour. Indeed, because the thresholds are so targeted, it has to be for this specific purpose; there is not the ability for it to be used as a tool by police to have conversations with people because they want to harass particular people. I understand the issues you are both raising in this, and that is where I have started – ensuring that this legislation could not be used to do that. I have been very careful in ensuring we are balancing what police need, the powers they need, to ensure that there is enough rigour in there to ensure that I can defend against concerns about it being used as an opportunity to facilitate police interaction with people that are not designed to be captured by the purposes of this bill.

David ETTERS HANK: I get what you are saying, but I just want to be really clear. Manifestly there is an enormous amount of data from both the racial profiling data monitoring project and from a range of other sources that demonstrate overwhelmingly that these sorts of consorting laws have a profoundly discriminatory provision. I think I get what you are saying, but can I just confirm that there

are effectively no practical preventative measures on the ground that will be put in place to prevent racial profiling of First Nations people by Victorian police officers arising from this legislation? Am I understanding that correctly, Attorney?

Jaelyn SYMES: This legislation is not about low-level, poverty-driven offending behaviour that is often cited in the over-representation of disadvantaged groups. A notice cannot be issued to a person under 18. The issue of a notice creates significant consequences in response to behaviour that ordinarily is not criminal. Excluding children from the scheme will limit its impact on young, disadvantaged persons and avoid the risk of exposing them to the criminal justice system needlessly, which as we all recognise could have a detrimental effect on them. It is for a particular purpose. There are reporting mechanisms in place. There is the ability to complain to IBAC if anybody has concerns about this. We are well aware of failures in other states, which have informed the ability for us to bring in broader safeguards, review mechanisms and reporting tools, as well as review and repeals. And IBAC will be reporting annually on the use of these laws. So I am very optimistic that these laws will be used for their intended purpose and nothing else.

David ETTERS HANK: I take on board what you say there in terms of minors and suchlike. But surely things like the change to the indictability test is a significant indicator that in fact much lower level crime can indeed be captured by these consorting laws.

Jaelyn SYMES: I knew there was a section. If you refer to the bill, new section 124R goes through the functions of IBAC in relation to their functions to monitor the exercise of powers and the performance of the duties and functions under these unlawful association provisions, monitor content and compliance with procedures regarding unlawful association and monitor the impact of the scheme. But important to the point that you have been raising, subsections 124R(c)(i) and (ii) require IBAC to look at and monitor the impact of the scheme for which the part provides, including the impact of the unlawful association provisions and police procedures regarding unlawful association on persons referred to in new section 124ZD(3)(c)(iv) – that is my roman numeral interpretation – which includes Aboriginal and Torres Strait Islanders. So I am sorry that is a clunky way of a few provisions working together, but there is a specific function of IBAC to monitor the impact of this legislation on Aboriginal and Torres Strait Islander people.

Georgie PURCELL: Attorney, just going back to my question earlier about the carve-out for the definition of ‘family’, could you give clarification on where that is or give a further explanation of it? I am slightly confused because I know there is a provision talking about the exempt participation in cultural practices, but that is not changing the interpretation of ‘family’ for First Nations people.

Jaelyn SYMES: Ms Purcell, if you go to clause 8, which inserts new section 5A, we talk about the meaning of ‘family member’. It goes over many, many pages, then when we get to subsection (1)(m) it talks about:

... the relevant person under Aboriginal or Torres Strait Islander concepts of family ... kinship relationships and family structures).

Georgie PURCELL: Attorney, just going on from that, how does the bill recognise the importance of maintaining and supporting the development of a person’s connection to culture, kinship, family, elders, country and community?

Jaelyn SYMES: That is why it has been expressly excluded.

Katherine COPSEY: Attorney, is it the intention of the bill to capture less serious offending by dispensing with the tried-on-indictment requirement? I thought I might assist the Attorney by specifying: we are asking questions at clause 1, but I am particularly talking about clause 16 in relation to that requirement.

Jaelyn SYMES: The answer to your question is: a broader range of offences but not to capture lower level offending.

Katherine COPSEY: On that question, can you give an example of the broader range of offences that you envisage that you do not classify as being more serious?

Jaclyn SYMES: What do you mean?

Katherine COPSEY: Your response to my query about whether it was the government's intention to capture less serious offending by dispensing with the tried-on-indictment requirement, if I heard you correctly, was that it will capture a broader range of offences but not less serious offences. I am wondering if you could give an example of that broader range that you do not consider meets the less serious definition.

Jaclyn SYMES: Currently an applicable offence includes any offence punishable by at least five years imprisonment and certain other specific criminal offences, such as firearms offences, that are often associated with organised crime. The bill changes the definition to include offences punishable by at least 10 years imprisonment and equivalent offences against the laws of another state or territory or the Commonwealth. It retains and updates the list of other organised crime offences.

David ETTERS HANK: Perhaps returning, Attorney, to some of the themes that we were discussing before – and I guess I am in the context of clause 29 a bit here – IBAC has been tasked with monitoring the unlawful associations scheme specifically to monitor the content and compliance with police procedures regarding the unlawful association, including the impact of the provisions and the police procedures regarding the scheme. How can IBAC be assured of receiving accurate information when the scheme relies on police self-reporting on the operations of that scheme?

Jaclyn SYMES: Mr Ettershank, it is not relying on self-reporting. There are reporting obligations built into the legislation, and IBAC also has all the powers it needs to go and retrieve any information it thinks it is not getting.

David ETTERS HANK: I guess the obvious question that comes to mind in terms of that response is that the findings of the Victorian Inspectorate discussed at length the limitations on self-reporting by police, the unwillingness of Victoria Police to act against their own and the conflicts of interest that that engendered. How does that stack up in the context of those comments from the Victorian Inspectorate?

Jaclyn SYMES: Mr Ettershank, I think you are ignoring my answer that it does not rely alone on self-reporting. IBAC have powers of entry. They have powers of inspection in relation to orders that are issued. They do not exist if police do not record them. Therefore it is a little bit hard for them to be issuing orders that are not within the remit of IBAC. They have to be issued, so there has got to be a record of them. I do not see your concerns about IBAC not knowing about the way these laws are applying, when by virtue of what is required for a notice to be issued is the existence of a notice.

David ETTERS HANK: I will move forward. Given the recent reporting by the Centre Against Racial Profiling that close to 17 per cent of police search records fail to record ethnic appearance, despite this field being made mandatory in 2019, how does the government intend to address police noncompliance in relation to the recording of the number of Aboriginal and Torres Strait Islander people who are subject to unlawful association notices?

Jaclyn SYMES: Mr Ettershank, I think you are coming from a slightly false pretence here, because all of that information has to be recorded and reported.

David ETTERS HANK: Isn't the issue, though, that it is not being recorded or reported?

Jaclyn SYMES: That would amount to misconduct and be a matter for IBAC. In new section 124DA there is a requirement to ask whether a person is Aboriginal.

David ETTERS HANK: I think we will agree on that point. Could I ask, Attorney, will Victoria Police be required to turn on their body cameras when issuing an unlawful association notice to a member of the public?

Jaelyn SYMES: Mr Ettershank, we went through a similar line of questioning in the Youth Justice Bill 2024. It is not the intention of the government to make mandatory requirements for Victoria Police to turn on their cameras. Having said that, Victoria Police are well minded to have practices and policies in place that mean that the cameras are turned on for instances such as this, but there are examples where perhaps sometimes it would not be appropriate, though that would be rare.

Katherine COPSEY: Attorney, why is there no limit on the number of renewals of serious crime prevention orders for a single person? Perhaps you can dispel a fear I have that there could be a situation where the five-year durations are continuously renewed for a person for feasibly their whole life or for many decades or many years despite that person never having been charged with an offence.

Jaelyn SYMES: Ms Copsey, the Chief Commissioner of Police may apply to the court to renew an order. The court may renew it if it is satisfied there are reasonable grounds to believe compliance with the conditions imposed under the order would protect the public by preventing or inhibiting the individual from being involved in serious criminal activity and the imposition of conditions is otherwise appropriate in all of the circumstances. There are in-built protections for the ability to re-look at renewals as a new application, effectively.

Georgie PURCELL: Attorney, why has the belief standard for police changed from the legally accepted and known terminology of ‘reasonably believes’ to the lesser, arbitrary ‘believes on reasonable grounds’?

Jaelyn SYMES: It is a direct response to the review and Victoria Police’s experience of the laws being ineffective as they were.

Georgie PURCELL: Could you please clarify what grounds are to be considered as reasonable or unreasonable by an officer in this belief?

Jaelyn SYMES: Reasonable in the ordinary legal meaning.

Georgie PURCELL: Could you also please provide an example of the conduct that you are trying to capture in the change between the previous requirement for an officer to issue a notice to believe a crime is likely to be prevented with the bill’s proposed wording of ‘satisfied on reasonable grounds that preventing those individuals from associating with each other is likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or a criminal network or criminal activity’?

Jaelyn SYMES: As you have indicated, the bill removes the requirement that the police officer issuing a notice reasonably believes that preventing the association is likely to prevent the commission of an offence. However, the scheme only allows people to be banned from associating where one of them is an eligible offender. In that case the officer must be reasonably satisfied that issuing the notice is likely to prevent or inhibit the establishment, maintenance or expansion of a criminal group or criminal network and therefore prevent or inhibit criminal activity. The officer must also be reasonably satisfied that the issuing of the notice is appropriate in all the circumstances. The bill provides for matters that the officer must have regard to when determining whether issuing of the notice is appropriate, such as the nature and gravity of the applicable offence the eligible offender was convicted of as well as the time that has passed since the offence. Identifying a specific offence was one of the challenges that police raised in the review. The new test is more consistent with the objective to prevent and disrupt organised crime groups.

Georgie PURCELL: Further to that, if the officer has no belief that a crime is going to be prevented by this notice, it implies that the inclusion of ‘inhibit’ can essentially capture any behaviour or conduct that is not linked to a future crime. Can you please explain what conduct this is intended to capture?

Jaelyn SYMES: Ms Purcell, I can confirm that it is intended to capture criminal conduct.

Katherine COPSEY: Attorney, how does this bill avoid encroaching on people's rights under the Victorian Charter of Human Rights and Responsibilities, such as freedom of expression, freedom of movement and freedom of association and peaceful assembly?

Jaelyn SYMES: With respect, Ms Copsey, that is what a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006 is designed to do. It is outlined in that response.

Katherine COPSEY: Deputy President, if you could indulge me. Attorney, I would like to understand the government's intent in the interference that this bill does create with people's freedom of association.

Jaelyn SYMES: Ms Copsey, I would table it, but I already have – the statement of compatibility with the Charter of Human Rights and Responsibilities. The charter was brought in by the Labor government to answer the exact questions that you are asking, so that we draw our minds to human rights when we are making important legislative decisions in this place. That is what the statements are for. I do not think it would be a good use of the Parliament's time for me to read out that compatibility statement, which specifically addresses the questions that you have asked.

David ETTERS HANK: Attorney, could you explain how members of the public know what constitutes prescribed insignia that carry criminal penalties if they are publicly displayed?

Jaelyn SYMES: Mr Ettershank, at this point in time there have not been any prescribed organisations. I cannot answer your question, because it is hypothetical at this time.

David ETTERS HANK: I am a little unclear on that answer, however. In drafting this clause or these provisions around clause 93 I presume the drafters must have had some logic that underpinned their drafting as to how it would operate and I suppose how the community or community members – members of the public – would interact with this legislation. Could you perhaps elaborate a little bit rather than saying it is hypothetical?

Jaelyn SYMES: So in the future, once something is prescribed – you are asking about now.

David ETTERS HANK: I take on board what you are saying about its future, and I am also suggesting that it is not necessarily this government that might be interpreting it. There might be future governments with different views of assembly and whatever else, but thinking prospectively I am just asking: how would members of the public know that an insignia may carry criminal penalties?

Jaelyn SYMES: Mr Ettershank, to commit the offence you have to publicly display insignia that is of a designated organisation. As is outlined in the legislation, a person must know or ought reasonably to know that the mark is an insignia of that organisation. That provides a safeguard against inadvertent displays by persons who are unaware or could not reasonably have known that the mark is an insignia of an organisation. If you go to an op shop, you buy a jacket, you are walking around in it and you get pinged, I think you are going to be okay when you explain the story behind your inadvertent display, because you would not be captured by the definition or the requirement to know or ought reasonably to know that the mark is an insignia of a prescribed organisation. Does that answer your question?

David ETTERS HANK: It does.

Jaelyn SYMES: Okay, great.

Katherine COPSEY: I think that is enough on the insignia. I just wanted to tease out from the Attorney how the government reconciles part 5 of the bill, 'Exclusion of members of certain organisations from Victorian government worksites', with the known evidence that the opportunity in terms of employment that these construction sites provide is vital to reducing recidivism and reintegrating people back into society sustainably.

Jaelyn SYMES: I think you will appreciate why I was concerned by the opposition's proposal in relation to similar laws, because of the impact it might have on the ability for people with criminal records to seek employment, particularly people that may have been engaged in organised crime as an 18-year-old or an outlaw motorcycle gang, for example, but had left and the like. The construction industry is a fantastic industry for people with criminal records to get a chance to get employment. It is a dedicated industry that we know, from an exiting-corrections perspective, is a good opportunity for people to reintegrate back into society, and the intention of this legislation is not to impede that. That is why it is confined to ensuring that it is creating a criminal offence to prohibit members of organisations that have been prescribed in regulations from entering an area that is or is located at a Victorian government worksite where public access is restricted and development is taking place. It is not designed to pick up people that have loose associations, past associations or any form of criminal record unless it is a relevant offence captured under a different process. This is about certain organisations and responding to, obviously, concerns we have about the infiltration of underworld figures and outlaw motorcycle gangs on worksites, particularly through the CFMEU.

Katherine COPSEY: What organisations are to be included under part B? You have given one specific example, but what criteria, Attorney, will you be using to determine a prescribed organisation?

Jaelyn SYMES: Ms Copsey, as you have indicated, the offence will only apply to members of organisations that have been prescribed in regulations. The bill provides clear criteria and processes to prescribe an organisation. And you asked about workplaces, didn't you?

Katherine COPSEY: What organisations will be included under part B?

Jaelyn SYMES: Yes, okay. I think I have answered this before, sorry, so I will just repeat myself in relation to the process of prescribing an organisation, which can only happen once the law has passed. The criteria and processes involve the Attorney-General consulting with the Chief Commissioner of Police and being reasonably satisfied that the application of a prohibition on entering Victorian government worksites in relation to that organisation is likely to substantially assist in and is reasonably necessary to disrupt or prevent criminal activities.

Clause agreed to; clauses 2 to 109 agreed to.

Clause 110 (17:31)

Evan MULHOLLAND: I move:

1. Clause 110, page 122, line 27, omit "one year" and insert "six months".

It omits 'one year' and inserts 'six months' so that the review can be completed within six months of the three years.

Jaelyn SYMES: Mr Mulholland, in relation to the amendment to bring in a review and reduce the timeframes, are you confident that there will be enough data to effectively assess the effectiveness of these laws?

Evan MULHOLLAND: Through my colleague the Shadow Attorney-General Mr O'Brien I am quite confident that the three years is enough. We think that six months post the three years will be more than enough to get an indication of how these laws are working. Given that we have come back to these laws a couple of times, it is important to have an indication of how these laws are going.

Katherine COPSEY: I just wonder if you could give me a plain English laying out of the timeframe that you are proposing to change with your amendment, from what is proposed in the bill to the effect of your amendment, just to ensure that I have clarity.

Evan MULHOLLAND: I am happy to do that for you, Ms Copsey. Clause 110 provides for a review of the legislative changes. However, the review period is to start on the commencement day and is to conclude on 31 December following the third anniversary of the commencement, so there is

a period of a year given for the review to be conducted before the report is to be given to the Attorney-General and then tabled in Parliament. The effect of that means that if the changes commence on 1 January 2025, then the review does not conclude until 31 December 2028. So it is just shortening that review period to six months after the three years since commencement.

Jaclyn SYMES: The government's position is that the amendment reduces the timeframe, as Mr Mulholland has outlined, from 12 months to six. We are concerned that it would be a less comprehensive review of the efficiency of the reforms; however, we will not be opposing the amendment.

Amendment agreed to.

Evan MULHOLLAND: I move:

2. Clause 110, page 123, line 7, omit "31 December following".

It is similar in effect to, and goes with, the first one. It omits '31 December following' from clause 110.

Amendment agreed to; amended clause agreed to; clauses 111 to 116 agreed to.

Reported to house with amendments.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:36):
I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:36):
I move:

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

Council divided on motion:

Ayes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Noes (9): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council has agreed to the bill with amendment.

Constitution Amendment (SEC) Bill 2023*Council's amendments*

The PRESIDENT (17:43): I have received a message in respect of the Constitution Amendment (SEC) Bill 2023:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Constitution Act 1975** and for other purposes' the amendments made by the Council have been agreed to.

Business of the house**Orders of the day**

Lee TARLAMIS (South-Eastern Metropolitan) (17:44): I move:

That the consideration of order of the day, government business, 2, be postponed until later this day.

Motion agreed to.

Bills**Melbourne Convention and Exhibition Trust Amendment Bill 2024***Second reading*

Debate resumed on motion of Enver Erdogan:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (17:44): I am pleased to rise and make a contribution on the Melbourne Convention and Exhibition Trust Amendment Bill 2024. It is an interesting bill, and I have got some great statistics which I am going to put on the public record – statistics that have been so helpful; they indicate where the government is failing in its events and tourism strategy. As you would expect, I am fastidious and focused on some detail here.

The bill itself is fairly unexceptional, and the opposition are not going to oppose the bill. The bill does not do much. It changes the name of the act and the trust. It expands, allegedly, the functions of the trust. It modernises the trust membership and governance – well, I do not know; it claims to, in any event. It changes the name of the act to the Victorian Convention and Event Trust Act 1996 to reflect the statewide remit in relation to tourism and events. It also renames the trust, according to the Scrutiny of Acts and Regulations Committee, to the Victorian Convention and Event Trust and gives additional functions to support Victorian tourism and events – and my God, do they need it. Victoria's position with events is in freefall, and when I provide statistics later you will see change is needed. Whether this change will do a single thing is entirely another matter. The minister may make a determination published in the *Government Gazette* specifying a matter in relation to which the trust has additional functions. So instead of the Governor in Council doing that, the minister does it. These are the decisive, earth-shattering changes that we are making now. It also makes a provision for temporary vacancies and procedures at meetings and inserts a new part 6, which has some transitional arrangements in it.

The minister said in the second-reading speech the trust will be the operator of the new Nyaal Banyul Geelong Convention and Event Centre, which is scheduled to open in 2026. We support the Geelong Convention and Event Centre strongly – always have. We made announcements during the election campaign pushing strongly in that direction, and we believe that the opportunities for regional Victoria must very much be the focus of government. The bill will allow for the functions of the trust to be expanded, the minister said, via a determination by the minister – goodness, he will be able to think of something, write it down, send a letter, and they will be able to do more. Well, that is nice. I am pleased about that.

But what I think we have got to focus on more sharply is what is happening to tourism and events and business events in Australia now and in Victoria in particular. Recent data from Tourism Research

Australia, which is a branch of Austrade, shows that in the space of a decade Victoria has gone from being easily the leading state for business events to being third behind Queensland and a mile behind New South Wales. Market share in 2014 was 36 per cent. In 2014 Victoria was easily leading with business events, with the share of business events direct spend in Victoria on 36 per cent, New South Wales on 27 per cent and Queensland on 15 per cent. Market share in 2024 for Victoria was 21 per cent. The new data from TRA – that is Tourism Research Australia, a branch of Austrade – for 2023–24 tells a very different story, with the share of business event visitor spending for Victoria on just 21 per cent, a mile behind New South Wales on 31 per cent and Queensland on 22 per cent. A drop in share of spending equates to a loss of billions of dollars a year in Victoria to its businesses and people.

The Australian business events market has softened more generally. The TRA data showed that the total business event spent in Australia has dropped by 5.3 per cent from 2022–23 to 2023–24 as confidence in the economy has decreased. The current outlook, you would have to say, is not up to par. If you look at the share of nights stayed – the same source of information – by business event visitors, it is even more stark, with Victoria on 18 per cent behind New South Wales on 33 per cent and Queensland on 20 per cent. If you look at the regional spend, the data shows that the total regional spend of business event visitors in Victoria is less than half the total spend in regional New South Wales. This is why the Geelong Gallery is actually important, and it is important that it focuses on events and outcomes that the community want. It is important that it focuses on delivering for Geelong and the region, Victoria's second-biggest city, but it is also important that it delivers for a broader gamut across the state. The truth of the matter is we have serious weaknesses there. The data shows that the total spend on business events in regional Victoria is less than half the total spend in regional New South Wales and only just over half the spend in regional Queensland, excluding the Gold Coast.

Business events versus major events is another serious point here, and I will come to major events in a moment because as a number of people in this chamber will understand we have taken a close focus on the Commonwealth Games and the government's undoubted failures there. A lot has been said about major events, but studies have shown that the direct total spend of business events in Australia is about 10 times that of major events. While major events happen in particular locations a number of times a year, and they are important and they should be maximised and we should use them in a constructive way, business events happen right across the whole state – regions and city – all the time through the year. They provide local employment and many benefits. Business events drive change and innovation across organisations, industries and communities. They are a very significant part of our economy, and they are under-recognised by governments, including in particular this government.

Noting that business events comprise conferences, exhibitions, trade shows, meetings and the like, it also is important for not-for-profit and government sectors. There are a number of points I would make. Ms Bath will remember the inquiry we did during the COVID period, during the pandemic, as our economy was being smashed by the worst and most extreme lockdown rules in Australia and indeed in the world. It is important to remember here that Australia had very significant lockdowns in all states and territories, but Victoria was the standout. We had the longest lockdown, we had the biggest number of deaths and we also had the worst economic damage. We got the terrible trifecta of most lockdown, most damage, most deaths – and most smashing of the economy with small business, including the events sector and the tourism sector, which were very high on the list of parts of the economy that were absolutely shellacked by Daniel Andrews's decision to personally lock down the Victorian economy and the failure of his cabinet to stand up to him, and the decision of the so-called 'crisis cabinet', which was a kitchen cabinet of eight members which just sat around and did what Daniel Andrews told them to do. The overrunning of normal Westminster tradition –

John Berger: On a point of order, Acting President, he is not talking about the bill at all, he is just ranting on about irrelevant things. If you could take him back to the bill, that would be appropriate.

David DAVIS: On the point of order: to the contrary, I am focusing very closely on this, and regional jobs and economic growth are specifically mentioned in the minister's second-reading

speech. It talks about Geelong, and one part of this bill is to move the Geelong convention centre into the same auspice as the Melbourne one and in doing so to advantage regional jobs and regional outcomes. Now, that is exactly what I am talking about, and I am talking about it in the wake of COVID. We have got to recover from the damage that was done. I will just run through some –

The ACTING PRESIDENT (Michael Galea): This is now debating, Mr Davis. First speakers do have more leeway than most; however, I will ask Mr Davis to come back to the content of the bill.

David DAVIS: As I said, in the second-reading speech it says the trust is set up in such a way that the Geelong convention centre and event trust is brought into the control of the central trust with the Melbourne Convention and Exhibition Centre, and it is specifically the government's intention that it will be a major driver of jobs and economic growth for Victoria, particularly regional Victoria. The minister said that in his second-reading speech. That is precisely what I want to talk about here – the difficulties that have been faced post COVID and the need to build back. I should say that the share of business events is much lower, not just post COVID but since 2014, and I laid out those statistics from the relevant Tourism Research Australia, which is part of Austrade, and the impact of a number of the decisions that have been made over the recent period. So we have got some real challenges here. We have got some outcomes that the community would not want to hear about – they would see the deterioration in Victoria's position as quite unfortunate, I might say.

This bill does not grapple with the severity and the significance of Victoria's slippage on a national level. It does not grapple with the issues that need to be grappled with. It is a minor bill that does some tinkering, and the tinkering whilst unexceptional in itself is not directed to really dealing with the major economic problems. There are other problems in this regard too, I should say. Melbourne's position as the centre of tourism for events – both major events and business events – has slipped. We know that the international festival and White Night have not really been managed in the way that they should have been and delivered in the way that they should have been. I think there are questions that are beginning to be asked about Rising and whether it understands what it needs to do. I think there are real issues about Creative Victoria's focus here. There is some confusion with groups like Rising that have got funding from several sources and have got different objectives laid out by Creative Victoria and Visit Victoria, so you have got to ask questions about some of that.

I was interested to receive an FOI just today, and I have saved the best till last. This looks at Rising and the Rising festival, and it explicitly points to problems with the model of the Rising festival. This is a brief I might add, no less, to the minister, dated 2022, so it is not a recent brief. It is a brief that has taken a while to come, and it says here that Creative Victoria and Visit Victoria jointly fund Rising's operation, but each has different performance indicators – KPIs – that Rising must respond to. So you have got Creative Victoria here and Visit Victoria there. These are bodies that have got to work in harmony rather than at loggerheads. The brief to the then minister says:

Creative Victoria's KPIs focus on cultural and organisational outcomes, while Visit Victoria's KPIs are centred around social and economic outcomes:

Broadly, Creative Victoria's cultural outcomes aim to ensure that engagement and programming opportunities continue to increase in number and diversity for both audience and the creative sector ...

...

Visit Victoria's Social outcomes include a focus on accessibility ... geographic and financial, and catering for audiences of varied abilities ...

It is very clear that some of the tension that is there in the background of this festival will need to be addressed. A final internal report to Creative Victoria and Visit Victoria said this is an evaluation of Rising against KPIs in the agreement between Rising, Creative Victoria and Visit Victoria. It said:

An Economic Impact Assessment. Coordinated by Visit Victoria, this is an independent assessment ... The report will articulate the overall expenditure stimulus and also a breakdown of Host Region (Melbourne) impact and Victorian Impact.

Rising at that time achieved 81 per cent of its net box office revenue target and sold out 55 per cent of its events, but:

The vision for RISING ... is to “grow to deliver a suite of complimentary events and projects beyond the festival itself, allowing for ... significant outcomes for artists and supporting organisational sustainability”. However, it is acknowledged that this is a secondary consideration to the Festival and the “long-term vision for the entity will be achieved by focussing first and foremost on making RISING the festival that Melbourne knows and loves.”

You can read some of these analyses and see the confusion in some of the government’s approach and the lack of clarity in delivering for Victorians. We obviously want social outcomes, but we also do want strong economic outcomes and increased visitation. I cannot, on this particular bill, not talk about the Commonwealth Games. There are a number of members in the chamber who are on the Commonwealth Games committee, and we have heard extraordinary evidence. What is clear is the government does not want to come clean on a lot of that evidence. There is a huge host of documents that have not been provided that were actually due today and have not been delivered to the chamber despite the chamber’s very clear indication that they should be delivered. To strip down what has happened with the Commonwealth Games, the government cancelled the games. They had bogus figures. They claimed they were much more than –

John Berger: On a point of order, Acting President, Mr Davis is going on a rant again. I think you should take him back to the bill.

David DAVIS: On the point of order, Acting President, you will understand the importance of visitation figures and understand the importance of events. It is the Melbourne Convention and Exhibition Centre that we are talking about –

Jaelyn Symes interjected.

David DAVIS: No, and I was about to propose that one solution they could have undertaken was to bring some of the events to Melbourne. That is exactly what I was about to say, Minister.

The ACTING PRESIDENT (Michael Galea): It is a bit of a stretch. I ask Mr Davis to come back to the bill, please.

David DAVIS: Acting President, as you will understand, the major events focus is an important one, economically and socially, for Victoria, but bringing events to Melbourne is incredibly important. The leadership provided by the Melbourne convention centre is an important part of that, but also our sporting events are important, and the failure with the Commonwealth Games was an absolute humdinger. They spent money – hundreds of millions of dollars – propping up what now turns out to be Glasgow’s opportunity. I wish Glasgow well and I hope the Commonwealth Games proceed, but the truth is that this is another sign that the government’s events and visitor strategy is in absolute and utter chaos. We saw this through the pandemic. We have seen a steady slide over the period in Victoria’s position vis-a-vis other states and territories, and now we have enormous reputational damage to Victoria’s position through the decisions on the Commonwealth Games.

The state government ought to have looked at other options. They could have brought many of the sporting events to Melbourne. We did, after all, host the Commonwealth Games – a major event in the terms of this bill – in 2006, not so long ago. Some of us remember that. It was a successful Commonwealth Games, and we could have hosted another one. But the government instead chose to damage the state’s economic position, damage our reputation, cancel the event and spend hundreds of millions of dollars ultimately propping up a Glasgow event. I wish Glasgow well, but this is an event that could have been held here with a competent government. We do not have a competent government, we have an incompetent government. Whilst this bill, as I say, is unexceptional in itself, it is a bill of very slight moment in the long haul and a sign that the government has lost its way. Whilst the worthy small items in the bill are items that we do not in any way oppose, the truth of the matter

is that Victoria's position compared to other states is slipping and slipping badly, and this bill will not fix that.

John BERGER (Southern Metropolitan) (18:03): I rise to contribute on the Melbourne Convention and Exhibition Trust Amendment Bill 2024. This is a bill for an act to amend the Melbourne Convention and Exhibition Trust Act 1996 to change the name of that act, to change the name of the Melbourne Convention and Exhibition Trust, to modernise governance and operational provisions and for other purposes. It is one of Melbourne's heritage and cultural icons. While it might not sound like the most exciting topic, it is crucial to making sure that places like our exhibition and convention buildings are well taken care of. The trust responsible for these places was created in 1994 to oversee the construction and development of the exhibition centre. Then in 1997 the trust became the manager of both the exhibition and convention centres. On 28 August 2002 the trust was also put in charge of the Yarra River Maritime Reserve to promote good management of that area, although this responsibility has since been revoked. Today the trust also manages the Royal Exhibition Building in Carlton Gardens.

These spaces host some of the biggest events, conferences and festivals in Australia. For example, PAX, the largest gaming festival in the country, and the Good Food & Wine Show, the biggest consumer goods exhibition in Australia, are both held there. The Melbourne Art Fair, which brings in amazing local art, is now also hosted at the convention centre. But it is not just about events; these places are also very important to our students. The exhibitions here give them unique opportunities to learn about and experience art, culture and so much more. The Melbourne Convention and Exhibition Trust Act 1996 has served us well. It has delivered the body and framework for this culture and for the work to be delivered. However, now is a good time to update the act so that the Melbourne Convention and Exhibition Trust can better support Victoria's tourism and events industries. The change will also help modernise the trust's governance. The main reason for this amendment is to change the trust's legal name and the name of the act, which requires a change in the law. That is what good legislation and good governance is all about – getting it right.

Given the challenges faced by Victoria's tourism and events industries after COVID, the bill will also expand the trust's functions, as determined by the Minister for Tourism, Sport and Major Events, and help these industries to recover and grow. Additionally, the bill will improve the corporate governance of trusts, making sure that the professional and ethical duties of the trust's members are up to date with current standards, community expectations and directors duties. On that, while the governance framework is currently working well, updating it will bring it into line with similar organisations across the state, including the Puffing Billy Railway Board and the tourism, sport and major events portfolio, strengthening corporate governance, which will make the trust more transparent and accountable. This will help protect the people who use its facilities and services and will also safeguard the trust's reputation, as well as the government's. The bill will improve the Melbourne Convention and Exhibition Trust governance. I commend the bill to the house.

Melina BATH (Eastern Victoria) (18:06): I am pleased to rise to make a contribution on this bill before us today. It is quite a simple bill, and the purpose of this bill is to amend the Melbourne Convention and Exhibition Trust Act 1996 to change the name from 'act' to 'trust', to expand the functions of the trust, to expand the number of trustees from seven to nine, to modernise the trust's membership and its governance arrangements and to transfer the powers from the Governor in Council to the minister, supposedly to enhance efficiency, as we are led to believe. This is not a government that works well on efficiencies, but that is the motive of this bill. In essence, it is really a bit of a spring clean.

Anyone who is my age and older certainly remembers the name Jeff's Shed. Indeed Jeff's Shed is the same age as my son, because they were born in the same year – my second son. That is certainly a wonderful date in my mind. In the last 28 years it certainly has been an iconic piece of infrastructure, albeit not necessarily that glamorous. It was often what was happening inside that was the glamorous part for Victorians and for international visitors. Indeed when I was in small business – I ran a health food store – we actually went on many occasions to see new opportunities, new products and new

designs and visited Jeff's Shed. Would you believe it accommodates over 5500 people in its 70,000 square metres of space. I note that there have been over its time – and I will not go into some of the more colourful events that have occurred in Jeff's Shed – conferences, exhibitions, trade shows and meetings for the commercial, not-for-profit and indeed government sectors. I want to just touch on one of those government sectors in a minute.

Up until recently, up until 10 years ago, Victoria was very focused on business – small business, large business and business of all sorts – and attracting international business and interest. Ten years ago Victoria held the mantle and the market share of the business events space. We attracted the most business events of any state in the nation. Indeed many of them were held in Jeff's Shed, or the Melbourne convention centre. Since that time we have dropped down. We have dropped way down, and we are below New South Wales and below Queensland in terms of the market share. Of course this is not just a theoretical drop, it is a drop of huge financial proportions. We have lost billions of dollars a year not holding those events, not just at Jeff's Shed but indeed at other places – this bill talks about a new facility in Geelong – right across Victoria.

This government often talks about the events sector, but certainly it is the business sector that does the heavy lifting of bringing people in. Indeed Australia's business sector generates around \$20 billion – with a B – annually, and we can see that our portion of that is dropping back. That is a shame, because not only do people go and understand and learn and is there catering and a whole range of things, we also have people staying for extended periods of time, not only in our city having nights in hotels and rooming houses, whatever they are, Airbnbs until they are taxed out of oblivion by this government, but there is a whole market that exists around that.

What we did see of course was that during Labor's lockdowns, during the COVID lockdowns, the whole events sector and business sector was smashed, and it was a complete and utter debacle. Another debacle of course, and my colleague the lead speaker Mr Davis has gone into it, was the Commonwealth Games debacle. It certainly was. And we are still feeling the pain – the reputational damage. We talked about that drop in the events sector and the business sector – that reputational damage.

Michael GALEA: On a point of order, Acting President, I believe that the previous Acting President gave a ruling about relevance with regard to this subject.

The ACTING PRESIDENT (John Berger): Thank you, Mr Galea. Perhaps in the interests of time, Ms Bath, if we could take you back to the bill.

Melina BATH: I am very interested in talking about some of the things that did occur in the Melbourne Convention and Exhibition Centre. One of the key things that was fantastic back a little while ago when the Liberals and Nationals were in, between 2010 and 2014, was that the fantastic Deputy Premier the Honourable Peter Ryan established the Regional Victoria Living Expo. It existed for a number of years. It was all about 48 councils coming from regional Victoria. There was a subsidy paid by the government so that councils were not out of pocket. They were paid and they were able to come down here and show their wares, put out their shingle and say how fantastic it is to live in country Victoria. It was held at the Melbourne exhibition centre. Many of my Gippsland councils and others certainly turned up, and there were many positive associations with decentralisation, which is what we are about on this side of the house – supporting people to come and live, work and play in regional Victoria.

Now, what happened? It was funded until 2015, and then this government, the current government, turfed it out, axed it, saying it was not that important. We know that country Victoria is very important. We also know that the events sector is important. And without a doubt we need to put the business sector back in the limelight and encourage people to come back and work and play and conduct business. We need more business confidence. This government is trashing our international reputation.

I do not have a problem with the bill, but this government certainly needs to focus on doing what matters for country and regional Victorians.

Sheena WATT (Northern Metropolitan) (18:13): I rise to make a contribution on the Melbourne Convention and Exhibition Trust Amendment Bill 2024. It is an exciting time for Victoria's tourism and events industry, and this amendment is not just about updating a name, it is about acknowledging the trust's growing role, especially in its steps to operate the Nyaal Banyul Geelong Convention and Event Centre, a major regional hub. This new investment in Geelong expands on the investment and positive impact that the Melbourne Convention and Exhibition Centre (MCEC) has been providing for decades. Collaboration like this helps shine a spotlight and brings investment to regional Victoria.

Of course an important part of Victoria is our cultural connection and acknowledgement of our First Peoples. It is so important that we see local language being recognised in the naming of this new infrastructure investment. For some, this will be their first introduction to local Aboriginal cultural history and connection to the land. The name 'Nyaal Banyul' comes from working closely with First Peoples. To integrate local Aboriginal culture, the Wadawurrung Traditional Owners Aboriginal Corporation has gifted this new name. I would like to say that this name is returning Wadawurrung language to our country at a site that was originally used for gatherings known as 'baierr' – there you go. The name means 'open your eyes to the hills'. It is made up of two Wadawurrung words – 'nyaal', meaning to open your eyes, and 'banyul', meaning hill. This name was chosen to encourage people at the site to take some time to appreciate the beautiful landscapes of Wadawurrung country, one that I know the member for Western Victoria loves so very deeply.

As others have mentioned, the economic value of convention and events centres is a huge asset to the business community, but I want to talk a little bit about the vital role they play in supporting arts and culture by providing spaces where creative expression, collaboration and cultural exchange can thrive, offering platforms for performance, exhibition and cultural festivals that may otherwise struggle to find a suitable space. They can help nurture a sense of belonging, and I just want to reflect on my younger years. If you did not follow the in thing at school or you were ostracised by your school friends, it was really sometimes hard to find that safe space, to find your people. I just want to say that finding a safe space can be tough, and at the Melbourne Convention and Exhibition Centre you can find your people. As a self-confessed Klingon-loving Trekkie, which I have put on the record, finding my people at things like the convention centre is really, really important. Events and conventions have spaces for niches, and you can find community and connections. People can change their lives when they see that there is a community that gets them, that the things that they love are loved and valued by others and that there is a place for them.

In fact just last weekend the convention centre hosted the PAX Australia conference, the biggest video game and gaming culture convention in Australia, bringing an extraordinarily passionate community together over a subculture that they all love in a welcoming place that does not care if you are a furry, an elf, a demon slayer or a non-player character. Enjoying the panels, the events and the cosplay and feeling just so included in the community was a big part of this weekend just gone. We see this as well at the famous and hugely popular Comic-Con event, where Melbourne's geek culture comes to life. For some isolated nerds out there you can find that you are not alone, and you can find a place for you that goes beyond the economic boost from hosting such events.

I want to talk for a moment about the recent Melbourne Disability Connection Expo 2024. It is coming up, and there will be fantastic resources that will enable discussion and inclusion. There are so many inclusive events for those in the disability community hosted at MCEC, and I know that conventions can be more than just travel, weddings and baby expos. These events reach people through different stages of their lives, and they can help us learn and celebrate new things about ourselves. I want to say that I am a big fan of the Melbourne Convention and Exhibition Centre and support this bill very much. I will finish by thanking the minister for his tireless work in ensuring that Victoria attracts visitors and investment – visitors from all communities, all places and all spaces. I support these amendments and commend this bill to the house.

Tom McINTOSH (Eastern Victoria) (18:18): The Melbourne Convention and Exhibition Trust Act 1996 has adequately served as the trust's governing legislation since its enactment. However, this is an opportunity to update the act to enable the Melbourne Convention and Exhibition Centre Trust to better support Victoria's tourism and events industries and to embed contemporary governance arrangements for the trust. The main driver through this amendment is to change the trust's legal name and the name of the act, which requires legislative amendment. As the trust has been appointed the operator of the Nyaal Banyul Geelong Convention and Event Centre, GCEC, there was a strong desire from the trust and other key stakeholders to change the trust's legal name and the name of the act to reflect that the trust will operate a major regional facility.

I am really pleased to stand and support this bill today and to acknowledge that in the year ending March 2024 Victoria's visitor economy hit a record high of \$39.3 billion, reaching the Allan Labor government's 2024 tourism target more than a year ahead of schedule. Of course there is no surprise that those opposite have been talking down what we are doing here, talking down Victoria, talking down our achievements and talking down this record high. I will not talk about the member who is here, having just arrived, but one previously here, Mr Davis, on an incredible day where the SEC has been enshrined in our constitution through legislation, rather than getting his head around that he is back talking about the 1990s, as was a member for the Nationals, and talking about Kennett. I am very surprised they want to be talking about the Kennett era or Kennett's name, quite frankly, given the recent days they have had. But while they stay in the 1990s and stay talking negative, we are getting on with things, and I am absolutely delighted to support this bill.

Michael GALEA (South-Eastern Metropolitan) (18:20): I am also very pleased this evening to rise to speak on the Melbourne Convention and Exhibition Trust Amendment Bill 2024, and a very straightforward and functional bill it is that we have before us today, one I will share a few comments on. Principally, as a few other speakers have noted, we do have the fantastic new Nyaal Banyul Geelong Convention and Event Centre, which is now going to be part of this trust officially and have a name that is going to officially recognise that as well.

Indeed, whether it be in Melbourne or in Geelong, our major events such as the ones held at these fantastic facilities are ones that do certainly appeal to all Victorians. I note my colleague Ms Watt's contribution about some other functions that have been held there. I understand that there was a very popular PAX festival there over the weekend. My very first time there – I was very young; in fact it might have been when Jeff Kennett was still Premier – was when I went along to the car show, which I enjoyed very much as well. I recall seeing a prototype hydrogen car, which was exciting to see back then, and given how far things have come now it is exciting to see where things may go as well.

This bill will also make some relevant and appropriate governance changes, such as the formal incorporation of deputy and acting chairpersons for the trust to enable the smooth operation of meetings and other procedures.

I do return to Nyaal Banyul in particular because it is really exciting to see such a fantastic resource for the Geelong region, and I know the Minister for Skills and TAFE at the table is a proud local from the Western Victoria Region and has been equally passionate about this project. We got to see some of the passion that locals had for it at our committee hearings at the start of the year. Mr McIntosh and I were in Geelong, along with members opposite, on our little regional roadshow going around looking at the impact of the government's investment in regional Victoria, in particular that \$2 billion regional package that is being delivered.

Tom McIntosh interjected.

Michael GALEA: Indeed. As Mr McIntosh says, it is a massive regional investment which comes on top of and as part of this fantastic facility in Geelong, which is so very good to see.

I note that my colleague across the chamber Ms Bath, who sadly is not here anymore, did make the reference to Jeff's Shed. That is of course the name that many Victorians have attributed to the original

Melbourne Convention and Exhibition Centre. It is quite interesting – I am not quite sure whether it is best to talk about relevance deprivation in terms of other things which we might be talking about with that particular character, but we are certainly seeing the resuscitated corpse of the Liberal Party's former glory being extolled when we are seeing such horrific things said about women by that gentleman. Given the beautiful way in which Ms Watt explained the naming behind the Nyaal Banyul centre in Geelong, perhaps we might need a new moniker for that site over in South Wharf. Indeed it is a very large and very impressive centre in Geelong, as it is in Melbourne. It might just be the only building in Melbourne large enough to accommodate Mr Kennett's large ego, but it is a very important asset that we do have in this city, in this state –

Gaelle Broad: On a point of order, Acting President, I am just wanting to perhaps remind the member to come back to the relevance of the bill.

The ACTING PRESIDENT (John Berger): I think that was incredibly relevant. Mr Galea, could I bring you back to the bill, please.

Michael GALEA: With pleasure. I will come back. I will actually say that was approaching the end of my remarks anyway, but it is a very important bill. Although very relatively minor and very straightforward, it is one that acknowledges the role that these fantastic facilities play, not just for the city of Melbourne but for all Victorians. I am very excited to see that being codified and that being changed, and therefore I do support and commend this bill to the house.

Motion agreed to.

Read second time.

Third reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:24): I move, by leave:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The ACTING PRESIDENT (John Berger): Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:25): I move:

That the house do now adjourn.

Box Hill Gardens

Richard WELCH (North-Eastern Metropolitan) (18:25): (1167) My adjournment matter is for the Minister for the Suburban Rail Loop. Recently the Suburban Rail Loop Authority occupied a good section of Box Hill Gardens in preparation for tunnelling work. A significant proportion of the gardens was portioned off, barricades were put up, tarmac was laid down, some trees were removed and the community was moved out of that section. It was the understanding that this was the extent of it; however, it has come to light today that this is not the full occupation intended for Box Hill Gardens, though no-one in the community knows this. It is quite deeply surprising that there is to be a further occupation of Box Hill Gardens yet, though the community has not been told when, the extent to which this will occur or whether it will impact the community groups that are using this space and the tai chi, tennis, basketball, barbecue and toilet areas and the walkers, runners and people who practise

music. All the amenity of this garden is now going to be further compromised, but there is no communication as to the extent to which this will occur.

It does raise some very pertinent questions, and if we take the analogue of the North East Link tunnelling program, to accommodate the tunnelling machines at the North East Link site in Watsonia tunnels and trenches 100 metres long were required to assemble the diggers. The question I have for the minister is: how will those diggers be accommodated within Box Hill Gardens, because if they are anywhere near the same proportion, it will require the occupation of the entire gardens? I would like to know how they will accommodate the diggers. How will they provide the power to those diggers – because again, in Watsonia they needed to install an entire substation to do so? Have the local community been advised? Where was this advertised or communicated that there would be further occupation of Box Hill Gardens? Will community activities be disrupted, and as per the terms of the occupation, will additional open space be provided to the community in compensation for this further occupation?

Housing

Samantha RATNAM (Northern Metropolitan) (18:27): (1168) My adjournment matter tonight is for the Minister for Housing. I have received several inquiries from people who are distressed about the unfairness built into Victoria's so-called affordable housing system. The Victorian government claims to be building affordable housing; however, it is very unclear to the public what the government actually means by the term 'affordable'. I am hearing about constituents applying for Homes Victoria's affordable housing scheme and winning the ballot due to their eligibility, only to be rejected later for no discernible reason. This scheme is turning out to be a lottery scheme that is being overseen by private real estate agents. The likes of Barry Plant are making decisions about housing for low-income people, and they are getting to do this without having to follow government policies or procedures.

One constituent who won the affordable housing ballot several times was rejected in their application for the scheme because the rent for the affordable housing was more than 30 per cent of their income. This was despite falling within the required income thresholds for affordable housing. He has since been told to join the public housing waitlist, which we all know is decades long for most. It has led this constituent to a state of despondency because he feels he has no hope of ever securing a house under the current housing system. He has been considering self-harm, he reports, and feels there is no help available from the mental health or hospital systems because his ideation is related to housing stress.

It is vulnerable people like this who are becoming the victims of an increasingly privatised social housing system. This Labor government is retreating from the provision of public housing altogether. They are leaving vulnerable community members to fend for themselves in an under-regulated community and affordable housing sector or most commonly in the ruthless private housing market. All this, and your government still has not responded to the social housing regulation review that was completed two years ago, let alone released the report. In the middle of a housing crisis you would think that the government would intervene and take care of people who desperately need a roof over their heads and support systems to help them get through tough times. Instead the government is literally asking people to enter a lottery to secure housing and is outsourcing its responsibility for housing to the likes of Barry Plant, who are driven only by corporate profit motives.

The affordable housing scheme in its current form is a sham. It locks out low-income people. It discriminates against vulnerable community members. It is a game of chance that has been left in the hands of the development industry, and under Labor real estate agents are fast becoming the housing workers of the future. This is privatisation of our system at work. Minister, it is clear that the system is not working for those who need it the most. How will you ensure there is oversight and accountability for the decisions made by private contractors about who receives housing under the affordable housing program?

National Carers Week

Sheena WATT (Northern Metropolitan) (18:31): (1169) This week we celebrate National Carers Week, a significant opportunity to recognise and honour the contributions made by over 750,000 dedicated carers across Victoria. These individuals provide essential support to their families and communities, often behind the scenes, and their impact is invaluable. Carers play a critical role in improving the quality of life for so many, often making personal sacrifices to ensure the wellbeing of others. As we mark this week let us take the time to acknowledge their selflessness, their compassion and the vital role they play in the very fabric of our society.

I note that this carers week the Allan Labor government is supporting Victorian carers by providing free public transport for Victorian carer card holders. This will help get carers to celebratory events held throughout National Carers Week and connect with family and friends. The Victorian carer card recognises the contribution carers make to the community and to the lives of people they care for. Carer card holders can receive discounts at a range of participating businesses and services, including public transport concessions.

Young carers in Victoria play a vital role in supporting family members or friends, often balancing school, work and personal life. These young individuals take on significant responsibilities at a young age, providing emotional, practical and sometimes medical assistance. Their contribution is absolutely invaluable to their loved ones as well as to their community, and despite their important role young carers often face some challenges, including social isolation and limited time for education or even self-care. Younger carers are forced to grow up fast, advocating for those they care for, but often there is no-one there to advocate for them. Recognising and supporting young carers is essential for their wellbeing and future opportunities, and it is important that we as a government but also as a community provide support to those in these most valuable caring roles. So my matter today is for the Minister for Carers and Volunteers. Can she please update us on what supports the Allan Labor government has made available for carers, in particular young carers, in the Northern Metropolitan Region?

Beleura cliff path

Renee HEATH (Eastern Victoria) (18:33): (1170) My adjournment is for the Minister for Water. 102 years ago the Beleura cliff path was first cut with a pick and shovel in 1922, and it has been used as a public path for the many decades since. However, in October 2022 – exactly two years ago – the Beleura cliff path was closed as a result of damage caused by two landslips. Locals are concerned that the path may never be reopened, and they are devastated about the loss of this important piece of history. They say that aside from those two areas the path is safe and it is in great condition. Council has identified inadequate drainage as a cause of the landslips and has also raised concerns that excessive water use by some of the neighbouring properties is causing further damage, yet the council states that it has not been able to access the relevant information to work with the property owners due to privacy rules around water use. So, Minister, the action I seek is for you and the state government to review the privacy rules and their unintended consequences for this historical landmark.

Melbourne Cup

Katherine COPSEY (Southern Metropolitan) (18:34): (1171) My adjournment is about the carnival of cruelty that is the Melbourne Cup, and I am going to be saying nup to the cup. The action I seek is for the Minister for Racing to cancel the 2024 Melbourne Cup. The Melbourne Cup certainly does not stop the nation anymore. Once considered a cornerstone of Australian culture, every year there are fewer and fewer spectators, a clear indicator of rapidly diminishing social licence. This reflects a broader generational and cultural shift, with younger Victorians rejecting gambling-fuelled animal cruelty and seeking other forms of entertainment. Speaking of entertainment, following a social media campaign from the legends at the Coalition for the Protection of Racehorses, Taylor Swift made a principled decision to say nup to the cup in 2019, withdrawing from her scheduled appearance at Flemington Racecourse.

The Coalition for the Protection of Racehorses maintains records of deaths and injuries across all forms of racing, and at least 168 horses were killed on Australian racetracks in the last racing year, which is 29 more than the previous year. They also report that Racing Victoria remains the biggest culprit in not reporting the cause of the death of a horse and that Racing Victoria edits racing replays to hide horse injuries and deaths more than any other state racing authority in the country. These facts highlight the inherent cruelty that is built into racing. The noxious two-step between gambling and racing is the only thing perpetuating this cruelty.

Examples from around the world demonstrate the potential for change. Singapore held its final horse race two weeks ago on 5 October. Attendance had been dwindling for decades, from a high of 30,000 to recent race meetings barely attracting 2000 people. While the racing industry is spending big bucks on advertisements aimed at luring back Australia's trust in the Melbourne Cup and spruiking new spring racing safety measures, we have our eyes and ears open to the reality. Taylor said nup to the cup, I am saying nup to the cup and Labor needs to say nup to the cup.

Fire Rescue Victoria

Nick McGOWAN (North-Eastern Metropolitan) (18:36): (1172) The action I seek is for Minister Symes to reinstate the rolling replacement program for Fire Rescue Victoria – not too much to ask, I would have thought, on a Tuesday afternoon. I rise because since we last met in this place, on 12 September, motorists on the Burwood Highway, including an ambulance, were forced to dodge a 9-metre ladder that fell off the back of a truck. And by a truck I mean an appliance, a fire appliance – a 19-year-old fire truck en route to a fire call. A mechanism used to secure the ladder to the truck had completely sheared off, leaving the ladder unsecured and resulting in it flying off the back of the truck, quite literally.

Modern fire trucks of course are fitted with safety devices to alert the driver of an unsecured ladder. This was a 19-year-old appliance that did not have that feature. Firefighters were informed of the ladder flying off the back of the truck when a paramedic called it in – a paramedic. Thankfully, members of the public intervened and removed the ladder from the roadway themselves – thank you, Victorians – ensuring that the safety of the motorists was maintained.

This incident raises significant concerns regarding the dangers faced by firefighters being forced to rely on a failing Fire Rescue Victoria fleet, plain and simple. Due to the lack of planning and funding from this state Labor government, these old and increasingly dangerous fire trucks are being relied upon by firefighters when protecting our community, including my community in Ringwood. Recently we have seen a litany of breakdowns within the FRV fleet, putting both firefighters and our public at significant risk. Some of these failures include an unconscious patient being forced to wait as firefighters sent to rescue them were trapped inside their own truck due to an electrical fault – trapped inside their own truck – in 2024. Firefighters in Bendigo were forced to rescue themselves from a 19-year-old ladder platform when it failed above a going structure fire – had to rescue themselves. And firefighters in Tarnait were forced to enter a house fire without water to conduct a search and rescue when their truck failed – in Tarnait.

Firefighters in my electorate and right across the state of Victoria – no-one is immune to this – continue to raise with me their serious concerns of the risks they and the public are facing because of Fire Rescue Victoria's unreliable fleet. There is simply no excuse for the constituents in my electorate of Ringwood, much less anyone else's electorate, to have to dodge ladders flying off the backs of the trucks. Firefighters in our community deserve a world-class fire service. They pay for it via the fire services levy but they are left to rely on old, broken-down fire trucks that are not fit for purpose. It cannot be allowed to continue. I would ask the minister to take urgent action, as I have requested.

Mount Atkinson

David ETTERS HANK (Western Metropolitan) (18:40): (1173) My adjournment matter is for the Minister for Consumer Affairs, and it concerns the residents of Mount Atkinson, in my region. For

those members who have not had the pleasure of visiting Mount Atkinson, let me read you a description.

Mt. Atkinson has been carefully planned ... to create one of Victoria's most convenient, connected and liveable new communities.

...

Mt. Atkinson has been built on four pillars; live, grow, work and shop.

It is a place that is perfectly balanced in an 'unrivalled location', and there are the future Mount Atkinson town centre, primary and secondary schools and convenient transportation options, including a proposed train station, all coming very soon. Truly Mount Atkinson is a place where:

... it's possible to have it all.

If members wonder why they have never heard of this slice of paradise, it is because the place I have just described does not exist outside of the marketing blurb of the Stockland website. The reality is in fact starkly different. New residents were lured by the developer Stockland's promise of accessibility to shops, schools and public transport. Indeed many were persuaded by Stockland to pay a premium to be closer to the promised amenities, including the Westfield shopping centre slated for completion this year but now not going ahead. Stockland continued to sell these proximity premiums right up until Westfield publicly pulled the pin on Mount Atkinson, begging the question: when did Stockland know that the shopping centre would not be proceeding as promised?

Mount Atkinson has no shops and no access to public transport, the nearest supermarket is 13 kilometres away and the nearest train station is 8 kilometres away, as is the nearest primary school. You have to own a car to get to these places because there are no public transport options. This situation is not unique to Mount Atkinson. Developers routinely overpromise and underdeliver in this state. So I ask the minister: what protections and redress exist for residents who, based on representations from property developers regarding infrastructure and services, purchase property and find that those services and infrastructure are not delivered?

Payroll tax

Georgie CROZIER (Southern Metropolitan) (18:42): (1174) My question again is to the Treasurer, and it is in relation to the GP payroll tax. I have raised this issue a number of times in the house, as many of you are aware, but this issue is not going away for general practitioners in Victoria, who are going to be slugged with this tax next year. The government has given a slight reprieve, but I recently met with the Primary Care Business Council, and we were discussing just what the impacts of the payroll tax or the patient tax will be when this is applied to general practice. I note that the Albanese government is trying to work through the issues in primary health care and the primary health care sector, and when the state payroll tax is applied it will really threaten the federal agenda; there is no doubt about that. It will have an impact on the capacity for bulk-billing, as the model will not suit bulk-billing – bulk-billing will not be viable.

What I have been told is that the Primary Care Business Council has warned that the cost of patients attending emergency departments instead of paying a high gap fee will far outweigh the benefit of payroll tax revenue to the government. In fact they told me that an expected 800,000 more patients would present to emergency departments across the state instead of visiting a GP. They really do need that continuity of care. It is critical that we have that continuity of care, and that is why I am very supportive of GPs and the amazing work that they do. But when Victorians cannot afford to go to the GP and they instead go to an emergency department, the increase in fees would total around \$522 million per year, compared to a potential payroll tax revenue of just around \$100 million, according to the PCBC.

Already, as we know, we have got overcrowded emergency departments, we have got ambulance ramping, we have got the terrible situation where paramedics have to go in and resuscitate patients because there are not enough staff in our EDs, and our hospitals, which are cash strapped, are under

huge threat by the Allan Labor government and the ongoing financial mismanagement of this state and the pressures it is putting on our health system. Why they would prioritise the Suburban Rail Loop over getting our health system up and running is beyond me. But those are the priorities of Labor, and they are wrong. I again am very, very concerned about the flow-on effects that this payroll tax will have on GP clinics, and many will be forced to close. The action I seek is for the Treasurer to confirm whether they can provide details of any analysis the government has done on payroll tax and the ongoing viability of general practices.

Health services

Sarah MANSFIELD (Western Victoria) (18:45): (1175) My adjournment is for the Minister for Health, and the action I am seeking is to significantly expand public outpatient specialist clinics across Victoria. Cost-of-living pressures are putting financial stress on many Victorian families. Right now people are having to choose between putting a roof over their heads or food on the table or seeing a doctor, and no-one should have to make those sorts of choices. In a country that claims to provide universal health care access everyone should be able to access the care that they need when and where they need it, but currently they cannot. Out-of-pocket costs for all types of health care have been rising for decades. While there has been plenty of focus on the cost of seeing a GP, what is no less of a problem is the cost of seeing other specialists like cardiologists, surgeons, psychiatrists and paediatricians. Fees being charged by private specialists for a consultation or an in-office procedure have been steadily growing and are frequently hundreds of dollars in excess of the Medicare rebate. These appointments are not covered by private health insurance either if you can afford that.

There are of course specialist outpatient services available at public hospitals, commonly known as outpatients, but the types of services offered by each hospital and the availability of appointments vary enormously between health services in Victoria. There are major tertiary hospitals in this state that do not offer some of the most basic specialties like paediatrics or dermatology. More commonly, if a specialty is offered it is only for a very narrow range of eligibility criteria, and wait times can be astronomical. A classic illustration is ear, nose and throat outpatient assessments for children. Waiting lists are not uncommonly over three years for things like an assessment for grommets or a tonsillectomy. Chronically blocked ears can limit language and hearing development, while sleep apnoea from chronically enlarged tonsils can have profound impacts on children's behaviour.

Accessing treatment for this can be literally life changing, yet I saw countless families who were unable to access timely care or had to make financially crushing decisions to pull together many thousands of dollars to pay for private care. The same goes with paediatric care, especially for kids who require a developmental assessment because there is a concern about their learning or behaviour, or for a young person with severe acne that requires treatment that only a dermatologist is legally allowed to prescribe. I could go on. Illness does not discriminate based on income or where you live, so why should access to the specialist who can provide the care that you need be based on these things? Outpatient specialists are entirely within the state government's remit, and they can and should be doing better.

St Joseph's Christian college

Evan MULHOLLAND (Northern Metropolitan) (18:48): (1176) My adjournment is to the Minister for Planning, and I seek the action of the minister to progress the building of St Joseph's Christian college on Mickleham Road in Yuroke in my electorate after it was cruelly rejected by her department. This project by the Assyrian Church of the East is a valuable development to enhance the cultural community of the church as well as provide much-needed choice in education for the Assyrian community here in Melbourne. The Labor government have rejected the school on the basis that it will cause traffic congestion on Mickleham Road. At the same time they have recently fast-tracked and approved – against the wishes of Hume City Council – the *Craigieburn West Precinct Structure Plan* of 8000 homes just across the road, but apparently it is a faith-based school that will cause traffic congestion, not the massive PSP.

There is a real lack of faith-based education in the outer northern suburbs, with many local faith schools having a big waiting list. Today I have tabled a paper petition of almost 5000 Victorians calling on the government to approve this school. The Assyrian community of this church are a large and vibrant community, and it is my pleasure to work with them closely as their local MP. St Joseph's is intended to allow the church to provide students with a strong foundation in the Christian faith aligned with the doctrines of the Assyrian Church of the East. It will offer a specialised curriculum tailored to meet the community's unique needs, and of particular note, this school will teach the Assyrian language as a core subject. This will help ensure the preservation of the language, which is a UNESCO-listed endangered language.

Well over a year ago in July 2023 the church submitted an application for a permit. As is common, the Department of Transport and Planning sought changes to the school. The church has been accommodating at every turn, downscaling its original plan and changing an intersection – multiple times, I might add. They have met with the department, have taken part in compulsory conferences and feel like every time they make a concession the goalposts are moved, and now they have to go to VCAT. This has cost the Assyrian church about \$300,000 in consultation and legal fees, so it is really, really important that we get this school going and not deny educational opportunities to my constituents.

The Minister for Planning has the power to call this in. The Minister for Planning is happy to call in developments, particularly in Liberal seats, but when it is a faith-based school in a Labor electorate she will not act. I seek the action of the minister to direct her department to support this application in order to stop delays and in order to support faith-based education where it is sorely needed in the northern suburbs.

Abandoned mine shafts

Georgie PURCELL (Northern Victoria) (18:51): (1177) My adjournment matter is for the Minister for Environment, and the action I seek is for him to commit to fencing off dangerous mine shafts across Victoria. Last month after two attempts by volunteer rescuers a kangaroo joey was successfully rescued from one of these mine shafts in Ararat. 'Digger', as they named him, was frozen, dehydrated and covered in fly eggs when he was found. Victoria's landscape contains at least 19,000 abandoned mines, the most of any state in this country. Research from the Australia Institute estimates at least one mine is disused a year across the state, and when they are no longer of use they are not closed down or sealed, they are simply walked away from. Many in the Victorian goldfields remain open with no cover, no safety fence and no signage to warn of the dangers. It is rare for a person to fall down a remote mine shaft, although the risk is still prevalent. For native animals, however, these deathtraps are dotted throughout their homes. Most appear as shallow, leaf-covered dips rather than 100-metre gaping holes. It is no surprise that for many wild animals these pits will eventually become their grave.

The wildlife community know Manfred Zabinkas as their expert in mine shaft rescue. When he abseils 10 metres into the darkness to rescue native animals, he is doing a job that even the SES avoid performing. In 2015 Manfred was called out to an abandoned shaft in Trentham after three bushwalkers spotted the nose of a large male kangaroo poking out from the large entrance. Upon further inspection, four kangaroos had fallen inside. Miraculously the 80-kilogram male had clawed himself up the sheer wall of the shaft and stabilised on a tree root to poke his head out and be noticed by the onlookers. To rescue the kangaroos Manfred first tranquilised them using a syringe on the end of a painter's pole. He then carried them out one by one for transfer to the nearest wildlife shelter. The rescued kangaroos had severe lacerations and broken bones, but two of the four made a full recovery.

It has been nine years since this rescue, and Manfred estimates that he alone has rescued at least 18 animals from mine shafts in the time since. Many disused mine shafts contain floors which can collapse at any moment to expose even deeper holes, and due to their remote location it is a miracle when trapped animals are called in by members of the public. It is clear that volunteers will continue

to be called to dangerous mine shaft rescues unless simple steps are taken by this government to ensure that they can be made safe. I hope that the minister will work with my community to secure this.

Passions & Pathways program

Gaëlle BROAD (Northern Victoria) (18:54): (1178) My adjournment matter is for the Minister for Education. The Goldfields LLEN – local learning and employment network – has run its successful Passions & Pathways program since 2012, connecting primary students to local industries to develop an understanding of career opportunities and possibilities in the world of work. Students participate in workplace tours, entrepreneurial projects and weekly lessons, culminating each year by showcasing student projects at a career expo. In 2024 Passions & Pathways connected 468 students from 10 schools with more than 60 local businesses participating in the program. This program provides a vital link for young students to career pathways at a pivotal developmental age, empowering them to see possibilities and opportunities beyond their current circumstances. This is the only evidence-based primary school careers learning program in Victoria. I have spoken with representatives from participating schools who understand that this program is a key resource to break generational cycles of disempowerment and inequality.

Currently Passions & Pathways is funded through Regional Development Victoria, with contributions also coming from the City of Greater Bendigo. However, this funding runs out in April next year; they do not have the funding to continue the program in 2025. Regional Development Victoria has been supportive of the program, but the Department of Education needs to step in to provide long-term secure funding.

The Victorian local learning and employment network established 31 LLENs under a model that empowered each local network to develop programs that targeted the needs of their local communities, and the Passions & Pathways program has been highly effective and could be rolled out to other locations. The Goldfields LLEN regularly gets requests from other schools and LLENs from across Victoria who are keen to engage with the Passions & Pathways program. To see Passions & Pathways cease due to a lack of long-term funding at this crucial stage would undermine 13 years of work at the Goldfields LLEN along with the financial commitment and support of Regional Development Victoria, and it would impact on the lives and careers of young people across our region. The action I seek is for the minister to provide insights into how the department will continue to support the ongoing success of the Goldfields LLEN's Passions & Pathways program.

Dental services

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:57): (1179) My adjournment matter is for the Minister for Health, and the action I seek is for the state government to provide and fully fund dental health services for people with special needs at the Frankston Hospital and comprehensively through community health networks. I asked a constituency question based on this issue on 1 August this year and received a thoroughly unsatisfactory so-called answer from the minister. In relation to the major development of Frankston Hospital I asked:

... why has there been no provision to provide dental services for people with special needs in this development?

I asked this because I have a constituent whose son has serious dental needs and who, upon contacting Frankston Hospital, was referred to the Royal Dental Hospital of Melbourne, and he waited two years for a response. After his son was eventually examined, he was told he had to wait for treatment through the special needs department, a staggering three-year wait. Despite further inquiries, nearly five years later the dental work has still not been completed. This is an absolutely appalling situation for any person to endure.

The fact that despite state government spending of more than \$1.1 billion on this redevelopment there is no provision for specialist dental services included in this project is a completely dreadful outcome for the residents of the south-east. I note as an aside that the original budget for the redevelopment was

\$562 million and that the ultimate spend was an extraordinary 97 per cent over budget. This is yet another example of Labor's complete inability to manage finances and major projects. With financial mismanagement on this scale, it is no wonder that this government cannot properly fund important public health services, including vital dental services. Today I spoke with some exhibitors here at Parliament House from community health, and what I discovered was that this government is basically only supporting hospitals; it is barely supporting the rest of the networks, and there are many people who require specialist care.

All Victorians know that Labor cannot manage money. Despite there being over 55 new and increased taxes since Labor came to office more than 10 years ago and state taxation revenue being at record levels, Victorians can now clearly see the fruit of a government that just does not know how to manage money. With more than tens of billions of dollars blown on major project budget blowouts, it is heartbreaking to think how this money could have been spent on Victorians requiring public dental health who are languishing on waiting lists.

Given the Frankston Hospital is growing, we need to see the government actually cough up some money for these people, and I look forward to receiving a sensible and comprehensive answer with a realistic solution from the minister and not more blame-shifting and absolute waffle.

Events industry

Bev McARTHUR (Western Victoria) (19:00): (1180) My adjournment matter for the Assistant Treasurer concerns the Victorian Managed Insurance Authority's COVID-19 event insurance. The events industry in Victoria was one of the biggest victims of COVID; it fell between the cracks. While tourism, the arts and sport were supported, other events not only received no funding but were little considered in the regulations. Business events lost most. Before COVID more than 120,000 were staged, adding \$12 billion of economic activity annually. The Economy and Infrastructure Committee's events inquiry heard that one early Department of Jobs, Precincts and Regions stakeholder meeting was told 'The event industry hasn't received any financial support because it's not a real industry' and that 'Health regulations were not tailored to them because business events aren't a real type of event'. The link between the government's attitude to Victorian businesses with international events expertise and the financial and reputational humiliation of its Commonwealth Games bid is clear. As one events industry leader wrote to me:

A ten minute read of the business case by any experienced event person would have confirmed that what was proposed was never possible.

But it seems that no experienced event people were ever asked to read it. One more positive outcome from the inquiry was in the area of insurance, a vital enabling function which the public sector can provide without the counterproductive consequences of direct subsidy. The 2022–23 VMIA annual report evaluates the scheme glowingly, saying:

The successful development and implementation of the new insurance demonstrated VMIA's ability to work across the sector and innovate risk transfer solutions.

It adds:

Independent economic analysis indicated that the COVID-19 Event Insurance product delivered significant benefits to the Victorian economy.

As a member of the inquiry which recommended insurance support I am very interested in this assessment, and the action I seek from the minister is more detail on the operation of this scheme. By which date were events first covered by this insurance and what value of coverage was issued? Does an assessment exist to show the number of events and the amount of economic activity which these guarantees enabled? What was the final cost of any payouts required, and were these significantly outweighed by the economic benefit to the state of events which were ultimately staged? The annual report's positive evaluation suggests such figures must be available, and I believe it is important they be released. Finally, I would ask that the minister consider that, should the evidence he produces prove

substantial economic benefit, the scheme of targeted guarantees be continued. Insurance remains one of the biggest challenges to this industry and is a key factor for the growing number of events not proceeding.

Ambulance Victoria

Wendy LOVELL (Northern Victoria) (19:03): (1181) My adjournment matter is for the Minister for Ambulance Services. The action that I seek is for the minister to fully fund transport for regional dialysis patients who have recently had their transfer services withdrawn by Ambulance Victoria. Ambulance Victoria has recently changed the rules around patient transfer to and from hospital, and I have received complaints from several constituents who have been particularly impacted by this decision because they require multiple visits to the hospital every week for dialysis treatment. Under the previous arrangement patient transfer for dialysis patients was arranged and paid for by Ambulance Victoria and carried out by private taxi services. Labor has cut funding to health and ambulance services, and now Ambulance Victoria have applied the criteria for access to transfers differently and will not provide patient transfer anymore unless the patient requires medical supervision during transport. If a patient meets this new threshold, transport that was previously provided by a taxi will now be performed by an ambulance both to and from the hospital. This will add to the ambulance crisis as ambulances will be off the road and unavailable for emergency response while they are transporting and waiting for dialysis patients. But this service is only for those few who will require medical supervision. Most dialysis patients will now be expected to make their own way to and from the hospital, and health services have told them to drive themselves or use alternative transport options like catching a bus, calling a taxi or asking family or a friend to help. This might work in metro areas, but none of these options are sustainable for rural dialysis patients.

Dialysis patients are a special case: they must have treatment three times a week, and it is a matter of life and death that they receive that treatment consistently. Friends and family members might be able to take the day off and help in an emergency, but most cannot be available three times a week every week. Many rural towns do not have buses connecting them to regional centres, so public transport is not an option either. Driving themselves to and from the hospital is not safe for dialysis patients, who commonly report side effects of dizziness, limb numbness and fatigue after treatment. Many dialysis patients are also elderly, and rural patients would have to travel long distances on high-speed roads that are riddled with potholes because of the Labor government's neglect of regional road maintenance. Treatment side effects and poor road conditions are a dangerous mix of factors that could result in tragic consequences. Lastly, taking a taxi is not financially sustainable. For rural patients the long distance to a treatment unit would make taxi fares run into hundreds of dollars, while the government subsidy for the multipurpose taxi program only covers 50 per cent of the cost and is capped at \$60 per trip and \$2180 per year.

National parks

Melina BATH (Eastern Victoria) (19:06): (1182) My adjournment matter is for the Minister for Environment, and my topic of discussion tonight is national parks. We have well over 40 national parks in this fine state, and the government is now looking to refresh its view with the closure of the sustainable native timber industry and look to put more state forests into national parks. People should know my view very strongly on this is that we halt this, stop this idea and concentrate on the national parks that we have, preserving their important flora and fauna and particularly threatened and vulnerable species.

A few years ago we conducted an inquiry into the decline in ecosystems, and in that inquiry we heard that this state does not have any baseline data as to vulnerable species populations in our national parks. It does not have that. It does not have an understanding around conditions or conservation values. What we do know is that when the native timber industry was functional and did operate, in every single coupe that existed that was to be harvested and replanted VicForests would have survey scientists go along and assess each and every piece of fauna in there – possums and the like. What we

are seeing now and understand is that this government does not do any of that type of investigation or monitoring in our national parks. How can we save something, how can we protect something and how can we build that unless we understand and have factual data in relation to it?

The action I seek from the minister is for him to explain to us his strategy around the monitoring, the assessment and the management of those highest priority conservation reserve areas, including the threatened and vulnerable species. I want him to outline his plan for national parks – not the rest for the moment – and what this government will do, because at the moment it does not have a strategy. What will it do to look after, preserve and conserve those vulnerable and threatened species?

Responses

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (19:09): What a cornucopia of content we have heard here tonight. There were 16 matters for the adjournment, and they will be referred to the relevant ministers. There were two matters raised for my attention in relation to water and housing.

Housing as it relates to the matter that Dr Ratnam has raised tonight is something which I would have been prepared and very happy to provide an answer on, but as Dr Ratnam has left the chamber I think that it is actually more appropriate that an answer be provided in writing in accordance with the standards that apply as a matter of courtesy for people to remain until such time as an answer is given.

Dr Heath, thank you for being here to the extent necessary to hear the answer on the access to information around privacy changes and the privacy laws as they apply to water on the Mornington Peninsula. This is a matter which may well sit alongside the privacy laws and the way in which they operate, so to that end I am very happy to provide you with any information that I can. The claim around drainage and water over land issues and the extent to which that may have caused damage is something that we can look into, and I am very happy to assist you to the extent that we possibly can, but the broader issue as it relates to what I think you may have proposed, which are amendments to the privacy laws, would most appropriately sit within the remit of the Attorney-General. What I can do, Dr Heath, is perhaps take that one on notice and otherwise engage with you perhaps offline on the matters raised around the monument and drainage and interface areas there.

Otherwise, there were 16 matters and they will be referred to the relevant ministers for response in accordance with the standing orders.

Georgie PURCELL (Northern Victoria) (19:11): I have unanswered adjournment matters that I would like to seek an explanation from the relevant ministers on. I raise the fact that these answers are overdue with the relevant ministers' offices as per standing order 4.14. I ask that the Attorney-General provide an explanation in relation to adjournment matters 1016 and 899.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (19:11): I am very happy to look into that, Ms Purcell, to see what information and/or response can be provided to you.

Questions without notice and ministers statements

Written responses

The PRESIDENT (19:11): Just before we adjourn, Dr Ratnam asked me to review an answer to a supplementary question from her to the Minister for Housing. On reviewing that question, I believe the minister did answer the question.

The house stands adjourned.

House adjourned 7:11 pm.