



Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 5 October 2023

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

Juliana Addison, Christine Couzens, Jordan Crugnale, Paul Edbrooke, Wayne Farnham, Bronwyn Halfpenny, Paul Hamer, Michaela Settle, Meng Heang Tak and Jackson Taylor

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll

Leader of the Parliamentary Liberal Party and Leader of the Opposition

John Pesutto

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition

David Southwick

Leader of the Nationals

Peter Walsh

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

**Members of the Legislative Assembly
60th Parliament**

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

¹ ALP until 5 August 2023

² Resigned 27 September 2023

³ Resigned 7 July 2023

⁴ Elected 3 October 2023

PARTY ABBREVIATIONS

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

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Thursday 5 October 2023

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

*Documents***Documents****Incorporated list as follows:****DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** – The Clerk tabled:

Independent Broad-based Anti-corruption Commission – Report to the Minister for Police under s 700 of the *Sex Offenders Registration Act 2004*

Subordinate Legislation Act 1994 – Documents under s 15 in relation to statutory rules 102, 105.

*Committees***Parliamentary committees***Membership*

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:34): I move, by leave:

That:

- (1) Nicole Werner be a member of the Environment and Planning Standing Committee;
- (2) Meng Heang Tak be a member of the Public Accounts and Estimates Committee;
- (3) Jacinta Allan be discharged from the Dispute Resolution Committee and that Natalie Hutchins be a member in their place; and
- (4) Jacinta Allan be discharged from the Standing Orders Committee and that Ben Carroll be a member in their place.

Motion agreed to.*Business of the house***Victorian Auditor-General's Office***Performance audit*

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:34): I move, by leave:

That:

- (1) Under section 82 of the Audit Act 1994, Martin Jenkins be appointed:
 - (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2023–24;
 - (b) in accordance with the Terms, Conditions and Specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 1 August 2023; and
 - (c) at a fixed fee of \$405,933 (excluding GST).
- (2) A message be sent to the Legislative Council requesting their agreement.

Motion agreed to.

Adjournment

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:35): I move:

That the house, at its rising, adjourns until Tuesday 17 October 2023 at 12 pm.

Motion agreed to.

Members statements

Beesfriend

Brad BATTIN (Berwick) (09:36): Bees – we all know how important bees are to our environment, and I know that specifically out in the Berwick electorate bees are super important. I had a visit from Laszlo Kun, who has operated Beesfriend since 2020, a new initiative in our area, where instead of sending exterminators to take beehives out of your home they actually relocate them, because we know how important they are to our environment. There are currently 125 beehives spread across 11 sites in our area because of Beesfriend, including at Berwick, Harkaway, Beaconsfield, Narre Warren North and Cardinia, and it is a fantastic operation that operates at night. It can be a free service if it is required. It will visit homes and buildings, but it is something so important to ensure that we are giving back to our environment and making sure we are protecting our bee community.

Crime statistics

Brad BATTIN (Berwick) (09:37): Crime statistics in Casey are a huge issue – a 16.5 per cent increase in overall crime in Casey alone and an 8.3 per cent increase in crime in Cardinia. We have got 51.1 per cent of criminal incidents going unsolved in Casey. This means 51.1 per cent of people who are committing crimes are getting away with it and continuing to commit crime in our state, and it is simply not good enough. We have got a 61.4 per cent increase in service station crime – that is, people driving off without paying for their fuel. Why? There is a cost-of-living crisis out in the growth corridors. People need to get to work, and they are going to desperate measures to get there. It is time the government stepped up and started to fix the cost-of-living chaos here in the state so we can get our crime stats under control.

Education policy

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (09:38): Education is not just an important thing to do, it is fundamental to our future. I said in my inaugural speech more than 10 years ago:

Any conversation about opportunity must include education, the most fundamental building block to success.

‘Education is the most powerful weapon which you can use to change the world,’ said Nelson Mandela once upon a time. We know the 21st century will be determined by people skills and minds – the human capital. We know it is a privilege for all of us to represent in this place. I have the great privilege now as the Deputy Premier and Minister for Education to represent my community, where I went to kindergarten, primary school and secondary school and indeed had my first job. Everyone deserves a good-quality education irrespective of their postcode and socio-economic status. I am excited to be getting on with building the Education State in the Labor tradition.

Just on that, just recently, earlier this month, I had the pleasure of being at Essendon Keilor College with David Adamson, the outgoing principal, who has been a great, fantastic principal. We know the role of principal in the 21st century is one of the most significant that can be undertaken by any person in our society, and I want to congratulate David for his lifelong passion for education and reform of the education system in the Niddrie electorate. I was very pleased to announce \$2 million for the East Keilor campus along with David, Lisa Nugent and Adam Potter, the campus principals, to get on and build the Education State right here in the Niddrie electorate, and I am looking forward to building the Education State right across the state of Victoria.

Val Barrass

Kim O'KEEFFE (Shepparton) (09:39): Today I rise to acknowledge Val Barrass, an extraordinary and much-loved woman in my community. At the age of 92 Val was recently acknowledged for her 80 years of association with and commitment to the Shepparton Netball Association as a player and volunteer umpire. Val has had many acknowledgements during that time. In 1958 Val was honoured with a life membership of the Shepparton Netball Association. She continued umpiring into her seventies and received a Netball Victoria distinction award in 2001 and a City of Greater Shepparton sports award in 2002. In May this year Shepparton Netball Association hosted a celebration to honour Val's remarkable 80 years of commitment to the sport, which I was delighted to attend along with many others.

Val's netball journey began when she was just 12 years of age, and at 92 years of age Val is still volunteering by working in the control box, which is named in her honour. Val has helped play a vital role in the development of the next generation of Shepparton netballers and is also proud to support players of all abilities. Val's love for the sport and dedication to volunteering is truly inspiring, and 80 years of dedication to the sport must be a record. Val is truly one of the most wonderful, inspiring and remarkable women I have ever met. Congratulations, Val, on your amazing achievements.

Levittown Rise dog park

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (09:40): I rise to celebrate the recent official opening of the new off-leash dog park on Levittown Rise in my electorate of Werribee. The new park is part of the government's \$5 million investment to deliver 14 new off-leash dog parks across the state. Recently I took the chance to drop by the park to make some furry friends. It is good to see so many locals, both two-legged and four, checking out the new park. It is already clearly a favourite place for many in Werribee.

A dog park is not just a place for our furry friends to run and play, it is a place where neighbours can meet, forge new friendships and strengthen the bonds of our community. Studies have shown that dog parks promote social inclusion, physical activity and mental wellbeing for both dogs and their owners. The park is made up of two fenced areas, one for the many friendly pups to play with each other and another for less social dogs, and has everything you need, with plenty of seating and water fountains for both humans and dogs.

I thank Minister Stitt in the other place for her commitment to providing dog-friendly parks across the state. My own dog Max cannot wait to go and spend some time there, as we take full advantage of the parks, both off-leash and on-leash, throughout Melbourne's west, not to mention our growing pathways. Life is better with a walk with a furry friend.

St Leonard's Uniting Church, Brighton

James NEWBURY (Brighton) (09:42): St Leonard's Uniting Church in Brighton have shown the power of their kindness. The congregation have launched their annual coffee cup challenge, which raises money to combat homelessness. Since its inception the Brighton community has raised over \$85,000. Thank you to minister Kim Cain and Barry Schofield for your leadership, for turning your compassion into action and for making a real difference.

Bayley House

James NEWBURY (Brighton) (09:42): Bayley House is a not-for-profit organisation in my community that provides exceptional support for people with an intellectual disability. They recently opened their new art hub, which, as Bayley House says, will offer opportunities for artists of all abilities to create and connect through art. Congratulations to outgoing CEO Warwick Cavanagh for your work on the hub and to the organisation. You will be missed.

Rotary Club of Brighton

James NEWBURY (Brighton) (09:42): There are few community organisations that have had as strong an impact on Bayside as has the Rotary Club of Brighton. The club recently celebrated their 50th anniversary, an incredible testament to their longstanding achievement. In just the last 15 years the club has raised \$3.25 million for those in need. Congratulations to club president Arthur Hubbard and the giants of Brighton Rotary.

St Leonard's College

James NEWBURY (Brighton) (09:43): Students at St Leonard's College in Brighton recently took the initiative and organised a panel to discuss the topic 'Politics – why bother?' The event culminated in a night where hundreds of people from the community attended the school event. I hope the event will become an annual tradition. Thank you to new principal Peter Clague and the lead students Aidan and Lola.

The Lakes South Morang College

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:43): I rise today to speak about my recent visit to The Lakes South Morang primary campus alongside the previous Minister for Education Natalie Hutchins. The Lakes South Morang is a very diverse school which reflects my electorate of Mill Park, with more than 30 languages other than English being spoken at home.

On my visit I was able to see the wonderful work the school has done to minimise the use of paper in the classroom to reduce waste and see the amazing arts projects students have been working on as well as see the fantastic classroom environment. The school's STEM centre was of particular interest, showing the many creative ideas students had come up with in their dioramas, including many with ideas on renewable energy solutions. Thanks to Bill Panas, the hardworking school principal, who recently received his 35 years of service certificate, and to student leaders Neha Paul, Kiara Thilakasiri, Ashwin Bhutani and Harry Stewart for a fantastic school tour and for the wonderful leaf badge that they presented to me. I cannot wait to introduce the new Minister for Education to the wonderful schools in my community and to see the great aspiration and the great application of work and especially to support students from the diversity that is in in that community to ensure that every child, every student, is able to understand what their full potential is and to make the right choices for them so that they get the most out of their life into the future.

Armenia–Azerbaijan war

Kim WELLS (Rowville) (09:45): I stand by the many Armenians who live in Rowville and the south-east region. There are few things that have left me speechless, but after my recent visit to Armenia, I and other members of Parliament are struggling to describe the atrocities that we have witnessed. It is just unbelievable to me and deeply saddening when children become involved in war. As a parent myself, I cannot think of a worse position to be in than not being able to provide food and shelter for my children. I spoke with a mother who had just fled her home, and she said she had absolutely nowhere to go. Her only relative who was not already fleeing, her mother, was in Yerevan. Having already taken in her sister's family, she had no room left.

Tragically, thousands of Armenian parents are in an impossible situation, fleeing for their lives from the Azerbaijan military. It is estimated that a total of 300,000 Christian Armenians will be forced to flee their homeland. As a First World nation with the privilege of being free, it ought to be our responsibility to endeavour to provide the same freedom everywhere. I strongly urge my parliamentary colleagues both here and in Canberra to support Armenia and its citizens. They not only desperately need our help but they deserve it.

Gabriel Carazo

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:46): I rise to congratulate a remarkable person in my community, Mr Gabriel Carazo, recently honoured as the 2023 Victorian Father of the Year by YMCA Victoria. When Gabriel became a dad, he found himself facing a relatable challenge: a lack of accessible services and support for dads in our community. Rather than accepting this status quo, Gabriel decided to bridge this gap. He founded Responsive and Active Dads, affectionately known as RAD dads, to offer support and connection that is needed in our region.

Gabriel's dedication to boosting men's mental health and combating isolation has had a profound impact on the lives of fathers and families in the Macedon Ranges. Gabriel recognised that dads needed a space to come together, side by side, to share experiences and to find solace in the company of fellow dads, and indeed, most importantly, to make new friends. RAD dads is an action group where dads and their children engage in activities like gardening, bushwalking and bike riding. Gabriel's work takes on even more significance when we consider that suicide in the Macedon Ranges is a real challenge that our community continues to face and disproportionately impacts men. Gabriel's efforts through RAD dads are crucial in addressing the causes of this distressing impact in our community. I am proud that our government is offering grants for the creation of new – *(Time expired)*

King of the Mountain

Jade BENHAM (Mildura) (09:47): I rise like the world's smallest mountain – Mount Wycheproof, a staggering 43 metres high, rising from the flat surrounds of the Mallee, the location of the toughest footrace in Australia, the famous King of the Mountain, an event that has been on hiatus for 35 years, until last weekend, when the Wycheproof–Narraport football, netball and hockey clubs resurrected this event in the most glorious way. It is a 10-race program over just 1 kilometre, uphill the entire way, straight up Mount Wycheproof, concluding with the queen and king of the mountain. I along with 53 others competed in the king and queen events, and the biggest congratulations to new king Thomas Rodgers and queen Carly Isaac. It actually really is as tough as those before us said it was, but it is brilliant. I also want to congratulate the footy club, the fundraising committee, each and every volunteer, the sponsors, the CFA volunteers who were there to catch us at the finish line, and those who entered and supported the race program. With around 3000 people descending on the town of normally around 600 people to participate, spectate or enjoy the family picnic whilst watching the AFL Grand Final afterward, it was an absolutely brilliant day, and I cannot wait for next year. I hope the significance of what you have all achieved is not lost on you.

Toby Hederics

Jade BENHAM (Mildura) (09:49): Lastly, best of luck to Toby Hederics, who is heading to Morocco this week to ride in the Rallye du Maroc. Best of luck and stay safe. You have got Dakar to look forward to.

Wallan infrastructure funding

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (09:49): It has been a busy month in Wallan, with the official opening of Wallan Secondary College's sports pavilion and the Greenhill recreation reserve oval upgrade and playground upgrade. The new pavilion at Wallan Secondary, which received over \$533,000 in funding from the Allan Labor government's Local Sports Infrastructure Fund, includes two female-friendly change rooms and umpire rooms, accessible toilets and a kiosk. This is a terrific addition to the school, and it will also benefit both the Wallan Magpies football club and the Wallan Kookaburras district cricket club, who will now have the chance to even further boost participation with this facility, particularly amongst women and girls.

The oval at the Greenhill recreation reserve has also seen an upgrade, supported by \$106,000 from our country football and netball program. This upgrade delivered the reshaping of the main oval to remove

low spots and the installation of drainage in sections of the field, works that will eliminate water ponding caused by heavy rainfall. Thank you also to Mitchell Shire Council and Cricket Victoria for their partnership in delivering both of these important projects. While at the reserve I also had the opportunity to open the upgraded playground, which was supported by a \$110,000 investment from the Allan Labor government. Delivered in partnership with Mitchell Shire Council, the playground includes two multipurpose play units, climbing rocks, double swings and more trees, as well as new seating and furniture. These projects were much needed, and they will no doubt be well utilised and warmly welcomed by the Wallan residents. I am thrilled that this government has continued to support this terrific community.

Community sport

Bill TILLEY (Benambra) (09:50): I am glad the Minister for Community Sport – do not run off, just listen to this please. Winter sport has wrapped up with a terrific win for the Collingwood Football Club last Saturday in the AFL, but back in the patch, back in Benambra, the strength of community sport was on show two weeks earlier with massive turnouts to the Tallangatta district finals series. The Chiltern Swans went back-to-back in the footy seniors and reserves, beating Kiewa Sandy Creek and Yackandandah respectively. Mentioned in dispatches is one particular player from Chiltern, and I am about to make him famous, but it is going to cost him a few beers. Caleb Boxall, Chiltern's number 10 in the seniors match, nearly won the game with a left foot snap but hit the post and nearly lost the game moments later, giving away a 50-metre penalty. However, they won the game and celebrations were surely had after another 30 seconds, when Chiltern were the Tallangatta & District Football League premiers. Despite the on-field achievements, Chiltern's home facilities are outdated and inadequate. Many of our sporting clubs such as Chiltern, Rutherglen and Yackandandah are asking to know how they can fund modern change rooms for both men and women, and replace the canteens, which look more like whitegoods at the tip. There is a hole in the funding model that needs fixing.

Melrose Drive overpass, Wodonga

Bill TILLEY (Benambra) (09:52): On another matter, just quickly, the barrier on Melrose Drive over the Hume Freeway in Wodonga – I have lost a number of promises made on this – (*Time expired*)

Voice to Parliament

Jordan CRUGNALE (Bass) (09:52): An invitation, a meaningful step, an easy answer: yes. The *Uluru Statement from the Heart* is a remarkable offering to the Australian people. Take the time to read it. It is immensely powerful; I was in tears. As is written:

We seek constitutional reforms to empower our people and take a *rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

I want to live in an Australia that recognises and gives voice to First Peoples in our founding document and that honours, celebrates and respects the oldest continuous culture on the planet. I want to live in an Australia that sings true our national anthem and our endorsement of the UN Declaration on the Rights of Indigenous Peoples in 2009 and that feels pride when we look into our national mirror and when the world picks up the magnifying glass and focuses in on our Australia. There is a lot of misinformation out there swamping the airwaves. Its intent is to sow fear and confusion, not hope and unity. When governments listen, you get better information, make better decisions and have better outcomes. You also learn of practices, initiatives, programs and ideas that can be shared to benefit all. Let us walk together: yes.

Voice to Parliament

Sam HIBBINS (Pahran) (09:53): I am voting yes to the Voice referendum on 14 October. I know First Nations justice and reconciliation is so important to many people in Pahran, so I want to share with them why I am voting yes: because it will be a massive step forward for reconciliation in this country, a massive step forward for justice for First Nations people towards closing the gap of the

massive disparity in health, education, social and economic outcomes for First Nations people, a step towards finally getting a treaty with First Nations people in this country and finally telling the truth about what actually happened in this country under colonialisation. It will give First Nations people a genuine voice over the policies and decisions that affect their lives so profoundly. It is a way to finally get Indigenous Aboriginal and Torres Strait Islander policy right. We know one of the fundamental ingredients for success in Aboriginal and Torres Strait Islander policies, at the very, very least, is the meaningful, genuine expertise and knowledge of First Nations people themselves of what works for their communities. This principle should be enshrined in the document that sets the fundamental laws for our country – our constitution. So I am voting yes, and all my Greens parliamentary colleagues are voting yes. A successful referendum will be a huge step forward.

Boze ‘Bob’ Setka

Luba GRIGOROVITCH (Kororoit) (09:55): I rise to mark the recent passing of Boze Setka, or Bob, as he was known to his mates, a proud migrant from Croatia and an even prouder member of the Builders Labourers Federation (BLF) who spent his working life in the construction industry. Bob was an ironworker and rigger building the monumental West Gate Bridge when, on 15 October 1970, he went to work not knowing the impact on our history that day would have when the West Gate Bridge collapsed in Australia’s worst industrial accident, killing 35 workers. Bob miraculously survived the collapse, riding the bridge span down before being thrown into Stony Creek mud. In Bob’s own words:

I looked around and thought to myself, oh, my God, I’m still alive.

Bob rushed to the aid of his workmates and was the last of 18 survivors on that day. Bob’s strong and positive view of life meant that he returned to work on the bridge with his mates and never missed a West Gate Bridge memorial service.

The terrible lesson of the West Gate disaster and Bob’s own life is that strong unions are absolutely vital to enforcing workers’ minimum health and safety on the job and saving lives. The bosses will never do it. Bob stood staunchly by his union in the BLF fight against deregistration in the 1980s until the union later became part of the construction and general division of the mighty CFMEU. He instilled values of unionism and standing together with your fellow workers, including in his family and in his son and my brother John Setka, who is now the Victorian state secretary of the CFMEU. My heartfelt condolences go to Bob’s widow Mila, John, Libby, David, Kate, Johnny, Luke, Mara and Bob’s many more loved ones and friends. Vale, Bob Setka.

Mornington electorate public housing

Chris CREWETHER (Mornington) (09:56): Mornington Peninsula public housing stock has reduced by a net 13 per cent over the last eight years under the Andrews and Allan Labor government. According to Mornington Community Support Centre, about 30 per cent of public housing stock is vacant, sitting empty and not being repaired. The low housing stock has led to, say, victims of domestic violence waiting for 21 months for housing, pensioners sleeping in their cars in random car parks and homelessness in the worst cases. For example, a priority applicant constituent of mine has been waiting for social housing and living away from her property due to a violent and aggressive neighbour. She has been waiting over nine months for suitable housing and has been left in limbo. This is unacceptable. I call on the new Minister for Housing to resolve these urgent issues, particularly given her Eastern Victoria electorate covers the Mornington Peninsula.

Mornington electorate sports clubs

Chris CREWETHER (Mornington) (09:57): On a separate topic, the member for Frankston had a hard time yesterday, with Frankston being the runner-up in some grand finals. I will go easy on him, but I am not sorry to say to the member for Hastings that the Mornington Football Netball Club defeated the Somerville Football Netball Club in the seniors footy grand final. Go Bulldogs! It is great also to see the Alexandra Park redevelopment of their pavilion well underway, with funding that I advocated for from 2016 onwards, which was announced in March 2019 when I was still the federal

MP covering Mornington. Also, congratulations to the South Mornington Football Netball Club on their grand final wins. Go the mighty Pies!

Ministry

Josh BULL (Sunbury) (09:58): I congratulate our new Premier on her elevation. She will continue to do what she has always done, and that is to work incredibly hard to deliver a big, bold, positive plan for this government. She will of course be an outstanding leader for our party and, most importantly, the people of Victoria. I further congratulate the Deputy Premier, who will also do as he has always done, and that is continue to work incredibly hard and continue to get things done for our magnificent state and the people in it. I also take this opportunity to congratulate all ministers on their appointments across a number of portfolio areas as well as the parliamentary secretaries and the entire team. This is a government that is hardworking, passionate and committed to delivering right across the state.

Voice to Parliament

Josh BULL (Sunbury) (09:59): On another matter, I urge and ask everyone in my community to vote yes on 14 October – vote yes to enable a true Voice, vote yes to take steps towards true reconciliation and vote yes because it is of course the right thing to do. I will be voting yes, and I hope that members within my community can do the same on what will be an historic day for our state and for our nation.

Housing

Katie HALL (Footscray) (09:59): There is no more important issue in our state and our nation right now than housing, and the Allan Labor government's housing statement delivers our long-term strategy to build more affordable public social housing. I am so thrilled to have been appointed as the Parliamentary Secretary for Housing, because housing is one of the reasons I got into politics. In my community we see the impact of a shortage of housing every day. We are transforming this system with the housing statement and introducing the toughest protections in the nation for renters: better public housing; housing with dignity; energy-efficient, light and bright homes; more social housing; and better, faster planning decisions – decisions with community and people at their heart, not developers. Housing should always come first – it is a human right – and this sort of reform is what brave, bold, committed Labor governments do. We do the hard policy work to make sure that generations to come will benefit from these reforms. In Footscray, for too long land banking has been a scourge in my community, and I will continue to fight for better outcomes for Footscray.

Altona Roosters Rugby League Club

Mathew HILAKARI (Point Cook) (10:01): I recently had the pleasure of attending the Altona Roosters Rugby League Club awards. I would like to thank president Efu and vice-president Emma and all the greater club for their warmth and hospitality, which they always demonstrate. They have over 700 players. They are the biggest Rugby League club in the state – a true giant – and also the most successful Rugby League club in the state. Go Roosters.

Seabrook Primary School

Mathew HILAKARI (Point Cook) (10:01): I also had the pleasure and honour of being invited to the Seabrook Primary School's year 6 primary years program exhibition. The event showcases the skills of all the students there that they have developed throughout their primary education. I would like to thank principal Tania Hunt for her incredible leadership and the role that she plays within the school and the community. In particular I was impressed by the movie theatre that was created at the entrance; the computer programming, much like some of the well-loved games of my childhood; the contributions on STEM subjects; and particularly teacher Michele for her great and enthusiastic work on all matters STEM. All the students impressed their families and their friends and their grandparents and everybody who came along. Well done.

People's Republic of China anniversary

Mathew HILAKARI (Point Cook) (10:02): I had the honour of attending the 74th anniversary of the People's Republic of China and the 51st anniversary of the establishment of diplomatic relations between China and Australia on behalf of the Premier recently. I joined the member for Clarinda and my neighbour, a member for Western Metropolitan Region in the other house. I thank the Chinese Masonic Society for inviting me and being able to celebrate the Mid-Autumn Festival and the Mooncake Festival.

Doreen United Soccer Club

Lauren KATHAGE (Yan Yean) (10:02): Thirty-seven teams, 73 games and over 90 volunteers made the all-girls cup hosted by the Doreen United Soccer Club possible. This brought together people who are enthusiastic about encouraging women in sport, and it was such a thumping success, not just for my community but for all the communities who had teams travel to participate. I was reminded of this fabulous event yesterday at the This Girl Can launch held here – and thank you to Minister Mary-Anne Thomas for providing what is a fabulous opportunity for women to reflect on what makes them feel good about physical activity and to make sure that they get out and do that more.

The Doreen United Soccer Club is an excellent example of promoting women in sport, so I thank Chris, Fab, Callum, Joe, Joanne and the whole team there for what they do for our community. We are backing our individual efforts with broader support through the Local Sports Infrastructure Fund, which prioritises making sure that women and girls have the opportunity to play in world-class facilities that are made for them so that they can feel comfortable and safe participating in what is a really important part of life. I thank the Minister for Community Sport Ros Spence for her efforts in that.

Sydenham electorate projects

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (10:04): I rise to commend the outgoing Premier for the work he did in improving the lives of residents in the electorate of Sydenham. In 2014 I stood by Dan Andrews's side at the dangerous Melton level crossing, where we announced the removal of that level crossing, and that is exactly what we did. Since then I have worked with the former Minister for Transport and Infrastructure, the now Premier, to ensure that the Sunbury line is level crossing free and safer and better for all of our residents.

During the Andrews years we were able to remove the notorious Taylors–Kings roads roundabout, build a new Sydenham school in Plumpton and make a \$10 million investment at Copperfield College, and we also delivered a new ambulance station in Taylors Lakes. I so look forward to working hard as part of the Allan Labor government now to deliver for families across the west.

Voice to Parliament

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (10:05): As the Minister for Treaty and First Peoples I know it is so important to have a yes outcome on 14 October. It is an opportunity to make history and create a future where First Peoples are empowered on the issues affecting them. It is so essential that we work hard to close the gap, and there is nothing more important than listening to First Nations peoples around what works for them and taking the key steps that we need to as a nation to heal.

Nigerian Society of Victoria

Pauline RICHARDS (Cranbourne) (10:05): I was delighted to join with the Victorian Nigerian society on Saturday night to celebrate Nigerian Independence Day. I would particularly like to thank their president Dr Remi Yusuf. It was an extraordinary event and a wonderful opportunity to celebrate the contribution of the Nigerian diaspora to Australia but also to join with people in what is a joyous occasion. With so many children, so many families and so many people getting together, the warmth

in the room was almost as warm as it was outside. I am very grateful for this community. (*Time expired*)

Business of the house

Victorian Auditor-General's Office

Performance audit

The DEPUTY SPEAKER (10:06): I have received a message from the Legislative Council agreeing to the appointment of Martin Jenkins to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office.

Notices of motion

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (10:07): I advise that the government does not wish to proceed with the notices of motion today and ask that they remain on the notice paper.

Bills

State Taxation Acts and Other Acts Amendment Bill 2023

Statement of compatibility

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (10:08): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the State Taxation Acts and Other Acts Amendment Bill 2023.

Opening paragraphs

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

In my opinion, the State Taxation Acts and Other Acts Amendment Bill 2023 (**Bill**), as introduced to the Legislative Assembly, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.

Overview

This Bill introduces a number of amendments to the *Duties Act 2000* (**Duties Act**), the *First Home Owner Grant and Home Buyer Schemes Act 2000*, the *Local Government Act 1989* (**Local Government Act**), the *Property Law Act 1958*, the *Sale of Land Act 1962* (**Sale of Land Act**), the *Treasury Corporation of Victoria Act 1992*, the *Valuation of Land Act 1960* (**Valuation of Land Act**), the *Windfall Gains Tax Act 2021*, and the *Land Tax Act 2005* (**Land Tax Act**).

Many amendments made by the Bill do not engage the human rights listed in the Charter because they either do not affect natural persons, or they operate beneficially in relation to natural persons.

Human rights issues

The rights under the Charter that are relevant to the Bill are the right to property and the presumption of innocence.

Right to property: section 20

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.

Duties Act amendments

Clauses 9 to 11 of the Bill address an anomaly in the Duties Act relating to the pensioner and concession card duty reduction to provide that the requirements of this concession apply to all transferees of a transfer rather than only the eligible cardholder. The right to property may be engaged by these amendments as natural

persons may be required to pay duty or an increased amount of duty where currently an exemption or higher concession applies.

To the extent that people's property rights are affected by the above amendments to the Duties Act, any limit is in accordance with the law, which is clearly articulated, not arbitrary, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly.

Local Government Act and Valuation of Land Act amendments

Clauses 15 and 19 of the Bill amend the Local Government Act and the Valuation of Land Act respectively to provide that the capital improved value of land includes the value of any item affixed to the land whether or not it constitutes a fixture at law. The right to property may be engaged by these amendments as natural persons may be required to pay increased amounts of taxes, levies, rates and/or similar charges based on the value of items affixed to their land which are not fixtures at law. To the extent that people's property rights are affected, any limit is in accordance with the law, which is clearly articulated, not arbitrary, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Any limit on this right is further justified as these provisions are anti-avoidance in nature.

Land Tax Act amendments

Division 1 of Part 10 of the Bill relevantly extends vacant residential land tax (VRLT) liability to all vacant residential land in Victoria and to unimproved residential land which has been unimproved for five years or more in established areas of metropolitan Melbourne. The right to property may be engaged by these amendments as natural persons may be required to pay VRLT where they were previously not required to do so.

Clause 43 of the Bill amends the BTR special land tax formula in section 50B of the Land Tax Act to take into account the new top ordinary land tax rate and new absentee owner surcharge rate provided for by the State Taxation Acts Amendment Act 2023. The right to property may be engaged by these amendments as natural persons may be required to pay a higher rate of BTR special land tax.

To the extent that people's property rights are affected by the above amendments to the Land Tax Act, any limit is in accordance with the law, which is clearly articulated, not arbitrary, and sufficiently precise to enable affected natural person taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. The amendments to VRLT are central to the policy intent, which is to improve housing affordability for Victorians and to encourage the use and occupation of residential land in Victoria for residential purposes.

Presumption of innocence: s 25(1)

The right in section 25(1) is engaged where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that the accused person is not guilty of an offence.

Sale of Land Act amendments

Clause 17 of the Bill introduces offences into the Sale of Land Act to enforce the new prohibition on passing on land tax and windfall gains tax under certain arrangements over land, e.g. contracts of sale. The right to be presumed innocent may be considered relevant to these strict liability offences which place an evidential burden on the defendant to rely on a defence such as the defence of honest and reasonable mistake.

Although these provisions require a defendant to raise evidence of a matter to rely on a defence, I am satisfied that the provisions impose an evidential, rather than legal burden. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. The available defences relate to matters within the knowledge of the defendant, which is appropriate in circumstances where placing the onus on the prosecution would involve the proof of a negative which would be very difficult.

For the above reasons, I am satisfied that the Bill's offence provisions do not limit the right to be presumed innocent in section 25(1) of the Charter.

For these reasons, in my opinion, the provisions of the Bill are compatible with the rights contained in sections 20 and 25(1) of the Charter.

TIM PALLAS MP
Treasurer

Second reading

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (10:08): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

It is my pleasure to introduce this Bill, which updates a number of taxation, valuation and other Acts to maintain the effective operation of Victoria's taxation and valuation system.

Vacant residential land tax reform

The Bill makes changes to the vacant residential land tax provisions in the *Land Tax Act 2005* (Land Tax Act) to help ease pressure on rents and prices and free up available housing stock. The Bill extends vacant residential land tax to all vacant residential land across Victoria from 1 January 2025, with the period that properties could be deemed vacant starting on 1 January 2024, and expands vacant residential land tax to unimproved residential land in established areas of metropolitan Melbourne from 1 January 2026.

Vacant residential land tax is imposed on residential land that is unoccupied for more than 6 months in a calendar year. Currently, the tax only applies to residential land in a specified area covering the inner and middle suburbs of Melbourne. As the issue of housing affordability remains acute across the whole of the state, expanding vacant residential land tax to the whole of Victoria will encourage all owners of long-term vacant and unoccupied homes in the outer suburbs of Melbourne and in regional Victoria to make their homes available for rent or occupation. The existing suite of exemptions from vacant residential land tax will continue to apply, covering homes that are not rented or occupied in a particular year because they are holiday homes; are occupied regularly for work purposes; are under construction or renovation; or are recently acquired. In addition, vacant residential land tax will not apply in any situation where the property is exempt from the general land tax.

Vacant residential land tax does not currently apply to unimproved land – vacant land without a residence on it – unless the land previously contained a former residence which has been demolished. Unimproved land can therefore remain outside the vacant residential land tax net indefinitely even if it is capable of residential development. To incentivise the development of empty blocks in metropolitan Melbourne and increase the supply of housing, the Bill extends vacant residential land tax to unimproved residential land that has remained unimproved for 5 years or more. This is similar to how land currently becomes subject to vacant residential land tax after 2 years if construction or renovation of a residence is unfinished after that time, or if a residence is left uninhabitable for that time. Consistent with existing law, the Commissioner of State Revenue (Commissioner) will have discretion to extend the period of non-application beyond 2 years if there are acceptable reasons for not improving the land, such as genuine delays outside the owner's control. The residential status of land will be determined by its zoning under the relevant planning scheme and will exclude any land currently used for, or under development for, a non-residential purpose (such as commercial or industrial use). Two exemptions for unimproved residential land will be available, in relation to unimproved residential land contiguous to a person's principal place of residence, and land that is incapable of or prevented from being developed for residential use. This measure will take effect from 1 January 2026.

Land tax and windfall gains tax apportionment

Under a typical contract of sale of land, land tax payable in relation to the year of sale is apportioned between the vendor and purchaser. Contracts generally provide that the vendor will pay for land tax (and other outgoings) up to, and including, the day of settlement, and that land tax for the remainder of the year is contributed by the purchaser as an adjustment to the purchase price. This practice can reduce transparency, as the apportioned land tax is not directly reflected in the purchase price, and often results in land tax being passed on to purchasers who are subject to little or no actual land tax liability once the property has been transferred.

Similar issues arise with the windfall gains tax, which is payable by the owner of land when a rezoning occurs. A contract of sale of land may provide that any known or future windfall gains tax liability is either wholly payable by the vendor, or passed on to the purchaser in whole or in part, by way of a special condition under the contract. Such provisions are necessary to deal with potentially unknown future liabilities. However, a windfall gains tax liability that is known prior to the contract should be directly reflected into the purchase price. For example, once the vendor has been served with a windfall gains tax assessment, the vendor would know their tax liability and would generally have received the entire benefit of the rezoning at this stage. Therefore, the value uplift of the land resulting from the rezoning and the resulting windfall gains tax liability should be reflected in the purchase price.

The Bill therefore amends the *Sale of Land Act 1962* to prohibit the passing on of a land tax liability (inclusive of absentee owner surcharge and vacant residential land tax) or a known windfall gains tax liability under a contract of sale of land. Under these changes, a provision of a contract or the grant of an option to enter into a contract (for windfall gains tax only) which provides for the adjustment will be void. Offence provisions with significant penalties will also apply to a vendor who enters into a contract, or grants an option to enter into a contract which provides for such adjustment. The Bill also amends the *Property Law Act 1958* to remove references to the apportionment of land tax between vendor and purchaser in the general conditions of sale, which may be adopted into a contract not under the operation of the *Transfer of Land Act 1958*. The amendments will apply to contracts of sale entered into or options granted (as the case requires) on or after 1 January 2024.

Capital improved value and fixtures

The Bill amends the definition of capital improved value under the *Valuation of Land Act 1960* to ensure all items affixed to land are included in the capital improved value of land, regardless of who owns the items and whether the items are considered fixtures at law. The Bill also makes a consequential amendment to the *Local Government Act 1989* to refer to the updated *Valuation of Land Act 1960* definition. The Valuer-General Victoria is responsible for determining capital improved value, which is intended to include the value of land and any improvements. The amendment extends capital improved value to include anything fixed to land, regardless of whether the item constitutes a fixture at common law and regardless of who owns the item. This largely removes the need to apply the common law test distinguishing fixtures and chattels for the purposes of council rates, fire services property levy, vacant residential land tax and windfall gains tax, and will provide greater certainty to owners of land about what forms part of the land for valuation purposes. The amendment takes effect from the day after Royal Assent.

Duties amendments

The Bill makes a number of amendments to the corporate reconstruction and consolidation provisions in the *Duties Act 2000* (Duties Act), which provide concessions for certain transactions involving corporate group members, to facilitate corporate groups adopting a more economically efficient corporate structure. The amendments correct technical issues with the provisions. Firstly, the corporate reconstruction and consolidation concession will be extended to sub-sale arrangements where a subsequent purchaser of property acquires a transfer right from the first purchaser under a contract or option arrangement, and a transfer is deemed to occur because there has been additional consideration or land development. Certain exemptions and concessions currently apply to these deemed transfers, but not the corporate reconstruction and consolidation concession. Secondly, the Bill prevents the 10% concessional duty charged on an eligible corporate reconstruction and consolidation from applying concurrently with the 10% concessional duty charged either on a relevant acquisition in a public landholder or a relevant acquisition arising from certain restructures of listed stapled entities, which can erroneously result in only 1% of the normal duty being payable. The amendment ensures that no less than 10% of duty otherwise chargeable is imposed. Thirdly, the Bill corrects the timing of the 30-day period in which subsequent transactions can occur under a multi-step reconstruction or consolidation without incurring further duty. The amendment clarifies that the period begins on the day of the first transaction, rather than the day after the day of the first transaction, so that any transactions occurring later on the same day as the first transaction are fully exempt from duty. The amendments are proposed to take effect from the day after Royal Assent.

The Bill amends the Duties Act to apply key eligibility requirements for the pensioner and concession card duty reduction to all transferees, not just eligible cardholders (i.e. pensioners) who are parties to the transaction. Eligible concession cardholders, including pensioners, may receive an exemption or concession from duty on a home purchased as a principal place of residence. Some of the existing eligibility requirements of the duty reduction, however, apply only to the eligible cardholder under the Duties Act when they are intended to apply to all transferees to the transaction. The *First Home Owner Grant and Home Buyer Schemes Act 2000* will also be amended to ensure the existing requirement to elect either the first home owner grant or the pensioner and concession card duty reduction continues to apply. The amendment takes effect from the day after Royal Assent.

Foreign purchaser additional duty and absentee owner surcharge

The Bill amends the *Duties Act 2000* and *Land Tax Act 2005* to require the Treasurer to table reports of the number and value of exemptions granted from the absentee owner surcharge (AOS) and the foreign purchaser additional duty (FPAD) every 12 months rather than every 6 months. Under the *Land Tax Act 2005* an absentee corporation or trust may be exempted from the AOS if the Treasurer, or the Commissioner where delegated, is satisfied the corporation or trust meets requirements set out in guidelines made by the Treasurer and published in the Government Gazette. Similarly, a foreign corporation or trust may be exempted from the FPAD if the Treasurer (or Commissioner where delegated) is satisfied it meets the requirements set out in Treasurer's guidelines. The Bill amends both reporting requirements to require annual reporting, meaning

reports are only tabled in Parliament every 12 months. This better reflects the ongoing, annual nature of land tax, and better aligns the exemption for both AOS and FPAD with revenue and other financial reporting requirements. The amendment takes effect from the day after Royal Assent.

Land tax amendments

The Bill amends the Land Tax Act to ensure continued concessional treatment for some taxpayers who pay land tax on a single holding basis. Land tax is generally calculated on the aggregate taxable value of a landowner's landholdings, but, some charitable, municipal, public land and principal place of residence (PPR) land for nominated PPR beneficiaries of unit trust schemes and discretionary trusts is eligible for a concessional benefit, where each separate piece of land is assessed as if it is the only land owned by the owner – resulting in a lower marginal rate of land tax being applied. This is known as assessment on a single holding basis. As part of the COVID Debt Repayment Plan, the *State Taxation Acts Amendment Act 2023* introduced the COVID-19 debt temporary land tax surcharge (the surcharge). The surcharge commences from the 2024 land tax year, as part of which taxpayers will pay a temporary additional fixed charge of \$500 for aggregated landholdings between \$50,000 and \$100,000, and \$975 for aggregated landholdings above \$100,000, until the temporary surcharge ends in 2033. However, for owners of charitable, municipal, public land and nominated PPR beneficiaries of unit trust schemes and discretionary trusts, the existing wording of the Land Tax Act applies the \$500 or \$975 fixed component of the surcharge for each of the lands assessed on a single holding basis, reducing or in some cases eliminating the effect of the concession. The Bill restores the concessional treatment for these taxpayers by applying the surcharge once, based on the aggregated taxable value of affected taxpayers' landholdings, rather than multiple times. The amendment ensures eligible taxpayers continue to receive a concessional benefit under the land tax regime.

Under the Land Tax Act, eligible build-to-rent (BTR) residential developments may receive benefits including a 50% reduction on the taxable value of land and an exemption from AOS (if it applies) for a period of up to 30 years. A 'BTR special land tax' formula is applied to calculate any claw back of tax benefits, if circumstances change and a BTR development no longer satisfies the requirements of the benefit. The formula for BTR special land tax incorporates the top ordinary land tax rate (with the intention to claw back the benefit obtained from the 50% discount for land tax) and adds the applicable AOS rate where the owner is also an absentee owner. The Bill updates the BTR special land tax formula to incorporate the surcharge and the increased AOS rates which apply from 1 January 2024, pursuant to the *State Taxation Acts Amendment Act 2023*.

Windfall gains tax

The Bill amends the *Windfall Gains Tax Act 2021* (WGT Act) to expand the circumstances in which land rezoned to correct obvious or technical planning errors may be exempt from windfall gains tax. Currently, an exemption is only available if the Minister for Planning prepares the correcting amendment to a planning scheme under section 20A of the *Planning and Environment Act 1987*. However, an exemption is not available for planning corrections undertaken by councils – contrary to the policy intent that correcting rezonings should not result in windfall gains tax consequences. The existing exemption in the WGT Act will be broadened to include any rezoning that the Commissioner is satisfied is for the purpose of correcting an obvious or technical error in the Victorian Planning Provisions or a planning scheme. The amendment takes effect from the day after Royal Assent.

The Bill amends the WGT Act to clarify the definition of excluded rezonings related to the operation of the growth areas infrastructure contribution (GAIC). In recognition that GAIC and windfall gains tax serve similar purposes, the WGT Act provides that windfall gains tax does not apply to a rezoning that causes land to be brought into the contribution area for GAIC purposes, or to the first rezoning of such land after 1 July 2023 (the commencement date of the tax) if it was in the contribution area immediately before that date. However, if land is only brought into the contribution area after 1 July 2023, it is unclear whether the first subsequent rezoning is an excluded rezoning and therefore not liable for windfall gains tax, despite GAIC being payable on the land. To remove the ambiguity and ensure the intent of the exemption is achieved, the Bill clarifies that the first rezoning of land that was in a GAIC contribution area immediately before that rezoning is excluded from the windfall gains tax. The amendment takes effect from the day after Royal Assent.

The Bill amends the windfall gains tax waiver for charitable land so that the waiver can apply proportionately to any tax attributable to a part of land used for charitable purposes at the time of the rezoning. The waiver currently applies if land is used and occupied by a charity exclusively for charitable purposes for 15 years after a rezoning that gives rise to a windfall gains tax liability. However, the existing wording of the WGT Act prevents the waiver from applying if only part of the relevant land was being used for charitable purposes. To align the provision with the intent of the policy, the Bill amends the waiver to apply if only part of land is used for charitable purposes at the time of the rezoning. That is, if the land is used for a charitable purpose and a non-charitable purpose, the windfall gains tax attributable to the part of the land used for a charitable purpose will be able to qualify for a waiver. The amendment takes effect from the day after Royal Assent.

I commend the Bill to the house.

Brad ROWSWELL (Sandringham) (10:09): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (10:09): I move:

That debate be adjourned for two weeks.

James NEWBURY (Brighton) (10:09): The Treasurer has just moved that 100 pages of new taxes be introduced into this place with a two-week layover after the entire industry has called out that the government provided no consultation. They snuck in an assault of new taxes only two weeks after signing an agreement with industry to not do exactly that. In fact industry has said that the agreement that was signed only two weeks ago has been set on fire, has been a major trust burner. I move:

That all the words after ‘two weeks’ be omitted and replaced with ‘28 days’.

On this occasion Victorians, industry and mum-and-dad home owners deserve an opportunity to understand the 100 pages of new taxes in this bill – 100 pages of new taxes. How many are in there? I do not know. This raft of new taxes has just been handed to the Shadow Treasurer and me. We have not even had an opportunity to open the front page of this new tax bill. We know that industry has made it very clear over the last two days that the bill should be laid on the table for more than two weeks, because they deserve an opportunity to see it. I note that in the rush the attendants, who do a wonderful job in this place to pass around the bills, have actually handed me two copies. There are 50 pages in the bill, but the clerks were doing such a good job to run the new bill around the chamber that they handed me two. I am sure that the bill is pernicious enough in its 50 pages that it does the damage that all of industry and all Victorians expected.

Industry has made it clear that they have seen the most outrageous tax attack in anyone’s memory. Certainly it is the only instance where a new Premier on their first day in Parliament has introduced new taxes. Now, I suspect that the Treasurer did that without letting the Premier’s office know, although the Premier did stand up in question time and say that of course she did know. Well, only the other side will know, and when we read the biographies in a couple of years we will all find out. I will be buying the Treasurer’s, don’t you worry. I will be one of the first purchasers of it. I will get him to sign it for me – yes, the forgotten Treasurer.

This bill is important in terms of the capacity of industry to understand what is being proposed. We have seen today the Real Estate Institute of Victoria state in an unprecedented way that the introduction of these bills shows Labor’s determination:

... to destroy the confidence of thousands of mum and dad property investors through increasing regulation and constantly increasing costs.

It has formally and publicly called on the Victorian government to engage the sector properly. A couple of hours ago industry asked for the government to engage properly. And what have they done? The first thing they have done since reading those words is they have tried to ram through a bill in this place that industry has asked for more time to read and asked for more time to understand. It is not too much to ask, and yet we see the government doing exactly that today. So I would say to the Treasurer: consider the amendment moved by the opposition but also consider the words of industry who have called, Treasurer, on you to engage properly – to live up to the agreement that the government signed two weeks ago with its own pen. I would ask the government to consider the amendment and deal with it properly.

Paul EDBROOKE (Frankston) (10:14): It is indeed a pleasure to rise to speak on this procedural motion, which I would ask those opposite to just have a look at now. Could you please just pick up the bill? Just pick up the bill – we are talking about a procedural motion.

A member: We have just been handed it.

The DEPUTY SPEAKER: Though the Chair, member for Frankston.

Paul EDBROOKE: Yes, we have been handed it, but you identified that this was 100 pages of taxes. Can someone on the other side of this chamber tell me how many pages –

James Newbury: On a point of order, Deputy Speaker, this is a tight procedural debate, and I do not think it is fair to have a go at the attendants for passing out additional copies to members. That is outrageous. It is an outrageous slur. They were rushing because of the bill being introduced in a rushed fashion.

The DEPUTY SPEAKER: There is no point of order. It is a tight procedural debate, and the member for Frankston –

James Newbury interjected.

The DEPUTY SPEAKER: Without assistance, member for Brighton. The member for Frankston to continue on the procedural matter.

Paul EDBROOKE: You are right, there is no point of order. You are just a charlatan, and you cannot count.

The DEPUTY SPEAKER: I remind the member for Frankston that the word ‘you’ refers to the Chair, and reflections on the Chair are disorderly.

James Newbury: On a point of order, Deputy Speaker, the speaker was clearly reflecting on me, and I would ask you to ask him to withdraw.

The DEPUTY SPEAKER: In response to the point of order, as the word ‘you’ is a reflection on the Chair, the speaker was referring to me, which is disorderly, and I encourage the member not to do that again or I will sit him down.

Paul EDBROOKE: You know I have got nothing but the utmost respect for you, Deputy Speaker, but my point is that whether it be two weeks, two years, 20 years, if you cannot count, you have got a real problem, especially when you are talking – sorry, not you, Deputy Speaker. If the opposition cannot count, they have got a real problem. They need to find someone in this chamber, in their party, that can actually look at the pages, count the pages for one, and then look at this bill, which is dealing with the economy of this state. We have people of course that are constantly trying to circumnavigate the systems in place in this house, and we understand that. But we have a Treasurer sitting here who was able to circumnavigate a one-in-100-year event, and we are on a pathway – we have got a 10-year plan – to get out of that. This bill is part of that. This bill is what Victorians have allowed this government, or given this government, the confidence to do. Today to hear people saying, ‘We want two more weeks, we want this, we want that,’ does not really make sense to me. You can use that time to go out and speak to people. But the one thing I will say is that going out to your stakeholders, going out to your friends, going out to anyone, if the start of the sentence is a mistruth like ‘This is 100 pages of taxes’ – if that is what you say, then you are getting off on the wrong foot.

James Newbury: On a point of order, Deputy Speaker, the ongoing attacks on the attendants in this place for handing out additional copies is outrageous. It was stated in my speech that the attendants had passed out more copies because of the rush.

The DEPUTY SPEAKER: The point of order is?

James Newbury: Deputy Speaker, this is a tight procedural debate, and the member should not be reflecting on the staff of this chamber.

The DEPUTY SPEAKER: On relevance, I bring the member back to the procedural motion.

Paul EDBROOKE: Thank you, Deputy Speaker. The only thing I have found totally outrageous this week is hearing that we have got a Shadow Minister for Cost of Living with 17 investment properties. That is outrageous.

The DEPUTY SPEAKER: Member for Brighton, I have a feeling I can take this one. The member for Frankston is warned to stay on the procedural debate, or his time will end early.

Paul EDBROOKE: Thank you, Deputy Speaker, and I will be guided by your suggestions. Look, the member for Brighton and I – I think there is a mutual respect there – can agree to disagree on this one. I believe it is reasonable and it is fair that two weeks is the period that we should stick to for this bill. That it has been a long-running convention of this house, and it has served us well. To suggest anything other is wrong, and to suggest that the opposition need more time really is just trying to obfuscate this house. It is trying to interrupt long-running conventions. We have seen it before. We are seeing it here today. I do not think it is going to work. I can count, and there might be more people on this side of the house and over that side of the house that might actually win this if it went to a division, but certainly I think that extending out any kind of, I guess, term for looking at a bill, creating a period where that time is not needed, is not required.

Brad ROWSWELL (Sandringham) (10:19): I also rise to address the procedural motion in support of the member for Brighton's amendment, being that this bill return for consideration of this place in 28 days instead of 14 days. Ordinarily this side of the chamber would be satisfied with 14 days consideration, but on this occasion we are severely not. I will tell you why: we are giving the government, through this motion, an opportunity to do the right thing not just by industry but by the Victorian people, who will be affected by 42 pages of new taxes that they have just introduced into this place.

Yesterday was an absolute shambles for the government, and the day before was even worse. On Tuesday morning the Treasurer faced a Property Council of Australia breakfast and without the knowledge of the Premier's office announced two new taxes – two new taxes that ended up being four new taxes 24 hours later. And yet yesterday the Treasurer found himself briefing the media just before question time, saying that these revenue measures would not raise a dime. Well, if you believe that, if anyone in this chamber believes that, I will go he. Victorians know that over the last nine years this government has introduced more than 50 new taxes. They know it because they are hurting because of it. It is the only trick in their kitbag to deal with an economic circumstance that they have made, that this government have made. On Tuesday what we had from the Assistant Treasurer was a very insightful and instructive quote. He said to media on Tuesday:

... we need to look at increasing –

Paul Edbrooke: On a point of order, Deputy Speaker, this is not a history lesson. This is a tight procedural debate. It is not about this member's opinions and quoting people. This is a tight debate, and I ask you to bring him back to it.

The DEPUTY SPEAKER: The member has strayed somewhat from the procedural debate, and I ask him to come back.

Brad ROWSWELL: We need 28 days to look at this bill to consider it together with industry because that is what industry has asked for. The head of the REIV Quentin Kilian in today's *Herald Sun* said the following:

The REIV anticipates even more investors will leave Victoria over the next year, with a chorus of concern about a loss of control over assets, courtesy of the increased taxation and ongoing disincentives to invest.

I add, for the purposes of accurately quoting Quentin and adding my reflection at this point, perhaps to the member for Frankston's disagreement, that that is because of the actions of the Labor government, a tired government – a new Premier but a tired Labor government. To the point I have just raised quoting the head of the REIV, the Assistant Treasurer on Tuesday said:

... we need to look at increasing our tax base. We need to look at reducing our expenditure.

I will most happily provide the audio of that quote, from the lips of the Assistant Treasurer, to Hansard when they send the email to illustrate that point. What the Assistant Treasurer said is absolutely extraordinary through this lens. The Assistant Treasurer said on Tuesday, and to the head of the REIV's point in today's *Herald Sun*, that this Labor government wants to do two things. Firstly, they want to increase taxes at a time when Victorians can least afford it, at a time when we are in the midst of a cost-of-living crisis, at a time when people are paying more than they have ever paid before for their energy bills, for their school bills, for their grocery bills. Everything that this government touches or does not touch is going up, and Victorians are paying the price for that. But at the same time the Assistant Treasurer said, 'We need to look at reducing our expenditure.' Let me debunk, let me simplify that for the chamber, especially for those members opposite: we need to cut services. That is what he is saying.

Paul Edbrooke: On a point of order, Deputy Speaker, again, this is not a debate about the member for Sandringham making an allegation then trying to substantiate it. This is a very tight procedural debate about a period of time.

The DEPUTY SPEAKER: Thank you, member. Yes, I fear you may be starting to debate something but not necessarily the procedural debate. Please come back.

Brad ROWSWELL: Thank you, Deputy Speaker, and I will in the time I have left quote the head of the REIV just one more time, because this is absolutely relevant to why I support the member for Brighton's motion:

The REIV is calling on the Victorian government to engage the sector properly, so together we can work on better policy development that benefits all property participants.

Nina TAYLOR (Albert Park) (10:24): I am very happy to speak to this procedural motion. It probably was not a great start for the opposition to embellish on the nature of the bill per se. That does not lend itself to the credibility of the arguments that they are putting forward – just putting that out there. On the one hand they have said this week per se, yes, we want to debate more bills. And yet we put one in front of them – 'Oh, no, run for the hills! Run for the hills! Put it off. Put it off as long as you can. Four weeks – try for four weeks. Whatever we can get, we are going for it,' because reform – deer in headlights. This is not who they are. Vision here? Delivering here? Reform? 'Oh, no, hide. We don't want to know about it.' How about we see some courage by those opposite. Actually read the bill, invest –

James Newbury: On a point of order, Deputy Speaker, on relevance, I am not sure what is happening, but it clearly is not relevant to the motion.

The DEPUTY SPEAKER: The member to continue on the procedural motion.

Nina TAYLOR: I did think this was a procedural debate, and I am absolutely just putting out there exactly what I am interpreting based on what we are seeing by those opposite, and that is a fear and an angst about any kind of reform, because it is much better to just sit on your hands and do nothing and just say 'Yes, sir, no, sir'. No. On this side of the house we are actually driving forward. We are listening to the community. And I should say: commendations to our Treasurer. He is listening to community, and we are addressing the specific needs here and now.

I do not want to go into actually debating the bill per se, so I am just pulling back a little from that and adhering to the procedural motion we have at hand. On one hand they say, 'Tax, tax, tax.' They never, never, never speak to the underlying purposive element of a tax. Because on the one hand we know taxes help to provide services for community, don't they? It is not a tax for a tax's sake. It is always about revenue that is helping actually to take forward and advance the essential services and needs of community. Hence this taxation amendment is helping to address specific needs and requirements of our community, noting the dearth of open space that we have, noting the specific issues we have with housing.

James Newbury: On a point of order, Deputy Speaker, the member is debating the substance rather than the procedural matter.

The DEPUTY SPEAKER: Yes. I remind the member that the debate is on the length of the adjournment in question. That is the procedural matter, and please come back to that.

Nina TAYLOR: Yes, and I thank you for the very sound advice on that matter and that element. I am just simply saying that on the one hand those opposite call out issues of cost of living – that has very well been raised in the debate – but then shy away from that when it comes to –

James Newbury: On a point of order, Deputy Speaker, you gave a ruling which is being ignored.

The DEPUTY SPEAKER: The member for Albert Park needs to relate her debate to the length of time of the adjournment in question.

Nina TAYLOR: Yes. Sorry. I absolutely respect your ruling, and I completely understand the premise on which you are delivering that ruling. It was purely to allude to various commentary that had been made by the opposition, who on the one hand say adhere to the procedural debate, but yet want to talk about cost of living. So, you know, there is a little bit of a contradiction there. It was a little bit confusing. I just thought for the benefit of the chamber it was important to clarify that particular point, and hence that is why I spoke to that particular issue, not to take this debate anywhere other than on the premise of the issue of the procedural debate.

James Newbury: On a point of order, Deputy Speaker, you have ruled twice.

The DEPUTY SPEAKER: I have.

James Newbury: And what the member is doing is actually reflecting on your ruling.

The DEPUTY SPEAKER: I would ask the member for Albert Park to consider that I do not need to be necessarily told why you were saying what you were saying. I wish you to come back to the length of the adjournment – now, please.

Nina TAYLOR: Thank you very much, and I thank you very much for your sound wisdom and clarification in that regard. It was purely for the avoidance of doubt, and I hope that that is understood by the chamber, and not in any way to give you advice, because you are –

The DEPUTY SPEAKER: The member for Albert Park is reflecting on the Chair now. Time.

Jess WILSON (Kew) (10:29): It is always a pleasure to follow the member for Albert Park, and let me help clarify exactly what this motion is about today. We have seen the government put forward and introduce a bill today that will dramatically change the property taxes in Victoria, and to give only 14 days notice is simply not acceptable when this week these new taxes have been announced without any consultation with the property industry. We have seen that today from various industry groups, including the REIV, and I will speak to what the Shadow Treasurer noted in the *Herald Sun* today:

The REIV is calling on the Victorian Government to engage the sector properly, so together we can work to better policy development that benefits all property participants.

That follows earlier in the week a release from the Property Council of Australia – the property council that very, very recently signed up to the government’s housing statement. It said:

Here’s a tip for state governments trying to reach ambitious housing goals in partnership.

Don’t “do a Victoria”.

The fact that these taxes were announced this week at a breakfast for the Property Council, blindsiding the Property Council but also blindsiding the Premier and the Premier’s office, means that there has been no consultation with the property industry. Less than two weeks ago – I see the former Minister for Housing at the table here today – the government introduced and announced their housing statement. We have heard a lot from the member for Frankston today, talking about the ability to count,

and when I look at the housing statement and the lack of detail in it and the simple question of how on earth this will be delivered –

Nina Taylor: On a point of order, Deputy Speaker, I feel we are straying from the central tenets of this debate, which is a procedural debate, and I think that we would be recommended to perhaps return to that.

The DEPUTY SPEAKER: If the member could come back to the debate in question.

Jess WILSON: I will not debate it, unlike the member for Albert Park. The motion from the member for Brighton today, the amendment to shift the period in which the bill can be debated in this place to 28 days, is to allow for the fact that this is a significant change to our state taxation laws. We heard the Treasurer over recent days, in fact just yesterday afternoon when he held a press conference, saying there would be no revenue impact to these measures. Yet it is very, very clear that there will be significant revenue impacts to these measures: \$37 million from the vacancy tax itself will be raised from these measures, and these measures have not been consulted about with the property industry. When you look at the housing statement that was handed down just two weeks ago, there was no suggestion that property taxes would be introduced as part of the government's attempt to increase the supply of housing. They asked the Property Council and they asked many of the industry peak bodies to sign up to this housing statement, but at that time they were not up-front and said, 'No, there is nothing else to come. There is nothing further. This is it. We want to work with you'. Then they blindsided them at a breakfast this week saying, 'Actually we're going to introduce a raft of new taxes that will only make it harder to increase the supply of homes in Victoria.'

A member: How's that?

Jess WILSON: How is that? When you put pressure on the developers who want to build more homes, they will pass that through to the Victorian people. We saw in the budget just this year an increase to land tax.

Nina Taylor: On a point of order, Speaker, I fear that the learned member may be straying away from the central tenets of this debate, which is a procedural debate. I respect that they may not like the particular reforms, but this is a procedural debate.

The SPEAKER: Order! Many members have strayed from the procedural debate this morning. The member for Kew to continue.

Jess WILSON: Thank you, Speaker. The reason why the member for Brighton has moved the 28-day amendment today is to allow for sufficient time to consult with the property industry, the property industry that has a partnership with this government to actually deliver the homes that have been outlined in the housing statement – 800,000 new homes over the next decade, more than 200 a day. I do not understand how the government expects those homes to be built if we cannot –

Colin Brooks: On a point of order, Speaker, I admire the member for Kew's tenacity in trying to take this debate away from the tight procedural debate that it is, but quite clearly talking about the budget and the housing statement is not aligned to the debate before the house.

The SPEAKER: Order! The member's time has expired.

Sam HIBBINS (Prahran) (10:34): (*By leave*) We consider so many bills in this place that have a profound effect on so many people's lives, and not just tax bills but many other bills as well. We supported obviously the opposition when they opposed a bill just going for 13 days in consideration. We certainly think there has been a trend away from proper community engagement with many pieces of legislation in this place. We certainly would like to see more community engagement and more opportunity for bills to go into a third reading in this place, which has not been a trend in this place. So certainly there is a case for more consideration of bills. But honestly, in the debate that I am hearing today, it seems like it is a competition between the government and the opposition about who can give

the property industry everything that they want. I mean, honestly, we have just had a housing statement that the government announced that gives the property industry basically everything they want. Some days later we have got, on the face of it – and we will consider it – a modest tax, and apparently the world is falling in now. You have got the opposition, the Liberal–National parties, trying to give them everything they want and give them special treatment that is not afforded to everybody else in this state when legislation comes before this chamber.

The Greens will consider this bill. We will examine it in the time allocated to see whether it actually does what it says it is going to do and whether it will help the pressing housing crisis that so many people are facing or whether it does not meet that challenge or makes it worse. We will consider that, but if you think we are going to come in here and give the property industry everything they want and more special treatment that is not afforded –

Colin Brooks: On a point of order, Speaker, I just think the member is way off the procedural motion that is before the house.

The SPEAKER: Member for Prahran, I ask you to come back to the procedural motion.

Sam HIBBINS: Thank you, Speaker. I am going to the point about why I believe this Liberal motion should be opposed and we should have the standard 14-day consideration of this bill. It is because we do not believe that the property industry should be given special treatment over every other Victorian when bills come into this place that affect their lives. We are in a housing crisis, and we will be examining this bill in the normal course to determine whether it actually meets the challenges that are facing so many. But no, we are not giving the property industry special treatment.

The SPEAKER: Order! The minister has moved that the debate be adjourned for two weeks. The member for Brighton has moved an amendment that the words ‘two weeks’ be omitted with the view of inserting in their place the words ‘28 days’. The question is:

That the words proposed to be omitted stand part of the question.

Those that support the amendment should vote no.

Assembly divided on question:

Ayes (52): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D’Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Ros Spence, Nick Staikos, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (24): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, Emma Kealy, Cindy McLeish, James Newbury, Michael O’Brien, Kim O’Keeffe, Richard Riordan, Brad Rowswell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Jess Wilson

Question agreed to.

Assembly divided on motion:

Ayes (52): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D’Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas,

Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Ros Spence, Nick Staikos, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (25): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, Emma Kealy, Cindy McLeish, James Newbury, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Jess Wilson

Motion agreed to and debate adjourned until Thursday 19 October.

Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Anthony CIANFLONE (Pascoe Vale) (10:47): I rise to resume my contribution from last night on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. I will pick up where I left off. I began to delve into a bit of the history of the origins of the Nazi party so we could try to better understand what the wannabe neo-Nazis on the front steps of Parliament are actually saluting and worshipping.

The Nazis were first founded in 1920 and originally attracted very little popular support. As I understand it, they were initially treated like a joke. However, under the banner of a Nazi flag, symbols and the Nazi salute, the Nazis went on to build an ultranationalist narrative and weaponised the impacts of the Great Depression from 1929; the effects of the Treaty of Versailles, which Germany signed at the end of World War I; as well as the gradual and staged targeting of faith cultural minority communities, namely the Jewish community, whom the Nazis increasingly and falsely blamed for the failures and shortcomings of the German state. Taking political advantage of a period of heightened economic and social distress across Germany, the Nazis' growing ideology went largely unchecked as they continued to spread their propaganda, misinformation and fear – way before the days of social media – spruiking themselves as the solution to Germany's problems. In just 12 to 13 years the Nazi party managed to go from being a fringe political movement in 1920 all the way to being democratically elected as the largest political party in the German Reichstag by 1932, with Adolf Hitler going on to be appointed Chancellor of Germany in 1933. The rise to power made possible through the democratic process provided the Nazis with the legitimacy they sought to implement their hateful and murderous policies, including by the 25-point program that Hitler first envisaged way back in 1920.

As National Socialists the Nazis sought to claim to unify German people through their complete obedience to the state. They called for the state to lead a master race 'in the racial struggle against the inferior races'. The Nazis' plan sought to supposedly unite all the German blood with their program calling for the acquisition of new lands and denying citizenship rights to all non-Germans, particularly the Jewish community. This Nazi ideology would go on to become the tragic foundation of some of the most unimaginable and unspeakable acts of cruelty ever administered on humankind. It was also an ideology that turned otherwise everyday normal and well-educated Germans into complicit murderers and accomplices to the Nazis' regime and agenda.

However, sadly, it was not until the morning of 31 August in 1939 that the West began to stand up and push back against Nazism, with Hitler's action to invade Poland sparking the commencement of the Second World War. On 3 September 1939 Australian Prime Minister Sir Robert Menzies announced the beginning of Australia's involvement in the Second World War on every national and commercial radio station in the country. Almost 1 million Australians, both men and women, answered the call and would go on to serve and fight in the Second World War. Of these, 205,700 Victorians enlisted to serve,

which equated to 10.7 per cent of the state's population at the time, the highest population percentage contribution of any Australian state towards the war effort. They fought in numerous campaigns directly against the Nazis, their evil ideology and the Axis allies on the seas, in the air and on the land, including in theatres across North Africa and Europe. By the end of the war almost 30,000 Australians had lost their lives, with tens of thousands more returning with physical, mental and emotional injuries that lasted a lifetime. Alongside the Minister for Veterans in this place, I would like to say thank you and pay tribute to the service of all the Australian men and women who fought in World War II against the Nazis, particularly those who served from Melbourne's northern suburbs and who continue to be remembered through the work of the Shrine of Remembrance and locally for me via the Coburg RSL, Pascoe Vale RSL and Coburg Historical Society.

When modern wannabe neo-Nazis stand on the steps of Parliament and salute the Nazis, it is an affront to the service and memory of Australian veterans who sacrificed so much. However, the full scale of lives lost and the horror of the war would not become fully apparent until the end of formal hostilities in Europe, which German high command authorised in the signing of an unconditional surrender on all fronts, taking effect as of midnight over 8 and 9 May 1945. Provoked by Nazi Germany, World War II tragically went on to become the most deadly and destructive war in human history, claiming between 40 million and 50 million lives overall. This is the equivalent of the population of either South Korea or Spain being entirely wiped out in today's terms, both of which respectively equate to 50 million people.

The war also tragically displaced tens of billions of people and created unprecedented trauma that has continued to be handed down the generations to today. In this regard the Nazi policy of forced extermination of people supposedly of inferior races or creeds, and political opponents, led to the murder of at least 11 million people of various minority groups, as the member for Monbulk pointed out yesterday. At least 6 million of these people murdered by the Nazis were from European Jewish communities – profound horror. At least 1.5 million of these, as the member for Caulfield actually pointed out yesterday, were children. Sadly, ultimately one of these children was Anne Frank, who tragically was a well-known victim of the Holocaust, who kept a diary of her experiences as her family hid for their lives in secret in a home in Nazi-occupied Amsterdam in the Netherlands, which I had the privilege to visit in 2013.

The extermination of minority groups by the Nazis commenced in 1933 and continued to 1945, with Nazi Germany and its allies establishing more than 44,000 camps and other incarceration sites, including ghettos, across Europe. The Nazi perpetrators used these locations for various purposes, including the detention of people deemed to be enemies of the state, forced labour and mass murder, either via mass shootings, gas chambers or other incomprehensible methods of human suffering.

In 2013 my wife and I also visited one of these sites, the Dachau concentration camp just outside of Munich in Germany, which was an incredibly moving and life-changing experience for me. Established in March 1933, Dachau was actually the first regular concentration camp established by the then new Nazi government, originally designated just for political prisoners. Dachau would go on, sadly, to become the model for all later concentration camps and also serve as the training centre for the SS concentration camp guards. The number of prisoners incarcerated in Dachau over this time would exceed 200,000 people, with researchers believing around 40,000 people at least were killed. Like the millions who, sadly, would go on to march through the gates of the Nazi network of future concentration camps, the prisoners of Dachau were some of the first, tragically, to march under the Nazi slogan of 'Arbeit macht frei' – work sets you free.

I recently had the pleasure to read Eddie Jaku's *The Happiest Man on Earth* book over the winter July break, and with the time left I would like to try and leave us on a more positive note, if I could just get to his quote here, which I have – I do not think I will now. But, look, I really commend this bill to the house. It is all about standing up to these neo-Nazis and supporting our multicultural and diverse community of Victoria.

Martin CAMERON (Morwell) (10:54): I rise also today, as we stand as one in the chamber, every member here, to talk about the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. Like most members here who have stood up to speak on this, in 2023 I would not think that we would have to be up here talking about these horrendous things that happened many years ago, but today we have a few so-called members of our public running around still creating havoc and causing grief to certain parts of our community.

I should not say ‘certain parts’ as it affects all of us. I think that having someone that can use the Nazi salute to cause grief for community members affects all of us. As MPs able to stand in this chamber, we get to not only say our own words but bring the words of our entire communities in here to say ‘This is wrong’ and to call it out for what it is. To have people that are causing grief and evoking and making people revisit memories of lost family members from times gone past is wrong, and we need to stand here and say enough is enough. That is our job, and that is what we are all doing as we stand and condemn the practices of the Nazi salute.

I thank the member for Malvern for his contribution when he led off and for providing some amendments, which I do hope are considered. We need to make sure that this bill, as we put it forward, is absolutely bulletproof, that there is no grey area and that we are giving our police the ability to stamp out and move on these people that want to cause hate and show hatred towards our community. None of us in here are debating the bill. We are all on the same page, and that is one of the things that we can do in the chamber.

Back in March and again yesterday the member for Box Hill spoke about how many times in the past 12 months we have actually seen the Nazi salute on TV and on social media. Certain elements of our community move around in restaurants or out in the open and even out onto our steps – as the member for Narracan said yesterday, the people’s house – pushing us, threatening us and threatening everybody that is in here. As I said, we do not want anyone to be able to spread the word of hate by using a gesture and trying to intimidate us. It is our job to say no, and this is what we are doing now by moving this amendment bill.

I congratulate everybody here in this chamber that is getting up to speak on it. There are some stories that we have heard, especially those from the member for Caulfield, when he stood up and passionately spoke about his family ties being of Jewish origin and what they went through back in World War II when the Nazis tried to virtually exterminate the Jewish community and moved through and killed over 6 million people. To have people in the current day, 2023, using those gestures and symbols that were used back then is not fair, is not just, and we will stand beside every single person in Victoria and stamp out the ability for these gestures to be used.

There were limited consequences if they were doing these things, but we moved a bill last year which closed the loopholes a little bit. Then we have had to come back and redo this to make sure there is no grey area and that we are doing the right thing by our people. The media footage that I see and I suppose our younger generation see is limited on TV – we do get to see the riots and stuff like that when this does happen and the undesirable parts of our community are out on the streets – but it is on the social media of Facebook and TikTok where things can be put up and not explained properly. So for our younger generation, they need to know that we are saying no – no longer can this be done. It is fantastic that we can stand up here and we can listen to stories from other members and actually be as one and be unanimous in that we no longer want to have the ability for someone to stand on our steps, before the people’s house, and use the Nazi salute. That is what we do not want. We have moved on from that, and today we are making sure that that can never happen again.

As I said, there are certain elements of our community that do. They wear masks, and they run around in their black pyjamas and they want to cause as much grief as they can, but they do not want to show their faces. So we call them out here today, and we say, as I said before, enough is enough. Whether it be on the steps of Parliament, on our local streets or on social media, they need to know that in this chamber here the people of Parliament, including all the people that we represent, are saying no. It is

wonderful that we can stand here, as I said before, as one, and I am very, very pleased to be able to throw my support behind this and behind everybody in the chamber. I commend the bill to the house.

Steve McGHIE (Melton) (11:01): Today I rise to contribute to the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, and it is humbling to stand in this place and follow on from some of the incredible contributions from all members across all sides and in particular the member for Box Hill. I agree with his contribution: the speed with which this has come up has been shocking, and I do not think that we expected that this would be an issue that we had to deal with so quickly.

Before I discuss the broader points of the bill, I would like to address the opposition's proposed amendments. The member for Albert Park made some important points yesterday addressing the opposition's amendments, including the important point that these two matters have already been carefully considered in the development of the bill. This bill has been carefully drafted, and the proposed amendments are both unnecessary and not appropriate. It is important to note that we can observe through these amendments that both the opposition and the government desire the same outcomes, and we certainly agree on the policy intent for this bill. It is a rare show of unity, and I appreciate that. I think that is commendable. I take the point of the previous contribution, from the member for Morwell – it is fantastic to see that we are all on one side in regard to this particular issue.

I will just address the opposition's amendment propositions – that issue of the definition to be changed from 'symbols and gestures used by the Nazi Party' to 'used by and associated with the Nazi Party'. This has already been considered through the development of and consultation on this bill and through the drafting of the bill. It was considered that the inclusion of the words 'and associated with' will expand the operation of the offence, capturing a wider range of symbols and gestures. I do not think that is the desired effect and what this bill is all about. The point of this legislation is to protect Victorians from the harm caused by Nazi symbols and the Nazi gestures. Of course the definition in this bill needs to be targeted and directed to symbols and gestures used by the Nazi party.

To the opposition's second amendment, it is a proposal to include police powers to direct people to cease performing the Nazi salute and gestures. What the opposition fail to realise is that the police do not need additional powers to verbally communicate or direct people. That is what police do. That is their job, and we do not need to waste time telling police how to do their job. The amendment is superfluous and it is unnecessary, so I do not think that needs to go ahead. The bill provides powers for police to direct a person to remove a Nazi symbol or display of a picture of a Nazi gesture from public, if the police officer reasonably believes an offence is being committed. This power is needed because it requires the police to direct someone to take a positive action, which is to remove the display. Disappointingly, we are moving an amendment to legislation that is not even 12 months old. In December last year, this government enacted the Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022, effectively banning the public display of the Nazi symbol. Since then, we have seen an increase in groups using the Nazi salute, so it is very frustrating that we are here today even having to debate this issue.

The member for Box Hill, who is the Acting Speaker at the moment, reminded us that the Legal and Social Issues Committee, at the time of the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 being passed, warned that infringements and enforcements needed to come in addition to that bill, and that is exactly what this bill will do. The members for Malvern and Bulleen also provided some incredible insights on and dimensions to this debate. I want to acknowledge their contributions, and I appreciate what they had to say.

We cannot pretend that Nazism is just an opinion. It needs to be treated like the contagion it is, like the hateful disease that it is. The fact that we need to be here finding ways to suppress Nazism here in Victoria is just stomach-churning. Some time ago in my electorate I was approached by a Jewish family who were contemplating moving from their area of south-east Melbourne down towards the Melton LGA at Fraser Rise. It was lovely to meet up with them. Fraser Rise actually sits in the electorate of Sydenham. What they indicated to me was that there were about 30 Jewish families that were preparing

to move into that area. I just want to clearly state that those families, and every other family that chooses to move into that electorate, are very welcome in our community, and I look forward to engaging with them into the future. I thank them for selecting the Melton LGA and the Melton area as the place where they wish to raise their families, and I know they will make a huge contribution to our community out in Melton. Of course that is one of the great strengths of the Melton population: the wide acceptance, the diversity and the strong faiths that coexist in our community, because all Victorians, no matter where they live, deserve to feel accepted, to be safe and to be included.

Nazis are fundamentally opposed to that. They spout fear and justify biases by seeking out like-minded people, often co-opting them from less acute positions. They name-call and use non-inclusive language. Even when we talk of the systematic extermination of Jews in Europe, in reference to the Holocaust, it is designed to dehumanise Jewish people. We see this kind of language occur when we are being made to believe that class divisions exist between us. It is a deliberate strategy to dehumanise a cohort of people and make them seem less than human. The horrors of the Holocaust are forever relevant and of course the lessons of the Holocaust are forever teachable, and I am pleased that we are teaching about those actions in the schools.

The Tutsis were referred to as cockroaches during the Rwandan genocide, and slave owners consider slaves to be property and subhuman. During the Holocaust the Jewish people were referred to as rats. When we talk about extermination of the Jewish people, we continue in a subconscious way to perpetrate that strategy. The illustrated pyramid of hate that was developed by the Anti-Defamation League demonstrates how hate escalates when it is not addressed: stereotyping, justifying biases by seeking out like-minded people, attitudes that lead to acts of bias, name-calling, ridicule, social avoidance and exclusion, microaggressions and dehumanisation. There are not a lot of steps left after that before genocide.

There is some recent German folklore that tells us that if you go to bed with a Nazi, you become one, and that if you invite a Nazi to a dinner party with 10 people, you have got 11 Nazis. I am not here to argue German folklore, but addressing this infestation and eliminating the spread is the primary goal of this legislation. Exemptions exist around artistic and academic disciplines, and safeguards are introduced to apply to those who may not be aware of the vile and offensive history of targeted and manufactured hatred against those persecuted. When you stand next to Nazis, you lend them your voice, you absolutely show us your solidarity for their cause and you commend their actions and their goals. If you do not speak up, you allow them to get away with it. The member for Monbulk wisely quoted former chief of the army Lieutenant General David Morrison: 'The standard you walk past is the standard you accept'. In this case, the standard you stand next to on the steps of Parliament is the standard you commend.

I was going to make reference to the band Kiss. German legislation was strong enough to ensure that the logo for the band Kiss, who last week rocked the MCG at the grand final, needed to be redesigned for German audiences.

Before my time runs out there is one point that I really want to make, and that is that I want to speak about these characters that are out there – the groups who stand there doing their pathetic salutes that are designed to intimidate and scare people. Of course they wear their masks, they hide their faces. We know how gutless you really are. You are not a hero. They are all scared to expose themselves and take their masks off, because they might be scared of their mothers and that they might see them. They might be scared to lose their job because their boss might see them. They might be worried about what people think about them at their local football clubs or sporting clubs or community groups. So again it is a really tough way of trying to intimidate and harass and scare people, by masking up. If these people are so adamant about their cause, maybe they would take their masks off. This is a really important bill for this state and for keeping people safe and included, and I commend this bill to the house.

Annabelle CLEELAND (Euroa) (11:11): I rise today to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, a bill that is sadly addressing a significant problem in our society today. I would like to thank several of the members here today that have spoken so eloquently and emotively on this matter. Like others have said, there is simply no room for neo-Nazis and the hatred they perpetuate in a modern society like ours. The fact we have to address this and legislate for it is something that is deeply concerning. That being said, it is so pleasing to see this entire house join together as a collective and make it clear that this type of behaviour will not be tolerated in Victoria. The emotional side of this topic goes without saying, and I am proud to speak on this piece of legislation and what it aims to achieve.

The purpose of this bill involves amending the Summary Offences Act 1966 to make the public display or performance of Nazi gestures an offence, while also extending the scope of offences relating to the public display of Nazi symbols. Essentially the bill's purpose is to make the public display or performance of Nazi gestures an offence. Legislative changes have been made recently to address concerns with the growing presence of neo-Nazis in this state, most notably through the passing of another summary offences bill relating to Nazi symbols at the end of 2022. After that bill was passed there were sadly still several high-profile incidents by this group, many of which involved the Nazi salute. These incidents made it clear that the existing law, while having the right intentions, still had limitations and more needed to be done. Notably, that bill did not deal with Nazi gestures like the salute, and this is what has led to the bill in front of us today.

This bill makes some definitions to provide clarity and help this legislation achieve what it needs to. A Nazi gesture includes the Nazi salute and any other gesture used by the Nazi party. This also includes gestures that closely resemble Nazi gestures or are close enough that they are likely to be confused with or mistaken for a Nazi gesture. The scope of Nazi symbols in this legislation will now include any symbol used by the Nazi party – an extension of what previous legislation has outlined. When it comes to the offence, this legislation provides further clarity. A person must not intentionally perform a Nazi gesture if the person knows or should reasonably know that the gesture is a Nazi gesture; if the performance occurs in a public place, non-government school or post-secondary education institution; or if it occurs in sight of a person who is in a public place, a non-government school or a post-secondary education institution. The offence would carry 120 penalty units, imprisonment for 12 months or both.

There are some exemptions within the bill. These include when the display or performance is engaged in reasonably and in good faith for a genuine academic, artistic, educational or scientific purpose; when making or publishing a fair and accurate report of any event or matter of public interest; where the display of the Nazi symbol is engaged in reasonably and in good faith for a genuine cultural or religious purpose; and where the display of the Nazi symbol is engaged in reasonably and in good faith in opposition to fascism, Nazism, neo-Nazism or other related ideologies.

This bill, like most relating to offences, will require some policing. Under this legislation a police officer may give a direction to a person to remove a Nazi symbol or Nazi gesture from display if the police officer reasonably believes the person is committing an offence against section 41K. This policing also includes making these directions to the owner or occupier of a property on which the Nazi symbol or gesture is being displayed. However, the police power does not currently extend to a direction to a person to make them stop performing the Nazi gesture.

Those involved with this bill appear to have consulted several relevant groups to ensure this is a step in the right direction. This includes several Jewish groups, including local museums, community councils and anti-defamation commissions. There have also been several legal groups that were contacted to help ensure the legal side of this important legislation can be effectively undertaken.

It is important to note that there is an effective balance that must be reached when it comes to allowing free speech and preventing hate speech and symbols. The goal is to strike a balance that respects individuals while safeguarding society from hate and its consequences. When it comes to combating hate speech and extremism, legislation like this plays a critical role. This legislation will help to curb

the spread of such ideologies and by preventing the use of hate symbols in public spaces can help stop the inciting of violence and discrimination. Legislating against Nazi gestures sends an important message to our society. It shows that our society values inclusivity and the safety of all its members. We want to create an environment where people from diverse backgrounds can coexist peacefully without fear of intimidation or violence. By putting this bill into law, we show we will not tolerate this hatred in Victoria.

Luba GRIGOROVITCH (Kororoit) (11:16): Thank you, Acting Speaker Hamer. Before I start to speak on this legislation, I want to just say that I acknowledge all of the contributions that have been made in this place. Yours especially was incredibly touching, as were many around this room, and I think the bipartisan support has been fantastic.

I too had the great pleasure of travelling to Israel and Palestine in 2018, and when I was there I was afforded the opportunity to visit the Yad Vashem – I hope I have pronounced that correctly – which of course is Israel’s official memorial to the victims of the Holocaust. It is dedicated to preserving the memory of the Jewish people who were murdered, echoing the stories of the survivors, honouring the Jewish people who were fought against and to really tell the story. I learned through this that it is all about education and making sure that we are all properly educated so that the horrors of the past do not happen again.

Let me say this is probably the single most important piece of legislation that I have spoken to during my time in this place so far, and the reason why is because this goes to the very heart of who we are as a democracy and our duty to live our democracy. It goes to our duty not only as members of this place but as citizens and, importantly for me as someone that has represented the organised labour movement, to guard our democracy from those who would threaten it. It goes to our duty to uphold the rights of all our citizens, whose very right to be who they are would be threatened by a tiny but intolerable political ideology. It goes to our duty to take a stand and to say ‘Never again’.

I do not need to tell members in this place that on 18 March this year on the streets just outside of this place members of a fascist group marched and performed the Nazi salute at a protest in broad daylight, and the scenes were horrific. What we saw in the newspapers – horrible. Make absolutely no mistake, Nazism and fascism are vile, vile ideologies that we should all not accept. If allowed to go unchecked, their logical and ultimate end could possibly be the destruction of the lives and humanity of all those people who the pathological racism and bigotry at the heart of fascism deem to be less than human.

Nazism and fascism’s only logical end can be in the destruction of our democracy itself, in the destruction of freedom of speech, of protest, of civil liberties, of women’s rights and equality and of working people’s right to strike, organise and have a voice. We have history to teach us this. We have the lives of 6 million Jewish people as well as Romani and Slavic people, homosexuals, disabled people, Jehovah’s Witnesses and political dissidents all murdered by Nazis in humanity’s darkest hours to teach us all of this. When these people performed this vile gesture on the steps of Victoria’s democracy in March, think about the impact it must have had on the Holocaust survivors living in our state who saw it that night on the television. Nazism and fascism are rooted in violent intolerance.

The truth is that Nazism and fascism and the physical displays of these ideologies have no place in our state. The state government has already introduced the Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022 to make it an offence to publicly display a Nazi symbol. This legislation commenced on 29 December last year, but since then there has been a steady and concerning increase in groups using the Nazi salute, hence the need for this legislation to be before us today. The bill prohibits the public display or performance of any symbol or gesture used by the Nazi party and its associated groups. It amends the Summary Offences Act 1966 to cover all other symbols and gestures used by the Nazi party, including the Nazi salute. It will be an offence for a person to intentionally display, in a public place or in sight of a person in a public place, the Nazi salute or a Nazi symbol or gesture if the person knows, or ought reasonably to know, that that symbol or gesture is a Nazi symbol or a Nazi gesture. The legislation is very clear in both its intent and application. It is clear that Nazi

symbols and gestures, particularly the Nazi salute, are being used to convey messages of antisemitism, hatred and intimidation.

Consultation meetings were held to prepare this bill, and feedback was sought from a range of multicultural, community and religious groups and stakeholders from legal and human rights organisations, as well as the arts sector. Round tables were also held with a group of Holocaust survivors and member organisations of the Jewish Community Council of Victoria. During this consultation process, it became clear that there is no evidence that any Nazi gesture shares resemblance to other legitimate gestures that may be used in certain cultures or religions. Therefore there is absolutely no need for an exemption permitting a Nazi salute to be used for a genuine cultural or religious purpose. The bill will reduce the risk of harm to the community whilst also ensuring that Nazi symbols can continue to be displayed in solely appropriate circumstances.

Victoria's diversity is one of our state's greatest strengths, and I am especially proud of this, representing the people of Kororoit. Kororoit is proudly and vibrantly multiracial, multicultural and working class. It should be remembered that when the fascists and far-right groups made their hateful display outside of this place on March 18, they did so in the presence of a so-called Let Women Speak rally – it was shameful. In reality this rally, organised by fringe, extreme, right-wing and conservative groups, was directed towards demonising trans people under the false flag of standing up for women's rights. It is no coincidence that a community as commonly misunderstood and marginalised as trans people, sadly, would be singled out by the far right and made into the main target for their politics of hatred.

I want to say to all trans and non-binary people who live in Kororoit and in Victoria that you are loved and you are accepted. You are loved for who you are. Your equality and your right to be seen are things that in no way infringe on my rights as a woman and as a feminist. You will always be welcome, and your equality and inclusion in our community is never negotiable. You have achieved things in your lives, and you will make a contribution to our community that those who seek to spread hatred and bigotry against you could only ever dream of. I likewise extend my solidarity to the wider LGBTQI and queer community. I am so proud that in the week following the events outside of Parliament in March, then Premier Daniel Andrews acted by flying the transgender pride flag outside of the government's office. This was a sign of strength but also a sign of love. Likewise, thousands of Victorians filled the streets of Melbourne less than a fortnight later to show their solidarity with trans people on Trans Day of Visibility. This is a government that listens and has everyone's back, no matter who you are.

In speaking to condemn Nazism and fascism and all of its forms, I cannot do so without also naming those who seek to apologise for, foster or covertly attract the support of these hateful ideologies in whatever ways. To political parties like One Nation, who court the votes of fascists and other sympathisers and who stoke the racism that their hate feeds off: you stand condemned in this place. Likewise, all those who do the same: shame on you. Your woeful presence in parliamentary politics in Australia has lasted too long, and democracy means it need not last forever.

I wish I simply did not have to be standing here talking about this subject at all. I would rather be speaking about anything else, because Nazism should not be allowed the oxygen of publicity at all. But the fact is we have no choice, because all Victorians deserve to feel accepted, safe and included. Our government must act and legislate to allow zero tolerance for Nazism and fascism to make itself present in any corner of our community. The right to live safely in a democratic and compassionate society demands nothing less of us. I acknowledge all of those who have died at the hands of Nazism and fascism, and I acknowledge all those who have bravely resisted it. I commend the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 to the house.

Kim O'KEEFFE (Shepparton) (11:25): I rise today to speak and make a contribution on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. The bill before the house follows on from the government's commitment to legislating a ban on the Nazi salute by prohibiting the public display or performance of any symbol or gesture used by the Nazi party and its parliamentary arms.

Acting Speaker Hamer, it has been very emotional hearing others speak on this bill previously and hearing the personal contributions and experiences that have been shared, and I acknowledge your contribution as well. There has been much reflection on the reason why we are here today in support of the bill. It is shameful to think that 80 years later we are still fighting against such acts and displays of hatred. This bill sends a very clear message that such acts of hate will not be tolerated. We live in such a diverse and multicultural state. Everyone should feel safe, respected and valued.

The government's intention in introducing this bill before the house is to send a clear message, one that denounces Nazi ideology and the use of its gestures and symbols, which are intended to cause fear, intimidate and incite hate. The bill seeks to focus on the harm that is caused with such hateful conduct and to make change. The Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 amends the Summary Offences Act 1966 to make the public display or performance of the Nazi salute and other gestures used by the Nazi party an offence and to extend the application of the offence of public display of Nazi symbols and for other purposes. The purpose of this amendment is to address the recent increase in the public display and performance of the Nazi salute in Victoria.

During the 59th Parliament last year the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 was introduced and passed. The government has been committed to working with the Victorian police and other relevant agencies to ensure the monitoring of the public display of other hateful symbols to determine whether further symbols should also be prohibited in Victoria. Since coming into effect as an act of Parliament and a law of Victoria there have been several incidents where the public display or performance of the Nazi salute has taken place. These included a group of people who performed the Nazi salute and posed for photographs in a public space to commemorate Adolf Hitler's birthday and also, on the steps here at Parliament House, an anti-immigration rally where the Nazi salute was performed repeatedly. Unfortunately there have been numerous incidents which clearly show the limitations of current laws in combating this behaviour, and this therefore needs action. Because of this, this bill contributes to this improvement that is needed.

Furthermore, it is clear from these events that have taken place in the Victorian community that Nazi symbols and gestures, in particular the Nazi salute, are being used as a means of conveying messages, as we have said, of hatred and intimidation, causing much trauma and pain. The Jewish Community Council of Victoria, along with many others in Victoria, have also highlighted their experiences with the harm that has been caused through such hateful conduct. The highly visible nature of these expressions, including significant and sustained media attention, has left Jewish Victorians feeling vilified, vulnerable and anxious about their safety. These emotions are heightened for Holocaust survivors and their descendants, people like Holocaust survivor Pinchas Gutter, who survived six Nazi concentration camps. Today he is a Holocaust educator sharing his stories in film and live events and the traumatic events of his childhood, and he calls for a world without discrimination or hate – exactly what we are all standing here for.

The offence, through this bill, will be accompanied by powers for the Victorian police to direct a person to remove a Nazi symbol or gesture from public display where this has been under limitation in the past. Members of the Victorian police force have had no such powers to authorise this, and this amendment to the Summary Offences Act is a much-needed improvement to current powers. In addition, the bill will enable Victorian police force members to apply to the Magistrates' Court for a warrant to enter premises to search for and seize a Nazi symbol and, in relation to the additional amendments, to provide a police officer the power to direct a person to cease performing a Nazi gesture in a public space with the same criteria as applies to a direction to cease displaying a Nazi symbol in public spaces.

Any Victorian that is found guilty of the offence of intentionally displaying or performing a Nazi symbol or gesture will face a maximum penalty of one year imprisonment or a fine of up to 120 penalty units, which also carries monetary value. However, whilst there are important exceptions that apply to the display of the Hakenkreuz and Nazi symbols, the main exceptions have been amended in relation to the display or performance of Nazi gestures. In addition, exceptions will also apply where the

display or performance of a Nazi gesture was engaged in reasonably and in good faith for genuine purposes, such as academic, artistic, education or scientific purposes. As such, in making or publishing a fair and accurate report of any event or matter that is in the public interest, these exceptions are intended to apply broadly to protect freedom of expression and to ensure that Nazi gestures can continue to be used and displayed only for appropriate purposes. It is important that Victorians have the fundamental right of freedom of expression. However, everyone must know and understand that there are limits on free speech. People who engage themselves in actions and perform gestures that involve hatred will never be accepted across our state. I commend this bill to the house.

Alison MARCHANT (Bellarine) (11:31): I rise to contribute to the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. I would like to just echo some of the other members' statements. This has been a wonderful and thoughtful contribution by both sides of the house in this debate. It is probably the best I have seen in this house since being here. It has been a wonderful and thoughtful contribution to this bill to improve our state and our legislation in this space.

I will speak a little bit about the bill and what it is intended to do before making some personal remarks. This bill fulfils the Victorian government's commitment to legislate a ban on the Nazi salute and prohibit the public display or performance of any symbol or gesture used by the Nazi party and its paramilitary arms. This bill amends the Summary Offences Act 1966 and extends the existing prohibition on the public display of the Nazi symbol. The expanded offence is where a person intentionally displays, in a public place or in sight of a person in a public place, a Nazi symbol or gesture if the person knows or ought to reasonably know that the symbol or gesture is a Nazi symbol or Nazi gesture. The purpose of expanding this offence is to ensure that the expression of harmful symbols and gestures associated with the atrocities, ideology and resulting genocide is prohibited.

The government acknowledges, and I think the vast majority of Victorians acknowledge, that Nazi symbols and gestures such as Nazi salutes are indeed there to be used to intimidate and to cause harm to a wide range of groups. These groups include the Jewish community, Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with a disability and other racial and religious groups. This bill is certainly sending a clear message that condemns the Nazi ideology and the use of its gestures and symbols to incite hate. I think we would all here agree that Victorians deserve to feel safe and feel included and accepted in this state. It is in stark contrast that we have seen these displays which, as I have alluded to, are intended to cause fear in our community, and that is why this bill is focused on the harm caused by such hateful conduct, which can be profound. The use of the Nazi salute is unacceptable and has no place in Victoria, and I was saddened and appalled to see it here on the steps of Parliament and indeed in my own home town of Geelong. I thought that I would never see that in my lifetime. It is clear that the Nazi symbol and gestures are there to convey a message of antisemitism, hatred and intimidation. This offence is also accompanied by powers for Victoria Police to direct a person to remove the Nazi symbol or gesture from public display and to apply to the Magistrates' Court for a warrant to enter premises to search and seize Nazi symbols.

Just as background, this reform package has been developed in response to a parliamentary inquiry into Victoria's anti-vilification protections. Of course I think indeed the majority of Victorians and – from what I have heard – all in this house believe that this vilification has no place in our community, but sadly, evidence through that inquiry that was presented and evidence that authorities have spoken to suggest that hate conduct and vilification are present in this state. We have clearly seen that it is on the rise. Exposure to vilification and hate does appear more prevalent for Aboriginal people, people from culturally and linguistically diverse communities and backgrounds, people from particular faiths, women, people who identify as LGBTIQ+ and people with disability. And sadly vilification occurs in many of our settings. It occurs in our schools, in our sporting clubs and in our services, and of course it does also present itself online. This harm is enormous. The harm caused by hate conduct and vilification is profound. It can affect someone's physical and psychological wellbeing as well as a whole community's ability to participate in everyday life.

In doing a little bit of research on this topic, I would like to thank the committee for their work. I note in the chair's foreword she remarked:

In recognition that prevention is as important as changing the law, the Committee has recommended various initiatives in the areas of research, school-based education, public awareness campaigns, and responsible media reporting to address the causes of discrimination and hostility towards minority groups ...

I strongly believe that effective anti-vilification laws can protect ... communities and promote social cohesion and harmony. This inquiry has been an important reminder that preventing and addressing vilification cannot be achieved at the individual level but rather is a societal responsibility.

It talks about education and other measures, and this bill is one tool that we can use as a Parliament to be proactive, to be responsible and to call out this behaviour. Legislation is important, but so is education. In an education sense, the Holocaust and the issues surrounding it were part of my education growing up, learning about them in high school. I remember then being so moved that I asked my mum to take me to the Jewish Museum of Australia here in Melbourne. I spoke to a survivor there, and it has stayed with me forever. I learned so much, but I think it is more about the feeling that I learned, and that stays with me. This year my son, who is in year 7, has also learned about the Holocaust and the atrocities in his English class, and I know it has had a profound impact on him – we had a discussion at home about that. I know that that is how we can create further change, through that education, and really call out this behaviour for what it is. While I do not really like to give the extremists the attention that they so desperately crave, their intolerance and their bigotry cannot go unanswered.

In terms of this bill, I will just touch a little bit on the offences and how they will be enforced. This bill expands offences and will extend existing powers available to police for the offence of public display of the Nazi symbol. A police officer will have powers to direct a person to remove from display a Nazi symbol or gesture, whether it is on private or public property, if the police officer reasonably believes an offence is being committed. Consistent with the existing offence, the bill also enables police to apply to the Magistrates' Court for a warrant to search premises and seize property that displays Nazi symbols or gestures and has a connection to or is evidence of committing that offence.

I know the government sought a variety of feedback from stakeholders, and I really thank those who engaged in that process. Your lived experience and your expertise have informed further work and this bill. Through this engagement I am confident that this bill appropriately gets that balance right in order to address the harm that is caused by the public expression of Nazism while ensuring that innocent gestures and displays cannot be captured.

As I have talked about, we know this Nazi ideology is rooted in hate and racism. Displaying the Nazi symbol promotes these harmful ideologies and can incite hatred, discrimination and violence against specific groups. We know that that harm can be profound. The use of this symbol is a painful reminder of horrific events and the suffering that they have caused. Banning the symbol and the salute and prohibiting the public display or performance of any symbol or gestures used by the Nazi party does help prevent the spread of ideologies and limits the recruitment and radicalisation of individuals. Even authorities such as ASIO have argued that neo-Nazis should be deprived of using such symbols to:

... raise their profile and to recruit new members.

ASIO has also indicated that banning the Nazi salute and other symbols would in fact assist law enforcement in early intervention.

In conclusion, this bill really does send a message that we will not tolerate this behaviour and these symbols and gestures in a democratic and inclusive society. I believe that we have seen the best of this Parliament in contributing to this bill, because even though the hate may be there, in our greatest days we here as members of Parliament and as a community need to have the backbone to stand up for what is right. We stand up for what is the best in us. To end on a positive note, we have a tremendously diverse community, and that is our state's greatest strength. We have the right to feel accepted, safe and included. The government is committed to protecting the rights of Victorians, free from racism

and free from vilification and hate. That is the kind of Victoria I stand for – a compassionate, accepting and safe Victorian community. I commend this bill to the house.

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (11:41): I also rise in support of this legislation. I am very glad to see that it is uniform across this chamber that everybody in this place wants to see an end to this behaviour. Acting Speaker Hamer, as you would know, we have a zero tolerance for hatred, for intolerance and for bigotry in this state, and this is legislation that speaks to just that. We are absolutely proud of our multicultural history in Victoria. The success of our state is our multicultural history and the people who live here and the lives that they have built for themselves, as people have come here to start new beginnings. It is something that we should absolutely be proud of, because it is at the heart of our prosperity as a state, our multicultural history. To fight against prejudice is something that we absolutely have to do, because it has no place in our state, it has no place in our country and in fact it should not have a place anywhere. I am really proud of our multicultural history. I know you are, Acting Speaker, and I think everybody in this place is.

As the Minister for Prevention of Family Violence, violence has no place in our state. Nazism is absolutely about hatred and about violence. Why else would we have particularly men standing out the front of this place, in black with masks on, using physicality in a violent way, occupying space in an intimidatory way? It is to develop hatred and division, and the result of it is violence. We know that this is the Nazi method. We saw this in Europe. Acting Speaker, I heard your speech, and I commend you for what you said. You know firsthand what that violence, what that hatred and what that bigotry does, and your family saw that all through Europe. They saw it in Germany. They saw it in Poland. I still cannot imagine what your dad went through in those years that he spent in a forest. I cannot imagine how anybody can rebuild their life after going through what they went through, because it is such a shame on humanity what happened in Europe. It personally affected your family, but there are people throughout this country who have family members in Europe who were all at the butt end of that hatred, that division and that violence of Nazism throughout Europe.

It has been mentioned in this place that they bombed the United Kingdom, they tore through France and they raped and pillaged through Greece. The hatred that is still in Greece for Nazism runs so strongly, as it does in Italy. I spent over a year in northern Italy in my early 20s. The hatred, the dislike and the embarrassment of fascism and of Nazism still hold true in Italy today. They abhor what happened to them. I have spent time in St Petersburg in Russia. There are people who had to endure the blockade that was in St Petersburg and those years of starvation in St Petersburg during the Second World War because of the Nazi occupation and them fighting against it to keep it away. There is the ripple effect of that. As you well know, it is that intergenerational trauma that stays with people. It is a ghost; it is a spectre that hangs around you. The way that the Nazis damage people – they damage the way that people think about themselves, they damage the way communities connect with themselves and they damage children. Your children will still carry some of what your family has been through, as will their children, because how do you forget? How do you let go of something so traumatic? You cannot. This is why we as a community have to do everything we can to stamp out this behaviour, because it is disgraceful. It is wrong and it is disgraceful, and I just cannot imagine how people think it is appropriate to stand out the front of this place and put up a Nazi salute. For what purpose? It is only to create division. It is only to create hatred. It is not to do anything constructive, because there is nothing constructive that comes out of Nazism. Nazism is by its very essence about destruction. That is all it is, and it is something that does not need to be seen and that we do not want to be seen.

I do not want this in my state. I do not want it in my country. I do not want it anywhere near me, because these are bad people. This is about being a bad person and doing bad things to others. I can well imagine that every one of those men who stood out there in black, masked up like the cowards that they are, would be descended from people across Europe who bore the brunt of Nazi destruction. Their families will have experienced, by whatever connection, something to do with the destruction the Nazis wrought on Europe. And you want to bring it to our country, you want to bring it to our

state? You want that hatred, that violence and that division in our state – for what purpose? You cannot achieve anything with Nazism. You cannot build anything with Nazism. You cannot create communities with Nazism, because Nazism by its very essence is about destruction. It is about destroying communities, it is about destroying families and it is about destroying culture, and that does not belong in this state, because these are the values that we embrace as a state.

We embrace diversity, we recognise the importance of diversity and we embrace the strength that diversity gives us. It is by diversity that we are strong, and we see this even with our gender strategy. We know how important it is to have women at the table making decisions. It is important to have people of different backgrounds, different perspectives and different life experiences in our community. That makes us stronger. To have Nazis makes us weaker, because Nazis are by their essence not just destroyers, they are weak. They are weak cowards who hide behind masks, who hide behind violence, who sit behind screens in basements causing destruction and causing hurt – and getting off on causing hurt. It is hard to see and it is hard to understand how they get excited and how they are energised by violence and by negativity. How can they be? There is something wrong with them, because Nazism is an absolutely horrible mindset. It is just horrible. How can you have so much hatred in your heart for someone you have never met before, for someone you know nothing about? How can you want to destroy them, their families, their communities and who they are connected to? How do you want to take away the beautiful culture that our diverse communities bring to our state?

A small example of this is that in a few weeks I am planning to go to the Jewish Museum of Australia to have a look at the Chagall exhibition. This is a beautiful thing that will be part of our culture, that is being brought to us – Jewish Belarusian culture. An artist who spent lots of time in France, Marc Chagall created beautiful art, and it celebrates so much of his Judaism. The colours, the movement and the symbols that he puts in his art are beautiful. So much of it is joyful. Why would anyone want to destroy that? Why would anyone not want to have that beauty available to them? Why would they not want to celebrate that and have that be part of their life? Why would you want to smash it? Because there is something wrong with you. The generosity of our multicultural communities who share their culture with us, who talk to us about their culture and who help us expand our own minds, our own intelligence and our own wisdom through sharing their cultures with us in this place – why would you want to destroy that? Because there is something wrong with you. What you are doing is wrong, and I am so glad that we as a government have zero tolerance for this kind of behaviour.

It is shameful that we have actually got to the point where we have got to outlaw it, because common sense would tell you it is not acceptable behaviour. It is not the way that people should behave, and it is not what people in this state accept as acceptable behaviour. It does fill me with despair that we have had to take this measure, but I am glad that we have and that we have sent this message. It is not acceptable. We will not tolerate this. We will put you in jail. We will make you stop this behaviour, because it has to stop. It is not reflective of this state. It is not reflective of our values. It is not reflective of who we are. Hatred, division and violence have absolutely no place in this state. I commend the legislation.

Dylan WIGHT (Tarneit) (11:51): It gives me absolute pleasure today to rise to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. Just before I do, I would like to acknowledge, Acting Speaker Hamer, how much this piece of legislation means to you and your family and also acknowledge the contribution that you made yesterday. This bill, unfortunately, is absolutely critical in addressing the harm caused by public displays of the Nazi salute. I said it gives me pleasure to rise to speak on this bill, but quite frankly it gives me absolute displeasure, and I am absolutely surprised that we have to rise and speak on this bill and take these measures in 2023.

I represent a community in the west of Melbourne, Tarneit, that does not have a large Jewish community within it, but I represent a community that absolutely knows what it feels like to be subjected to racism, to be subjected to hatred and to be excluded. This state, Victoria, prides itself on its rich diversity, and it has become a home for so many people from a range of cultures, religions and backgrounds. There is no room here for racism, and there is no room here for antisemitism. Every

individual, irrespective of their background, should feel safe, accepted and celebrated in this state. We know, because we have seen it and have seen it on the steps of this place – a place of democracy and a place that is here to support absolutely everybody in this state – that there is a rise in people using the Nazi salute and using Nazi symbols, and we know that that rise has been used to harass, to intimidate and to inflict psychological harm upon some in our community. As I said, we have witnessed firsthand how these symbols are not a mere relic of the past but active tools of hatred aiming to evoke the horrors of the Holocaust and the brutalities of the Nazi regime.

This bill will ensure that these disgusting actions have absolutely no home in Victoria. On 18 March this year, we saw members of the National Socialist Network repeatedly perform the Nazi salute at a protest on the steps of this place. I was not in the city that day, but from watching the news that evening and looking at social media, that was one of the more disgusting and abhorrent displays that I have seen from a bunch of cowards, and they are nothing more than that – a bunch of absolute cowards. It was one of the more abhorrent displays that I have ever seen – to come to the steps of this place and use that symbol and that salute that evoke so much hatred but also bring up so much emotion amongst some in our community because of what has happened in the past. To not only do that but to also do it in support of an anti-trans rally was absolutely disgusting. How many parts of our community, how many parts of our state, would you like to marginalise at one time? What happened on 18 March was abhorrent. It was following this that the Attorney-General and the Premier announced their commitment to banning the Nazi salute, and that is why we are here today.

Last year we took our first step in this space by implementing the Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022, which of course made it an offence to publicly display the swastika. However, these challenges have unfortunately evolved, which is why we are here debating this piece of legislation today. This disturbing trend of increasing public performances of the Nazi salute has shown us that unfortunately our work is far from done. The act of individuals brandishing the Nazi salute on Parliament's steps earlier this year further emphasised the urgency of additional legislation. The sentiment is clear: such symbols of hatred have absolutely no place in our state.

To go to the crux of the bill, it prohibits the public display or performance of any symbol or gesture used by the Nazi party and its associated paramilitary groups. The bill will expressly list the Nazi salute as a banned Nazi gesture along with what we did last year. It will be an offence for a person to intentionally display in a public place or in sight of a person in a public place a Nazi symbol or gesture if the person knows, or ought reasonably to know, that the symbol or gesture is a Nazi symbol or Nazi gesture. It will also be an offence for a person to intentionally perform in a public place or in sight of a person in a public place a Nazi gesture if that person knows, or ought reasonably to know, that the gesture is a Nazi gesture. The bill will cover a range of other symbols or gestures as well.

At its core this bill aims to address and mitigate the harm caused by these symbols, and as we know, these symbols and these gestures cause significant harm. To be clear, this legislation does not just target any symbol vaguely linked to Nazi ideology; instead, it specifically addresses symbols and gestures used by the historical Nazi party, which of course was active between 1920 and 1945. This is a crucial distinction. It safeguards innocent symbols and gestures from being misrepresented, ensuring that the common okay sign or a friendly wave is not mistaken for something more sinister. Additionally, we recognise the need for exemptions, so symbols used for genuine academic, artistic, educational or scientific purposes or used in opposition to fascism and related ideologies will not fall under the purview of this legislation. However, given the potent nature of the Nazi salute, its performance will not find exceptions. Such gestures when used out of context hold the power to evoke fear, pain and trauma. The bill also includes exceptions for the display of a Nazi symbol or gesture by means of tattooing or other like processes and for law enforcement or administration of justice purposes.

I will repeat my remarks from the beginning of my contribution. It gives me absolutely great displeasure that in 2023 I stand here debating a bill to ban the Nazi salute. The notion that we have to be in here because of the actions of a group of absolute cowards on the steps of Parliament earlier this year and in other places in our state – the notion that we have to be here doing this – is absolutely

disgusting. It is absurd, but unfortunately it is absolutely needed. Racism has no place in our state, and I commend the bill to the house.

Iwan WALTERS (Greenvale) (12:01): I rise to contribute as well on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, which seeks to amend the Summary Offences Act 1966, and I do so not with pleasure, as with so many contributions to this place, but out of a sense of profound obligation. The intent of this bill and the reasons why it is unfortunately so necessary have been well traversed by speakers in the debate so far. I just want to reflect on the fact that Nazi symbols are a reminder of one of the darkest times, if not the darkest time, in humanity – the murder and the attempted eradication of Jewish people from the face of the earth, among other targeted groups. By the end of the Second World War, after 12 years of Nazi tyranny in Germany, 6 million Jews or two-thirds of the prewar Jewish population of Europe, including at least 1 million children, and approximately 12.5 million others – Poles, Sinti, people with a disability and many other minority groups – had been murdered by the people who comprised the Nazi regime. I do draw that distinction between people and regime, because that number is so gargantuan, those numbers are so enormous, that it can be perhaps too easy to view the Holocaust as an abstract and to apportion blame to a regime. But it was human beings with agency who forced men, women and children into the cattle trucks, who forced Jewish people to dig mass graves and then shot them or buried them alive during the advance across Poland. It was human beings who built and operated the gas chambers. The Holocaust was the product of human choices and must stand as an eternal reminder of humanity's capacity for evil and the responsibility of government in legislating just laws to combat that evil.

I want to acknowledge some of the extraordinary contributions not just in this debate but in consideration of this bill, particularly from the member for Malvern, the member for Caulfield and the member for Box Hill, who talked about his family's personal experience of the Holocaust – the complete eradication of any history of Jewish occupation of his family's village in Poland – and also the members for Monbulk, Northcote and Narracan. The member for Brighton quoted a Holocaust survivor who reflected that a symbol can incite hate in the same way that a word can, and unfortunately we have learned from history very well that incitement to hatred through words, symbols and gestures is a precursor to violence if it is not addressed quickly and decisively. Normalising hate symbols is the first step towards desensitising people to abhorrent behaviour, and it is the first step to forgetting and enabling history to repeat. That is why the behaviour on the steps of this place on 18 March and the behaviour of pathetic, weak, ignorant men in the Grampians in 2021 is so significant.

The members of my community know very well how symbols can terrorise. As the minister at the table, the member for Kalkallo, knows, our community is home to many who have escaped tyranny, persecution and murder in Iraq and Syria, and for them the ISIS flag is a pernicious symbol of hatred, among other symbols of ISIS. The now shadow Northern Ireland secretary in the UK in a very memorable speech in the House of Commons in December 2015 drew a comparison between ISIS and fascism and Nazis, and I think it is an important reminder that these behaviours are not unique to Nazis. They can prevail in other parts of the world, and people have referenced the Rwandan genocide. But it does emphasise the point that symbols matter and symbols can terrorise and hurt.

Much of my youth may have been misspent, but one of the more important periods was my study of history. I particularly focused on middle 20th-century German history, primarily because I was always confounded by a question that many historians continue to ponder: why and how did the Holocaust come about? How could the country of Goethe and Beethoven and the scientific genius that led to the most advanced industrial economy in the world by the turn of the 20th century have perpetrated what we are all talking about today, the Holocaust – the murder of 6 million Jews and 12.5 million others in the space of 12 years? How could that bestiality, that depravity and that tyranny have come about from a country, a civilisation and a society that had been so accomplished in so many other areas?

Under the Weimar Republic, between 1919 and 1933, German Jews played a major role in politics and diplomacy for the first time in their history and strengthened their position in financial and economic affairs. Hugo Preuß was the interior minister who wrote the first draft of the liberal Weimar

constitution. Walter Rathenau was the chairman of an industrial conglomerate known as AEG, which still exists, and the head of the German Democratic Party, who served as foreign minister in 1922. So how, only a few short years later, could that industrial might of a world-leading economy have been perverted to seek the systematic state-sponsored and directed extermination of an entire people?

I think it is a point that we need to reflect upon, because it can be too easy to look at some of the actions we are seeing in Victoria, the pathetic spectacle of men parading around with masks and absurd clothes performing the Nazi salute and waving and parading Nazi symbols, and to find it in some respects faintly comic. But there is nothing comic about it, just as there was not in fact anything comic about an absurd man with an absurd moustache and his pathetic friends in a Munich beer hall in the early 1920s, because the consequences of the normalisation of that hatred, of those symbols, of, as I say, that depraved attitude towards their fellow humanity led in very short order to the near destruction of European Jewry and so many other minority groups.

This has been something which I have always felt a human connection to. I am immensely proud of my family's service in fighting Nazism during the war in the Commonwealth and American armies, in fighting the Nazis in northern Italy, as the member Monbulk has reflected upon, and that has given me a sense of a tangible connection to the war and to the cause in which it was fought. But I fear that the breakdown of that lived experience and history becoming forgotten and lost is perhaps resulting in the increasing and disgustingly casual use of Nazi symbology, born of ignorance and hate and callousness.

It is an insult to the 6 million Jews who were murdered, to the millions of Poles and minority groups who were murdered, to the millions who were brutalised and beaten and starved and who still carry the burden and trauma of that for the rest of their lives. It is an insult to every survivor of the Holocaust, and I note that Melbourne was home to 38,000 Holocaust survivors, a denser concentration than any other location in the world outside of Israel. It is an insult to every veteran, Australian and otherwise, who fought the Nazi regime to preserve the light of freedom and liberty; to every Jewish Australian; and to all those who have made an immense contribution to our city and to our state and to our country. It is an insult to people like John Monash, who I think is the greatest Australian, who led our country during the Great War, who arguably won the Great War, who then rebuilt modern Victoria as the chairman of the SEC, who was the vice-chancellor of Melbourne University and who we commemorate in so many institutions across our state. But as we move further away in time from the events of the Holocaust, it is essential that we do not allow the lessons of that history to be forgotten because that brings us one step closer to those events being repeated.

Education is important. It does play a role. I want to touch on part of the contribution of the member for Malvern, who reflected upon the contribution of Liberty Victoria through the consultation process, and I thank the Attorney-General and her team for engaging in such an exhaustive consultation process. Liberty Victoria oppose this legislation, believing that education instead is the route. I do not see them as remotely mutually exclusive propositions. Education and enforcement both have a role to play. I want to acknowledge the schools in my electorate, like Kolbe Catholic College in Greenvale, and the work that they do to ensure that the memory of the Holocaust and the destruction in Europe in the war is never forgotten. Their namesake, Saint Maximilian Kolbe, was a Polish Catholic priest. At the end of 1941 a prisoner escaped the Auschwitz camp where Maximilian Kolbe was interned. The camp commandant picked 10 men to be starved to death in an underground bunker, and one of the men cried out, 'My wife and my children'. Kolbe volunteered to take his place. He was starved along with other prisoners in a bunker for two weeks, although he remained alive, at which point the guards murdered him and four remaining prisoners with lethal injections of carbolic acid. It is one story among millions, but it provides a chilling insight into the casual brutality and inhumanity of that regime.

That is why this bill is so important. It is an opportunity for us to draw a line in the sand regarding the ethical standards by which we choose to live in a liberal democratic society. It reflects our government's commitment to the very challenging task of balancing societal expectations, protecting

religious rights and preserving freedom of speech. I think this bill does that. I commend it wholeheartedly to the house.

Sarah CONNOLLY (Laverton) (12:11): I too rise to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. I usually stand in this place to say it gives me a great deal of pleasure to rise to speak on bills before the house, but today I do because I think it is everyone's duty to speak here in this place and support a bill that is fighting back against the most abhorrent regime the world has ever known. Before I make my contribution I just do want to say that I cannot believe we are having to stand here in this place talking about introducing and passing legislation on the Nazi salute, following on from other bills that we have put through this house to try and do something about the rise of this right-wing, abhorrent extremism that seems to be seeping into countries like Australia and indeed here in Victoria and Melbourne.

I am deeply, deeply disappointed and disgusted by the people that have acted and turned up to places, not just here in Parliament – I am going to talk about my electorate of Laverton and in particular Sunshine West. You may have read in the newspaper about having a Nazi-affiliated gym, of all things, in the heart of Sunshine West, a very, very multicultural place full of people from all cultures and backgrounds that came to Australia, landed here in Melbourne and made their home here, because they had escaped such violence and devastation inflicted by the Nazis during and after World War II. I cannot believe that a place can exist in the heart of Sunshine West that supports such views and is so blatant and appears to be so disgustingly proud in showcasing what they stand for. As the member for Greenvale has just talked about, it is not just abhorrent, it is depraved. I feel quite disgusted that I have to stand here and talk on this.

I do feel that in recent times, during COVID and now post, we have seen those people turn up and stand in front of this place on numerous occasions, particularly turning up to again inflict fear, hatred and pain towards our LGBTIQ community. When I bring my children to this place to have wonderful, happy outings here in the heart of Melbourne, which is a beautiful, fabulous, multicultural, exciting city to live in and experience, every now and then there is something happening up here and I have to now think to myself, is that going to involve the Nazis that I have seen here previously, because quite frankly I do not want my children exposed to such abhorrent, depraved people, practices and values. They have no place and have never had any place, not only in Australian history but in the world's history, as the member for Greenvale – I have just sat through his quite moving contribution – talked about. Others here in this chamber have also talked about it, have contributed and have had lived experience – and I am pointing to the member for Box Hill, who has talked openly in this place about the history that his family experienced and went through firsthand. It has no place in our society – no place – whether it is here in Victoria or other parts of the world or in Sunshine West, quite frankly.

What we do know in this place – and I do not think you have to be a member of Parliament; quite rightly, you can just be regular folks living your normal life in Victoria, and you can read about it in the paper if you have not walked past some of these protests here in Melbourne recently – is that with extremism and Nazism, people appear to be becoming emboldened, and it is happening more often. It is happening too often. It is something that is happening all over the world, as unfortunately right-wing parties right across this globe are falling further into extremism. It is something I do not think, in my 42 years here, I have seen, and it is very, very concerning and alarming. We have been particularly fortunate in Australia that none of our major parties have flirted with this extremist element. I will say that. I generally think that it is a good thing that our approach to opposing Nazism, and indeed the hate and vitriol that always accompany it and always have, is a bipartisan approach. The member for Caulfield talks passionately in his contributions about the need to fight back and stamp this type of behaviour out. It is a bipartisan approach, and it always should be.

Despite that, we know that Nazis have nevertheless been emboldened. In 2021 we saw a troop of them terrorise hikers in the Grampians, shortly before the swastika was banned. Now, many here would know that we have seen an unfortunate number of Nazi demonstrations across our community this year alone, and the minister outlined at least nine instances in 2023 when groups and individuals have

publicly performed the salute. I mean, really? Get real. Is this where we are at? This of course included the unfortunate public display at that hateful rally that took place outside this place in March, when Nazis attended an anti-trans rally to protest and spread hate and bigotry towards the LGBTIQ community.

As I said before, unfortunately in my own electorate of Laverton we have had a neo-Nazi presence right in the heart of our community in that gym operating out of Sunshine West. I have not spoken about that until now in this place because I do not wish to give any airtime at all to the practices that perhaps go on at that place, but I do want to take the opportunity to acknowledge those in our local community in Brimbank who took to the streets, no less than three times last year alone, to protest against this unfortunate presence.

The Sunshine community has an incredible history, with many, many different people from many different backgrounds. It is vibrant and it is a diverse community, and this kind of hatred has no place there. This is a community that was built in the postwar migration period. When I am out on the street or when I am doing my street stalls or indeed attending many of the senior multicultural citizen groups – and there are a lot of them now, because remember those migrants are starting to get older – they talk about what life was like and how they arrived in Melbourne and ended up in Melbourne’s west in places like Sunshine and Sunshine West, and importantly why they came here and what life was like, but also who they left behind. There are many of us. There are refugees from the Vietnam War. We have got Greeks, we have got Italians, we have got Poles and we have got Ukrainians. The Ukrainians were telling me incredible stories when I visited them recently to talk about the situation in Ukraine. Many of them were reflecting on family members who during World War II were taken – dare I say kidnapped – from the fields of their farms, never to return to their home towns and see their families again. Indeed after the war many of them were not welcomed back into those towns and had to leave and find a new life, and they came to places like Australia and Melbourne and then made their home in Sunshine West.

I do want to acknowledge a constituent who contacted my office a couple of weeks back. I will not say her name because I am conscious about her safety – she is an out and proud trans woman living in Sunshine West. She was really worried about living in an area where there is a presence of neo-Nazis identified who are openly having gatherings and being quite emboldened to have those principles and practices like salutes on display in the community. She felt fearful for her own safety, let alone prejudice and other things. She cannot help who she is, and she is proud to be who she is, but she was worried about her safety. It is not just people who are from our trans and LGBTIQ community that are worried for their safety. Australians know or should know the history of what happened in World War II – what it means to be a Nazi. Engaging in practices like neo-Nazi salutes is something that should be banned. I am very proud to stand here, speak and commend this bill to the house.

Matt FREGON (Ashwood) (12:21): I rise to also speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. As many members have said, I do so with a sense of sadness that we must do this at all. The scenes that we have seen not only on the steps of Parliament but certainly a number of times outside this very chamber are, and I think should be, distressing to every Victorian. There is no silver lining to the idiots who are outside. I doubt they even have a clear understanding of what they are representing.

I have been able to sit in the chair for a number of hours over the last day, and at the very least this chamber has shown that all of us who represent all Victorians stand as one on this. As other members have said, Victoria is, if not the best, one of the best demonstrations of a multicultural, tolerant society. It is something that I think every member without a doubt, in this house and the other place, takes as a matter of pride every day we get up to do this wonderful job we are given. Part of what makes that possible in Victoria is tolerance; we have a sense of tolerance that brings us together as a society. One of the sad ironies about this bill is that we must, for very good reason, draw the line on what we cannot tolerate. This bill draws that line, and it says no. It says no for the 6 million innocent people of Jewish faith that were slaughtered systematically 80-odd years ago. It says no for the 11 or 12 million other

people – for no other reason than being themselves – that were also slaughtered. But as many members have said, it not only says no for those souls that we have lost to history, it says no for everyone else that has lived since that moment.

I want to commend every member I have heard speak: the members for Malvern, Box Hill, Caulfield, Monbulk – I could literally name everyone. The contributions have been heartfelt, sincere and honest. Politics has not played a part in any of this, and to be fair, this is the Parliament at its best. But I do not take any pride in that, in the sense that it is the least that we could do.

Other members have mentioned the Melbourne Holocaust Museum, which I attended in 2019. For those who have not been, you really should go. I think it is a testament to the Victorian Jewish community that they hold dear the sense of ‘never again’. As other members have said, this bill will not fix the problem by itself, but this is a necessary step to draw that line, to give our police the powers that they need and for our whole society to come together and say no. There is still education to be done – others have mentioned inclusion in our school curriculum – to make sure that our next generation of Victorians understand the severity of what occurred, and we must not forget, not only for the memories of those who have had their lives taken or affected but also so that it will never happen again. We cannot just put it on the shelf and go, ‘We’ve dealt with that now and it’s never going to happen again’ – because it did happen.

As the member for Greenvale mentioned, it boggles the mind how a society could accept or turn the other way with this going on. I cannot conceive of the world that I know allowing that to exist with us. But the very fact that it happened and we know it happened means that it can, and if it has happened before – and I hope it never happens again, and it is up to us to make sure it does not – it is conceivable that it could. So every day that we say no, every day that we draw that line, we are doing our best to tell all Victorians that it is not okay and we are turning up to make sure it is not happening today.

Recently the member for Box Hill organised a meeting – and I am pretty sure the member for Caulfield organised another very similar meeting – where they were discussing a survey, as others mentioned, about antisemitic behaviour in our universities. I think the thing that concerned me the most and shocked me the most about some of the stories we heard was a young woman who said, and I hope I am not paraphrasing too widely, that she was in a class and someone else in the class said to her something to the effect of ‘Well, we all know’ – which is never a good start to an argument – ‘that Jewish people are violent’. I mean, it is the dumbest thing. But what shocked me even more than such a stupid, racist, intolerable comment was that no-one called it out. We cannot allow this to happen while we are watching.

Today the Parliament is saying, this is not happening on our watch. We are not going to tolerate this. We draw the line. To the idiots who somehow – and I do not know how – find merit in racism, antisemitism and just being a downright clown, the answer is no. It is not on. Victoria does not agree with you, and you are outside the conversation. Our democracy stands on the ability of us to all have our say. As others have mentioned, freedom of speech is important. I might have arguments with my wife on whether there are moral absolutes in this world, and I think we both agree that I usually see grey in everything – but not in this. This is an absolute. The Nazi regime was evil. It is that simple. This bill states that. The people in Victoria will not tolerate this. I commend the bill to the house.

Sam GROTH (Nepean) (12:31): I rise to contribute to this bill, the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, and as many who have stood and spoken before me, I am not pleased to do so. It is with a heavy heart and sadness that I do. I do want to commend every member, as those who have spoken before me have, for their contributions on this bill. The member for Malvern articulated his reply to the second reading very well, and the member for Caulfield on our side and then the member for Bulleen. The member for Box Hill is still sitting in this chamber, and I can see the hurt that he feels as this bill is debated. What you and your family have gone through no-one should have to experience ever again, or experience the hatred that we have seen outside of this place over recent times.

Personally, I remember a few years ago – it was as a private citizen before being in this place – seeing the rise of neo-Nazis on current affairs programs on TV here in this state and thinking, how does this exist in this day and age in Melbourne, in Victoria, in Australia. I have been lucky enough to travel to many parts of the world, and I think there is probably no place more accepting of multicultural communities, of differences in faith and of differences of opinion or views. To think that this was going on in the shadows in this city, online and behind closed doors is abhorrent enough and disgusting enough in itself, but then to see them becoming more angry, more agitated and coming out into the public domain – it is almost hard to put into words how disgraceful that behaviour is. It is hard for me to find words to describe the feeling that I feel when I see that and the feeling that I feel when I see people like the member for Caulfield and the member for Box Hill and how much it actually hurts them. There should be no place for this. While there are some amendments to this bill from the member for Malvern – and I urge the government to take those up, and I mention that quickly – the fact is that this whole chamber, every member in here on behalf of the Victorian people, stands united on this bill. I think it is the right thing to do, and I hope that we never, ever see these sorts of behaviours in this state or anywhere else ever again.

The Holocaust is probably the greatest atrocity in human history. The fact is that Nazis attempted to murder every single Jew in Europe, over 6 million of them. We hope we never see something like that again. We will do everything we can to never, ever see something like that ever again. As I said, it is sad to have to debate this legislation, but we cannot continue to see that behaviour, and there is no place for that at all. It is not just about the Nazis and their targeting of the Jewish community; it is their hatred for anybody who thinks differently or expresses anything different or who is multiculturally different to that group of people. In my eyes it is disgusting. It is anyone: our LGBTIQ+ community, the physically and mentally disabled – they target the most vulnerable in our community.

I remember the member for Tarneit said they are weak. The minister at the table at the time, the member for Eltham, said they are weak, they are cowards, they hide in the shadows and they target people who are seen or they see to be weaker than them. They target the most vulnerable in our community, the people that I believe are the reason a lot of us sit in this place – the people that we want to be standing up for, those people that do not have a voice or do not always have the strongest voice. That is who they target, and there is no place for it. They have such a narrow view of the world, and anyone who does not fit into their box is who they target, and it is disgraceful. We know there is such a huge Jewish community, and I appreciate the member for Greenvale's comments around the numbers. We know the contribution that that community has made to this city, to this state and to Australia. I have been lucky enough many times to travel to Israel, and I have many, many friends from Israel as a whole. I stand with them today in speaking in this place in support of this bill.

I do not have too much more to add other than to say that we should never, ever see this behaviour. What happened to the member for Box Hill's family should never have happened. We should never, ever see those people in black pyjamas, hidden behind masks, hiding behind ideology that is unacceptable, that is abhorrent, that is disgusting and that is disgraceful and showing symbols of hate – the Nazi salute of hate. We should never, ever see that again, and I commend this bill to the house.

Tim RICHARDSON (Mordialloc) (12:36): I rise to speak on the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. It is troubling in our community and in our state and society that we need to rise and reflect at this time on the epitome of hatred. The epitome of dehumanisation is anything that symbolises or is associated with the ideology of Nazis. It is in living memory of so many people, and we are still aware of that trauma of the more than 70 million people that died during World War II and the 6 million Jews. It is an extraordinary thing to try to comprehend – the scale of inhumanity, of hatred and of pure evil. But it happened, and it happened in living memory of so many people and people that share their lived experience. That is harrowing. I reflect also on the contribution of the member for Clarinda, who shared the story out of Cambodia. We have seen examples where genocide and dehumanisation of people have led to millions being murdered and killed. The notion that anyone sees that as something to associate with, celebrate or glorify is really troubling.

There is an interesting fringe to some of this movement that comes from this ultrapatriotism and analogous collaborations which we see almost glorifying and trying to lean into that patriotism around Australia, which is really troubling. That then flows into neo-Nazism. There are parents and grandparents who fought regimes like the Nazis for the freedoms that underpin our values today, and the notion that those individuals would try to make an analogy is truly extraordinary, puzzling and troubling.

I know that some people have talked about education and talked about awareness. We see an intentional attempt to radicalise. There is terrorism in our state – this is what it should be called out as. There is an extremist ideology that has all the hallmarks of radical terrorism in Victoria. That is why our Australian Federal Police and ASIO are so concerned. Almost half of the referrals and work they do are about far-right or neo-Nazi elements. So we have to be aware and call that out for what it is, because silence in this space has led to atrocities, impacts and erosions of democratic values and outcomes in the decades before. We have lived experience, we have examples.

When I go to the lived experience, I want to say something about those that share their stories. I follow Auschwitz Memorial on Twitter. Each day I see a feed pop up; the algorithm sees that I clearly search for that. It is so harrowing to think of that lived experience and the stories of each and every person that have come before. If anyone is not following it, I really encourage them to follow that page and to always check in on their awareness of the atrocities that humanity can bring. Do not just say ‘6 million’ or say numbers but think about the individual stories and the generations that were never to be from those lost and taken before. That is the true scale and ferocity of inhumanity. The survivors of the Holocaust and the brutality that came to so many people who share their lived experience, who go through a huge amount of trauma to educate others and generations to come – we owe a huge debt of gratitude to them. This is not just academic, it is real. It is their lived outcomes of families and loved ones and communities that are no more. We pay our deepest and most profound respect and appreciation for what they do to educate others. We must remember and always reflect on their sacrifices and how that retraumatises communities over and over and over.

There is an important moment here, though. When these things happen – where we see the glorification of terrorism, of hatred and of ideology that is symbolised by Nazis – we as a collective democracy in this community must call that out. As the years pass on, we must reach back and educate more and more of our communities on what has come before. This is a reminder again of why symbols of hate need to be called out. Even the mere association with this undermines the values that underpin our democracy and a freethinking and fair society. Even the association, whatever the intent, needs to be substantially called into order, and that is what this summary offences bill does. It says that as a freethinking and inclusive society in Victoria, we will challenge and we will always call out this hate-filled behaviour that devalues so many people, that was such a horrific moment in our history and that impacted on the world and still has ramifications around our globe. The real moment in time here is to reflect that we always need to be on guard. We need to always be aware of what has come before. We will see people that try to glorify and idealise symbols of hate, and we need to be aware of that. This is a moment for all members of Parliament to call that out and state why this is so important. The media coverage of this has been really inclusive around educating, in that moment, why we challenge that. Empowering Victoria Police in those moments where we see an attack on people is really key.

I used to have the honour and opportunity to work for the federal member for Isaacs and Attorney-General Mark Dreyfus. I had an academic understanding of risk from my time in government – in state and then in federal – but I did not realise the personal toll that this takes on our community, particularly on an elected representative of his standing. I will not go into too much detail but will say that this is an ever-present concern. Each and every day, people are impacted in our community. The member for Bentleigh and the member for Box Hill described some of those risks and those intersections. We see a scaling up of discrimination and its impact on our Jewish Victorians. Not only through this bill and not just in the collective will of banning and alienating these symbols of hatred

and what I would term acts of terrorism, but we need to go further into education and understanding so that those that may not have an academic knowledge get that awareness and that inclusion.

I saw this play out really importantly at my local secondary college, Parkdale Secondary College. We got to meet an incredible person, Edith Gluck, who was at that time a 93-year-old Holocaust survivor. Her gentleness, her point of reflection and the power that that moment left a few years ago will live with me forever. That was just being in her presence, let alone thinking of her lived experience and the trauma that had gone before to get to that point to tell that story. The impact that that had on secondary students at Parkdale Secondary will live with them through their education and learning. That is an important opportunity and moment. It is why in secondary education, in primary education and in that ongoing understanding in our community when we front up to understand on Anzac Day and on Remembrance Day we have a peripheral view of what happens when we dehumanise people and what happens when faith, when individuals and when communities are targeted and impacted – and there were so many communities that were impacted during World War II and that were murdered and targeted.

This bill is a moment in time to reflect on what we do not stand for and what we call out. There are in circumstances things that are so offensive and so impactful that even a gesture embodies so much trauma and so much hatred that it is a symbol that we should really detest. This is about our standards in the community and what we stand for and what we accept. We have seen it in our community as well as some elements have tried to establish what they call ‘gyms’ but really are recruitment exercises. I think that is one of the messages as well. Our law enforcement agencies, our federal police and ASIO need to be empowered and emboldened to make sure that terrorist elements in Victoria and across our nation are called out as such.

This is not just the fringe, this is not just people that have gone astray; this is a meticulous, articulated strategy for the escalation of neo-Nazis in Victoria. There is a reason that they target certain moments of division in community, because it is all about recruitment. It is all about scaling up. That is why the banning of symbols and salutes and the constant vigilance and ongoing education, which traumatises a lot of people, is so important, is so critical. This bill is really important for our communities, and I commend it to the house.

Brad ROWSWELL (Sandringham) (12:46): I rise to address the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023, and I am delighted to do so after the member for Mordialloc and after the contributions of my colleagues as well. I note the presence at the table of the former Speaker of the Assembly, the member for Bundoora, and he and you especially, Deputy Speaker, will know better than most that there are not very many opportunities in this place for the unity that we have seen throughout the course of this debate. That is a great credit to this place. It is a great credit to the members who have contributed to this debate so far. Although I was not scheduled initially to speak on this particular bill, given the unity and the way in which this debate has been carried so far, I thought it only appropriate to add some short remarks through my own lens.

The obligation of every single one of us is to respect every other human, to treat them with regard, to treat them with respect and to value people for who they are. If you see the world through those eyes, there is no place for hatred and there is no place for some of the atrocities that have been committed against the Jewish people in the course of our history. I am pleased to be part of a coalition team that championed initially the banning of Nazi symbols in the last Parliament. I am pleased that the government saw goodness and purity of intent in the conversation that the member for Caulfield initiated amongst my colleagues in the last Parliament, and I am pleased to see the progression of this bill through the Parliament. I do note the amendments moved by the member for Malvern, and I think that if the Parliament gives consideration and agrees to the amendments circulated by the member for Malvern, which I believe to have been made in good faith in a way that does not seek to undermine the policy intent of this bill on behalf of the government but aims in fact to in strengthen that intent, Victoria will be a better place for it. I commend the amendments circulated by the member for Malvern in the chamber and respectfully request that the government give them due consideration – if not in this place, then in the other place – in due time.

I also note that this bill has been introduced at a time of increasing concern about the public display of neo-Nazi and antisemitic behaviour in our community. My personal belief is that that rise in activity is absolutely shameful. It does not reflect Victoria, it does not reflect Australia and it does not reflect the best of us. I also note, and as members previously have addressed, the horrid acts on the steps of this place. I have said before in this place, and I will say it again now: the Parliament is the very foundational institution of our democracy. To those men, those neo-Nazis, who stood on the steps of this place and did what they did: that is an absolute and utter disgrace. There should be no place for that in our community, and I am hoping that with the passing of this legislation we will empower Victoria Police to do the right thing and to uphold the community standards which we all hold so dear.

It is again a reason why I believe the member for Malvern's amendment to the bill should be introduced, because it would give police officers not only the opportunity to hold people for performing such a vile act, a salute, but effectively another opportunity to – if police issued a direction for those people to stop doing that and they did not do that – charge those people or to pursue a case against those people, not once but twice. I think that the member for Malvern's amendment again strengthens the bill and strengthens the policy intent of the government.

I am also pleased that there are quite practical exemptions in this bill which allow for genuine academic, artistic, educational, or scientific purposes and the making or publishing of a fair and accurate report of any event or matter of public interest. I think that is important because in introducing this legislation we must not seek to discredit or wipe away the history of the past, but we also must seek to be pragmatic and practical about that history of the past and use it as an instructive opportunity for the future. I am pleased that on this side of the house we support this legislation, and again I commend, for the consideration of all members, especially government members, the amendments moved by the member for Malvern.

Colin BROOKS (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (12:53): The Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 is a fairly small bill – nine pages – but carefully thought through, well consulted and incredibly important. As small as this bill is, it is probably one of the most important pieces of legislation that this Parliament will deal with in this session, because it says something about who we are as a state and as a community. As other speakers have spoken so eloquently, I want to commend everybody on all sides of the house who have contributed to this debate and thank them for their support of the bill and the way in which the debate has been conducted. I heard yesterday the passionate contributions of the member for Box Hill, the member for Caulfield, the member for Monbulk, the member for Bulleen and many, many others who recounted family, personal and community connections to the evils of the Holocaust and the evils that Nazism brought to so many parts of the world.

This bill, following the previous legislation to ban Nazi symbols, is a bill that says very clearly that we will meet Nazism wherever it rears its head. 'Criticisms' is probably the wrong word, but one of the concerns that has been raised about the approach of banning the symbols and the gestures that these two pieces of legislation have brought forward is that it is a bit like treating the symptoms, if you like, or playing whack-a-mole, which I think was a quote from one respected advocate in this space. I will come back to the broader piece of work that is being done, but it is important to recognise that it is still important to meet these challenges when they arise, whether they are symbols or gestures. Wherever Nazism raises its ugly head we need to push back on it really hard as a community, and it is so great to see the Parliament of Victoria taking a strong stand on these matters.

It is important to recognise that this is not a piece of legislation that should be viewed in isolation. It goes to the bipartisan support that we have seen over decades in this place for multiculturalism in this state and for support for our diverse communities in this state. It goes to the support that is delivered in terms of budgets for multicultural communities, for First Nations people and for gender-diverse communities, and it is no surprise that when we have seen those Nazis out the front of this place on a number of occasions it has been around protests against the trans community or against First Nations

rights in terms of the referendum coming up. This is an ideology that targets minorities, and it is so good to be part of a state that stands together with every part of our community. We value all Victorians, and this legislation ensures that those people who would seek to divide us and to persecute those that they think they can pick on – the weakest – will be rudely surprised by the views of the Victorian community, which will say, as we have through the Parliament here today and yesterday, that we will stand with all Victorians and push back on that evil ideology.

It is important that we continue consultation on our anti-vilification reforms more broadly. This is a broader piece of work to ensure that we broaden our legislation that is currently in the Racial and Religious Tolerance Act 2001 to look at the different attributes that people are vilified about and at the same time give that sort of legislation more teeth to ensure that when people commit acts of vilification and they deliberately seek to perpetrate hatred on people and diverse communities there are ramifications for people who do that, who would seek to divide us and take us down that path.

It is also important that we never forget the lessons of the Holocaust, and I want to pay tribute, as others have, to the work of the Holocaust Museum of Australia – an incredible testament to our wonderful Jewish community here in Victoria. Many people have spoken about the strength of our Jewish community, the generosity of our Jewish community, not only to look after their own community but to reach out and share the hard lessons that they have learned through so much pain over the journey to protect other communities, to make our community better. I have had the privilege of being multicultural affairs minister previously and working with organisations like the Jewish Community Council of Victoria, Zionism Victoria, the Anti-Defamation Commission, the Community Security Group and so many others and have had the privilege of visiting so many synagogues and communities and having so many discussions. It is a wonderful community. It is such a vibrant part of our society here in Victoria. The Holocaust museum does that education work, and I am very proud of being part of a state where we have funding for mandatory Holocaust education in schools to make sure that our young people are aware of the dangers of extremism.

That is the danger that we are addressing through this legislation – that those people that we saw out the front, those people who purport to be Nazis, will seek to play on people's fears and prejudices, and this government, this Parliament, through this legislation, is saying, 'No, we will meet that at every step of the way'. I hope that when we come to debate the anti-vilification legislation, we can do it in the same manner in which we have discussed this legislation – that is, one of bipartisan strength in favour of our wonderful, diverse Victorian community.

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

Business interrupted under standing orders.

The SPEAKER: Can I acknowledge in the gallery a former member for Ballarat East and Buninyong, Geoff Howard.

Members

Minister for Veterans

Absence

Jacinta ALLAN (Bendigo East – Premier) (14:02): I rise to inform the house that today the Minister for Casino, Gaming and Liquor Regulation will answer questions for the portfolios of veterans, small business and youth.

Questions without notice and ministers statements

Bail laws

John PESUTTO (Hawthorn – Leader of the Opposition) (14:02): My question is to the Premier. Attorney-General Jaclyn Symes said today in relation to the government's position on youth justice:

This is not a backflip, this is just a pause.

Will the Premier rule out bringing forward any legislation to this Parliament that will weaken youth bail laws and place the community at risk?

Jacinta ALLAN (Bendigo East – Premier) (14:03): I thank the Leader of the Opposition for his question. As has been canvassed previously on the broader matter of the bail legislation that has passed through this chamber and is currently for consideration in the Legislative Council, it has been acknowledged I think broadly, including by the opposition as well, that the current bail settings are not working in the way that they should. That is why the government under the leadership of the Attorney-General has embarked on not just a considerable piece of reform to the bail act, but as the opposition knows –

James Newbury: On a point of order, Speaker, this is the second time this week a senior cabinet minister has proven the government is in chaos. On relevance, the question clearly asks the Premier to rule out a further softening of the bail laws.

Mary-Anne Thomas: On the point of order, Speaker, the Manager of Opposition Business is making it up as he goes along. There is no point of order, and I ask that you rule him out of order.

The SPEAKER: Order! The Premier was being relevant to the question that was asked.

Jacinta ALLAN: In answering the question, I think quite directly, from the Leader of the Opposition, I was going to the very reasons why you do not want this sort of behaviour when it comes to reforms of this magnitude, because as I said at the outset, when it comes to our bail laws, our justice system is not working the way it should, which is why the Attorney-General has engaged in work across the justice system. But also, as the Shadow Attorney-General knows well and indeed our colleagues from the Greens political party, there has been considered, serious engagement across the Parliament on making sure that the package of reforms that were presented to this place and are now before the Legislative Council for consideration were about addressing the needs now, where we understand that too many vulnerable Victorians have become caught up in the remand system. But we also do need to make sure that Victorians have the protected mechanisms in place to keep them safe. We have seen in the past the behaviour, particularly from the Leader of the Opposition –

James Newbury: On a point of order, Speaker, on relevance, the Premier knows not to debate the question. This was a question about community safety, and I would ask the Premier to come back to that question.

The SPEAKER: I ask the Premier to address the question that was asked.

Jacinta ALLAN: When it comes to the consideration by the Legislative Council right now – and I do not want to cut across the work that is going on in the Legislative Council, but I do appreciate the indication from both the opposition and indeed our colleagues from the Greens political party that they do intend to support the bill in the Legislative Council – we have taken the opportunity, because there is also a significant piece of reform and work that needs to be done to support young people in our justice system. That piece of work also deserves respect. It deserves consideration. It does not deserve this sort of scare campaign to support young people in our justice system.

James Newbury: On a point of order, Speaker, if the Premier wanted to say she would not rule out further reforms, she could have just said that.

The SPEAKER: Order! The Manager of Opposition Business knows that that is not a point of order, and I would ask you not to shout at me to get my attention.

Jacinta ALLAN: In conclusion, in terms of further action that will be taken, it makes sense to bring the changes in regard to young people together with the youth justice bill that will come before the Parliament in the future.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:08): This week the government is abolishing the crime of committing an indictable offence whilst on bail, despite the police association advising the government back in March that to do so comes at a significant risk to public safety. Why is the government ignoring the concerns of the police association and weakening bail laws to put public safety at significant risk?

Jacinta ALLAN (Bendigo East – Premier) (14:08): As I thought the Leader of the Opposition may have been briefed by his Shadow Attorney-General, there has been considerable engagement across the Parliament on the bail reforms that have been put to this Parliament, have been passed to this place and are before the Legislative Council. And as I understand it, parties in that place, including that led by the Leader of the Opposition, have indicated their support for the final bill that will come before the Legislative Council. If the Leader of the Opposition is signalling differently, that is a matter for him to take up with his colleagues. What I will say again is these matters have been extensively consulted on across the Parliament and the community. We need to get the balance right. We believe we have struck that balance with this bill, and we will take the further opportunity to consider other changes when the youth justice bill comes before the Parliament.

Ministers statements: Voice to Parliament

Jacinta ALLAN (Bendigo East – Premier) (14:09): I am proud today to rise to update the house on our government's support for a federal Voice to Parliament to support the brightest possible future for First Nations children in our state. We have seen how the Voice referendum, to be held Saturday week, is an opportunity for a stronger, fairer future for Victoria's First Nations people. It is a pretty simple ask: to listen to First Nations Victorians about the issues that affect them, and then in turn once you have listened you have the opportunity to get the best possible outcome for First Nations Victorians and particularly with a focus on children. We know that every parent wants their child to have the best possible chance in life – to be healthy, to have opportunity, to be able to pursue their dreams and careers. First Nations people in our state are incredibly powerful, incredibly strong and incredibly resilient, but as a nation we have spent far too long telling them what we think is right for them instead of listening. We know that you get better outcomes when you sit down and listen to people, and particularly this is true for First Nations people. The work in turn then needs to be led by First Nations people. This is what the Voice presents us with – an opportunity to listen and an opportunity to make sure Victoria's First Nations people are heard so that they can then guide their own futures. I think that is something that is well worth supporting. That is why I am proud to stand with my colleagues to say that I will be supporting yes on 14 October and that our government supports the Voice. We also will continue to do the leading work that we are undertaking already here in Victoria to support First Nations people in this state.

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:11): My question is to the Premier. Yesterday the Premier said that cost blowouts associated with the Commonwealth Games cancellation only –

Members interjecting.

The SPEAKER: Order! The Leader of the Opposition's question will be heard in silence.

John PESUTTO: Yesterday the Premier said that cost blowouts associated with the Commonwealth Games cancellation only 'became apparent in the weeks leading up to that decision being made'. On 15 February the Commonwealth Games organising committee requested an extra \$722 million in funding to deliver the Commonwealth Games. Why did the Premier mislead Victorians by stating that cost blowouts only became apparent weeks before the cancellation?

Jacinta ALLAN (Bendigo East – Premier) (14:13): The Leader of the Opposition refers to what I said in Parliament yesterday, and I will now go on and remind the Leader of the Opposition of what I

also said in Parliament yesterday on this matter. As I said yesterday, as we were doing the work to deliver the regional Commonwealth Games in accordance with the agreement that was signed with the Commonwealth Games Federation and with Commonwealth Games Australia, we were looking at a range of options on how best to deliver the games in accordance with those agreements. We were looking at a range of options as to how to proceed with that work. As we were going through that process – and I make it very clear to the Leader of the Opposition – no final decisions were made. As I have said previously, estimates were constantly being updated. What I also said yesterday, which remains the case today, is that in the weeks leading up to the announcement of 18 July it became apparent those costings of between \$6 billion and \$7 billion materialised in the weeks leading up to the games –

John Pesutto: On a point of order, Speaker, on relevance, I asked the Premier why she keeps referring to weeks leading up to the decision rather than the many months during which she had been advised of at least a \$722 million blowout in February, five months before the decision was made.

The SPEAKER: Order! The Premier was being relevant to the question that was asked.

Jacinta ALLAN: As I was saying, when that \$6 billion to \$7 billion range materialised for a 12-day sporting event, that became too much, particularly when we had the opportunity to get to work straightaway on the issues that were important to regional Victorians, particularly regional housing. That is why we made that decision to not proceed with the games, to instead focus on the key legacy reasons why we agreed to host the games in the first place. That was to focus on housing, to focus on community sport, to focus on supporting our tourism industry. Can I refer the house to how we have been able to get on with that work straightaway with the Regional Housing Fund, where we have already made announcements for the communities of Shepparton, Seymour, Rochester, Colac, Wodonga. We have been able to get on with that issue straightaway and support –

James Newbury: On a point of order, Speaker, can I refer you to *Rulings from the Chair*, page 152, and Speaker Maddigan’s ruling that an answer cannot be responding generally. The question specifically related to advice received five months earlier, and I ask you to bring the Premier back to that question.

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

John PESUTTO (Hawthorn – Leader of the Opposition) (14:16): Yesterday the Treasurer stated that ‘Prior to the retention of lawyers it was –

Members interjecting.

The SPEAKER: Order! Leader of the Opposition, I ask you to present your question, without assistance from those on my right.

John PESUTTO: Yesterday the Treasurer stated that –

Members interjecting.

The SPEAKER: Member for South Barwon, you have just come back into the chamber. I am sure you want to stay for the rest of question time. Leader of the Opposition, through the Chair.

John PESUTTO: Thank you, Speaker. Yesterday the Treasurer stated that –

Members interjecting.

The SPEAKER: Order! Member for Mordialloc, you are warned. Leader of the Opposition, if you are having trouble getting your question out, maybe you want to sit down. Can you direct your question through the Chair.

James Newbury: On a point of order, Speaker, standing order 115 does allow the Speaker the opportunity to keep the house in order, and I would say to you that the government clearly –

Members interjecting.

James Newbury: Speaker, every member has a right to be heard, and I would ask you if you would provide the opposition with an opportunity to be heard.

The SPEAKER: Members will be removed from the chamber if they continue to interject. The Manager of Opposition Business has raised a very important point of order. Being disrespectful to the Chair is not acceptable. The Leader of the Opposition will be heard in silence.

John PESUTTO: Yesterday the Treasurer stated that ‘Prior to the retention of lawyers, it was clear that there were market pressures’ and that ‘there were cost pressures’. Why did the Premier mislead the Public Accounts and Estimates Committee on 13 June by failing to mention these cost pressures, instead stating that ‘tremendous progress’ was being made on delivering the Commonwealth Games?

Jacinta ALLAN (Bendigo East – Premier) (14:20): As I have said previously, I stand by what I said to the Public Accounts and Estimates Committee. I also now will again remind the Leader of the Opposition that in the weeks leading up to 18 July those figures of \$6 billion to \$7 billion – \$6 billion for a 12-day sporting event – became just too much, which is why the government made its final decision on 17 July. We announced it on 18 July, and that is why we are getting on right now with delivering more homes for regional Victorians, supporting community sporting infrastructure and supporting our tourism events. Again I remind the house and I remind the Leader of the Opposition that he has supported this government’s decision every step of the way.

Ministers statements: First Nations policies

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (14:21): I am so proud to stand here as Victoria’s new Minister for Treaty and First Peoples as well as Minister for Jobs and Industry and Minister for Women in the Allan Labor government. After serving as Minister for Aboriginal Affairs in the first term of the Andrews government, I am really looking forward to once again being part of this critical work and getting the job done. I want to pay tribute to my predecessors former minister Gavin Jennings and Minister Williams for her commitment and for his commitment and determination to delivering for and improving the lives of Victoria’s First Nations people.

Today I will meet with the co-chairs of the First Peoples’ Assembly to progress the Premier’s commitments reaffirmed last week to support the desire to be heard here in Victoria by our Aboriginal brothers and sisters. I acknowledge the significant work of the First Peoples’ Assembly, Australia’s first democratically elected voice, and pay tribute to those that led that assembly in its first term. This government and this house set in place a commitment to work with the First Peoples’ Assembly five years ago, and they have fulfilled their obligations under legislation. I thank everybody, every member of that inaugural First Peoples’ Assembly, for their tireless dedication to this work and for leaving this legacy for Victoria. I look forward to working with the newly elected Assembly. The beneficiaries of this hard work will be not only our First Nations people and not only our littlest First Nations people but also all Victorians.

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:22): My question is to the Premier. On 4 April the chair of the Commonwealth Games organising committee Peggy O’Neal wrote to the Premier seeking an urgent decision on the February request for additional funding. On what date did the Premier respond to the chair’s request?

Jacinta ALLAN (Bendigo East – Premier) (14:23): I met on a number of occasions with the chair and the CEO of the organising committee, and in terms of the response to the chair’s request, that was

made on 18 July. We made the announcement of the final decision that was made by the cabinet the night before that to proceed with a 12-day sporting event that was going to cost between \$6 million and \$7 billion – and those costs materialised in the weeks leading up to that decision – was just too much, and that is why we are now getting on and supporting regional communities with those key legacy reasons why we agreed to host the games in the first place.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:24): Will the Premier make available to the house the letter and her response to Peggy O’Neal’s request for more funding?

Jacinta ALLAN (Bendigo East – Premier) (14:24): All the budget arrangements in relation to the decisions around the Commonwealth Games will be reported through the usual way, and I note that, as appropriate, the Auditor-General is also undertaking a review on this matter.

Ministers statements: education policy

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (14:24): Education policy under the Allan Labor government will be based around one key idea, one key theme, and that is that every Victorian deserves a quality education irrespective of their postcode and irrespective of their socio-economic status.

On this side of the house, education is in our DNA. On that side of the house, they think it is just something nice to do – a bit like ‘Martin Dixon was a nice guy, so we’ll give him the education portfolio’. We believe in making sure that everyone has the right to a great education, and already we are seeing the results. We have built more schools than any other state in Australia. Victorian kids are top of their class thanks to the NAPLAN results that have just come in. Another great KPI: 15- to 19-year-olds are staying in school in Victoria for longer than the national average. We are growing the number of teachers in our state, twice the national average, and we are not done yet. The Allan Labor government is building 100 new schools and 50 government-owned childcare centres. We know about our free kinder reform and mental health and disability inclusion.

Already this week it has been a pleasure to meet up with Jason Clare, the federal education minister, as well as Meredith Peace from the AEU. Tomorrow in Hobart the education ministers will come together. We will be able to discuss what we are doing with the *National School Reform Agreement*. I had the great pleasure yesterday to meet up with Dr Lisa O’Brien, who is heading up that reform agreement to make sure we do everything we can to keep building the Education State. We know that under our leadership and the leadership of Jacinta Allan this state will continue to go on and on. You only have to pick up the *Age* today, where they talk about the Education State. The journalist Shaun Carney I thought hit the nail right on the head: ‘Liberals are lost in a fantasy land’.

Public housing

Gabrielle DE VIETRI (Richmond) (14:26): My question is for the Premier. Before leaving, the former Premier announced that the Victorian Labor government would demolish all 44 of our public housing towers, displacing thousands and thousands of residents and sending this housing crisis into overdrive. With a new leadership team in place, will the Premier now wind back this disastrous plan to demolish and privatise public housing and instead build public housing, not private housing, on public land?

Jacinta ALLAN (Bendigo East – Premier) (14:27): I thank the member for Richmond for her question, but the answer is no. I am not going to wind back the decision to undertake Australia’s largest urban renewal program to give people who need affordable public, social and community housing options the dignity of a roof over their head. So no, member for Richmond. And also I say to the member for Richmond and her colleagues: instead of being in for the fight, join us in fixing these issues, because when you think about these 44 towers – and I know my colleagues work closely with people who live in those public housing towers – you know that they are needing to be replaced. We know that people who live in those homes need not just the dignity of a roof over their head but the

dignity of a modern, energy-efficient and secure roof over their head. That is why we have not just committed through the biggest urban renewal program in the country to replace these 44 ageing towers, we have moved straightaway with the first five that will be worked on. We have announced those as part of the work that was done by the former fabulous housing minister, who sits here in this place. The first tranche will acquit those.

But do you know what, we are not just replacing these aging towers with new, modern homes, we are going to increase the number of homes on these sites – substantially increase by 10 per cent the social housing available at these sites, taking it from 10,000 people who currently live across these towers to 30,000 people who can have the dignity of having a roof over their head. We know we have to look at doing everything we can to give more Victorians the opportunity to have the dignity of a roof over their head, the dignity of a place to sleep at night. The urban renewal program through the replacement of these 44 towers presents a really big and valuable opportunity to not just build more homes but to build more social and affordable homes for Victorians. And I repeat: instead of running around leafleting the towers with a scare campaign, you would be better off joining us in this task and showing people in public housing that you respect them and that you give them the respect and the dignity of wanting to support them to have a more modern, secure, affordable home – and that is exactly what the government will be doing as part of this program.

Members interjecting.

The SPEAKER: Order! The member for Richmond will be heard without assistance.

Gabrielle DE VIETRI (Richmond) (14:30): Premier, just yesterday the new housing minister confirmed that 95 per cent of the additional development on this land will be given over to private developers for expensive private development and that by 2051, once this plan is complete, we will only have an additional 440 social homes. That is 15 social homes per year until 2051 when right now there are 125,000 people on the public housing waiting list desperate for a home – and that number is growing every year. Any plan that starts with the wholesale demolition of 6700 public homes in a housing crisis is bound to make that crisis worse. Premier, in what world is this an appropriate response to the housing crisis?

Members interjecting.

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

Members for Sunbury and Nepean withdrew from chamber.

Jacinta ALLAN (Bendigo East – Premier) (14:31): In what world would you oppose affordable housing? I will tell the member for Richmond in what world: it is the world in which Greens councillors in the City of Darebin have opposed affordable housing and Greens councillors in the City of Merri-bek have not supported affordable housing, and we have seen here in this place –

A member: Yarra.

Jacinta ALLAN: Oh, yes, sorry, let us not forget Greens councillors in the City of Yarra. Let us not forget the City of Yarra or that also in this place we have seen the Greens political party team up with the Liberal political party to oppose affordable housing at the Markham estate. That is the world that the member for Richmond may want to inhabit; it is not this world where we need to get on and build more homes and particularly build more social and affordable homes so people have the dignity of a roof over their head.

Ministers statements: public IVF services

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:32): I rise to update the house on the Allan Labor government's work to support Victorians who want to start or grow their family. For couples with

fertility challenges, sole parents and LGBTIQ+ families, IVF can be an absolute game changer – the thing that will deliver them a baby. But on top of being physically and emotionally gruelling for many, IVF services have simply not been within financial reach. For these families the everyday joys of dropping kids at school, trying to get them to eat their veggies and having cuddles on the couch can all seem heartbreakingly impossible. That is why our government’s \$120 million investment in public IVF is so important. Once fully implemented, this program will help up to 5000 Victorians every year.

This month marks the one-year anniversary of public IVF here in Victoria, and it is already making a real difference. Since the opening of the services in October last year we have also opened Australia’s first public egg and sperm bank, and we are rolling out satellite sites right around the state. Indeed only a few months ago I was in Mildura, where I am delighted to see there is a satellite service, where I met Rebeka, a local mum who is wanting to grow her family. While Rebeka had previously spent thousands of dollars and travelled thousands of miles in order to access private IVF, she is now able to access this service close to home. This is making a real difference to people like Rebeka and all those who would struggle to raise the money that is required to access IVF in the private system. This is real change, this is transformational change and this is what the Allan Labor government is all about.

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:35): My question is to the Premier. In the Premier’s response to yesterday’s question about her evidence to PAEC, the Premier said she was ‘advised on 14 June that the Premier was seeking legal advice’ on scrapping the Commonwealth Games. Did the Premier have any conversations or communications about the potential cancellation of the games prior to 14 June?

Jacinta ALLAN (Bendigo East – Premier) (14:35): No.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:35): The Minister for Commonwealth Games Legacy Harriet Shing boasted about the benefits of the games in Parliament on both 20 June and 21 June. Did the Premier have any conversations or communications with Minister Shing about the potential cancellation of the Commonwealth Games prior to 20 June?

Jacinta ALLAN (Bendigo East – Premier) (14:36): No, and I repeat what I have said previously to the Leader of the Opposition through his questioning. He can ask all the questions he likes, but when it came down to the fact that to spend \$6 billion to \$7 billion on a 12-day sporting event –

A member: Which you agreed with.

Jacinta ALLAN: Thank you to my ministerial colleague. The Leader of the Opposition agreed with the decision and also agreed that we do the due diligence in making that decision – that we instead turn that energy to investing in regional Victoria for the key legacy reasons why we agreed to host the games in the first place. That is what is happening right now on the ground, where we are working with regional communities to build more homes, to invest in sporting facilities and to support the tourism and major events industries. That is the work that we will continue to focus on. You can focus on all you like, Leader of the Opposition. That is the work we will continue to support regional Victorians with.

Ministers statements: outdoor recreation

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:37): This state has so much natural beauty, and we are proud to have made significant investments to make our natural wonders accessible to Victorian families. From the Mallee Rainbow Lake to Lake Guthridge in Sale, family fishing lakes right across Victoria offer adventures for the great outdoors. We stocked these lakes with tens of thousands of catchable-sized trout over the school holidays. Thank you to holders of this prestigious office before me for their legacy. We are teaching the next generation how to fish, delivering 60,000 fishing kits to grade 5 primary students in more than 1900 schools.

But while we all enjoy a bit of baiting in this place, there is so much more in the great outdoors than fishing alone, like mountain biking – we have created 70 kilometres worth of tracks, 26 trails in the state – or boating – we will deliver more and better piers, jetties and infrastructure through the \$96 million of improvements that we have committed to. We have expanded camping locations to over 400 right across Victoria, and on weekends, public holidays and school holidays all the zoos in Victoria are free to under 16-year-olds.

We are also backing kids to be the best they can, investing in sporting events. Just in September there were the Phillip Island surfing juniors, the under-17 national championships and para national badminton championships in Ballarat, and the AusCycling Masters and Junior Road National Championships in Shepparton, giving young Victorians a chance to compete in the sports they love on a national and international level close to home. We in the Labor government take the approach that the wonders of Victoria should be open to all. The natural wonders of this state should not be exclusively held by those who can afford to enjoy them. We have taken off all the roadblocks, we have taken off the obstacles and we have incentivised families to go and enjoy the great outdoors, from camping to fishing to everything else you could possibly do in Victoria, because that is their destiny and that is what they deserve, and this government will back them.

Brad Battin: On a point of order, Speaker, I raise an issue in relation to some correspondence that is still outstanding: question on notice 597, which is a question to the Minister for Police in relation to police honours; question on notice 596, again to the Minister for Police in relation to Victoria Police honours; question 598, again to the Minister for Police in relation to Victoria Police honours; adjournment 331, which is unanswered, to the Minister for Emergency Services in relation to a claim for Tony Lukas in relation to the CFA, which is a very serious matter that we need to get resolved as soon as possible; and adjournment 307, which is to the Minister for Education, and it is in relation to urgent advice around a student at a school, which they need rectified urgently, and the mother is waiting for a call from the minister as soon as possible.

Bridget Vallence: On a point of order, Speaker, I just would like an overdue adjournment and question to be responded to, please. Adjournment 299, which was asked of the former Premier around local history grants, is now overdue. I believe we have had some positive news for local history groups, but the adjournment has not been responded to. Constituency question 312, asked of the Minister for Ageing in relation to elder abuse – is also overdue, and I would appreciate a response on behalf of my constituents.

Constituency questions

Evelyn electorate

Bridget VALLENCE (Evelyn) (14:42): (340) My question is for the Minister for Public and Active Transport, who is at the table. When will the Parkiteer bike cages at Lilydale and Mooroolbark train stations be fixed and reopened for use by local train-using cyclists? It is completely unacceptable that local cyclists and train users are faced with the ridiculous situation that for 12 months at Mooroolbark and nine months at Lilydale these facilities have been closed due to a faulty door and possible entrapment risk, despite being advertised by the government as a feature of the new train stations. Unfortunately attempts to raise this matter with Parkiteer have resulted in no action, and clearly the Level Crossing Removal Project is no longer interested in ensuring the infrastructure and features are working. It has been escalated to the Department of Transport and Planning, who continue to provide no resolution to Mooroolbark, Lilydale and Yarra Valley residents. So on behalf of residents who wish to ride their bikes and use the train, can the minister please ensure that the Lilydale and Mooroolbark train station bike cages get fixed and reopened without further delay?

Northcote electorate

Kat THEOPHANOUS (Northcote) (14:43): (341) My question is to the Minister for Public and Active Transport, and I ask: how is the Allan Labor government working to deliver better and safer

public and active transport options in my electorate of Northcote? Trams, trains, buses, cycling and walking are central to our way of life in the inner north. As our suburbs grow it is more important than ever that we weave in better transport linkages, including those being planned like bridging the missing links on the Merri Creek trail, accessible tram stops on High Street and linking Alphington to the Darebin Yarra trail. My community would be grateful to hear of progress on these local priorities but also our broader work.

Last week my office met with Molly and Marc from Streets Alive Darebin to discuss our shared vision for thriving neighbourhoods where streets are safe and accessible. Irrespective of whether you walk, cycle, catch public transport or drive, our streets are key to the livability of our suburbs, and we need to weave quality urban design into our plans for better transport linkages. That includes looking at streetscape improvements, tree canopies, safety, usability and how we invite people to connect with one another through our shared spaces. I look forward to the minister's response.

Morwell electorate

Martin CAMERON (Morwell) (14:44): (342) My constituency question is for the Treasurer, and the question I ask is: will the government agree to increase funding for Lifeline Gippsland? I had the pleasure of hosting the recent Tee Up for Mental Health Golf Day at the Traralgon Golf Club, an annual event which raises critical funds for Lifeline Gippsland and Rotary. This year we raised \$20,000. Earlier this year I also took part in the Push-up Challenge, again raising funds for Lifeline Gippsland. Labor's funding of Lifeline is so inadequate that events like these are critical to keeping the organisation afloat so it can continue to field more than 11,000 calls every year from people in mental health crisis. Last year the Libs and Nats made a pre-election pledge to provide an additional \$1 million over four years for Lifeline. To put that in other terms, the government is blowing \$10 million a day in interest repayments and spiralling debt. So, Treasurer, for just over 2 hours worth of interest repayments, will you agree to increase the funding for Lifeline Gippsland?

Lara electorate

Ella GEORGE (Lara) (14:45): (343) My question is for the Minister for Prevention of Family Violence, and I ask: can the minister please advise what is being done to help victim-survivors of family violence in the Lara electorate? Many in the house may know that prior to entering this house I worked in family violence reform in the Magistrates' Court of Victoria, and this work gave me a deep understanding of the horrendous crime that is family violence. Sadly, family violence is something that affects many across the Geelong region. In fact, according to the Crime Statistics Agency, the Greater Geelong area reported the second-highest number of family violence incidents across the state in the last financial year. That is just devastating. That is why it is so important for everybody to be doing all that they can to combat family violence. I know that this government is busy getting on with that after committing to implementing all 227 recommendations from Australia's very first Royal Commission into Family Violence. That is why my question to the minister is: what is being done to assist victim-survivors of family violence in the electorate of Lara?

Nepean electorate

Sam GROTH (Nepean) (14:46): (344) My question is for the Minister for Police. As the summer months are quickly approaching, the southern Mornington Peninsula will experience a major influx of visitors and short-term residents. This will put significant pressure on our local services and our emergency services but importantly our local police. Traffic control, public safety and other police functions are frequently in high demand over this busy holiday period. Last year during this period I personally reached out to both the Sorrento and Rye police stations. When calling the Sorrento station, there was a recorded phone message that said the station was closed. When I called Rye, I had a similar message, and my call was then forwarded on to Rosebud, who ended up telling me they were significantly under-resourced. This is not acceptable. So my question is: will the minister guarantee additional police resources will be allocated to the southern Mornington Peninsula over the summer period to ensure my community have the police services they need?

Hastings electorate

Paul MERCURIO (Hastings) (14:47): (345) As part of the 2023–24 state budget there was money put aside for the planning of the cross-Mornington Peninsula bus service. This is a service that many people in my electorate have been asking for for many years. Unfortunately, my electorate had been under Liberal representation for the last 16 years, and this obviously was not part of their agenda. I campaigned on getting the cross-peninsula service front and centre to the relevant minister, and I am glad to say that as soon as I had a seat at the table I was able to do so, ensuring that the voices of my community were well and truly heard. So my constituency question is to the new Minister for Public and Active Transport: can the minister please provide an update on the planning work currently being done for this cross-peninsula bus service? This service could cut travel time from Hastings to Mornington from over 2 hours to 20 minutes. May I also take this opportunity to congratulate the minister on her new portfolio, and I look forward to working with her closely on this project.

Prahran electorate

Sam HIBBINS (Prahran) (14:48): (346) My constituency question is for the Minister for Consumer Affairs, and I ask on behalf of the near two-thirds of Prahran constituents who rent: what is the government doing to stop unlimited rent rises for renters in Prahran? The government's housing statement has not included rent controls for renters. They are struggling terribly with the skyrocketing cost of living. They are forced to pay exorbitant rates for often substandard properties. Many live with constant worry and stress that a further rent rise will push them to the brink of homelessness or housing insecurity. By failing to commit to a rent freeze and ongoing rent controls, this government is abandoning the thousands of renters who are having to choose between putting food on the table or a roof over their heads. If this government wants to help renters, it should implement a two-year freeze on rents followed by a permanent cap on rent increases, which has wide public support. This is not a new idea; many places around the world have forms of rent control. (*Time expired*)

Bass electorate

Jordan CRUGNALE (Bass) (14:49): (347) My question is for the Minister for Environment. How will local charities, community organisations, schools, sporting groups and individuals within my electorate of Bass be able to assist with making our state cleaner and greener through participating in the container deposit scheme, set to start on 1 November? My community are super keen to start collecting and participating and are hoping to achieve more efficient ways of recycling and to help reduce local litter. This initiative will cut litter by half; reduce waste by turning old bottles, cans and cartons into new ones; and have more than 600 collection points across the state – the most accessible and convenient network in the country. The environmental benefits abound, and importantly also these groups see it as an opportunity to raise funds to support their programs, activities and the good work they do in their local communities through the 10-cent refund reward. The zone operator of our area is Return-It, and I was pleased to meet with them yesterday and hear them rattle off a whole heap of towns. Great!

Narracan electorate

Wayne FARNHAM (Narracan) (14:50): (348) My constituency question is to the Minister for Roads and Road Safety, and the information my community seeks is: when will funding be made available to plan for essential intersection and road upgrades in Drouin, Warragul and Trafalgar? Residents from across these communities have again approached me in recent weeks regarding serious road traffic issues that are occurring as the population swells. Arterial road infrastructure delivery is falling well behind and the longer we delay, the more difficult planning will become. Just some in desperate need of planning are Gallaghers Crossing in Warragul; Lardners level crossing, Warragul; Queen Street, Warragul; Burke Street, Warragul; Princes Way, Drouin; Crystal Waters Estate, Drouin; Davey Drive in Trafalgar and many others. These intersections are dangerous and will only get worse with more families moving to our regional communities. Planning must be undertaken now to ensure we can deliver infrastructure upgrades as soon as possible.

Sunbury electorate

Josh BULL (Sunbury) (14:51): (349) My question is for the Minister for Skills and TAFE in the other place. Minister, what is the latest information on this government's commitment to deliver a brand new TAFE in Sunbury? As the minister is well aware, the delivery of a brand new TAFE within my community in Sunbury is a significant and incredibly important commitment to my community. It is a promise that I took of course to the last election, it is a promise that was voted for and indeed it is a promise that will be delivered. My community is very excited for this project and eagerly awaiting more news. As we get on and deliver what is a very important facility, and a very important initiative for my community to deliver skills and training for what is a growing community, I look forward to the delivery of this project. Again I ask the minister for the latest information on this critical project.

Bills**Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023***Second reading***Debate resumed.**

Gabrielle WILLIAMS (Dandenong – Minister for Government Services, Minister for Consumer Affairs, Minister for Public and Active Transport) (14:52): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.**Ordered that debate be adjourned until later this day.****Triple Zero Victoria Bill 2023***Second reading***Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

Richard RIORDAN (Polwarth) (14:53): This afternoon I rise to present the opposition's view of the government's Triple Zero Victoria Bill 2023, and there can be no doubt that much work needs to be done to make sure that this essential service in the state of Victoria is the best it can be. There is no doubt also that over the recent years there have been many circumstances where the operation of the much relied on 000 call service has left Victorians wanting and asking questions. Whether in the media, here in this Parliament or amongst people and leaders in the service, there is general agreement that there is need for improvement. So while the opposition believes there is much more that could be done to make the bill presented today an even better bill, it is not one that we seek to oppose. However, we do flag the fact that there may be some amendments as we further discuss with stakeholders ways that we can make sure that this piece of legislation is the best it can be for the people of Victoria, because when it comes to moving the thousands of emergency services workers that we have in the state, whether they are paid professionals, volunteers or others, it is one of the most important duties that we have.

Unfortunately of course times of greatest need – and we have seen some of those already just this week; we have had two big elements of emergency services hard at work, and we certainly acknowledge the work of our firefighters and SES and other flood crew people – are a way of life here in Victoria, where there can be fires breaking out on Monday and floods washing away the same areas within the same 24 hours. It is always feast or famine in the emergency services area, and we need a system like that with our firefighters and emergency services and police. It is not how we look on the quietest days, but it is the way the service acts and responds and can be relied upon by our community at times of greatest need.

Unfortunately in Victoria in my lifetime there have been countless days experienced by Victorians where the phrase ‘All hell has broken loose’ has occurred. I was a kid in 1983 when we had Ash Wednesday, which was the first great event that I can recall. I can certainly recall that, because unfortunately I fainted at school from heat exhaustion and went home but I was treated to the great display of the fires coming back over Colac as a kid with the ash and the red night and all those things that were conjured up. And we had Black Saturday in 2019. Also, in my time as the local member for Polwarth, I had the experience at about 8 pm on the night of the St Patrick’s Day fires in my own electorate when I can recall I was sitting on the couch, watching probably *Midsomer Murders* or something, and my phone and the emergency app went ping, ping, ping. They continued to ping all night, and it was clear at that point that something big had happened – and indeed it had.

So it is a very important service that is offered, and I guess the first thing as opposition we ask is: why has this bill come to us now? What has precipitated that? In short, what really precipitated the onset was another natural event, and that of course was the pandemic. The pandemic really put our emergency service call system to the test, and sadly during that time 33 Victorians, it is estimated, lost their lives because of systemic failures that were detected and experienced within the 000 system. This bill has come to this Parliament because of that event.

We have had three main queries into what went wrong and how it could be improved, and that is how the system should work. The IGEM, the inspector-general for emergency management, did two reviews, one on preparedness for major public health emergencies, including pandemics, and the *Review of Victoria’s Emergency Ambulance Call Answer Performance*. At the height of the failures during the pandemic there was also the call to the former chief police commissioner Graham Ashton for the Ashton review. All reviews highlighted similar deficiencies in the system, but I guess the question we have to ask is: how did we get to these great deficiencies? How did we get a system that took Victoria’s call centre capacity?

Back, say, in 2014, when this government took over, Victoria was running a brilliant call centre service. We were 4 per cent above the national average. We were averaging over 93.3 per cent of calls answered in a timely fashion, within the time frames that the government and the system expected. Both New South Wales and Queensland, the two comparable jurisdictions, were not performing as well as us. Fast-forward to the pandemic, when the pressure was on – the years 2020–21, 2021–22 – when emergency services were under a lot of stress, the Victorian system collapsed, essentially, compared to the other jurisdictions. Once again comparing us to New South Wales and Queensland, while Queensland perhaps were not affected as badly, New South Wales certainly had a similar experience to Victoria, and yet they managed to keep their call centre averages above what was going on nationally. So both New South Wales and Queensland were in the mid to high 80 per cents, and the national average was a lower 81.3, mainly dragged down as a national average because of Victoria’s effort at 65.6 per cent.

No other state at that time and during the two years of the pandemic got close to the poor performance that Victoria had. What that poor performance did look like was the fact that the worst performance we had in that time was in January 2022, which was actually past the peak. So Victorians could have reasonably expected that after the initial hit of COVID in 2020 we would put things in place within 18 months to two years to actually get our call centre working more efficiently. And yet in January 2022 it bottomed out at a really dangerous 39 per cent of calls just not meeting the call requirements. When you look at basic figures on what goes through the call centres, about 36 per cent of calls are for ambulances, so we can assume that they are people who have got serious life issues at play that really need to be called on quickly. There are calls every 11 seconds and 2.7 million calls in a year. That is a lot of interactions with the community, and when it gets down to less than 40 per cent of the calls being answered in a timely fashion, I think everyone needs to have concerns about that and will want to know that the government of the day is going to do something about it.

What was the face of some of these consequences? In the Victorian press it was pretty heavily reported on. For example, there were two very well known cases that highlighted to Victorians what happens

when we do not get this right, in the call centre situation. There were two really quite notable cases. One was the 47-year-old father of three, Nick Panagiotopoulos. The details of his event were well recorded in the public arena, essentially the heartbreak that the family will continue to live with as that was wrapped up. But it was 15 minutes before a call was even taken, and that was 15 minutes too late, sadly. There can always be what-ifs and what-fors; however, 15 minutes to get to a basic call centre to get put through is just way too long. Then there was the other well-recorded event of 14-year-old Alisha Hussein. Only a couple of weeks after the other event her family in their desperate plea to save their daughter's life from an asthma attack had actually driven themselves to a hospital before they were even connected by phone to the call centre.

These were circumstances that were in the midst of the pandemic. The pandemic can be used to explain a lot of things, but I think most Victorians believe that there was something more systemic that was wrong with the system, particularly when the facts show us that other jurisdictions did not suffer as badly as we did and also that these were late in 2021. The pandemic had been with us for quite some time, and staffing levels, confusion, a lack of skills or training, or whatever the excuses may have been – the furloughing of staff – all those complexities that certainly led to early drops in performance should have and could have been better dealt with, there is no doubt about that.

One of the key tenets of this changed legislation is the new, rebadged Triple Zero Victoria, which is to move more power to the minister. I guess Victorians can rightly question, 'Well, how much power didn't the minister have under the old ESTA system?' It was a government statutory board, it had a board appointed by the minister, and it had a reporting mechanism that went through to the department and people in government. It is a pretty hard line to follow that under the pre-existing situation there were not direct links to government and there was not capacity for government to know about it. Some of the things that the government was aware of – there is plenty of public evidence that the government's attention had been brought to the fact that there were critical problems with the ESTA system. For example, in 2016 then Minister for Emergency Services James Merlino was warned of serious staff shortages and the consequences that would have and that occurred around the time of another natural event, being the thunderstorm asthma event, where the limits of the ESTA system were really brought to bear and it failed some Victorians.

In October 2021 the federal minister for communications Paul Fletcher wrote to the current Minister for Emergency Services. This was around the time of those other two deaths, but the federal minister wrote. The reason the federal minister for communications entered in on this was because Telstra had raised with the federal minister that the poor performance in Victoria, the inability of the ESTA system to actually pick up the phone and take calls from desperate Victorians, was such that their people were holding on and waiting to transfer, which was having a flow-on effect on the rest of Australia. Other states, other families, other people were being affected by the poor performance of Victoria. In that letter the federal communications minister pointed out that just on one day alone in October – and these were not the two days of the two cases I cited earlier – two calls were held longer than 30 minutes; 20 calls, between 20 and 30 minutes; 37 calls, between 15 and 20 minutes; and 53 calls held between 10 and 15 minutes. This was all on one day, 6 October 2021. That was another level of government intervening and explaining to the Victorian government that there was a problem with ESTA.

There have also been ongoing budget problems with the way we have funded ESTA. The old ESTA system required the shared agencies – fire, ambulance, police predominantly – to contribute to the funding of it. Pretty much since 2015 the Auditor-General has raised with the government the high risk of long-term and short-term sustainability concerns about ESTA, and that was simply that there was not enough money in the kit. This government has made much of its funding of programs and projects – it has found billions and billions of dollars for tunnels; it has found billions and billions for level crossing removals – but it is not finding the resources and has not found the resources to date to properly fund our emergency management calling system. Just in recent years, in 2016–17 the government had to top it up \$31.2 million; the next year, \$31.6 million; the next year, \$32.4 million; and the next year, \$33.3 million. So we were topping up a system that had not been structurally funded

well to the tune of \$33.3 million extra of funds – into a service that was still delivering results as bad as a 39 per cent ability to answer calls in a timely fashion.

These systemic problems have been well known to the government. They have been known to the emergency services minister, they have been known to the Treasury, and they have been known to the Auditor-General. It has not been a secret that there have been problems. And yet we get this bill.

A member interjected.

Richard RIORDAN: Well, in 2015–16 it was underfunded as well. But after eight years – this government has been in charge of it for eight years and has not done it.

Also there have been IT concerns. So we have funding issues, we have management issues and we have got IT concerns. A 2018 review found that the computer-aided dispatch system was failing. This government tinkered around the edges with minor repairs in 2021, and they failed to resolve the issues. There are still reports that call takers are forced to turn computers on and off. I thought I only had to do that at home on my home computer, but I certainly did not expect that level of IT failure in probably one of the most crucial areas where people expect IT to work. We have reports still that not only do call takers occasionally have to turn screens on and off to reboot the computer while they are talking to desperate people on the phone, they often have to resort to pen and paper still to take details.

The Ashton review, the most recent review that the government commissioned on top of all this ongoing data that has been flowing through to the government, also highlighted the fact that there just has not been a commitment from this government at any point to fully invest in the IT system to make it fit for purpose and into the future using all technologies and abilities it can. That is a great concern because in this bill, which has been specifically designed to try and give confidence back to the Victorian community that their 000 system is working, there is no reference to the need to put the investment and the support from government – the financial investment – into it.

They talk in the bill about how they are going to solve these funding problems with just direct investment. They are going to do away with contributions from the emergency services groups and rely on direct investment. The concern that many Victorians of course would have is that the direct investment the government has shown to the Auditor-General, to the Ombudsman and to all sorts of reviews and other important aspects of government has been wanting, and I do not think that the panacea exists in this bill to solve the long-term lack of funding in IT, in human resources and in other aspects. Victorians cannot have a lot of confidence that this is going to solve it. It is just like the big commitments that this government have made. This government was very adamant only six months ago that it was funding the Commonwealth Games and it was funding fast rail to Geelong. It promises all sorts of things, but when push comes to shove and the money dries up, it is very quick not to do them, and I think that is of huge concern to Victorians.

The member for Melton is probably going to absolutely blow his stack when I raise this next issue. But the question is: how does this bill deal with its industrial relations, IT and chronic funding weaknesses? This bill is clearly designed to convince the public that rebranding the control and oversight that the minister already has will magically improve the service. However, from the Ashton report, the IGEM report and observations from others, there is a massive issue in the way that this bill deals with its industrial relations elements. In June 2022 ESTA had around 961 operational staff and 243 support staff – so throughout the pandemic. Unfortunately – the figures are not clear – a lot of those people were furloughed, and just the pressures of the pandemic at the time caused significant staffing shortages. But the independent reviews of this have all determined that there is a lack of flexibility in the way that the ESTA system works. It is no good having an emergency service business that looks good when things are calm and there is not much happening; it is about how it operates under the most trying and stressful conditions. As we just discussed before, when things go pear-shaped in Victoria in times of natural disaster, whether it is a thunderstorm asthma attack all the way

through to a Black Saturday, it is all hands on deck, and we need all systems working as well, as cleverly, as productively and as efficiently as they can at that time.

We know that the government during the pandemic were aware that this was a problem, and they went to the ESTA board and tried to have a flexible rostering system that was demand-based and an agreement to work through this to make sure that we did not have a situation where we had skilled call takers who could be more skilled in other areas, whether it was police, fire or ambulance. Could they skill up to help at times of high demand and high pressure to help take the load off those that were clearly not able to get to all the calls in a necessary time?

One of the difficulties we have is that just that simple task of trying to get an agreement in place for the pandemic involved the United Workers Union; Ambulance Employees Australia, Victoria division; the United Firefighters Union of Australia, Victoria branch; the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, communications division; and the Victorian Ambulance Union. Every one of those groups had to agree on how we could make answering calls in times of emergency in the middle of a one-in-100-year pandemic more efficient and make better outcomes for Victorians. Yet the government was not able to pull that together and get agreement from those various different groups, who were all essentially providing the same service to the people on the end of the phone who ring 000.

When you ring 000, you are not ringing with any great understanding of who is at the other end of the phone; you just want to know that you are going to get connected. When something as complicated as that is sitting in the way and yet this bill is unable to deal with how you can have a more robust call-answering system that can scale up at times of great need and provide an ongoing service during normal flow times, that is something that would concern people. How are we going to judge the benefit of this bill to Victorians and the benefit to Triple Zero Victoria if essentially one of the critical needs that has been identified is not being dealt with or answered in the laying out of this bill?

In the Triple Zero bill one of the things the government are at great pains to point out is the greater control that comes through to the minister. Once again it is assumed now that any problems that have arisen in the past will be able to be solved by more ministerial intervention and direct control. While that I guess in theory can be true, I would argue and say very much that the powers that existed before still allowed great intervention and control and influence from the minister of the day. There has been much put into this document about how the minister will be able to appoint at least two delegates to the board if they feel that they need to have more say over what is going on. Once again, allegedly, the delegates are not voting, so I guess that they are providing a guiding, steering hand direct from the minister's office. But we have seen this week, both on the government side and the shadow side, that ministers change from time to time. What Victorians want to know is that the strategic calls and the key decisions about what is best practice for emergency services are in fact not political decisions but rational, evidence-based and professional decisions from people who know and understand emergency management. So once again, a bill dealing with 000 and how best to do that which strengthens the power of the minister and the government and really does not address the capacity of the CEO or the board that has been appointed by the government to have real teeth in making sure that their agency is as efficient as it can be is a huge gap in the premise of what we are trying to solve.

ESTA's shortcomings that have been identified are generally a reflection of this government's mismanagement and lack of resourcing. As we discussed earlier, issues on a day-to-day, hour-by-hour, minute-by-minute basis – good IT, contemporary, practical, fit-for-purpose industrial relations arrangements and others – are what really make a big difference to an efficient 000 service for Victorians, and that sadly is not dealt with in this bill. There is another thing this bill does not do enough to account for. It makes much of the fact that the performance measures, the areas that the public will be able to judge its performance by, must be eventually put on the agency's website. As Shadow Minister for Housing, I can absolutely confirm that this government cannot even get printed and made publicly available how many houses it owns. For example, as of Monday this government is now two

years behind being able to tell Victorians, in the middle of a housing crisis, how many houses it owns. What faith does –

Nina Taylor: On a point of order, Acting Speaker, I do not see how that is relevant to this bill that we are currently debating. I would ask, through the Acting Speaker, that the member for Polwarth return to the bill.

The ACTING SPEAKER (Paul Edbrooke): I believe the member for Polwarth has been fairly focused on the bill. I would remind the member to keep focused on the bill, though.

Richard RIORDAN: Thank you, Acting Speaker. I am in fact very focused on this bill, and I was just using that as one of many examples I could have used. If the member would like me to find some more examples, I am happy to. But the reason the housing example is a good one is because, on emergency services performance data and the figure that I quoted earlier in the contribution where only 36 per cent of calls were being answered, if we rely on this government to produce that type of data in a timely fashion where they can be accountable for their performance, then we could be waiting a very long time. This bill clearly lacks specifics about how quickly and promptly the agency and the government must report. So getting back to the housing example, when we are in the midst of a housing crisis, which is a regular commentary from the government, and they are unable to produce the most basic of data, which is how many houses they own, in a two-year time frame, what confidence can Victorians have –

Nina Taylor: On a point of order, Acting Speaker, with the greatest respect I believe that this has already been ruled upon, and I would ask for the member to consider returning to the bill.

The ACTING SPEAKER (Paul Edbrooke): I will uphold the point of order, and I will direct the member for Polwarth to return to the substance of the bill.

Richard RIORDAN: Clearly the member for Albert Park is not listening. The point of it is that important performance data around emergency service performance – this community, this Parliament, needs to have confidence it will be reported on in a timely and accurate way, and this government has a very poor track record at reporting on its data. It is very, very slow to market when it has reports it does not want the community to see. There is quite an extensive amount of detail in here about how performance data will be generated, who is going to generate it and who has a say over the type of data. Of course it is all vetted by the minister, and I guess that is to be expected. But what the community will want to know is that when that data is reported on, when adverse events happen, when systems are failing and when the government is not performing as it has promised to, the community will actually know about it. We do not want to find ourselves having to resort to tragic stories in the media and reported widely by other investigators and the like to actually have to put pressure on this government to release the data.

So I think it is not at all unreasonable to say that this legislation is deficient to the point that it is not truly holding the government to account to make sure that it is entirely transparent about how our emergency services are performing. As these performance measures will be reviewed over a five-year cycle, it is important that there is a consistency and an understanding in the community about what they should be expecting from their emergency service call centre. That concludes my contribution on the Triple Zero Victoria Bill. There will be many on this side that will contribute in both this house and the other, and so while we will be not opposing this bill, we look forward to some general improvements going forward.

Steve McGHIE (Melton) (15:23): I rise today to speak on the Triple Zero Victoria Bill 2023. I would firstly like to acknowledge the work of the Minister for Emergency Services in the other house and all of our emergency services personnel and our Emergency Services Telecommunications Authority dispatchers and call takers for the great work that they do. They are our 000 heroes. Currently we are aware of the bushfires and then the floods, and I thank them for all of their efforts in particular during this week.

I do want to start by referring to a couple of things that the member for Polwarth raised, and he raised two deaths recently. I will speak as an ex-paramedic, as an ex-secretary of the ambulance union for 23 years dealing with all of these issues, overseeing enterprise bargaining agreements at ESTA that had multi-union agreements that were already in place – they had discussions and they worked through issues during the pandemic. But of course that side of the Parliament would not understand working with unions and working with emergency services workers, because all you wanted to do was go to war with them. That is okay. We can put up with that. That is why you are sitting over there. Do you remember the writing on the trucks? It got up all your noses, didn't it, in 2014? Do you remember the writing on the trucks? Yes, I am sure you do. That is why you are over there, and that is why you will stay there.

I have got to say, I have been involved in this system for the last 30 years.

Richard Riordan: On a point of order, I will just point out to the member for Melton, on relevance, that he might want to check what he just said, because the data clearly proves that his multimember agreements did not actually deliver what they were supposed to deliver.

The ACTING SPEAKER (Paul Edbrooke): That is not a point of order.

Steve McGHIE: I am not even going to respond to that, because I had experience for 23 years in dealing with this service and dealing with multi-union agreements that were covering all of the employees, involving the unions that you referred to, so that is okay. But for over 30 years before I entered this Parliament there have been experiences, unfortunately, of many deaths because of system failures. I will remind you that your side of politics privatised this system back in the Kennett –

The ACTING SPEAKER (Paul Edbrooke): I will remind the member for Melton to address his comments through the Chair. Is that what the point of order was going to be, member for Nepean?

Sam Groth: Thank you, Acting Speaker, I was going to make that point of order. Yes, reflections on the Chair are not appreciated, I am sure.

The ACTING SPEAKER (Paul Edbrooke): Thank you. You have the call, member for Melton.

Steve McGHIE: Sorry, Acting Speaker. I will just remind the opposition that they privatised this system back in the 1990s under the Kennett government to an American company called Intergraph. It was just a disaster, and there was death after death after death. There were multiple Coroners Court cases that I was involved in. Here they are trying to wave in our faces this issue of people dying, and yet they forget that era of the Kennett government privatising the system. They also forget their term in office between 2010 and 2014. People also died under your government's watch in that period. And what did you do to ESTA during that period? Did you support them? Sorry, I apologise.

Richard Riordan: On a point of order, Acting Speaker – I thought you might have guessed – on relevance, talking about what happened 30 years ago is not relevant. This term of government has been the focus of the wideranging debate. I am happy for the member to go back with his data eight or 10 years, that is fine. But I think stretching back 30 years has to be ruled out of order for lack of relevance.

The ACTING SPEAKER (Paul Edbrooke): Thank you, member for Polwarth. I will make the rulings. I would suggest in this case that I have given you plenty of latitude in your contribution, and I will respect that in other members as well. I will remind every member to keep to the bill, though.

Steve McGHIE: Thank you, Acting Speaker. Just one other point I want to refer to that the member for Polwarth raised is about the data. I should remind the member for Polwarth that in their term of office in 2010–14, they refused to release data. In fact I think they went to court to try and stop the opposition getting access to data. That is how much they think of data. But anyway, I will move on.

This bill acts on the key recommendations from four independent reviews into the Emergency Services Telecommunications Authority by bringing our emergency dispatch service closer to government and

implementing organisational change. It will repeal the current Emergency Services Telecommunications Authority Act 2004. It disbands ESTA and will enact a new statutory authority called Triple Zero Victoria. It marks a new era of Victoria's emergency service call-taking and dispatch service, and it ensures that Victorians can continue to have confidence and do have confidence that when they call 000 they will get the help that they need when they need it.

I should say that any death that occurs in a systemic issue or failure not only affects the families but affects emergency services workers, including the call takers and dispatchers, including the responders, regardless of what service they work for, whether it is the police, fire services, ambulance, VICSES, whoever it is. Let me tell you, I dealt with this for 23 years as the secretary of the union trying to support my members, previous members, that had to respond to cases where they thought they could save someone and unfortunately did not get to them in time. It is not a nice feeling – I have done it myself as a paramedic – and you live with that for the rest of your life. You have it in the back of your head, where it occasionally flickers up again for whatever reason, to remind you. I talk about people that die that are young, that are babies, that are older – people that should have had 20, 30, 40, 50 years ahead of them – and you live with that until you pass away. It is an amazing feeling and it is a terrible experience, and you would not wish that on anyone. I feel sorry for the families, and I extend my condolences to the families that have been affected by this. But I also send my respects to emergency services workers for what they do.

Again, I have to say that I have seen many changes in this system, and I will go back over the history of this dispatch centre. I do refer back to the Kennett era, which did privatise it out to an American company. It led to, as I said before, many disastrous outcomes. Then of course we moved to a statutory agency after a royal commission, after the Bracks government was elected. The statutory agency was created back in 2002, and then ESTA evolved out of that in 2004. Out of that royal commission one of the senior recommendations was that we should never privatise our emergency services communications, and that is why this new statutory body was created. I can rattle off examples of what occurred when it was privatised, but I am not going to –

Richard Riordan interjected.

Steve McGHIE: Do you want me to rattle them off? No, I will not, because it would be like playing tennis with your mate behind you. I could hit one over the net and you might try and hit one back, but that does not resolve anything. Let us face facts.

On this side of the house we do listen to the research, we listen to the experts and we read the reports, and this is why the Allan Labor government is introducing this Triple Zero Victoria service. The Emergency Services Telecommunications Authority capability and services review made 20 recommendations to transform ESTA's governance, call-taking and dispatch service, technology and managed services, intelligence services and performance standards and to address systemic issues within the organisation. Of course the inspector-general for emergency management did a review. I send my respects to Tony Pearce. He and I worked together on the road as paramedics back in the 1980s and 90s in the western suburbs. He is a great fellow, and I thank him for all the work that he does. Clearly his review came up with a number of recommendations and a number of findings, and that has all been taken into account with this new service. We look forward to the outcomes of this new service.

I know I have only got a short time left, but I do want to say in that short time left that we need to support the new system. We need to support the workers in that system and what they do. They give their all on a day-by-day basis. We will grow the system and improve the system, but I have got to say Victorians need to take some responsibility also. There was an article in the *Sunday Age* last Sunday 1 October headed 'Overhaul urged as triple-0 calls come in for sore ears, constipation'. What we see on a day-by-day basis, when there are 7000 calls taken, is that in particular in ambulance, where there are about 1000 calls per day, 300 of those calls per day are non-urgent cases that get an urgent response. So they are tying up ambulance crews to respond to them. It is not good enough, and

Victorians have to help this system work properly. This is an important bill, and I commend this bill to the house.

The ACTING SPEAKER (Paul Edbrooke): I remind members that we are talking about numbers here but those numbers do represent people's lives, and there might even be people in this chamber that have been affected by medical emergencies, so just keep that in mind.

Annabelle CLEELAND (Euroa) (15:34): I rise today to speak on the Triple Zero Victoria Bill 2023, a bill that attempts to address a crisis that has impacted the health, wellbeing and lives of residents in my electorate of Euroa. This is a bill that will help establish a new entity called Triple Zero Victoria by repealing the Emergency Services Telecommunications Authority Act 2004 and by making amendments to other acts. This will result in the Emergency Services Telecommunications Authority, ESTA, ceasing to exist in favour of this new entity. While there are concerns over the tight control the government will have over Triple Zero Victoria, I do acknowledge that something absolutely needs to change. The existing system has let down Victorians in desperate need of care and in far too many instances has cost people their lives.

This bill has been introduced following some damning findings in the ESTA capability and service review final report. The results on other services have also brought forward serious concerns – namely, the reviews that investigated this state's preparedness for major public health emergencies and our ambulance response times. These reports were prompted by the well-publicised failures in the 000 and ambulance response systems, which resulted in the tragic deaths of 33 Victorians. These failures were a government oversight issue and not faults caused by employees of ESTA. In one of the most challenging times imaginable for our healthcare and medical employees, the call takers and staff at ESTA and Ambulance Victoria did a fantastic job. However, there was clear mismanagement of ESTA, with the government failing to foresee and act upon several significant problems that had emerged over recent years.

Although putting more control of the system in the hands of this government might not be the best option based on their previous performance with ESTA, it is fair to say that a change is necessary. To achieve this change, this bill lays out several provisions for the new entity Triple Zero Victoria and how it will replace ESTA. This includes their powers, objectives, functions, administrative matters, staffing and more. There are also several clauses that demonstrate just how closely this government will be attached to Triple Zero Victoria. Let us hope that this control comes with some accountability to fix the system.

Within my electorate of Euroa, failures within the 000 system and poor ambulance response times have genuinely been devastating for many individuals and their families. Earlier this year I spoke about how Victoria's code 1 ambulance response times were in disarray. Response times were worse than they were in the 12 months previous, despite a significant decline in demand for emergency 000 calls, according to data directly from Ambulance Victoria. Over the previous quarter just 65.2 per cent of ambulances arrived on time in a code 1 emergency, despite target ranges of 85 to 90 per cent. The average time for an ambulance to arrive also remained above Ambulance Victoria's target times. These code 1 emergencies are not minor incidents; these are people's lives and not just numbers. These emergencies are high priority and time critical, but the targets have not been met. While marginal improvement has been observed across LGAs in the Euroa electorate, Ambulance Victoria targets were still not being met in our LGAs of Mitchell, Benalla, Strathbogie or Greater Bendigo for code 1 emergencies.

I recently had a constituent in Seymour reach out to my office to give his thoughts about the response times after his wife had passed away. He said:

... people are dying because the ambulance takes up to 1 hour to arrive even if they can see the station from there house (in my case) i lost my wife because the ambulance took 45 minutes ...

He also mentioned how for three years he met with Ambulance Victoria, tabled petitions and spoke with MPs but has not seen a response. Victoria has not seen a response. This is a man who lives just 300 metres from his local ambulance branch yet was put through an inconceivable tragedy. Sadly, this is an experience that can be found in Mitchell, Bendigo and Benalla too. On average, people across the Strathbogie shire have been waiting close to 25 minutes for an ambulance in an emergency. These are densely populated regional areas, and yet the 000 system is failing regional Victorians.

In many of these regional areas volunteer patient transport systems have been stepping up to the plate where ambulances cannot. I would like to thank the Royal Flying Doctor Service community transport program that has been operating within my electorate in Heathcote. Since launching in 2018 RFDS community transport has been providing eligible clients with free transport from home to health appointments and funded social support groups. The volunteer-led program is currently operating in Heathcote, Rochester, Warracknabeal and Numurkah. For the Heathcote and Rochester sites the patient transport has completed nearly 25,000 trips, travelled nearly 700,000 kilometres and taken 1000 regional Victorians to appointments. This has all been made possible with the help of 50 volunteers. I was introduced to this amazing group during National Volunteer Week, and I remain in regular contact with them. The service this team delivers is so impactful for the communities it serves and is helping save lives every day. I am excited to host them at Parliament next month.

Off the back of a dismal budget for health care and a lack of funding to key health programs across the state, the work of volunteer groups has never been more critical. The patient transport team's sole focus is to chauffeur patients in isolated communities to medical appointments, importantly facilitating transfers for appointments focused on early detection and intervention. For many of these patients this would not be financially practicable, meaning the service being offered is crucial in helping many patients change the outcome of their conditions and is in many cases saving lives. For the people this service is provided for it is about more than just accessing health care; it is also about maintaining social connections in otherwise often isolated communities.

Speaking more broadly, the issues within our ambulance services and response times are a symptom of a government that has neglected our healthcare system for too long. The stark reality is that our regional health services are really struggling. When I hear the government talk about how fantastic Melbourne's healthcare options and medical facilities are, I feel the need to remind them that this state is bigger than just the city. Every Victorian, irrespective of where they live, deserves quality health care. This is a fundamental right and not a luxury. Beyond the extensive ambulance wait times, we have seen out-of-control surgery waitlists and cuts to essential health services. Earlier this year we saw cuts of up to 15 per cent to our grassroots and preventative services, including programs to address chronic illnesses. Last year we saw \$2 billion cut from the health budget on top of cuts to preventative health services. The strategy to cut funding from preventative health care while allowing surgery to continue being deferred has been a double kick in the guts to Victorians. Our category 1 surgery waitlists, the most urgent there are, have ballooned by 45 per cent in a three-month period this year. Without further investment from government our regional healthcare system will continue to fail – and people are suffering. Every single person on these waitlists has a story to tell about deferred care and unnecessary time waiting in agony for life-changing surgery.

If the current state of our health system is a benchmark of this government's performance, then it is failing dismally. 105 days ago I made an adjournment to the Minister for Health calling for a substantial increase in funding for regional health services so my community can get the health care they need when they need it. My office is the crisis centre when our community needs help, and too often we are assisting constituents impacted by Victoria's broken health system. Regional Victorians, including those in Mitchell, Benalla, Strathbogie and Greater Bendigo, are bearing the brunt of the heartbreaking mismanagement of our health services by the minister. Our health system is not just failing; people's families, loved ones and children are suffering. When I say loved ones, I also include my two-year-old daughter Quinn, who was hospitalised with severe respiratory issues in winter. Our local hospital could not afford to stock the critical dexamethasone she urgently needed. We went by

ambulance to the Northern Hospital, where she was in one of 20 ambulances ramped at a hospital that had a queue to the emergency department that overflowed outside and in the rain. This week, three months later, I finally had a response from the minister, who bragged about the financial investment in the health system but failed to acknowledge the thousands of people in regional communities unable to receive the most basic of care. Lives have been lost and families shattered, and the minister responsible should be held accountable for her failures. This bill appears to be the first step to rectify this government's failures in our health system.

In the *ESTA Capability and Service Review: Final Report* there were some damning points raised that I hope under a new system will be addressed. I will not touch on all of them, but I would like to point out that ESTA did not meet the primary ambulance emergency call answer speed benchmark in any month from December to June 2022. Call volume increases in this time period did not lead to this non-compliant response time performance. There were 40 potential adverse events associated with call answer delays, agency command and control issues during COVID-19-related surges in activity. In these events 33 patients did not survive their emergency. ESTA was unable to match the required operational staff numbers to meet the demand of ambulance calls that were forecast. The Victorian government was aware of ESTA's precarious financial position as early as 2015.

Gary MAAS (Narre Warren South) (15:44): I too rise to make a contribution on the Triple Zero Victoria Bill 2023. In so doing, can I just say at the outset that I rise from a position of talking up the workers in this state, particularly workers who are professionals and particularly workers who are giving so much of their time and their effort, and sometimes as well in a volunteer capacity. When a transformative bill like this one comes before this place, I know that the actual intent of this bill comes from the right place. All I have to do is look around this chamber. I look over at the member for Melton: 23 years experience as a paramedic, and that is not talking about what he did beyond that time out on the road. I look over at the member for Pakenham: a CFA volunteer, hardworking, who knows what it means when those 000 calls come through and what you have to do to get out there and help. Acting Speaker Edbrooke, member for Frankston: we know what you have done before coming to this place, and we know also the traumatic effects that fighting fires can have, not to mention being a paramedic and being a first responder to our police. To all the workers who work in those roles: we talk you up in this place, and we will always thank you and commend you for the work that you do. To Ambulance Victoria, CFA, Fire Rescue Victoria, Victoria Police, VICSES and all the other relevant agencies: we commend you and we thank you.

That is why we need this transformative bill. It achieves the intent of the key recommendations from the independent review into the Emergency Services Telecommunications Authority, ESTA, by bringing the entity closer to government and implementing organisational change. This is a good thing, and it is something that we all agree needs to happen. The government has accepted the 20 recommendations identified in the ESTA capability and service review, led by former Victoria Police chief commissioner Graham Ashton in 2022. The government is absolutely committed to expeditiously commencing the legislative process, aiming to enact the legislation before the end of the year once it has passed through Parliament.

The bill itself will bolster the governance, the accountability and the oversight of Victoria's 000 service, establishing a genuine partnership across the emergency services sector. This move brings the new entity closer to the government, and it will – it just will – foster a collaborative approach. The name Triple Zero itself just made sense. It makes sense. Introducing Triple Zero Victoria as a robust, independent statutory authority, complete with a dedicated board and operational committee, is visionary, and to have a CEO in there as well guiding that work is imperative. This is what this bill does. But to have on that board the representatives from those organisations that I mentioned before – Ambulance Victoria, CFA, Fire Rescue Victoria, Victoria Police, VICSES and government departments as well as those relevant agencies – this is what we need and this is what is being done. The committee will provide that invaluable operational and strategic advice to help enhance those partnerships that need to occur within the emergency management sector.

The bill will facilitate a smooth transition by phasing out the current ESTA board and advisory committee upon the commencement of the new act, and importantly all staff will maintain their current enterprise agreements, ensuring continuity as they transition to Triple Zero Victoria under those same terms and conditions. This approach promotes stability and minimises disruptions during the transition process. Staff at ESTA, as we do point out and have pointed out, have absolutely worked tirelessly to support Victorians in the face of sustained, unprecedented demand during the pandemic and beyond, and we just cannot – we absolutely cannot – thank them enough. Thank you.

ESTA, as we all know, plays a pivotal role in that vital link between the Victorian community and the state's emergency service agencies. It tirelessly provides 24-hour emergency call-taking and dispatch services for police, fire, ambulance and VICSES, it ensures safety and it gives security for all. The bill represents a transformative moment, and it aims to draw ESTA closer to the government, to its board and to the chief executive officer. The enactment of this bill will create the statutory authority of Triple Zero Victoria. It will be a dynamic entity and it will be spearheaded by that dedicated board and CEO, and the accountability will go directly to the Minister for Emergency Services, which means a much faster and more efficient and effective response to emergencies. Accountability is key.

Triple Zero Victoria is set to harness the collective expertise of professionals from the emergency and health services sectors. This collaboration promises to deliver improved services, drawing on a wealth of knowledge and experience to benefit the Victorian community. The introduction of the legislation marks a significant stride forward as the government fulfils its commitment to creating a more robust and resilient 000 service for the people of Victoria. It marks a new era for Victoria's emergency call-taking and dispatch service, and it ensures that Victorians can continue to have confidence that when they call 000 they will get the help that they need when they need it. The bill will ensure Triple Zero Victoria can deliver an effective and sustainable service to the Victorian community now and well into the future.

Since October 2021 the state government has invested \$363 million to help ESTA meet overwhelming demand. It has employed more than 400 extra staff, it has built better support and surge capacity for busy times and, most importantly, it has helped strengthen mental health support for staff and supported critical technology upgrades. The state government will continue to demonstrate unwavering support for the essential emergency services that Victorians rely on. In the 2023–24 Victorian budget provisions were made to allocate funding for ESTA to acquire a state-of-the-art computer-aided dispatch system, further enhancing their capabilities. In the year 2022–2023 ESTA admirably answered nearly 2.7 million calls for assistance – just extraordinary. It is a remarkable achievement –

Daniela De Martino: It's huge.

Gary MAAS: Remarkable, member for Monbulk, and it translates to a call being answered every 11 seconds for the astounding 7350 calls which are handled daily. It is massive. Despite facing that unprecedented surge in demand, ESTA have consistently surpassed their benchmarks – I believe about 90 per cent – for ambulance call answering performance since last August. It is an unwavering dedication that they have to excellent performance, and it ensures prompt and efficient emergency responses for our community.

As I said at the start, this bill is a transformative bill in the ways that it will do things. Not only is it good for the organisation of ESTA, now to be Triple Zero Victoria, it is good for the workers who are transitioning over to that new entity and it will be good for all of our emergency services and our first responders. But most of all it will be good for the larger community and for the state of Victoria, and I commend this bill to the house.

Brad BATTIN (Berwick) (15:54): It gives me pleasure to rise to speak on the Triple Zero Victoria Bill 2023 on behalf of, or with, the opposition and support the member for Polwarth's position in not opposing this bill but raising some issues. First of all, with your leniency, obviously we have had

recently fires down through Gippsland and up through northern and western Victoria, and as we know we have also got the floods. I know it is one of those things – we talk about four seasons in one day in Melbourne. The impact of four seasons in one day, or in a very short period of time, particularly in some of our regional areas, can have devastating effects. So to all our volunteers and our career staff, those on the ground and also those taking 000 calls in relation to what is happening, I want to pass on, I know on behalf of everyone in the opposition, a huge thankyou.

We know 000 has had, we could almost say, a lifelong crisis. It is a system that has had failures for a long period of time. I will go to the member for Melton's comments. I know he spoke about the time when it was brought over in the Kennett era and sold to Intergraph, a United States company, and that concerns were raised about the issues the member for Melton outlined. I agree with the member for Melton – there were some failures at the time. There were issues that happened with Intergraph. This was not private or secret; it was very public what was going on then. I am not sure if you were the secretary at the time, member for Melton, or if this was prior to you, but to raise those issues publicly is very important, because this should be in the public arena. If people are passing away because of failures with calls to 000, this should be in the public arena. I will stand by that. I was not there in the Kennett era when they were talking about what was happening with that at the time. However, obviously I have heard a lot since.

What I will take issue with, member for Melton, is that from 1999 until today, the Labor government have been effectively in control of the 000 or ESTA system. So there was not a contract that lasted from Kennett until 2023. There have been new contracts, new organisations, new legislation, new rules in place, new enterprise bargaining agreements and new discussions between the government and organisations, including the unions, and still it failed. It has failed all that time. I do not care – take all the politics out of this, it is just the failure of a system for such a long period time. The best time it had was from 2014 to 2015, when some of the results showed that we were just behind the nation, so things were on the improve.

However, what we have got now is a report that came out in 2016–17 which said that ESTA was chronically underfunded. It does not matter who owns or who has got control of ESTA, the report that came out at the time – in 2016–17 – specifically said to the government that it was underfunded, that if we had at any stage in the future a crisis, if we had at any stage in the future a major event, particularly anything that is an ongoing event, ESTA would not be able to answer the calls and that would put lives at risk. What happened? Lives were put at risk. You cannot blame COVID for what happened. What you can say is COVID had an impact on the level of calls, COVID had an impact on the ambulance responses and COVID had an impact on all of our emergency services. We do not deny that. What I do say, though, is the government failed to prepare for anything – even if it was for a shorter term than a COVID event – because they failed to put that funding in when required.

One of the reports at that time also said that one of the major issues around ESTA and the 000 system was that when you call 000 and it becomes overloaded, the backup system is an absolute failure. It got to a stage for Ambulance Victoria that the calls were coming in to 000 at such a rate that they had to make a decision – staff had to make a decision. I feel for staff who have to stand there and look at a system that is slowing down to such a degree that effectively they know it is going to die and they know the backup system will not be able to cope. The only alternative is to go through a full reset – to reset the entire system – so every person calling in to 000 then is going to pen and paper. You call up and someone will literally take down your details with pen and paper and someone will run that between the call taker and the dispatcher. Obviously that is opening it up to major concerns and delays, but there are major issues when you are doing it via pen and paper. There has been report after report to this government saying to upgrade the backup system first, because until the backup system is even at today's standard, the future fixing of the system is never going to work. We all know that IT, no matter where you are, sometimes just fails. It is a given – IT sometimes fails. If it does, you need to make sure that there is a backup system there, particularly when it comes to life and life support systems, and 000 is that.

What we saw during that period of time was that the call rates coming in and the failure here in Victoria actually got to a stage where Telstra, who take the calls anywhere in Australia and then divert them around, said that they were concerned about the impact on the rest of the nation because of the amount of time that Telstra call operators had to spend on the phone whilst trying to connect calls to Victoria. And for every second, minute, 15 minutes, 30 minutes – and we have got evidence of calls up to 30 minutes – that they were sitting talking to someone, saying, ‘We’re trying to connect you,’ someone else could not get through. That is blocking up the Telstra system, which therefore goes to the 000 system per state. And our backups just were not there for it.

I know the one that hit me the hardest was Alisha Hussein, when we had the report come out around Alisha Hussein. I do not think any person in this chamber would have thought of anything other than trying to put themselves in that position and understand the impact of being in a car watching their own child die, trying to ring 000. It is just something you could not wish upon your worst enemy, yet a family had to do that here in the state. Again, that tragic event did become public – and so it should have – and hopefully that was what instigated some of the opportunities for change as we have moved forward. The government then came out very late and decided they were going to put a lot of money into 000 and to change in the system.

I do not believe this legislation is the answer to everything they wanted to do. There is some positive change. I do not think changing the name is going to change a lot in the system. What it does do, with the control going back to the minister, is remove some of the ambiguity of what can and cannot happen within 000, but what it does not do is guarantee the funding that goes in there or ensure that we have the things that have been called for over a long period of time – cross training, ensuring we have a backup team in there who can go from ambulance to fire to police to SES, depending on the circumstances of what the event of the day is.

Deputy Speaker, I know we both would know of Ash Wednesday and Black Saturday. We are going to have at some stage, unfortunately, another fire event here in Victoria. It is going to be a long event. It is going to be tragic. It is just what we have in Victoria. But we need to make sure that when that occurs, if we have not got enough call takers for fire services, we need to be able to move them from the other services to back them up and support them, and at the same time, if anything goes wrong, ensure that the backup tech system is still there.

We never want another COVID. I think I can fairly say that in this room. We never want another COVID, but if we do have another, we need to make sure that if our health network cannot handle what is going on and particularly our 000 calls, we have got the backup of staff and we have got the backup of the technology. That is more important than a change of name. That is more important than putting it back to giving a minister control of it. That was in the reports in 2016 and 17 – the very reports that said if you had have put the funding in at the time, there could have been preparations made that may have made an impact or change and difference to what happened to those people, the 33 people that died here in Victoria during that period of COVID whilst waiting for 000. It would have made a difference when we had the crisis with the thunderstorm asthma out here in our state. There are lots of things that would have been different if the funding was put in at the right time.

I do give the government credit for putting in funding as they are moving through now. I just do not appreciate the fact that it took so long. What it actually responded to was a political answer rather than the answer that it should have been – putting us in a position to save lives so we did not have to have this conversation here today.

Emma VULIN (Pakenham) (16:04): I too rise to speak on the Triple Zero Victoria Bill 2023. This bill is very important for our state’s responsiveness to emergencies. Passing this bill will repeal the current Emergency Services Telecommunications Authority Act 2004; ESTA and its board and advisory committee will cease to exist; and the new entity Triple Zero Victoria will be established. This bill is about ensuring Victoria has strong governance, accountability and oversight for our 000 service. Triple Zero Victoria will be a new independent statutory authority governed by a board with

an operational committee. The new authority will be led by a CEO directly accountable to the Minister for Emergency Services. The focus of Triple Zero Victoria will be on delivering high-quality and timely call-taking and dispatch services and operational communication services for police, ambulance and fire services.

The reporting of two independent reviews has been considered for the drafting of this bill: firstly, the *Emergency Services Telecommunications Authority Capability and Service Review*, also referred to as the capability and service review, followed by the inspector-general for emergency management's ambulance call answer review, referred to as the IGEM review. One of the key things about going to the effort of having independent reviews is that they can provide an honest assessment and quality recommendations. The capability and service review made 20 recommendations and the IGEM review made eight recommendations, 42 findings and nine observations.

There has been a lot to consider in getting the operations and governance right for the new statutory authority Triple Zero Victoria. Strong governance is vital. You need a good chain of command, and I understand this from my time in the CFA as a lieutenant and commander's aide on large, complex fires. It is quite important to have a system where there is a chain of command and people follow it on the fireground in complex situations.

A member interjected.

Emma VULIN: Yes, it is very handy. This bill has achieved the intent of the key recommendation in the capability and service review and the IGEM review to implement organisational change to bring the new Triple Zero Victoria closer to government. It outlines explicit responsibilities for the Triple Zero Victoria board and CEO. The bill also provides for strengthened oversight of the board and the CEO by the minister and the Secretary of the Department of Justice and Community Safety. The bill has stopgaps to prevent underperformance, with the minister being able to appoint up to two delegates to the board to strengthen and improve the performance of Triple Zero Victoria.

Victoria is the only Australian jurisdiction where the 000 call-taking and dispatch service is managed by a central organisation and not by the individual emergency services organisations. In this unique environment it is critical that the coordination between the Triple Zero Victoria call takers, the emergency services organisations and the government is clear and effective. The bill recognises this with the establishment of an operational committee, included in the reform to strengthen the partnerships. To ensure appropriate responsiveness for community health and public safety needs, the operational committee will set interagency strategic priorities, which will ensure that services delivered by Triple Zero remain fit for purpose. The committee will include senior leadership from the ambulance, police, fire and VICSES, deputy secretaries and the emergency management commissioner and will provide advice to the board to help ensure that Victorians calling 000 receive the highest quality service. Establishing the operational committee is responding directly to the IGEM's review, which identified opportunities to ensure ESTA is more formally integrated into emergency management arrangements moving forward.

Victoria's population will continue to grow, as I experience on a day-by-day basis in my electorate of Pakenham; we have three families moving in each and every day. It is vital that our 000 call takers have the support to cover this growth and be responsive to our community's needs. When we are talking about calling for help, we are talking about a service that helps protect lives and save lives. The recent reviews revealed a call-taking system under pressure, driven partly by the COVID-19 pandemic. This government has responded to these reviews by developing the reforms presented in this bill, plus more today.

Calling 000 is about emergencies, where there is threat to life and safety. Calling 000 is a big deal. My daughter did this when she was nine years old, when I had my stroke in 2016. She was recognised with an award from St John Ambulance for her bravery on that frightening day. Since October 2021 the government has invested \$363 million to help ESTA meet overwhelming demand, employing

more than 400 extra staff, building better support and surge capacity for busy times, strengthening mental health support for staff and supporting critical technology upgrades. In 2022–23 ESTA answered almost 2.7 million calls for assistance, as the member for Narre Warren South mentioned in his contribution. This represents a call every 11 seconds, or 7350 calls each and every day. Despite this demand ESTA has consistently exceeded the 90 per cent ambulance call-answering performance benchmark since August 2022, and I think they should be commended.

I helped a woman who collapsed at the shops in Officer a few months ago. We needed to start CPR. The call to 000 was made and answered promptly, and they guided me and others to effectively and correctly use the defibrillator and keep time with chest compressions as we waited for the ambulance to arrive. I am fortunate to be first aid trained through the CFA, but I truly and sincerely thank God that the phone operator kept us in check and reminded us of the crucial steps to take while we waited – it is always different in an emergency than it is in the classroom.

The support provided by ESTA since 2021 has made a significant difference already. This year the government's 2023–24 budget includes \$2 million to further support reform of the Emergency Services Telecommunications Authority, ESTA, with an additional investment for a new computer system to support emergency services 000 call-taking and dispatch functions. This is an investment to ensure Triple Zero Victoria is equipped as our state grows.

I have been fortunate enough to visit ESTA in Burwood on several occasions during training exercises with my fire brigade. The staff and facilities there are incredible. Their patience and skills are second to none in such a critical workplace, a workplace most of us would find very stressful – not that this place is not sometimes stressful. We had the chance to go into their training room and endeavour to type and select call scenarios in the system, with multiple screens, multiple appliances and different situations, and to type and select at a fast pace knowing accuracy means simply life or death. I really do not think many people think about the role these heroes play each and every day. They call the fires heroes, but we could not do our job at all without the skills of our call takers in the first instance. The camaraderie and the number of staff who have been there for decades were wonderful to see, and I appreciate the experience and knowledge they shared with me. I am pleased that ESTA's dedicated workforce will be supported through the transition period as Triple Zero is created. They will be employed under the same terms and conditions they are currently employed under to ensure the continuity of service to the community.

The inspector-general for emergency management, IGEM, will continue to monitor and provide assurance around the performance of Triple Zero Victoria. The expectation is that the agreed performance standards will focus on the role of 000 services, supporting the overall incident response and delivering the best outcomes for callers in the community. Triple Zero Victoria's performance will be considered in the context of an end-to-end process of incident management. This will drive behaviours which encourage efficiencies while reducing the focus on targets which do not directly measure the quality or outcome of services to an emergency service organisation or to the community.

Regarding fees under the new legislation, Triple Zero Victoria will no longer receive annual revenue through the fee-for-service model, and there is no provision for Triple Zero Victoria to charge fees for their services in the future. To provide financial certainty for emergency services organisations, Triple Zero Victoria will move towards a direct appropriation model. This piece of legislation is vital for our community and the public health response for the people of Victoria.

I just want to quickly take this time to thank all of our emergency services personnel: Victoria Police, SES, CFA, FRV, Ambulance Victoria, Life Saving Victoria and many others. I also want to thank the Minister for Emergency Services and her staff for coming up with this legislation that we are faced with today. I commend this bill to the house.

Kim O'KEEFFE (Shepparton) (16:13): I rise to speak on the Triple Zero Victoria Bill 2023. The Triple Zero Victoria Bill 2023 is a major component of the Victorian government's reform to the

state's 000 service. Victoria's ailing 000 call service will be rebranded and brought under government control and have its board disbanded after the COVID-19 pandemic exposed systematic failings. Victoria's emergency 000 service will undergo a significant transformation to improve governance, accountability and oversight under new legislation. The Triple Zero Victoria Bill 2023 will reform the Emergency Services Telecommunications Authority, known as ESTA, to bring it closer to government, ensuring greater oversight, and to provide clear and transparent accountability for the organisation board and chief executive officer. Under the reforms, ESTA will be renamed Triple Zero Victoria and established as a new statutory authority, led by a new board and CEO directly accountable to the Minister for Emergency Services, that draws on expertise from across the emergency and health services sectors.

The proposed reform is in direct response to the independent review into the capacity, capability, service delivery and financial sustainability of the Emergency Services Telecommunications Authority by the former Victoria Police chief. The long-awaited report into the Emergency Services Telecommunications Authority, commissioned in 2021, was finally released by the state government in May 2022. The damning 80-page review was commissioned after persistent reports of the call system crashing and significant concerns around the effectiveness of ESTA's capability and capacity to deliver consistent 000 services across Victoria. As early as 2015 the Victorian Auditor-General warned that there were problems within the model, but Treasury and Finance in Victoria preferred simply to top up ESTA's budget every year post fact rather than moving to a sustainable footing. It is disappointing to note that it took the state government some six years to undertake the review, knowing that the system was struggling, with dire consequences. They effectively chose to ignore the concerns and did nothing about it.

The review found that from October 2021 to March 2022 the performance of Victoria's Emergency Services Telecommunications Authority materially degraded. Most 000 calls were not answered within 5 seconds, its standard benchmark, and often not within 10 minutes. In one case it took up to 76 minutes. The result? There were 40 events involving seriously ill or injured patients who were subject to call answer delays. Tragically, 33 people did not survive these emergencies. The report also found that the problems with ESTA predated the pandemic. It noted that a lack of rostering flexibility in enterprise agreements for its roughly 800 operational staff played a part in its failure to meet surge demand events such as the major storms in 2021 and peak periods of the pandemic. Emergency services organisations told the review they were concerned with ESTA's capability, service delivery and unresponsiveness to their needs. There is a long-held opinion that ESTA's critical role meant its shortcomings were not just unfortunate but have led to multiple deaths and injuries that could have been prevented. One ESO said its request for change has been unfilled for more than 10 years.

The capability and service review made 20 recommendations to the government in order to transform ESTA's governance, call-taking and dispatch services, technology and managed services, intelligence services and performance standards and address systemic issues within the organisation. Mr Ashton found ESTA had suffered over the years because it had been unable to recruit and retain experienced call takers to deal with peaks in demand and that its culture was risk averse and had difficulty being agile when responding to emergencies. The ad hoc nature of the year-to-year supplementary funding arrangements limited ESTA's ability to recruit to meet demand. The review found this also limited ESTA's ability to plan beyond 12 months or implement longer term investments to improve the service during business-as-usual and surge events. Victorians should have confidence that when they call for help in an emergency the state has the organisational resources and systems in place to ensure the very best service is given and, most importantly, in a timely manner.

We cannot put lives at risk. I am sure that we all have stories to tell and we have been aware for quite some time about the seriousness of the breakdown of this system and that reform is needed. I had a friend call 000. She has MND. She had a Panadol stuck in her throat, which is terrifying when you have lost control of your throat function, a symptom of MND. Maxine was put on hold and diverted to different call centres whilst they were trying to figure out if she was a non-emergency patient. There

were delays and confusion. She ended up driving herself to the hospital rather than waiting for certainty that an ambulance would come. She had not been given certainty through the 000 call function. She underwent surgery, and the outcome could have been a lot worse.

It has been noted that the focus of Triple Zero Victoria is to be on delivering high-quality and timely call-taking and dispatch services and operational communication services, something that the patient I referred to desperately needed. This bill enables the Minister for Emergency Services to confer additional functions related to the emergency management sector on Triple Zero Victoria when it would be sensible to do so and for the time specified in the ministerial order. An example of this is how non-emergency patient transport booking and dispatch services with ESTA are currently managed on behalf of Ambulance Victoria.

The bill also includes provisions that empower the emergency management commissioner to set performance standards that are endorsed by the Minister for Emergency Services. These outcome-based standards will be developed in consultation with Triple Zero Victoria, emergency services organisations, government departments and other related organisations. These performance standards, as a result, will be reviewed at least every five years to ensure that the standards remain fit for purpose and are meeting expectations.

In closing, I acknowledge the hardworking people who work in the 000 sector and our ambulance services. Hopefully with this bill we will address the critical failures of the past. I commend this bill to the house.

Nina TAYLOR (Albert Park) (16:19): It is certainly a pleasure to rise to speak on these important reforms and, I have to say, quite humbling to be, through this process, sharing this chamber – though they are not in the chamber now – with members who have actually participated in the emergency services in our state. It is wonderful to hear of their personal lived experience not only of delivering services but also of the hardship and the intense challenges. I have to say, as someone who has never been a member of an emergency service organisation or participated in a particular service, I am just in awe. I believe it requires a particular disposition and courage and dedication. They often have to work pretty unusual hours as well and shifts et cetera. I would really like the commencement of my contribution to be about gratitude for all that they do and are continuing to do to keep us all safe and supported.

Furthermore, I would like to just take up a couple of matters that have been raised through this very important debate today. I know there were a couple of matters raised by the opposition with regard to – and I do not wish to put words in their mouths – tighter control with regard to the minister. I think that was broadly expressed. I would like to just reaffirm that we know the bill achieves the intent of the key recommendations from the independent reviews into Emergency Services Telecommunications Authority, ESTA, by bringing the entity closer to the government and implementing organisational change. Now, on the one hand I might be stating the obvious, but the reason I am affirming that point is to validate the various reforms that are being brought into being through this important legislation. There is a good purposeful element to it. I mean, you do not have a review and then not actually pay heed to the recommendations that have been suggested. Our government is certainly taking those recommendations on board and implementing them, and that makes good common sense. I hope that allays some of the concerns. It did not seem to be a deep concern, but it was raised, so it is good to take this opportunity to work that through.

Issues of funding were also raised, and I should say that since October 2021 the Andrews Labor government has invested \$363 million to help ESTA meet overwhelming demand by employing more than 400 extra staff, building better support and surge capacity for busy times, strengthening mental health for staff and supporting critical technology upgrades. Again I would like to address some of the matters that have been raised to date with regard to staffing and resourcing. The investment-delivered extra capacity will mean a more consistent and stable number of call takers rostered on each day and more workers to draw on for overtime and extra shifts to meet higher call volumes. It has also enabled

a new supervision structure to better support call takers in this highly complex environment, improve call answer speeds and ensure patient safety remains paramount. These improvements coupled with unprecedented government investment have ensured significant improvements in ESTA's call answer performance. I hope that acquits some of those matters that have been raised as well.

Furthermore, when it comes to the organisational structure, we know, given the unique nature of its services, maintaining Triple Zero Victoria as a statutory authority will preserve its operational autonomy – because we are talking about governance and addressing matters that were raised and then sought to be implemented through the review process – and its ability to respond quickly to emergency situations. This is a similar arrangement to how other emergency services operate, like Ambulance Victoria. Triple Zero Victoria will be governed by a board who have clear legislated functions to ensure the delivery of timely and effective call-taking and dispatch services, and I am emphasising those points because we can see here clearly what effect the legislation is seeking to bring into being and actually will deliver. The bill provides for clear governance of Triple Zero Victoria's service delivery and a signal to the emergency services sector and the community of where Triple Zero Victoria's focus will be into the future, and the bill will establish the role of chief executive officer of Triple Zero Victoria in legislation.

I am emphasising these important elements of the bill because fundamentally it is about strengthening governance and oversight. At the risk of spelling those elements out, these changes should not be underestimated. They are significant changes, and they ensure that everyone – the community at large – is clear about what measures the government is undertaking to really drive important reform in this area. The method and criteria for appointment to the CEO position will be set out in legislation for the first time – we should take note of that as well – ensuring that the CEO has the relevant skills and experience required to manage Triple Zero Victoria. I do think it is important, because it is easy, when there are reforms and bills and the wording in which legislation is often drafted, to overlook some of the very significant elements that are actually driving change. That is why I think it is important to focus on those elements here and now, while we are debating not only the purpose of the bill but what we expect it to deliver as well.

I also want to reiterate that I note what a difficult and complex role it is. I have to say that hypothetically speaking, but I know there would be broad acceptance of that position and understanding by those who have to take those calls when people are probably in significant distress. Having the right tools, disposition and know-how to handle them is certainly something I have a lot of respect for – and I know that has been, in a unified way, accepted by this chamber as well. I am just reiterating this point because it is very easy to dismiss just how hard and effectively our workers in the call centre work every day to keep Victorians safe. In 2022–23 ESTA answered almost 2.7 million calls for assistance, representing a call every 11 seconds, or 7350 calls every day. I say that from the perspective of saying, yes, this just shows you what an incredibly demanding role and workplace this is and what an incredibly important function it is, and hence the imperative to bring about reforms for this very important role in our community – literally the nexus between community and our emergency services, fundamentally.

I also do just want to touch on the issue of staff, because we are going from ESTA as it was to Triple Zero Victoria. Staff at ESTA have worked tirelessly, we know, to support Victorians in the face of sustained, unprecedented demand during the pandemic, and we simply cannot thank them enough. ESTA's highly qualified staff will be supported through the transitional period. Staff employed by ESTA will transfer to Triple Zero Victoria on the same terms and conditions they are currently employed under to help ensure the continuity of service to the community. That is certainly important to me and, I know, to our government as a whole.

I used to work for a union, not specifically to do with emergency services, but I do understand that making sure that workers are well supported in a transitional space is incredibly important. I am relieved to know that this is being well and truly looked after. The dedicated and tireless ESTA staff do an incredible job on the front line every day. These reforms will also give them certainty that the

highly skilled service they provide will be supported by a strong and resilient system. It is making sure that on the one hand the highly skilled staff are well supported through the transition. That certainly is important as part of our Labor values as well. Many of us in this chamber have worked in unions, but you do not have to have worked in a union necessarily to understand the importance of that. I think it is common sense to look after our workers, because they are saving lives at the end of the day.

A member interjected.

Nina TAYLOR: It makes good sense, doesn't it? Also giving them certainty about the service in which they are working is extremely important; they deserve that. I think that will give the community comfort. Fundamentally we know that this is really important work. It is responding to the reviews and taking on board the important changes to ensure this system functions optimally into the future.

Bridget VALLENCE (Evelyn) (16:29): Today I rise also to speak on the Triple Zero Victoria Bill 2023, and I do so with some concern because 000 is that essential, critical emergency call service and call and dispatch service that Victorians expect to rely on. Sadly, over a number of years there have been systemic failures in the system, and finally we see some small steps forward from the government after years of inaction, years of underfunding and years of systemic issues. The 000 call service has been broken. On our side of the house we will not be opposing this bill or of course any attempts to fix and strengthen the critical 000 call and dispatch system. The Labor government, after years of inaction and knowing about these systemic failures, are bringing forward this bill today after several damning independent reports, so it is good finally to see some steps. We do not think that the bill covers everything that is needed, but we feel that it is at least a step in the right direction to improve what is such a critical and vital system that Victorians absolutely should expect to rely on.

Simply renaming ESTA Triple Zero Victoria is not enough, and Victorians will certainly be scrutinising the Labor government very closely to ensure that there is actually a marked improvement in this vital emergency response system. Lest there be any doubt, my concerns are not levelled at the hardworking and dedicated workforce – the staff at ESTA who take the calls, who deal with those harrowing calls and who work their hardest to get the service and the help needed to people at the time that they need it; they are really about the operational side, the management and the government, who have year after year failed to see the necessary requirement to fund and sustainably fund such a vital and critical service. It is really the government who has failed with the warning signs – not only the warning signs but the actual reported and documented evidence by independent bodies who have demonstrated that the system has been failing.

Tragically and unacceptably, independent reviews have revealed and identified that at least 33 Victorians have tragically lost their lives as a result of systemic issues within Victoria's ESTA system and ambulance dispatch, and I take the opportunity to again extend my condolences to all of the families of those 33 people who died as a result of failures within the system, because of course nothing will ever bring those people back home. When Victorians call the 000 system, it is because they are desperate. It is because they are desperate and they need help. They need help at that moment in time. That is precisely why they are calling 000. Everyone knows it. Everyone has got it on their fridge at home: 'In case of an emergency call 000'. Victorians expect and deserve to have that service responded to in a timely manner and responded to quickly in an urgent sense, but all too many times the system has failed Victorians.

As I said, Victorians expect their calls to be answered to get help when they need that help. But these independent reports have revealed the deep and systemic problems that have been known to this Labor government for years but so far not acted upon. The inspector-general for emergency management (IGEM) did a number of reviews, including the emergency call answer performance review, which exposed deficiencies in the system and that Victoria's system had the worst performance in all of Australia. Also, the Auditor-General reported on the risk to the sustainability of the ESTA system. Yet it has taken years – years too long – for the Labor government to act. Victorians hope not just that this bill is a way for the government to rename and rebadge the ESTA system as Triple Zero Victoria but

that funding and operational issues will actually be fixed and strengthened in response to those damning findings and the recommendations in the various independent reports that have exposed system failures for probably almost a decade now.

The government often refers to their spending programs, like the infrastructure program. I have got nothing against infrastructure, but they spend billions and billions on infrastructure, and also those infrastructure projects are billions and billions of dollars over budget, yet the Labor government have to date struggled to find sufficient funds to properly resource the ESTA emergency call and dispatch system. It has not been structurally funded well to ensure it is sustainable and delivering the level of service that Victorians expect of an emergency call and dispatch system. Again, the key points of the IGEM independent review are really troubling: 33 Victorians tragically died from emergencies that were linked to 000 delays or lengthy ambulance waits; the number of calls answered within the 5-second targets were consistently under the 90 per cent benchmark, as reported in the IGEM report; and at its lowest point, in January 2022, ESTA only answered 39 per cent of calls within 5 seconds.

As a mum at home, one of my sons had anaphylaxis, and I had to call 000 for my son, who has, unfortunately, a deadly allergy to peanuts. I have been in that situation where we have had the stress of needing to call 000 and having a very, very – I think, unacceptably – long wait for an ambulance. So I know only too well, having had firsthand experience of calling 000, about having an unacceptably long wait time when my son was in a very stressful situation for his mum, and it was a very painful situation for my son. To see these reports, to know the statistics are damning and for the government to have taken this long to just chip away at the edges and only dish out a little bit of money here and there has not been good enough.

It was quoted in the report by Tony Pearce that calls had fallen below community and government expectations, with Victorians waiting more than 70 minutes for their emergency call to be answered in January of 2022. That is just astonishing and completely unacceptable. That was January 2022. We find ourselves now in October 2023, so that is a very long time after these reports came through. That is still a very, very long time for the government to act. It is good that the government is taking a step forward now, but given that the crisis was well and truly known at least in January 2022 – despite the fact that we had known about the funding issues for years and years before, back to at least 2016 – when Victorians were having to wait up to 70 minutes for their calls to be answered, we find ourselves now in October 2023 and the government is only introducing a bill now. They are just way too slow to act for some of the most critical emergency services that Victorians expect and deserve.

Just think of the harrowing ESTA call that we heard from the mum of 14-year-old Alisha Hussein. Again, as a mother, this pulls on the heartstrings. They called ESTA. They called 000. They were on the phone. They just took that step to drive to the hospital, and still there was no ambulance dispatched, and sadly Alisha Hussein died. These reports can shed some light for a family like the Hussein family, but they will not bring Alisha back.

Also with this bill there are a couple of other concerns that we have. There is a lack of a timely requirement for the government to report on performance data and performance measures, and we would like to see that strengthened. The Shadow Minister for Emergency Services has foreshadowed that we may have some potential amendments that we might put forward when this bill gets to the upper house. Performance data is crucial to ensuring that this new Triple Zero Victoria will actually perform to the expectations of Victorians so that we do not ever again hear this level of tragic stories as the result of a government service like this one.

The DEPUTY SPEAKER: Before I call the member for Pascoe Vale, I would like to acknowledge in the gallery Mr Chirag Paswan, a member of the Indian national Parliament's Lok Sabha. Welcome, sir.

Anthony CIANFLONE (Pascoe Vale) (16:40): I rise to speak on the Triple Zero Victoria Bill 2023, and in doing so I would like to acknowledge all of the contributions, particularly from this

side of the house thus far, and the service from all sides of the house in terms of our emergency services, beginning with the member for Melton with his outstanding contribution. I acknowledge his service as a medic for many, many years. I would like to acknowledge the work of and thank all of Victoria's emergency services staff, beginning with emergency call takers, right through to Victoria Police officers, Ambulance Victoria officers, our firefighters, health workers, Victoria State Emergency Service workers and PSOs, but as well our social workers, who have to deal with a lot of the fallout of a lot of these incidents, which sometimes can be forgotten.

This bill is a key pillar in the reform of Victoria's 000 service, and the bill will do quite a number of things. It will focus Triple Zero Victoria on delivering high-quality and timely call-taking and dispatch services and operational communication services; establish a board directly accountable to the Minister for Emergency Services for all aspects of the business of Triple Zero Victoria that have clearly legislated functions; and define the functions of the CEO, who will be appointed by and report to the board and be accountable for the general conduct and financial management of Triple Zero Victoria. It will establish an operational committee of the board to formalise and embed meaningful partnership models between Triple Zero Victoria and emergency services and other key government departments, and the bill details the reporting requirements of the board to the Minister for Emergency Services and the Department of Justice and Community Safety.

The bill also sets out the process around establishing performance standards, which will be set by the emergency management commissioner in consultation with Triple Zero Victoria, emergency services organisations and key department stakeholders and be reviewed at least every five years. The inspector-general for emergency management will maintain a role in monitoring and assurance of performance standards. The bill marks an important step forward as the government delivers on its commitment to create a stronger, more resilient 000 service for all Victorians.

The bill builds on and is informed by the findings of the *Emergency Services Telecommunications Authority Capability and Service Review*, which was led by former Victoria Police commissioner Graham Ashton. The bill also builds on and is informed by the findings of the inspector-general for emergency management's *Review of Victoria's Emergency Ambulance Call Answer Performance: COVID-19 Pandemic-Related 000 Demand Surge*, which identified quite a number of opportunities to strengthen governance, accountability and service delivery, including in times of peak demand. Both of these reports recommend organisational changes and reforms to ensure that the Triple Zero Victoria structure, functions and name align with community expectations and the services being provided. But both of these reports also set out clearly and factually the context in which ESTA have been operating through the unprecedented demands and challenges of the COVID-19 pandemic, which I will draw the house's attention to.

I point the house to pages 2 and 4 of ESTA's capability review, which state that ESTA responds to 2.5 million emergency calls annually and dispatches 2.1 million events per annum. ESTA employs approximately 1000 people, who do magnificent work across their three purpose-built facilities, which operate 24 hours a day, 365 days a year. However, for some time now there has been significant concern around the effectiveness of ESTA's capability and capacity to deliver consistent 000 services across Victoria, and this review has been completed during a particularly complex and challenging time for ESTA. The report acknowledges that over the course of the review there had been and continue to be challenges in the delivery of some of ESTA's call dispatch services. These include the ongoing impacts of the COVID-19 pandemic, which pushed Victoria's emergency services organisations, particularly health services, to their limits. The Ashton review goes on to make 20 recommendations, much of which are either fulfilled by or progressed through the passage of this bill.

The review of the inspector-general into ambulance performance during COVID-19 on page 5 states:

It is not an understatement to say that the COVID-19 pandemic has changed life as we know it. For more than two years now Australia – and the world – has been dealing with a health crisis of such scale and consequences that the closest precedent was the devastating outbreak of Spanish Influenza following the Great War.

COVID-19 has challenged and stretched health systems across the world. Despite Australia's relatively small population and situated within a continent of its own, state and national health systems have been subjected to significant stress and strain, affecting both systems and people.

The review recognised the vital and skilful work of all the call centre call takers and dispatchers during the past few years who have been presented with so many challenges. On the front line of Victoria's emergency management system, these people have worked tirelessly to help safeguard the community. The review finds no fault with the people who have so capably served in this capacity through such difficulties that the pandemic has presented to us all. This work is highly skilled but also physically and psychologically demanding on the call takers, dispatchers and also their families.

The current benchmark for ESTA's call answer speed for emergency ambulances is that within a calendar month ESTA answer 90 per cent of such calls within 5 seconds. However, despite its careful planning and best endeavours, ESTA's call answer speed performance for emergency ambulances via 000 did fall during the period of the review below community and government expectations and performance benchmarks during the pandemic. This occurred in the face of an enormous and unprecedented demand for Ambulance Victoria services, demand that reverberated and challenged the health system broadly as a whole.

By the end of the 2020–21 financial year ESTA had answered 884,000-plus emergency ambulance calls, which was 53,200 more than the previous year. From the end of October 2021, as COVID restrictions began to be eased, this contributed to call volumes increasing significantly more, with ESTA answering approximately 2800 calls a day for eight months; that is 400 a day more than the previous year's mean. As across the rest of the health sector, ESTA was also having to furlough a significant percentage of staff due to COVID-19 infections or those who were deemed as close contacts. At the very same time Ambulance Victoria assessed that many of these calls were for patients who did not need an emergency ambulance. Ambulance Victoria's referral service was assessing 40 per cent of 000 calls and referring 24 per cent to alternative means of care or transport during 2021 – they were not emergencies.

The review identified 40 potential adverse events, sadly, during this period, which were associated with call answer delays; agency, command and control decisions; and resourcing issues. Tragically, 33 patients did not survive their emergencies, and my thoughts and prayers really are with their families and also the emergency workers who attended these cases. The review, however, did not make any findings about whether the associated emergency call performance issues may have contributed to the passing of these patients or whether faster intervention may have prevented these deaths. To quote from the report, the inspector-general for emergency management stated that:

These important questions are for the jurisdiction of the Coroners Court of Victoria ...

with the inspector-general also going on to say that:

The actual consequences of degraded call answer and response times for the community may not be clear for some time.

And that:

It may also be necessary for longitudinal studies to track patient outcomes over time.

The inspector-general's report put forward 42 findings, nine observations and eight recommendations, which again are being largely fulfilled through this bill. These reforms, along with the accompanying state investments, will help us to rebuild community confidence in our state's emergency call dispatch system. Along with these reforms, since 2021 the Victorian government has delivered over \$363 million in new investment to reform and strengthen Victoria's 000 services, including through \$333 million from May 2022 to deliver more than 400 staff, another \$27 million in October 2021 to ease call-taking pressure and upgrade technology and a further \$2 million in the recent budget to continue to support the implementation of these initiatives.

These improvements, coupled with unprecedented government investment, have ensured significant improvements in ESTA's call answer performance. Since August 2022 ESTA have consistently exceeded the ambulance call answer speed benchmark of answering 90 per cent of calls within 5 seconds, and given they receive around 7500 calls a day – or a call every 11.6 seconds – this is phenomenal work that needs to be acknowledged.

I would like to end where I started by thanking every local emergency worker across Pascoe Vale, Coburg and Brunswick West. In this respect I am very pleased to share with the house that the member for Broadmeadows on 15 June officially opened the new world-class SES station on the border of our electorates, located at 1161 Sydney Road, Hadfield. The Victorian government invested \$125 million, some of which delivered this brand new world-class facility, which is spread across 5000 square metres and includes a five-bay motor room, a modern kitchen and expanded office space, and is fully equipped with IT communications equipment that is all interconnected with the broader emergency network.

I would also like to conclude on another positive note and share with the house the story of young Chloe Bonner, an eight-year-old from Pascoe Vale who demonstrated maturity beyond her years in picking up the phone and calling 000 to save the life of her mum Sally Bonner. As a medical emergency was unfolding at her house, Chloe first rang her grandmother, explaining that she had found her mum making funny noises and that her eyes were closed. Chloe's mum Sally is a diabetic. 000's Darcy Martell, the ESTA call taker who took the call, then called Chloe directly, throughout which Chloe's calm demeanour and capacity guided her to calmly follow the instructions that Darcy was giving her to help save her mum. Chloe's bravery was recently recognised with an ESTA junior 000 award, which as a community we should all be very, very proud of.

In that respect I am very pleased to commend the bill to the house in the name of all our emergency services workers, who deserve our credit every single day, in the name of the SES centre that we have just recently opened that the member for Broadmeadows cut the ribbon to – which will go on to serve our community for many, many more years – and in the name of Chloe, who has done a magnificent job that we should all draw inspiration from. I commend the bill.

Cindy McLEISH (Eildon) (16:50): It looks like I might be winding up this debate, all being well. I rise to join the Triple Zero Victoria Bill 2023 debate. I guess this bill is reflective of the typical reactions of the government when they are under a bit of pressure, when the heat is on and when processes and systems are failing. We have had quite a number of failings with ESTA, and so what the government does is kind of try and start again and create a new agency. I cannot count the number of new agencies that the government has created during the last two terms that they have had. Now, what we see here with ESTA, the Emergency Services Telecommunications Authority, is we have known that ESTA for quite some period has had a number of issues. It is a statutory authority. This bill that we have before us is actually going to repeal the Emergency Services Telecommunications Authority Act 2004, and it will establish in ESTA's place Triple Zero Victoria. As I said, ESTA is a statutory authority, and that is not the case with Triple Zero Victoria.

The aim of Triple Zero Victoria is to support other emergency services organisations and meet agreed performance standards. One thing we all know for certain is that performance standards have certainly been lacking in the last few years. It is not just COVID – I think sometimes people say, 'Oh, the unprecedented demand with COVID', but that should not be the reason that you expose flaws in systems and processes, which is what has happened. This bill has come on the back of the criticism of emergency response times, particularly ambulance response times. Now, this is not about Ambulance Victoria and the paramedics, by any means; this is about the concerns around the processes of making a phone call to 000 and what happens next. Because you expect – and I have called 000 in the past – that your call gets very quickly triaged and it goes to the right department, whether that is fire, police or ambulance, and you get to that department pronto and you get the response. But we see that that is certainly not what has happened, and there has been a lot of concern not just around the processes but around the resourcing levels and governance as well. As I mentioned, this issue did intensify due to

the COVID-19 pandemic, but certainly that is not the only reason that we experienced a whole lot of the issues that we did.

There were a number of reviews that were undertaken to try and have a look at what happened and to make the changes – to investigate and have a good, hard look at what happened. We had, firstly, the *ESTA Capability and Service Review*, the final report which was conducted by the former Victorian police commissioner, Graham Ashton. Then there were two reports prepared for the inspector-general for emergency management, and these were the *Review of Victoria's Preparedness for Major Public Health Emergencies, Including Pandemics*, and secondly, the *Review of Victoria's Emergency Ambulance Call Answer Performance*.

I think many of us in this place would have heard of the dreadful situations where we had some 33 Victorians that died from emergencies that were linked to 000 delays and lengthy ambulance wait times. The number of calls answered within the 5-second target was consistently under the 90 per cent benchmark – consistently under. That was really quite alarming, and that meant that changes did need to be made. At its lowest point, in January 2022, ESTA only answered 39 per cent of calls within 5 seconds, so that is not good enough – I am quoting from an article in the *Age* on 3 September 2022.

Personally, I do know a couple of people who spoke to me because they had had issues. One person thought his wife was having a heart attack; this person had no medical training or involvement at all in his life – he had been a mechanic. He rang 000. It rang out. He rang 000 again, and it did not get answered. I think the third time what happened was they said, 'Can you drive your wife somewhere?' Now, he lived in a small country town where there was no access to an urgent care facility or emergency services. But what he did was he drove down to the Yea hospital, and the staff there monitored his wife in the meantime, which was particularly reassuring for him. The staff did an extraordinarily good job helping John and his wife.

I have another constituent in Mansfield who called to try to get an ambulance to his elderly mother, who required, obviously, immediate service and had been left on the floor for some time. So he rang 000, and they said, 'There is no ambulance available.' They did not put him through to the ambulance service in Mansfield. They said, 'We can have a nurse ring you back. You can have a consultation over the phone.' He knew his mother needed the ambulance service, and this went on for a considerable period of time. When you are in a small country town, the paramedics are part of the local community. People know them. They know them by name. They see them at the coffee shops. They live next door to people. He spoke to the paramedics, and they said, 'What do you mean? We were in the ambulance station all that time.' So all of that period ESTA did not even attempt to put the phone call to the ambulance station in Mansfield. They were sitting around having coffee. They were extremely concerned about this, as were the ambulance officers. They were quite distressed because they knew my constituent and his mother and realised that the system was certainly broken.

There are some similarities, I guess, between ESTA and Triple Zero Victoria. We have heard the government members talk about the board. Well, ESTA did have a board as well, and you would have to look at the composition of that board and the number of board members. I think there is a minimum of five and not more than seven, and I sometimes wonder if seven is the right balance or not. What the bill does here, though, is it aims to strengthen accountability and governance and brings the new agency closer to working with emergency services and the minister. In fact the minister is going to be, in theory, all over it, because they are going to be reporting directly there. The CEO and the board, as is typically the case, will be appointed by the minister in consultation with the relevant emergency services ministers. The new operational committee will be established to implement the recommendations of the reviews that I mentioned before. It sets its own terms of reference, which are to be approved by the board, and works with the emergency services operations to establish interagency strategic objectives. Interagency objectives are so important because we need everybody singing from the same hymnbook. I think that is really important.

I suspect that the bill is really just a governance piece rather than looking a lot at the operational models. The issues: the public should not see any real change other than a name change, but hopefully there will be better systems and processes and much better outcomes. It will not really satisfy concerns that the call centre performance and response times will not be fixed. Hopefully that is what will happen, but it will not unless they really review and revise the processes.

The funding – there are issues of how much they will get and where it will come from. Will there be a new funding model to ensure adequate investment aligned to the shifting demands? I am not quite sure about that. And the legislation will not resolve resourcing deficiencies which have been expressed within ESTA and with emergency services officers alike. The root of the problem, as we have said, was at operational level with a lack of investment in systems and staff. If you do not have the right systems – the right processes and procedures in operations – and staff, you are not going to have a strong model. The improved governance may provide greater oversight, but it will not correct the problems without commitments to greater levels of investment.

Clause 81 actually allows the minister to:

... set ... agreed performance standards ... including in relation to its governance, or administration or financial matters.

The minister must also review and endorse all other performance standards before they are set. So the minister's hands will be all over this, unlike with a statutory authority, where it is kept quite separate. Does this mean that the minister is going to exert too much influence coming up with their own performance standards or not? We know certainly that the system is broken. The system does need to be changed. The government has acted on the reports that have been done, and for all Victorians let us hope these changes do improve matters.

The SPEAKER: Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Education and Training Reform Amendment (Land Powers) Bill 2023

Second reading

Debate resumed on motion of Natalie Hutchins:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023*Second reading***Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

Motion agreed to.**Read second time.***Third reading***Motion agreed to.****Read third time.**

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Business interrupted under sessional orders.*Rulings from the Chair***Constituency questions**

The SPEAKER (17:01): Before I call members for adjournment matters, I advise the house that I have reviewed the constituency questions from yesterday. Both the member for Berwick and the member for Broadmeadows sought actions in the form of asking for information to be provided to them. I therefore rule their questions out of order. I remind members once again that constituency questions must be questions. Members should always check to see whether their question is capable of being punctuated with a question mark at the end of it. As always, if you are in doubt, I encourage you to check with me or the clerks.

Adjournment

The SPEAKER: The question is:

That the house now adjourns.

Ozempic

Peter WALSH (Murray Plains) (17:02): (361) My adjournment matter tonight is for the Minister for Health. It concerns constituents in my electorate who have been to see me who are diabetics and are concerned about having access to the new diabetic drug Ozempic. They are quite worried that, as is well reported in the media, there is a shortage of this drug and that shortage may last through to probably June next year. What I would be asking the Minister for Health for is to join with other MPs in this house who have a similar issue with their constituents and work through – I understand it is a federal issue – the ministerial council to try and get a system in place where those diabetics who are already on this drug can actually have priority access in a situation of shortage. As I understand it, talking to the people who have been to see me, it takes a while for this drug to work for them. Then they build up a reliance on this drug, and if they do not have it and have to go back to the old forms of diabetic drugs, that creates quite a serious health issue for them. So I ask the minister through her role in MinCo and with the federal minister to make sure that there is a process in place for priority access for diabetics to this drug in Victoria.

Kororoit electorate schools

Luba GRIGOROVITCH (Kororoit) (17:03): (362) The adjournment I wish to raise is for the Deputy Premier and new Minister for Education. The action I seek is for the minister to join me in welcoming the first students to the new Yarrabing secondary school and Dharra specialist school in Aintree in term 1 in 2024. From kinder to great local schools all the way to TAFE and uni education, it all changes lives. From investments for new schools to easing the cost of living for busy working

families, the Allan Labor government is doing what matters for young Victorians, investing \$4.9 billion in the Education State through the most recent budget. We promised we would build 100 new schools across the state, and we are doing just that. By day one of term 1 in 2024 we will have 75 schools delivered in some of our fastest growing areas, including two in my electorate of Kororoit, so that those in my electorate and around Victoria can count on having great local schools close to home. It is why we will transform support for students at specialist schools, expanding out-of-hours care, hiring new NDIS navigators and training more therapy animals. We are boosting our teacher pipeline with a \$229.8 million investment, which includes free secondary teaching degrees and support for graduate teachers, because a strong and sustainable school workforce is critical to the success of our education system. Our teachers, school leaders and school support staff shape the lives and learning outcomes of Victorian students. I look forward to the minister hopefully accepting my invitation.

Brighton Secondary College

David SOUTHWICK (Caulfield) (17:05): (363) My adjournment is to the Premier, and the action I seek is that the Premier provide an *ex-gratia* payment to Liam Arnold-Levy as recommended in the judgement in the Brighton Secondary College antisemitism case. Just a few weeks ago the Federal Court handed down a damning verdict which found that the staff and the Victorian government were negligent in their duties to protect Jewish students at Brighton Secondary College from vile bullying and antisemitic abuse. Whilst the other students involved – Matt, Joel, Guy and Zack – all received an appropriate level of damages and compensation, technicalities in the case meant that Liam received just a fraction of this amount. In her judgement Justice Mortimer highlighted the perceived unfairness of this outcome and also invited the government:

... to consider making an *ex gratia* payment to Liam, commensurate with what the Court has found was the damage he suffered, and commensurate with the compensation awarded to the other applicants.

Let me be clear on the damage he suffered – damage that the Victorian government failed to protect him from. From year 7 onwards Liam was subjected to verbal and physical bullying so vile it goes beyond comparison. He was called a ‘Jew boy’ and a ‘skull boy’, he was told to ‘burn in the oven’, he had coins thrown at his feet, he had Nazi salutes performed at him, he had his kippah ripped off his head and even had his head kicked while he was wearing his kippah. According to the court, years of abuse went almost completely unchecked by the staff and the Department of Education. Not only was the Victorian government negligent in its duty to protect these students from abuse, it then decided to go and spend \$5 million in legal fees to try and silence these boys, forcing them and their families to relive this trauma. I believe the least the government can do is come to the table, do the right thing and make a fair payment to Liam and unreservedly publicly apologise to the boys and the community as per the recommendations of the court.

Mirrabooka Reserve, Blackburn South

Paul HAMER (Box Hill) (17:07): (364) My adjournment matter is for the Minister for Community Sport, and the action that I seek is for the minister to join me on a visit to Mirrabooka Reserve in Blackburn South and meet with representatives from the tenant clubs. This year’s Victorian budget has committed \$3 million for a massive upgrade to the Mirrabooka Reserve, with a further \$2 million committed through the Albanese government from my friend Dr Carina Garland, the wonderful member for Chisholm. I would like to congratulate the Blackburn NewHope Football Club and the Blackburn South Cricket Club, the two tenant clubs, as these are the communities and sporting clubs that will be amplified from this upgrade. They provide training and games for more than 450 players across 32 teams of all ages. The upgrade will include new change rooms that will encourage and support women’s and girls’ participation in sport, and we can see just from the enormous groundswell of support that came to the Matildas recently how important this is, particularly for a local soccer club like the NewHope football club. A visit from the minister would be an amazing opportunity to talk to the clubs about the progress of this project and understand what the upgrades will mean for both clubs.

Western District Health Service

Emma KEALY (Lowan) (17:08): (365) My adjournment matter is for the Minister for Health, who I note is at the table, and the action I seek is for immediate funding to be provided to Western District Health Service to enable them to replace non-compliant flammable cladding on the wall of the rehabilitation ward at Hamilton Base Hospital. This is a matter which we know has been in the media for some time – flammable cladding on numerous buildings across the state – but it is of significant concern to health services when they have flammable cladding on their buildings. The board have been very proactive in engaging with Cladding Safety Victoria and the Victorian Health Building Authority in regard to replacing this cladding. It goes back to a period of time when Cladding Safety Victoria notified the hospital that this flammable cladding was present back in 2021. Since then the Victorian Health Building Authority have issued instructions to RP Infrastructure Pty Ltd to initiate procurement for their replacement cladding. A project control group was established consisting of representatives from CSV, VHBA, the consultant team and Western District Health Service. A construction group were engaged. All up, we are looking at this whole construction phase of the project, including engagement of consultants on the process, being in excess of \$250,000, which is being paid for by the VHBA. Despite this initial communication in July 2022 confirming funding for the project would be made available and the works would commence, the hospital was notified in May of this year that that funding was no longer available and the project would not be funded. The hospital have written to the minister on two occasions that I am aware of, on 2 August and again on 6 September; they have not yet received a response from the minister. I did have an invitation from the minister to brief her on this before this matter, and I have, so I have given her some details. However, I am more than happy to provide further details, if required, at a later date. But given the safety concerns of the local community, particularly of the board and the staff – the staff do an amazing job at our Western District Health Service – I do ask the minister to ensure that funding is immediately provided so those rectification works can take place as soon as possible.

Preston electorate level crossing removals

Nathan LAMBERT (Preston) (17:11): (366) My adjournment matter is for the Minister for Transport Infrastructure, and the action I seek is for the minister to visit Preston and Reservoir to see the progress that has been made on our local level crossing removals. As the minister will know, this Labor government has already removed the infamous level crossing at the junction of High Street and Cheddar Road in Reservoir. I note the member for Thomastown is here, who knew that former infamous intersection well. People had complained about it for several decades, with good reason really, ever since the old railways department closed the McCrae Street underpass. In my inaugural speech members might remember I touched on the fact that this Labor government was the first government really in all that period to do something substantial about it, removing the crossing and substantially improving traffic flow and pedestrian safety. And then in 2022, as the minister also knows, we removed four of the five level crossings in Preston. There is one to go in Regent Street, but four of them are gone, and in their place we have new bike paths, new parks, and most notably, brand new train stations. The whole project has been a great success, and of course we recognise the contribution of the former minister and now Premier to that project.

However, as the new minister will no doubt be aware, there is still some work in train on that particular project. As part of the action we are seeking, we hope to take him down to the Emery Street and Herbert Street ends of that project where some of the landscaping decisions are still being made. We also hope to give him a tour of the immediate surrounds of Preston station itself, which of course are home to Preston Market but are also home to some lots that may well be good locations for new housing, as part of our landmark housing statement. Then finally, if we do get time, we will take him up Thomastown direction to the Keon Parade level crossing removal project, where I and the member for Thomastown have often visited – a great project. In fact as we speak I think right now the beams are being put in place for the bridge across Keon Parade.

I noted during the September recess that it has in fact been 50 years since Jim Simmonds, the former member for Reservoir, first suggested that that station should move to the south side of Keon Parade, and of course it is this Labor government that is also finally getting that done. We have done some amazing work generally with new train stations in the northern suburbs. As the member for Pascoe Vale knows, if we look at Moreland station or Coburg station, Preston station or Bell station, they are not only great transport facilities but architectural and cultural and environmental contributions to their communities, and we very much hope that the new Keon Park station will be the same. I note the advocacy of April Edwards and David and Sam at All Heart Cafe. A lot of locals there are looking forward to the revitalisation of Johnson Street and the bolstering of that part of the world as part of this new project, and we hope that the minister will be able to get along and see how our level crossing removal project will contribute to that. We thank him for his consideration.

Small business support

Jess WILSON (Kew) (17:14): (367) My adjournment is for the Treasurer, and the action that I am seeking is for compensation to be provided to the small businesses in the Union Road and Whitehorse Road shopping strip in Surrey Hills, businesses that have lost business because of works due to the Suburban Rail Loop (SRL). It is a tough time to be a small business in Victoria, and right now the Labor government is making it even harder. Victoria is the highest taxing state in the nation, and local businesses are being punished with higher payroll tax, higher WorkCover premiums and higher rents as a result of this government's land tax hikes. Electricity bills are also soaring. Is it any surprise then that, according to the Australian Bureau of Statistics, Victoria was the only state to experience a decrease in the number of registered businesses in the last financial year – a decrease of over 7000 registered businesses compared to the previous year. In contrast, New South Wales and Queensland experienced increases of over 11,000 and 8000 registered businesses respectively.

The Labor government is simply making it too hard to do business in this state. Businesses in Surrey Hills have had it particularly tough. After suffering through COVID restrictions, they have also been significantly impacted by the Union Road level crossing removal project just around the corner. For months on end traffic diversions and closed roads saw business drop, but just when small businesses in Surrey Hills thought it could not get any worse, the Labor government's Suburban Rail Loop has started months-long works. These works have resulted in changed traffic conditions at the shopping strip and the removal of car parking for both shoppers and traders. Last week I went to speak with these small businesses to understand the impact. The shopping strip is home to so many wonderful small and family-run businesses, like Hill Top Cakes, Design Hire Enjoy party shop, Balwyn Yoga Centre, Windmill Educational Toys and Il Sogno, a little Italian restaurant where I had my first job as a waitress, just to name a few of the shops. The small business owners told me that they are already experiencing the impact of drivers being unable to find a car park or park out the front for a quick duck into the shop. Traders and their staff do not have anywhere to park themselves. They are seeing foot traffic fall, and their businesses are suffering as a result.

I ask that the government provide compensation for the businesses in this shopping strip that will lose business as a direct result of these traffic changes being caused by the SRL works. If the government is going to restrict access to these businesses, it is only fair that the government provide adequate support during this time. Rental payments do not stop just because foot traffic does. It is clear that these works could have been better managed. The local community and small businesses should have been consulted from the outset. If they had, issues around the closure of Clapham Street car park would have been resolved. I ask that the Labor government do the right thing and support these businesses through this difficult period, and that in future they consult and work with the local community before works commence.

Jells Park

John MULLAHY (Glen Waverley) (17:16): (368) My adjournment matter is directed to Victoria's new Minister for Environment, and the action I seek is for the minister to join me at Jells Park in my

electorate to witness the terrific transformation of this Parks Victoria-managed open space. The Allan government is proud to be making historic investments in green open spaces across the mighty east, including in my district of Glen Waverley. In fact we do not have just one major parks project on the way, we have got two. At Healesville freeway reserve in the north of my electorate, we are investing in a once-in-a-generation upgrade. We are transforming this under-utilised space into beautiful new parkland for the community to enjoy.

As I said, that is not all, because we are getting on and transforming Jells Park too. For so many people in the Glen Waverley community, and indeed across the greater south-east, Jells Park is an absolute gem. The Allan Labor government is getting on and making it even better, with a \$5.9 million investment into two new shared user paths around Jells Park. With 7.5 kilometres of new trails around Jells Park, more Victorians than ever will be able to enjoy this green open space. But that is not all. We are not stopping with these beautiful shared paths, because we are getting on and improving the two ovals at Jells Park too. With a \$4 million investment, we are getting on and rejuvenating both the northern and southern ovals for the long haul. These upgrades include synthetic pitches built to meet Cricket Australia's standards and a new pavilion for athletes too.

But wait, there is more where that came from, because the Allan Labor government is investing \$21 million into the new Monash Tennis Centre at Jells Park too. Once works are completed in 2024, communities from across Melbourne's east and beyond will be able to enjoy a truly world-class facility, with 18 courts, golf practice facilities, better car parking and a new pavilion. That is a total of \$30.9 million in investments in Jells Park, which is only being delivered by the Allan Labor government. I hope that the Minister for Environment will take some time to join me in Jells Park to see the progress we are making in this terrific Parks Victoria park.

Five Ways intersection, Warrandyte

Nicole WERNER (Warrandyte) (17:18): (369) My adjournment debate matter tonight is for the Minister for Roads and Road Safety, and the action I seek is to fund the Five Ways intersection in Warrandyte South. Throughout my recent campaign, this issue, above all others, was brought to me day in and day out. That is why this is the first adjournment debate matter I am raising, as the electorate of Warrandyte's top priority is my top priority, and that is fixing the dangerous and perilous Five Ways intersection.

As my constituency knows all too well, the Five Ways intersection in Warrandyte has been the scene of too many vehicle crashes and incidents to count, with the community united in its need to fix it. The Five Ways intersection is one of the most congested intersections in Victoria, constantly making people late to get to work and late to get home to their families, with commuters often having to wait more than 15 minutes to get to where they need to go. Parents are coming to me and telling me, 'Nicole, my kids are taking their lives in their own hands when they go through Five Ways. Please fix it.' Our Warrandyte community has come together, voicing their concern, with over 1100 locals having signed a petition calling for an urgent upgrade to the intersection.

Despite the fact that the Five Ways intersection has been the site of multiple crashes over the years and a fatality, it was deemed completely safe by the former Minister for Roads and Road Safety, our new Deputy Premier. My honest hope is that this intersection is fixed before there is another fatality. My honest hope is that this is the last adjournment matter on Five Ways that needs to be raised and that the intersection is fixed. My honest hope is that I will not be standing here again asking why this deadly intersection was not fixed before the inevitable happened again. We have a new ministry and a new Premier, and the Parliament has a new member for Warrandyte. Let us step up where the previous minister did not to ensure that families in my community get home sooner and safer.

Thomastown electorate

Bronwyn HALFPENNY (Thomastown) (17:21): (370) I wish to raise a matter with the Minister for Planning, and the action I seek is that she accompanies me and residents on a tour of our growing

suburbs in the Thomastown electorate. It was not that long ago that suburbs such as Wollert and North Epping were an expanse of open grassland, home to cows, sheep, chickens and kangaroos. Now they are home to many families and, since the election of the Labor government in 2014, home to 11 brand new schools and kindergartens, shopping centres, community centres, playgrounds, sportsgrounds and new roads. Of course there is more to be done and not everything has gone smoothly, but we are all proud of the place where we live, work and/or play. Residents would love to show the minister the area they call home and to discuss what has worked well and what is still to be done.

Responses

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (17:21): I welcome the question from the member for Murray Plains, the issue that he has raised in his adjournment debate, and I am very happy to take this very serious issue up with the federal minister for health, and that is of course access to the important medication Ozempic, which many diabetics rely upon and which has been very scarce and is difficult to access in Australia at this time.

The member for Lowan has asked me to investigate what is happening at Western District Health Service, indeed Hamilton hospital, where cladding needs to be replaced, and I commit to doing that and look forward to getting back to the member for Lowan as soon as possible.

The member for Kororoit raised a matter for the attention of the Minister for Education, and the action that she seeks is that the minister accompanies her to Yarrabing secondary school and Dharra specialist school on a visit to see how progress is underway at those schools that are due to open on the first –

Luba Grigorovitch: Of 2024.

Mary-Anne THOMAS: The first day of school in 2024. Thank you.

The member for Caulfield had an action for the Premier, and the action that the member for Caulfield sought is that the Premier make an ex gratia payment to a student at Brighton Secondary College.

The member for Box Hill has raised a matter for the attention of the Minister for Community Sport, and the action that the member seeks is that she accompanies him to Mirrabooka Reserve to look at the benefits that his soccer and cricket clubs are receiving as a result of significant investment by the Allan Labor government in those facilities.

The member for Preston has raised a matter for the attention of the Minister for Transport Infrastructure. It sounded as if the member for Preston already has an extensive itinerary designed for the day for an entire tour of his electorate, but specifically the action he is seeking is that the minister come and look at the fantastic progress that is being made in the electorate of Preston with the level crossing removal projects and the level crossings that have been removed and the extraordinary difference this has made to the lives of so many residents and indeed commuters through the wonderful electorate of Preston.

The member for Kew raised a matter for the attention of the Treasurer, and the action that she seeks is that there be compensation for small businesses in Surrey Hills in her electorate, businesses that have been impacted by our government's record investment in transport infrastructure projects.

The member for Glen Waverley has made a request to the Minister for Environment to accompany him to Jells Park and once again look at some of the extraordinary upgrades that have taken place there, ensuring that Jells Park remains a really great place for his community to continue to enjoy – not just the community of Glen Waverley but indeed people right across the south-eastern suburbs.

The member for Warrandyte has raised an issue for the attention of the Minister for Roads and Road Safety, and that is about an upgrade to the Five Ways intersection in her electorate.

ADJOURNMENT

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Legislative Assembly

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The member for Thomastown has raised a matter for the attention of the Minister for Planning and Minister for the Suburbs, and the action that she seeks is that the minister accompany her to visit the many growing communities in her electorate to look at the various investments that have been made by the Andrews–Allan Labor governments and the impact that they are having on her community as well as thinking to the future and understanding better the needs of her community.

The SPEAKER: Thank you, Minister. Thank you, members. The house now stands adjourned.

House adjourned 5:26 pm.