



# **Hansard**

## **LEGISLATIVE ASSEMBLY**

### **60th Parliament**

**Wednesday 15 November 2023**



**Office-holders of the Legislative Assembly**

**60th Parliament**

**Speaker**

Maree Edwards

**Deputy Speaker**

Matt Fregon

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

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Jacinta Allan

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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**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel <sup>2</sup>	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 <sup>3</sup>	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Fowles, Will <sup>1</sup>	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 <sup>4</sup>	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

<sup>1</sup> ALP until 5 August 2023

<sup>2</sup> Resigned 27 September 2023

<sup>3</sup> Resigned 7 July 2023

<sup>4</sup> 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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**Wednesday 15 November 2023**

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

*Rulings from the Chair***Member and visitor conduct**

**The SPEAKER (09:33):** After question time yesterday the Manager of Opposition Business took a point of order to draw my attention to a photo posted to social media by the member for Richmond. The photo appeared to have been taken in the chamber of members and the protesters in the gallery yesterday, with comments in support of the protesters. Members will recall that I issued a general reminder at the start of question time yesterday that photos were not permitted. I refer all members to the ruling on page 56 of *Rulings from the Chair*, which reminds members that taking photos in the chamber is not allowed and that publishing photos of protest events in the gallery on social media could be seen as encouraging disruptions to the house. I do not suggest that the member for Richmond was involved in yesterday's protest at all, only that taking and posting the picture was in breach of the prohibition of photography and that it may have the net result of encouraging disruptions in the chamber and compromising parliamentary proceedings. I met with the member for Richmond yesterday and explained my concerns about her actions and the adverse effect they could have on the work of the chamber, and I invited the member to apologise to the house.

**Gabrielle DE VIETRI (Richmond) (09:34):** My photograph was taken during a suspension, and I note that *Rulings from the Chair* on page 56 requires members to reflect before taking photos in the chamber during a suspension. I did so after careful reflection, and I believe nothing in the standing orders prohibits me. With respect, Speaker, I decline the request to apologise.

*Members***Member for Richmond***Naming and suspension*

**The SPEAKER (09:35):** As the member has defied a direction from the Chair, I name the member for Richmond Gabrielle De Vietri, and I call the Leader of the House.

**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 member for Richmond Gabrielle De Vietri be suspended from the service of the house for the remainder of the sitting week.

**Assembly divided on motion:**

*Ayes (75):* Juliana Addison, Jacinta Allan, Brad Battin, Jade Benham, Roma Britnell, Colin Brooks, Tim Bull, Martin Cameron, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Chris Crewther, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Wayne Farnham, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Matthew Guy, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, David Hodgett, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keefe, Danny Pearson, John Pesutto, Pauline Richards, Brad Rowswell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Bridget Vallence, Emma Vulin, Peter Walsh, Iwan Walters, Vicki Ward, Kim Wells, Nicole Werner, Dylan Wight, Gabrielle Williams, Belinda Wilson, Jess Wilson

*Noes (4):* Gabrielle de Vietri, Sam Hibbins, Tim Read, Ellen Sandell

**Motion agreed to.**

**The SPEAKER:** I ask the member for Richmond to leave the chamber.

**Member for Richmond withdrew from chamber.**

### *Bills*

#### **Constitution Amendment (SEC) Bill 2023**

##### *Introduction and first reading*

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:43): I move:

That I introduce a bill for an act to amend the Constitution Act 1975 and for other purposes.

**Motion agreed to.**

**James NEWBURY** (Brighton) (09:43): I seek a brief explanation of the bill.

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:43): Gladly. The bill will entrench the SEC in the Constitution Act 1975 to safeguard its existence and ownership by the state of Victoria and its people.

**Read first time.**

**Ordered to be read second time tomorrow.**

#### **State Electricity Commission Amendment Bill 2023**

##### *Introduction and first reading*

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:44): I move:

That I introduce a bill for an act to amend the State Electricity Commission Act 1958 to abolish the State Electricity Commission of Victoria established by that act, to make related amendments to that act and other acts and for other purposes.

**Motion agreed to.**

**James NEWBURY** (Brighton) (09:44): I seek a brief explanation of the bill.

**Lily D'AMBROSIO** (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:44): Gladly. This bill, in conjunction with the Constitution Amendment (SEC) Bill 2023, will assist to enshrine the new SEC in the Victorian constitution by abolishing the existing State Electricity Commission of Victoria, SECV, avoiding confusion with the new SEC entity.

**Read first time.**

**Order to be read second time tomorrow.**

#### **Summary Offences Amendment (Move-on Laws and Exclusion Orders) Bill 2023**

##### *Introduction*

**Michael O'BRIEN** (Malvern) (09:45): I move:

That I introduce a bill for an act to amend the Summary Offences Act 1966 in relation to directions to move on and to provide for the making of exclusion orders and for other purposes.

This bill is coming at a very important time for this state. The social fabric of Melbourne, the social fabric of Victoria, has never been under more pressure than it is right now. We need to make sure that

Victoria Police have the tools at their disposal to be able to keep the peace. They need the tools to be able to keep harmony in this state, and they do not have them at the moment. The disgraceful scenes seen last Friday in close proximity to a Jewish synagogue demonstrate that the public wants to see the peace kept. We cannot continue to live like this, and it is the Labor government that took away the powers of police to deal with these sorts of situations. The former Liberal–Nationals government introduced a suite of move-on powers and exclusion laws which would have the effect of being able to make sure that police could deal with these matters, but of course we know –

**Anthony Carbines** interjected.

**Michael O'BRIEN:** If only the Minister for Police was this vocal last Friday. He didn't say much then, did he? We need to have police that are properly empowered to deal with breaches of the peace. Without going into the details of the bill, we believe that the former legislation that stood, which gave police powers, was entirely appropriate. For example, why should it be that a person who is causing a reasonable apprehension of violence in another person should not be able to be moved on? That is sensible. If a person is impeding another person from lawfully entering or leaving a premises, why shouldn't they be subject to a direction to move on? If people are picketing a synagogue or a mosque or a temple or a church, why shouldn't they be subject to a direction to move on?

This is what this bill seeks to do, and for the minister to say police do not want it, well, I can tell this to the minister through you, Speaker: the minister is not speaking to the police that we are speaking to. He is not speaking to the police that we are speaking to, because at the moment the government's position is that you have to go and throw a punch before the police can do anything. They want to turn the temperature up. The government wants to turn the temperature up. We want to turn the temperature down. We want to restore peace on our streets. We want to restore peace in our cities. We do not want to see neo-Nazis roaming train carriages in the centre of Melbourne demanding to know who here is Jewish. We want to give police the powers to deal with those sorts of people, which the government is refusing to do.

So if the government is serious about restoring social harmony in this state, if the government is serious about trying to turn the temperature down from what we are seeing at the moment, the government should put politics aside, put its union mates aside, and support the introduction of this bill, because this bill does not just deal with move-on powers, it also deals with exclusion orders. Again, this provides a court with the opportunity where somebody is repeatedly breaching a move-on order to issue an exclusion order, and obviously there are more serious penalties that flow from that. So the question is: why would you be opposed to police and courts having the power to keep this city and state safe? That is all this is about, but it is so important, and it has never been more important than at a time like this, because at the moment the police are standing there trying to keep fighting groups apart, warring groups apart, protesting groups apart. What is actually happening? The temperature is rising. The scenes we saw last Friday night were appalling. It is not the city that I know, it is not the Victoria that I know, and we want to do something constructive about it. What is the government's answer? Oh, a cabinet subcommittee. Well, pardon my cynicism, but I have not seen a cabinet subcommittee actually do anything positive or constructive to deal with these matters. They have done nothing.

Here is a positive, constructive legislative measure to give police the power to keep the peace. We do not want to wait until people commit crimes, until people commit attacks and assaults. We do not want to wait until that happens; we need to deal with it before it happens, we need to nip it in the bud. That is what this bill does, in a sensible way, in a proportionate way, in a way in which the police had previously. The only reason police do not have them is because Labor took them away. Well, the Liberals and Nationals want to give them back.

**Mary-Anne THOMAS** (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:50): We will be opposing this bill, and we will be doing that on the basis that we are not going to use our time in here to attack Victoria Police, because that is exactly what those on the other side have done in suggesting that Victoria Police are not doing

everything that they can with appropriate powers to maintain peace and social cohesion in this community. Let me tell you, there is so much more to doing this than using powers of arrest or indeed other powers. It is the work that the Minister for Police spoke about yesterday: working with communities – working with our Jewish community, working with our Islamic community. I will tell you what else – we will not be taking advice or lectures from those on the other side whose own members stood on the steps of this house with people who had a mock hanging of a Premier of this state.

*Members interjecting.*

**Mary-Anne THOMAS:** I can hear her now, the member for South-West Coast. She was out there on the steps of the house.

**The SPEAKER:** Order! There is too much interjecting across the chamber.

**James Newbury:** On a point of order, Speaker, this debate is around the introduction of the member for Malvern's bill. The Leader of the House is not speaking to that matter.

**The SPEAKER:** The Leader of the House and other members know that this is a procedural debate. Please speak to the procedure.

**Mary-Anne THOMAS:** Thank you very much, Speaker, and I appreciate your guidance. I do note, however, that with the bill that is proposed to be introduced, the argument for its urgency is around social cohesion and the work that needs to be done to keep Victorians safe. To be frank again, we cannot take advice from those on the other side in relation to these matters, because actions speak louder than words. The actions of those are there for everyone to see in the way in which –

**James Newbury:** On a point of order, Speaker, the Leader of the House is defying your previous ruling.

**The SPEAKER:** Leader of the House, it is a procedural debate. I ask you to stick to the procedural debate, as will other members following.

**Mary-Anne THOMAS:** In terms of procedure there is no need for this bill to be presented to the house. Victoria Police have the powers that they need, and on this side of the house we respect the right that all communities have to come together, to grieve and to engage in lawful protest, but not at the expense of the safety of others. Victoria Police are working to enable this across communities that have been impacted by the terrible tragedy of the war that we are seeing in the Middle East. But we cannot let the violence in the Middle East beget violence here, on the streets of our city, and Victoria Police work every day in order to do that.

Speaker, the point here is that this bill that is being presented to this house is actually unfortunately nothing other than a stunt, because we know why those on the other side of this place seek to introduce such a bill to this place. Victoria's move-on laws strike the right balance between ensuring police have the tools they need to maintain public order while protecting the rights of citizens to peacefully protest. The opposition's draconian and anti-democratic proposal would criminalise peaceful protest, and on that basis we will not be supporting this bill.

**James NEWBURY (Brighton) (09:55):** Today we are dealing with a procedural debate on a motion that would allow the member for Malvern to introduce an important bill that relates to providing police with move-on powers. But this debate is not just about this bill; this debate is also about the type of Melbourne, the type of Victoria, the type of state we want to live in, in that on Friday I am sure that we all saw the scenes that occurred in Caulfield – horrific scenes, appalling scenes, scenes that I am sure every member of this house never thought they would see in our suburbs and would never want to see in those suburbs.

When incidents as appalling as those occur, you need to reflect on how they have occurred and what can be done, if anything, in terms of a Parliament, about that, and there is no doubt that one of the most important take-outs from what occurred was that police need the power to take action before a violent

incident occurs. Police need the power, as people congregate and as the temperature rises over issues that are being debated or being protested about, to move people on. Frankly, it is too late when the police can only intervene after violence occurs, and that is what this bill is about. That is why it is so important that this bill is introduced. Police not only need the power which would be provided in the bill to stop violence before it occurs, senior police are asking for that power.

**Mary-Anne Thomas:** On a point of order, Speaker, as you have already ruled, this is a narrow procedural debate, and I ask that you ask the Manager of Opposition Business to come back to that procedural motion and that you ask him to refrain from conjecture in his presentation.

**James Newbury** interjected.

**The SPEAKER:** Manager of Opposition Business, I would ask you not to yell at me. On the point of order, I expect members to be able to explain why they do or do not want the bill introduced. There are avenues to do that without going into debate on the bill. The Manager of Opposition Business was trying very hard to be relevant to the procedural debate.

**James NEWBURY:** Thank you. As I was saying, police, senior police, are asking for the power to move people on in circumstances like those that occurred on Friday. That is what this bill does. That is what this bill proposes to do. That is why we must introduce this bill now. And it disappoints me to hear that the Minister for Police does not know that the police are asking for it, because they certainly are, Minister for Police –

**The SPEAKER:** Order! Through the Chair.

**James NEWBURY:** They certainly are, Speaker. And it is disappointing that the minister has been very, very quiet since last Friday in a portfolio that matters now. So I say the member for Malvern has moved to introduce a bill that this Parliament needs to consider now. It provides police with the important powers to move people on before violence occurs, and I am sure that if we look into our heart of hearts, that is what we want. We want to provide police with the power to stop incidents before they become so fuelled that –

**Anthony Carbines** interjected.

**James NEWBURY:** The Minister for Police is now laughing. I am talking about a very serious matter – a very serious matter.

**Mary-Anne Thomas:** On a point of order, Speaker, the Manager of Opposition Business knows that it is disorderly to respond to interjections from members, and I ask you to tell him to stop doing that.

**The SPEAKER:** Order! Manager of Opposition Business, through the Chair.

**James NEWBURY:** I certainly was waylaid by the loudness of the laughter.

It is essential that this bill be introduced today. It is absolutely essential, because none of us, no member of this place, wants to see the scenes that we saw in our suburb of Caulfield last Friday – Caulfield, only one block away from my community. The scenes we saw were shocking, they were appalling. The powers proposed in this bill will allow the police to stop what occurred. How could we not as a Parliament want to see these laws enacted? How could we not want to give police the power to stop what occurred? We cannot have what happened occur again – we cannot. So this bill is about those powers, but this bill is also about the Melbourne, the Victoria, the state that we want to see and the way that the community that we love lives in those communities.

**Nick STAIKOS (Bentleigh) (10:01):** My electorate is home to 5 per cent of Australia's Jewish community. It is served by five synagogues. For that reason, I am very conscious of the issues that have been raised here today, and also for that reason I am not going to play politics with this very, very important issue. It is a very important issue, and I note the member for Malvern, who moved this motion, has dedicated his matter of public importance to this issue later this afternoon so no doubt for

those 2 hours we will be having a measured discussion on these issues. But I repeat: this is not a time for politics, because tensions are high. There are people who are extremely distressed right now, and I hear from them each and every day. As things worsen overseas, the task of this government and in fact all of us in this house to defend our peaceful, harmonious society will become more challenging, so we can start by showing leadership in this house. I will say this: the way the member for Brighton has characterised existing laws is just inaccurate. Police have more powers than he is letting on. I again say this is not a time for politics; it is a time to show leadership. It is a time to do everything we can to defend our peaceful, harmonious, multicultural society, because our peaceful diversity in this state is the envy of the world.

**David SOUTHWICK** (Caulfield) (10:03): I rise to support the member for Malvern's bill to introduce move-on laws in this Parliament. As the member for Bentleigh just rightly pointed out, this is not about politics; this is about community safety for each and every Victorian. A line in the sand was drawn on Friday night when we saw for the first time in certainly my memory that a community would be targeted in the way that they were targeted.

I want the house to reflect back to 2010 to 2014, which led to move-on laws being introduced into this Parliament – there were a number of issues again of boycotts targeted at Jewish owners in shops. We had Melbourne Central literally shut down for hours at a time and those businesses could not operate simply because they were targeted for being owned by Jewish owners. That and other reasons led to the Liberal–Nationals government bringing in move-on powers. Unfortunately, the very first thing that the then Andrews government did in 2015 was to actually abolish move-on laws. We always want to say that history should never be repeated, but we are not only at the point of those chocolate shops being boycotted. The violence on the streets on Friday was completely unacceptable. A line has been crossed. Only weeks prior we saw neo-Nazis walking onto trains trying to single out those who were Jewish, walking in precincts and walking through Flinders Street station literally being able to go on their way.

As many pointed out to me – and I know Victoria Police do an amazing job on the front line; they really, really do – the police were powerless to do anything other than to chaperone those protesters and to watch them until maybe someone threw a first punch or even worse. That is why it is so important. What are we waiting for? Are we waiting for someone to get absolutely hurt, killed? What are we waiting for here? We have got to ensure police have all the powers necessary to do their jobs. I know it is a very fuelled debate and I know people are very, very anxious, but I can tell you from talking to a number of police of all ranks and all levels and talking through their powers and talking through their ability to do their job that we keep coming back to move-on laws as the single way to be able to actually disrupt, to actually shut something down and move somebody on when they are disrupting the peace, and if not – if they do not move on – arrest them. At the moment all they can simply do is issue a ticket. Well, issuing a ticket is not going to stop somebody throwing a rock, throwing a glass, throwing a punch – it is not going to do any of that. We cannot wait until a punch has been thrown. We cannot wait until a knife is pulled. We have got to ensure when people go out and deliberately target individuals like was done on Friday night, instilling fear in communities – we have got to stop that. That is why the timeliness of this particular bill is so important, and that is why I support the member for Malvern to bring it on now. We cannot wait for weeks. What are we going to do, come back here in a fortnight and say we should have brought the bill in again if we see things repeat themselves again and again and again?

There is no question at the moment that communities are fuelled, from all sides. The issues of the Middle East, as horrific as they are – Palestinians dying, Jews dying, all people dying is horrific. It is imagery none of us want to see. But unfortunately those images, that violence and that activity are now playing out on our streets in Melbourne, and we need to ensure that Victoria Police are there to protect Victorians from that kind of violence. That is why this is so important. Of course we want to take the temperature down. We do not want riots on our streets. But for the community to go about their lives, to go out freely on the streets, we have got to ensure that police are there to protect them,

and we have got to also ensure that police are able to protect themselves by having those powers to be able to move people on when they are not just being a nuisance but using threatening behaviour. That is why I support the member for Malvern's bill to bring on move-on laws immediately to give the police the powers to keep our community and all Victorians safe.

**Gary MAAS** (Narre Warren South) (10:08): I rise to speak against the introduction of this bill. The truth of the matter is that we know from past experience that introducing move-on laws does not appropriately target the risk that they purport to target, and we have seen that. Between 2011 and 2015 we had move-on laws in this state which went beyond the pale. We know that Victoria Police are doing an outstanding job – they really are doing a fantastic job – and we know that they already have the tools at their disposal to be able to deal with the risks that are presented to the public. When move-on laws were in this state from 2011 to 2015, they actually had the reverse effect: they targeted communities, whether they were worker communities, whether they were union communities or whether they were communities –

*Members interjecting.*

**The SPEAKER:** Order! Member for Malvern! Minister for Police!

**James Newbury:** On a point of order, Speaker, on relevance, this is a procedural motion. It is not appropriate to assert that the police target the community. That is an outrageous assertion, and I am sure we are all offended by it.

**The SPEAKER:** Order! The member for Narre Warren South will speak to the procedural motion.

**Gary MAAS:** Thank you. What we did see was the use of that law trying to subvert federal law, whether it was industrial relations law –

**A member** interjected.

**Gary MAAS:** Well, I will pick up on the interjection. I remember a dispute at Laverton, at Baiada, where there were several workers out on strike who were all being paid \$10 cash an hour and the move-on laws were being used to disperse them. So this is industrial law, this is federal law. My point is that state law should not be used to subvert the process of other laws. Currently in protests police have laws at their disposal to use, and they are using those laws appropriately. If there is a person that is putting the safety of another person in danger, they can use the move-on laws that this government put in place to appropriately move them on. They can use those laws if they are doing something that is likely to injure someone or damage property. They already have these laws at their disposal. The great risk of introducing draconian law is that its intended purpose will go beyond the pale. We have seen this before with the opposition, who introduced this back in 2010. I am very proud that the government removed them as one of the first things that it did when it took office in 2014, and that is why I speak against the introduction of this bill.

**Michael O'Brien:** On a point of order, Speaker, I notice that the Minister for Police is in the chamber. He has not had the opportunity to speak yet. The opposition is very keen to give him leave to hear him on this.

**The SPEAKER:** Order! There is no point of order.

**Assembly divided on motion:**

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

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

**Motion defeated.**

***Business of the house***

**Notices of motion**

**Notices given.**

***Documents***

**Documents**

**Incorporated list as follows:**

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** – The Clerk tabled:

Auditor-General – Employee Health and Wellbeing in Victorian Public Hospitals – Ordered to be published

*Interpretation of Legislation Act 1984* – Notice under s 32(3)(a)(iii) in relation to Statutory Rule 107 (*Gazette G45, 9 November 2023*)

Ombudsman – Investigation into a Building Permit complaint – Ordered to be published

*Planning and Environment Act 1987* – Notices of approval of amendments to the following Planning Schemes:

Ballarat – C235

Campaspe – C120

Casey – C288

Greater Geelong – C427

Macedon Ranges – C156

Maroondah – C144

Melton – C240

Statutory Rules under the following Acts:

*Environment Protection Act 2017* – SR 115

*Social Services Regulation Act 2021* – SRs 113, 114

*Subordinate Legislation Act 1994* – Documents under section 15 in relation to statutory rule 116

Victorian Curriculum and Assessment Authority – Report 2021–22.

***Bills***

**Early Childhood Legislation Amendment (Premises Approval in Principle) Bill 2023**

***Council's agreement***

**The SPEAKER** (10:21): I have received a message from the Legislative Council agreeing to the Early Childhood Legislation Amendment (Premises Approval in Principle) Bill 2023 without amendment.



*Motions***Community safety**

**David SOUTHWICK** (Caulfield) (10:22): I move:

That this house:

- (a) condemns the disgusting acts of antisemitic violence committed by anti-Israel protestors outside a synagogue on Shabbat in Caulfield South;
- (b) unequivocally condemns all acts of antisemitism; and
- (c) stands with Melbourne's Jewish community and their right to feel safe in their own backyard.

Last Friday evening we all saw the shocking events unfold before our very eyes in which the Jewish community was targeted on the Sabbath – not only on the Sabbath, but on the eve of Kristallnacht, Kristallnacht being the night of the broken glass, which actually kicked off the Holocaust and the tragedy that we saw then unfold. It was at a time on that Friday night in Caulfield where many were attending their Friday night services, and where this particular anti-Israel protest took place was outside Central Synagogue. Those congregants in Central Synagogue had to be evacuated. They had to be evacuated because they feared for their safety. We should never, ever have to evacuate houses of religion. We should never, ever have to do that. To think that it was, as I say, on the night of remembrance of the night that sparked the Holocaust, to think that Jews back then were precluded from practising their religion, to think that we would see this kind of event unfold on our streets in Melbourne – that is why we need to protect the rights of people to be able to go about their lives and practise their religion, practise their faith, and not have to be looking over their shoulders as to who might come after them.

We know of the increasing antisemitism since the events of 7 October, and 7 October changed the world. It changed the lives of so many, where we saw the murder of 1400 people going about their lives – 1400 people that were living on a kibbutz on the Gaza border, many of those at a dance party actually dancing for peace. Kfar Aza is one of the kibbutzim which was attacked and still has 14 hostages. It was in the middle of actually making kites, which it flies every year – which they have for the last 40 years – to fly as a symbol of peace to actually show to the Palestinians on the other side that one day there would be peace.

I say this, which is very important, although it is not about the events of the Middle East and what is happening over there: I know people are very anxious in terms of where they come from and their views on what is going on in the Middle East, and I, as I think like most Australians, do not want to see one loss of a life, be it a Palestinian or an Israeli life – not one. But unfortunately in this particular horror movie that we are seeing we have had an evil group called Hamas which have used the Palestinians and which have targeted the Jews, and the only way for peace is to actually take out the evil that is using this as cover to effectively wipe out all Jews. That is in the mandate of what Hamas stands for. That is their doctrine – to wipe out all Jews from the face of the earth. Any organisation that seeks to eradicate another group simply has no place.

I would call for calm in this notice that I am putting forward, and I would actually call for unity, because anybody that wants peace in the Middle East needs to unify to ensure that those evils are taken out. We want to see a peaceful solution for the Palestinians. I, more than anybody, want that, and I am prepared to do whatever it takes to work with communities, whether it be in Victoria or whether it be in any other place, to see peace. The Jewish community are a peaceful group. In fact since 7 October we have not seen the Jewish community running down on the steps of Parliament House calling for the death of anybody or calling for the targeting of anybody. In fact every single protest – well, not even protest but get-together – of the Jewish community has been a peaceful, respectful vigil, firstly calling for the 240 hostages to be returned home and also to see the end of the horror that is unfolding at the moment. What happened last Friday night should have never happened, and we have got to do whatever we can to make sure what happened on Friday night never, ever happens again, not just for the Jewish community but for any community.

We are a proud multicultural state, and no multicultural group should ever, ever be targeted. I would hate to think that down in Springvale the Vietnamese community might be targeted for whatever might happen or that a Muslim community might be targeted in Coburg or outside a mosque or that the Indian community might be targeted because people do not like the Indian community. I would hate for anyone, anyone at all, to be targeted, and when they are, we must unify. When they are, we must stand up together and strongly.

I do want to say that since this happened on 7 October, working with both the Premier and the Deputy Premier to look at ways in which we can go forward with this has been really important. We cannot play politics with this. We have got to look at ways to be able to get this done. I think particularly the words of the Greens and others to try and spark this and to use this politically does not help anything. It does not help the situation. To try and get kids to strike and take a day off school does not do anything. As the Shadow Minister for Early Childhood and Education has said, let us educate kids about international affairs in the classroom, not on the streets, trying to take sides and fuel more hate. We have got to do whatever we can, and that is why this motion is really, really important. The Deputy Premier and I have had a number of words about this, and I know the Deputy Premier has been to Israel and he has seen firsthand what Israel contributes to the rest of the world and what an important role Israel does play.

Just finishing my contribution today on this motion, a letter to the editor in the *Age* this morning from Keren Zelwer, one of my constituents in St Kilda East, says:

I write this as a proud Australian and a proud Jew, and the granddaughter of Holocaust survivors who attempted to reach the shores of Israel on the famous Exodus ship in 1947. It has been well documented that the Exodus ship symbolised the struggle of the Jewish refugees to reach their homeland. The refusal of the British Mandate to allow Jewish refugees safe passage to Israel ultimately led the world to recognise the need for a Jewish state. I have never before been more acutely aware of this need.

The age-old antisemitic hate is now rising up around the world cloaked as anti-Zionism, and we must not allow it to fester. Although I believe in the goodness of most Australians of all backgrounds, I cling to the notion that never again will Jews be turned away when seeking refuge from antisemitic atrocities if needed.

I am looking to all Australians to ensure there is never a repeat of the atrocities that have been committed against Jews throughout our history. While Palestinians also deserve to live in dignity, Israel is facing an existential threat from terror, and Australia must continue to support its right to exist as a Jewish homeland.

**Ben CARROLL** (Niddrie – Minister for Education, Minister for Medical Research) (10:30): I thank the member for Caulfield for his motion, and while this is not the normal way of doing business in this chamber, I do want to say a few words because we are living in very, very difficult times. I want to make it very clear in support of the member for Caulfield and his words that the violence, hate speech and antisemitism we saw on Friday night in Caulfield is unacceptable, and the government condemns it in the strongest terms. Israel's first Prime Minister, the great David Ben-Gurion, once said, 'In Israel, in order to be a realist, you must believe in miracles', and there is no doubt right around the world that people are looking for miracles right now.

We do know, and I think it breaks our hearts to think, that Holocaust survivors only recently thought that they needed to collectively come together to sign a statement on what is occurring not only here but around the world. To read the words of Abram Goldberg, a Melburnian who has written a book on the Holocaust and a book about love and peace with the author Fiona Harris, and see that he has had to come out at 97 going on 98 to condemn what has been occurring speaks volumes. He said:

Never have we, the survivors of the Holocaust felt the need to make a collective statement such as this until now.

It is sad that that is what has had to happen. Like the member for Caulfield, I do believe we need to stand together and be very much collective on this, because we also need to remember that Victoria and indeed Australia are home to more Holocaust survivors per capita than anywhere outside of Israel, and this is a strength of the Victorian fabric. Indeed when I was in Israel recently, I was drawing on their know-how and their expertise in business, in the arts, in science and in technology. What they

have achieved there as a democracy and as an economy is incredible, and they should be celebrated for that. They do have every right to exist in their homeland, where they have ancient roots.

We do know, and I think Barack Obama said this quite well in his statement that he released – and there is a great documentary out that I have seen about the past 25 years of trying to reach peace that interviews President Clinton, Secretary of State Albright, President Bush, President Obama and all of the advisers, from Yitzhak Rabin to Ehud Barak to the Camp David accords under Jimmy Carter to the Camp David summit under President Clinton. It needs to be put on record that the Israeli government has on more than one occasion gone very far, and indeed leaders such as Yitzhak Rabin and Ehud Barak indeed should be commended for the courage they showed, albeit perhaps against their own opinion polls, to try and reach a two-state solution. As Barack Obama himself said, ultimately it was rebuffed on these occasions by the other side. But we all do believe in a two-state solution, and the member for Caulfield is right – we want all Palestinians and all Israelis to be living in peace and harmony under a two-state solution. While that seems very far away at the moment, it is I think the way forward and the pathway forward.

Coming in to our Parliament today there is a sign out the front that most members would have seen that says ‘Justice for Palestine is peace for humanity’. We all want to see not one more civilian life lost, but we have got to also remember that it was Hamas that broke the ceasefire. It was Hamas that has caused untold murder. Parading the naked body of a woman down the street and seeing her be kicked at and spat out is not on in any type of civil society. US intelligence has come out today to confirm that Hamas is indeed embedded amongst the civilian population, including under hospitals.

That just goes to show the tenor of the evil that we are dealing with, and they do need to be unhinged and dealt with and taken off so they can never, ever have the capacity to do what they did on the 7th when they broke that ceasefire. We support the diplomacy, and we do support President Biden, Tony Blinken and others working with Mr Netanyahu to try and solve this but also make sure that civilian life is sacrosanct. It is heartbreaking to see young children’s – and we know the population of Gaza is predominantly young people – innocent lives being lost, and we all have a moral obligation to try and support everyone to get through this.

As the member for Caulfield also outlined and as other members have, let us also remember that what we do here in our homeland in Melbourne, Victoria, can also be a beacon for how we interact with one another and how we support one another. We know violence and hate have no place in our society or in any society and the easy path would be to blame different sides, but we do need to try and work together and see a way forward. It is very sad that *Q&A* on the ABC on Monday night – many people would have watched that – for the first time I think had to be filmed without an audience. Both sides put their cases forward during that program, and it was pretty hard to watch, to be frank, because of the difficulty and the lives that are being lost. We also need to make sure that when we talk about the current conflict the Palestinians are not lumped with Hamas. They are innocent here. They have done nothing. The brutal, murderous Hamas regime needs to be held to account and needs to be destroyed, and we need to make sure that that is what occurs.

I just want to end by saying that violence does not have a place in our society. I have worked with the member for Caulfield, and I know the Premier and the Leader of the Opposition have also worked together on this. Indeed we have been at many functions together on this in Caulfield and at the ‘Bring them home’ function recently at Fed Square and seen the toddlers’ shoes – literally infants. We do not know what place they are in or where they are, but they are being held hostage. We do call for those 239 innocent civilians to be brought back to their homes and their loved ones as soon as possible.

In conclusion, I just want to say there is no place for what occurred on Friday night ever to occur again. There is no place for the violence, hate speech and antisemitism we have seen, and we do condemn it in the strongest possible terms. We do hope for a peaceful resolution where Israelis and Palestinians are able to live in peace and harmony. We do hope wise heads prevail and diplomacy can prevail behind the scenes, as we have seen happen on other occasions, that we can get through this together

and that we always remember and celebrate what is so unique and so special about Melbourne, Victoria, and always put that first and foremost in our interactions in our community.

**Motion agreed to.**

**The Greens**

**Jess WILSON** (Kew) (10:39): I desire to move, by leave:

That this house:

- (a) notes the Greens' refusal to support previous condolence motions for 1400 murdered Israelis;
- (b) notes that the Greens used the 'From the River to the Sea' chant, which calls for the destruction of Israel; and
- (c) condemns the Victorian Greens for their undeniable contribution to rising antisemitism in Victoria.

I ask that this be put on the notice paper.

**Leave refused.**

**Member for Richmond**

**Matthew GUY** (Bulleen) (10:39): I desire to move, by leave:

That this house:

- (a) condemns the member for Richmond's use of a Remembrance Day service as a platform for attacks on the Jewish community;
- (b) condemns the member for Richmond's support of the school strike for Palestine organised by those behind last Friday's antisemitic violence in Caulfield; and
- (c) calls on the member for Richmond to apologise for undermining Victorian multiculturalism.

I too ask for that to be placed on the notice paper.

**Leave refused.**

*Members statements*

**Meg Lanning**

**Cindy McLEISH** (Eildon) (10:40): Australian women's cricket superstar Meg Lanning has had a stellar career and made a big impact on women's sport. It is with sadness that I acknowledge her retirement. In 2006, at age 14, Meg became the first girl to play in the first 11 for an Associated Public Schools of Victoria team, at Carey. She was recognised there as having the best technique as well as the best attitude. She made the Australian international team in 2010 and became the youngest ever captain in 2014. Since then she has racked up record after record, including two World Cup wins, five T20 World Cups and a Commonwealth gold in 2022 – 13 years and 241 games, 182 as captain for Australia. Off field Meg has also been a great ambassador and champion of women. While she may have retired from international cricket, she has helped promote sport for women and girls in Victoria as a real trailblazer.

**Remembrance Day**

**Cindy McLEISH** (Eildon) (10:41): Hurstbridge RSL celebrates their 85th year this year and put on a moving Remembrance Day service at the local memorial, thanks to local branch members, secretary Adam Foley and new president Christopher Warren, taking over from Gerard Flannigan. The Hurstbridge Scout group were out in force, and the community also got to hear the poem *In Flanders Fields* ably delivered by Hurstbridge Primary School students Ella Castelluccio and Charlotte Franklin. A fitting note concluded the service:

When you go home  
Tell them of us and say  
For your tomorrow  
We gave our today.

At Kangaroo Ground the following day, the solemn air rang with the tunes from a piper and bugler. The service featured the poem *We Shall Keep the Faith* read by Kangaroo Ground Primary School students Ella, Heidi and Jack. Well done to them.

### Sydenham Park

**Natalie HUTCHINS** (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (10:42): I am thrilled to rise today to announce that Sydenham Park in my electorate is finally open to the public. Thirty years in the making, and we have a beautiful and unique open space now available to the general public on Wurundjeri land where Jacksons Creek and Deep Creek meet and the Maribyrnong River begins. Sydenham Park – its interim name, because it is currently having other names, Aboriginal names, considered for a renaming – has been revitalised thanks to the Victorian government’s investment in open space through the suburban parks program.

For over 30 years this open space has been closed off to the public whilst Brimbank council explored multiple options for its use. Unfortunately, one of those options considered was selling it to Melbourne cemetery. Thank God that did not happen, and now we have a fantastic open park. It has been a journey of many advocates, and can I thank the Friends of Sydenham Park for their ongoing advocacy and preservation of this space. It is really important to local residents to have as much natural open space as possible. I have written to Brimbank council seeking to make sure that the commitment to the park is inclusive and that accessibility to the fantastic lookouts is there. I am also looking forward to the next stage of upgrades, including a new sports precinct for which this government, the Allan government, has provided \$50,000.

### Country Fire Authority Koondrook brigade

**Peter WALSH** (Murray Plains) (10:43): The matter I raise today is on behalf of the Koondrook CFA brigade and their need for additional firefighting equipment and an urban pumper truck. Koondrook is the fastest growing community in the Gannawarra shire. It nestles on the bank of the mighty Murray River. It is a town that has an excellent kindergarten and primary school, strong community support and great amenity, which is why more people are choosing to move to Koondrook and call it home. The local CFA brigade is at the core of that strong community, with 17 of their 22 brigade members fully operational. With the town growing quickly, the captain of the brigade Ben Watts has raised the needs of the brigade with me as they continue their role in keeping the community safe.

Firstly, the brigade desperately needs an additional breathing apparatus, or BA as it is called, so they can fight house fires in the town. They only have one BA at the moment, and that means that they cannot enter a house fire because there would not be a backup firefighter with a BA if the first got into difficulty. They need the additional BA equipment to keep themselves safe. The brigade’s more than 30-year-old fire truck has been replaced with a hand-me-down rural fire truck from the Boort brigade, but as the town grows they believe that an urban pumper truck is necessary to ensure they have the water supply to better fight house fires. The Allan government has proven they cannot manage money and cannot manage major projects. Please do not add to the list the fact that they cannot manage the resources for the CFA. I urge the Allan government to supply Koondrook CFA brigade with the additional BA and an urban pumper truck.

### Polish Festival

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (10:45): I rise today to acknowledge the 19th annual Polish Festival, which took place over the weekend at Federation Square. On 11 November each year we commemorate the anniversary of Poland’s sovereignty, which took place in 1918. I want to in particular thank His Excellency Dr Maciej

Chmieliński, the Ambassador of the Republic of Poland in Australia. We had the deputy minister for education Tomasz Rzymkowski from Poland; Jan as well, the president of the Polish Festival; Elizabeth from the Polish Community Council of Victoria – and the work that she and her team do is fantastic; and of course Jan from the Albion Polish club, the best club in Melbourne. It was fantastic to see the annual community event. It was very successful, a showcase of all things that are Polish, from culture to food to folk dancing and so much more. The Allan Labor government is proud to have funded \$400,000 to support and secure the festival for the next four years at Federation Square. It was an absolutely delightful experience of Polish culture and traditions, and I want to extend a special thankyou to all the volunteers, performers, stallholders and everybody that made it a fantastic event. A big shout-out again to the Albion Polish club, to Jan and Bettina and to all the volunteers.

#### **Middle East conflict**

**James NEWBURY** (Brighton) (10:46): On Sunday the Brighton community welcomed hundreds of people to the Brighton town hall for a ‘We pray for peace in Israel’ special concert event. The concert, which heard from musicians performing songs in Hebrew, Yiddish, Russian and English, raised funds to support victims of the terror attack in Israel. Funds will help Magen David Adom, an organisation that supports emergency medical response.

#### **Hampton RSL**

**James NEWBURY** (Brighton) (10:47): The Hampton RSL sub-branch was officially formed in 1945 and in 1952 move to Holyrood Street, where it is still based. The club is a hub for significant commemorations and community events. Thousands attend events like the dawn service. Thank you to club president Stuart Overell, vice-president warrant officer class Corey Denning and the team for the significant remembrance service on Saturday.

#### **Brighton Shule**

**James NEWBURY** (Brighton) (10:47): The Brighton Shule was established over 60 years ago to serve the Jewish community in Bayside. The congregation moved into their Marriage Road premises in 1967. Thank you to Rabbi Alexander Tsykin and president David Wittenberg for your kind invitation for me to join you to pray for the 239 Israeli hostages who have now been held for 39 days.

#### **Yalukit Willam Nature Reserve**

**James NEWBURY** (Brighton) (10:47): The conversion of Elsternwick Park north in Brighton into an environmental reserve not only is a project of state or national significance but has also been recognised by CNN internationally. The media outlet recently included it as one of the six notable conversions globally. Many who have advocated for the conversion recently met at the Yalukit Willam Nature Association annual meeting. It would be good if the state would provide funding to that conversion.

#### **Katherine Kingsbury**

**Vicki WARD** (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (10:48): My community has lost a remarkable woman in Katherine Kingsbury. Katherine was a person of great principles and compassion, a woman with endless empathy, especially for the disadvantaged and vulnerable. Importantly, Katherine created long-lasting systemic changes locally and statewide for people with a terminal illness. Katherine was a relentless champion of the public hospital system, spending decades of her life working in health care. Katherine achieved all of this while raising two sons on her own. Her career led her towards service provision for the frail, aged, disabled and terminally ill. In 1979 she was awarded a Churchill Fellowship to report on the visibility of home-based services for the terminally ill. This fellowship resulted in her publication *I Want to Die at Home*, which greatly influenced the development of palliative care. It sold 6000 copies. In 1989 she received an OAM.

A foundation member of Banksia Palliative Care, Katherine was described by them as an extraordinary person whose presence at Banksia helped the service get off the ground. Katherine was an Austin Hospital board member for many years, including being involved in a passionate fight to keep the hospital in public hands in the 1990s. She later assisted with the development of the Olivia Newton-John centre and hospice, where she also received support this year.

In our local community Katherine was the driving force in establishing the Community and Volunteers of Eltham emergency housing program, which she ran as a community volunteer program when council funding ended. She also started the Diamond Valley FoodShare. Katherine's passion and energy for improving lives and her strength of character will be sadly missed. I know her partner Tom and her sons Damien and Mark, their extended families and her many friends will miss her greatly. Vale, Katherine.

#### **Fish Creek Football Netball Club**

**Danny O'BRIEN** (Gippsland South) (10:49): Fish Creek Football Netball Club is the most successful country club in the state, with a whopping 37 premierships in its long history. Sadly, much of its proud history was lost two weeks ago, when an alleged arsonist burnt down the Kangaroos change rooms and social club. Much memorabilia, including this year's Mid Gippsland senior premiership cup and irreplaceable items such as a shield dating back over a century featuring photos of the winning players, was destroyed. Fishy is a wonderful community, and it has rallied around its famous club already, with volunteers clearing the site and so far raising \$127,000 from a GoFundMe page to rebuild. I spoke yesterday with the Minister for Community Sport about the forthcoming need for funds to rebuild, and I will be working with the community to ensure something even better rises from the ashes.

#### **Woodside Primary School**

**Danny O'BRIEN** (Gippsland South) (10:50): Happy anniversary to Woodside Primary School, which last week celebrated its 150th birthday. It is an incredible achievement for a small rural school in a town with just a pub, a shop and a few houses. But with 43 students now and increased enrolments already for next year, Woodside might be around for another 150 years. Hundreds of former pupils and local residents returned over Friday and Saturday for celebrations, including the most senior former student – 92-year-old Ray Campbell.

#### **Sale Show**

**Danny O'BRIEN** (Gippsland South) (10:50): The Sale Show two weekends ago was a resounding success over two days, with a massive crowd attending for the carnival on the Friday night. Congrats to the dozens of committee members, stewards, judges and other volunteers who made it all happen, and also congrats to 12-year-old M O'Brien, who won the best dozen eggs competition and took home first prize with our rooster Liquorice.

#### **Pinoy Casey Community**

**Jordan CRUGNALE** (Bass) (10:51): I had a joyous afternoon at the launch of Pinoy Casey Community with the members for Cranbourne and Holt – speeches, blessings, dances, a bit of Zumba and an exquisite lunch, keeping culture strong and alive. Salamat to president Alfie Tilan, Tina, Ness, John, Derrick, Rachelle, consul Abarquez, the Sinta dancers, sponsors and the wonderful community members for their tremendous hospitality and generosity of spirit.

#### **Middle East conflict**

**Jordan CRUGNALE** (Bass) (10:51): In Parliament yesterday we held a very special peace gathering to stand in solidarity with the Victorian Palestinian community to mourn the senseless killing of thousands of innocent civilians and to acknowledge that so many more are injured and millions are internally displaced in Gaza. In Victoria our diversity is our strength. Many faiths, many cultures, many peoples – we live side by side in harmony. This we must continue to cherish, and we must be

attuned to the need to also protect, value and nourish this unity with love for a shared humanity. Islamophobia and antisemitism have no place here or anywhere. I want to thank the many community members and leaders, including Mai Hamed and Suhaila Abdelqader from the Palestinian Community Association of Victoria and singer Aseel Tayah for their powerful words imbued with overwhelming sorrow, grief, truth and a hope for peace. I call for a ceasefire for the protection of civilian rights, for adherence to international law, for all Israeli hostages to be released and for the humanitarian corridors to be created. My heart breaks, my spirit weeps – all lives are precious.

#### **Public housing**

**Tim READ** (Brunswick) (10:52): With El Niño now established and the fact that the planet is approaching much faster than expected a number of climate tipping points, such as the melting of permafrost and resultant methane emissions and the disappearance of forest, it is much more likely that Melbourne will experience severe heatwaves in summers to come, including possibly this one. So it was great to hear the government announce just a year ago, just prior to the election in fact, at the public housing tower in Brunswick that they were going to invest \$141 million in air conditioning in Melbourne's public housing towers. Given the presence of El Niño and the likelihood of heatwaves, and the fact that heatwave mortality particularly affects more socially deprived neighbourhoods and that mentally ill people are at greater risk of heatwave mortality, I would encourage the government to hasten the installation of air conditioning in any public housing towers that are not going to be demolished in the next couple of years. It makes sense to start with public housing as the place most in need of air conditioning, and this is probably the best way to protect those residents from heatwave mortality in the hotter weather we can expect in the not-too-distant future.

#### **Maritime Union of Australia**

**Luba GRIGOROVITCH** (Kororoit) (10:54): I want to speak in solidarity with the mighty Maritime Union of Australia, better known as the MUA, and their members and officials who are currently in a battle with the Dubai Ports World container terminal. Dubai Ports operates four terminals around Australia, which collectively deliver hundreds of millions of dollars in profit back to the Dubai government owned parent company, yet the company has not paid any corporate income tax in Australia for the last eight years, and probably longer, despite record profits on income of over \$4.5 billion. The MUA has been negotiating for six months in good faith, but Dubai Ports are refusing to reach a fair deal. They are deliberately derailing negotiations and using Australian workers to continue to make record profits while trying to pay them even less and cutting their conditions when there is a real cost-of-living issue in our country.

Last year's enterprise bargaining agreement wage increase saw these workers receive only a 2.5 per cent wage increase. This was 6 per cent lower than the inflation rate at the time. Now that MUA members are taking lawful protected industrial action, management is refusing to meet with them and their representatives. The MUA is prepared and ready to meet, but this company is refusing to budge and has stated that it will not continue negotiations while the MUA is exercising its legal right to protected actions. The workers over at Patrick Terminals will be paid 17.3 per cent more as of 1 January next year – same job, same work and vastly different incomes. There are a number of MUA members from Dubai Ports who live in Kororoit, including one who has been a wharfie for 33 years.

#### **Wellington Road, Rowville**

**Kim WELLS** (Rowville) (10:55): When Labor get into government the one thing that will always happen is that they will cut funding where it counts. They only deliver on promises that their union mates seem to want, completely failing in the basics that locals depend on, Wellington Road being a clear example. Unlike the Liberals, Labor have continually chosen to avoid committing to upgrading this road, which has degenerated into a downright dangerous condition. The Labor government's own stats speak for themselves when explaining the condition of the road since they came into government in 2014, nine years ago. On this road there have been 594 casualties, culminating in a devastating



11 deaths. These tragedies, though, seem to have had little impact on the heartless Labor government, going by the negligent funding that has been allocated and provided.

Let me make it clear to the Labor backbench: \$5.91 million has been allocated; only \$2.3 million has actually been spent on Wellington Road over the last nine years. In just the Rowville electorate section \$3.21 million has been allocated and only \$1.78 million spent over nine years.

#### **Remembrance Day**

**Daniela DE MARTINO** (Monbulk) (10:57): Remembrance Day ceremonies were held across the six RSLs in the Monbulk electorate, including in the town of Monbulk itself where I was honoured to lay a wreath. It was a simple yet heartfelt service which provided us all there with a dedicated moment to pause and reflect on the devastating impact of war and the countless lives lost, often far too young. Lest we forget.

#### **Monbulk electorate school fetes**

**Daniela DE MARTINO** (Monbulk) (10:57): On a brighter note, I am happy to declare that the hills are alive with the sound of fetes and festivals. This weekend I had the pleasure of attending the fetes of both Emerald Primary School and Selby Primary School. Families and locals attended in droves. I would like to thank the dedicated parents, teachers and staff who donate their time year in, year out to organise events such as these across all of our schools.

#### **PAVED Festival**

**Daniela DE MARTINO** (Monbulk) (10:58): I am excited also about the return of the eastern Dandenong Ranges PAVED Festival, which will be happening on the weekend commencing Friday 24 November. This festival is supported by a \$30,000 grant from the Allan government's small and medium events program. The organisers were thrilled at their successful bid back in June, and now the time has arrived for the festival to return. From Aboriginal art classes; a kids fun run against Puffing Billy; blacksmithing demonstrations; stand-up comedy; markets for the mind, body and spirit; and wine tasting at local wineries to live music from fabulous local artists, including our soulful local Anya Alchemy, PAVED has it all. This has all been made possible by funding from our government, Cardinia Shire Council, local business sponsors and, very importantly, the tireless efforts of the Eastern Dandenong Ranges Association and the mountain of work they have put into bringing this festival to the hills.

#### **Walhalla**

**Wayne FARNHAM** (Narracan) (10:58): Congratulations to the Walhalla community for their nomination to become a World Heritage listed site by UNESCO. Having served as a major hub during the Victorian gold rush, Walhalla now is a tiny town with just a few dozen permanent residents. However, it has a massive tourist population, each year attracting more than 100,000 visitors. It would put Walhalla alongside other landmarks like our Royal Exhibition Building and the Sydney Opera House. It does amaze me that an international body like UNESCO would see the value of Walhalla but I cannot get this government to put sewerage in Walhalla, and that is disappointing.

#### **Aberfeldy public toilet facilities**

**Wayne FARNHAM** (Narracan) (10:59): I was told in this job you get to do it all. Well, I recently had the privilege to go to Aberfeldy, which is right up in the north of my electorate, and help open the loo with the view. The loo, or the throne, is 1120 metres above sea level on Mount Lookout. The project has taken years and the passion of the local community to get this over the line. The Greens would love it up there. They could sit on the throne and have a look at the Yallourn power stations on a clear day – they would love that. Well done to the Aberfeldy & District Association as well as the Baw Baw shire, making this loo with a view a reality for a tiny town.

### Remembrance Day

**Chris COUZENS** (Geelong) (11:00): The Rotary Club of Geelong West again hosted a Remembrance Day service on Saturday at the Geelong West town hall. I was pleased to participate in the ceremony, which attracted a large crowd, who had the pleasure of hearing the Geelong West Brass Band. Guest speaker Colin Mockett outlined the Geelong history of Remembrance Day. I want to thank Steven Yewdall and the Rotary club for organising another successful Remembrance Day service.

### Friends of Geelong Botanic Gardens

**Chris COUZENS** (Geelong) (11:00): On another matter, the Friends of Geelong Botanic Gardens undertake important and valuable work and make a significant contribution to our community. I want to acknowledge and thank Denise Feldman, Tracey Tilbury and Rosslyn Jablonsky for their incredible commitment. There are many volunteers who put in lengthy hours so that the gardens are enjoyed by the many Geelong residents and visitors to our beautiful city. The Friends of Geelong Botanic Gardens membership is around 300, with regular volunteers who commit to conserving, protecting and enhancing the Geelong Botanic Gardens and its environs, including Eastern Park. I congratulate the Geelong School of Botanical Art, under the management of the Friends of Geelong Botanic Gardens, for holding the eighth biennial exhibition of students' and tutors' artwork. I had the pleasure of opening the exhibition, titled *Bloom: Inspired by Nature 8*, which showcases the visually exquisite documentation of our plant life from bud to bloom as well as roots, fruits and seed pods. This is an expanded exhibition that includes for the first time superb contemporary large-scale botanical artwork.

### Community banks

**Nicole WERNER** (Warrandyte) (11:01): It was a pleasure to attend Warrandyte Community Bank's annual awards night as well as the recent event with Community Bank Doncaster East and Community Bank Templestowe Village. Our local banks exemplify a commitment to our collective wellbeing. Through their efforts girls get to participate in local sport, food banks feed the homeless and community groups thrive. I pay tribute to Warrandyte's chair Aaron Farr and the board, who serve as volunteers, prioritising people over profits. Their dedication ensures that our community is supported, providing funding to the effect of over \$5.2 million in their short 20 years. Together we celebrate the spirit of giving that transforms lives and strengthens our community.

### Pinking Up Warrandyte

**Nicole WERNER** (Warrandyte) (11:02): I would like to give a shout-out to Katie Taubert and Nicole Huseby, the driving forces behind Pinking Up Warrandyte for Breast Cancer Awareness Month. Thank you to Katie, Nicole and the Warrandyte Cricket Club for your passion and leadership. With support from over 100 local businesses in Warrandyte, Park Orchards, Wonga Park and beyond, from Biddick's Bakery's pink vanilla slices to the Grand Hotel's pink cocktails, it was a team effort that raised awareness for breast cancer support. I was personally happy to donate hundreds of my old campaign corflutes, which were spray-painted and cut into pink ladies to put up across the electorate. Thank you to our community for getting behind this wonderful initiative. I look forward to pinking up Warrandyte with you again next year.

### Diwali

**Nick STAIKOS** (Bentleigh) (11:03): It was a real privilege to participate in a number of Diwali celebrations over the last fortnight. It started off with the launch of Celebrate India's program of events, followed by that wonderful festival at Federation Square and culminating in the Premier's Diwali state reception. Seeing so many people freely worship and celebrate their culture is a profound reminder of what makes Victoria the multicultural capital of the world. As the distressing events overseas continue to unfold, defending our peaceful, harmonious, multicultural society is more important than ever. Diwali's message is about light over darkness, and our multicultural character is very much the light. A society where people from different ethnic backgrounds and faiths can worship freely and participate fully in the community is a safe, cohesive society.

**Community safety**

**Nick STAIKOS** (Bentleigh) (11:04): Everyone has a right to worship safely and in peace, which is why what happened recently in Caulfield was completely unacceptable and must not happen again. I know people are distressed at the harrowing images we see each and every day coming out of the Middle East since that dastardly terrorist attack on 7 October. The loss of life in Israel and Gaza is totally beyond the comprehension of those of us who won the lottery of life by being Australian, but we cannot allow events on the other side of the world to impact on our multicultural character, because it is our peaceful diversity that sets us apart from the rest of the world.

**Pakenham electorate community support**

**Emma VULIN** (Pakenham) (11:04): Last Thursday I spent the evening at the Pakenham hall with Follow Bless Collective, a care initiative of the Follow Baptist Church community in Officer. This volunteer community group feeds around 100 people a hearty meal each and every week. This week the chicken burgers were a big hit. My staff Kim and Liz came with me to volunteer in the kitchen and serve some tea and coffee to the locals who came in. Outside the hall ADRA Community Care Cardinia had their brightly painted bus full of fresh fruit, vegetables, clothes, blankets and books for all those people in need. The unconditional care and support both these local groups give in my electorate is outstanding.

**Diwali**

**Emma VULIN** (Pakenham) (11:05): On Friday evening I attended the Premier's Diwali state reception. It was a night filled with colour, great music and fabulous conversations. It was a delight to have our very own Cardinia Gujarati Association performers entertaining the 1200 guests, and they danced brilliantly.

**Remembrance Day**

**Emma VULIN** (Pakenham) (11:05): On Saturday I laid a wreath at the Shrine of Remembrance on behalf of the people of the Pakenham district on the 105th anniversary of the end of World War I. Lest we forget.

**Deepavali**

**Emma VULIN** (Pakenham) (11:05): On Sunday I joined the member for Carrum and Mr Tarlamis from the other place with the Hindu Society of Victoria at the beautiful Shri Shiva Vishnu Temple in Carrum Downs to celebrate Deepavali in the largest Hindu temple in the Southern Hemisphere. The fireworks were incredible, and the crowd of thousands enjoyed the festivities.

**Metro Tunnel**

**Emma VULIN** (Pakenham) (11:06): I also could not resist dropping in to the Metro Tunnel HQ in Swanston Street in Melbourne on the way home from the shrine to collect a few cardboard trains.

**Diwali**

**Dylan WIGHT** (Tarneit) (11:06): Diwali is such a special time in my community of Tarneit. The festival of lights holds a special place in the hearts of the residents, as it brings people of all backgrounds together in the spirit of unity and harmony. Festivals and events are always filled with colourful decorations, vibrant performances and delicious food. I look forward to continuing the celebrations this Sunday with the BAPS organisation at Tarneit Rise.

**Daylesford road accident**

**Dylan WIGHT** (Tarneit) (11:06): It is with a heavy heart that I also take this time to extend my deepest sympathies to the family of Vivek Bhatia and his son Vihaan, who were tragically killed in the car crash that occurred in Daylesford two weekends ago. The deep shock and sorrow have been felt throughout our community, and I want all those affected to know that they are not grieving alone.

We stand with you in support during this terrible time. I would like to acknowledge the member for Point Cook and the member for Macedon as well and say that we will continue to provide support to the affected families both practically and personally, and we will do absolutely everything in the state government's power to support those families.

#### **Middle East conflict**

**Katie HALL** (Footscray) (11:07): When I was writing this members statement, I thought very carefully about the importance of the words I chose. Words are all we have when we feel completely helpless. The word 'conflict' might have been appropriate at a point in time in Israel and Gaza, but I feel like it diminishes the acts of terrorism, the acts of war, the humanitarian crisis and the devastating loss of innocent civilians. Every 5 minutes a child is dying in Gaza. To care about this and to be outraged and agonised by this is not to mean that you are not horrified by the killing of innocent people and children by terrorists in Israel. These are not mutually exclusive feelings. The horror of 7 October by terrorist organisation Hamas, which is to be condemned, has been followed by more unimaginable and unacceptable bloodshed. The children of Gaza are children. They are not Hamas. The children of Gaza need a ceasefire now. Cutting off water, food, medicine and communications is inhumane and international law must be abided by. Our tolerant, multifaith and multicultural Victoria is something to aspire to globally. It is our strength. We must protect and nurture our common humanity and call for peace.

#### **Narre Warren level crossing removal**

**Belinda WILSON** (Narre Warren North) (11:09): Last week I visited the Webb Street level crossing removal in Narre Warren and got an update on the fantastic progress the crew are making. The team working on the project are making amazing headway into the construction of the new station, which will be an improved and modern facility. As well as the total transformation this project is going to make for the traffic on Webb Street, the station upgrade will include more seating and more shelter. It will include a new air-conditioned waiting room, new toilet facilities and of course an updated ticket office and kiosk. Throughout the rest of November and December, work will continue on the new rail bridge and the station rebuild. It will include lift shafts and stairs, removing the boom gates on Webb Street and commencing the demolition of the existing Narre Warren station.

The removal of the level crossing at Narre Warren and the already completed removal of the crossing at Hallam station is part of the Allan Labor government's plan to make the Pakenham line boom gate free by 2025. This is going to make an incredible difference to travel times and safety for motorists and of course all public transport users. On top of this, the Metro Tunnel is scheduled to open in 2025 – a year ahead of schedule, I might add – meaning more trains and faster travel times for people on the Pakenham and Cranbourne lines. Thank you to the team, who are doing an incredible job working around the clock to deliver this incredible project to ease congestion on Webb Street, improve safety and enhance the lives of those of us living in Narre Warren and the surrounding areas.

#### **Members statements**

**Steve McGHIE** (Melton) (11:10): Thanks for giving me the opportunity to speak for 4 seconds.

#### ***Statements on parliamentary committee reports***

##### **Public Accounts and Estimates Committee**

##### *Report on the 2023–24 Budget Estimates*

**Chris CREWITHER** (Mornington) (11:11): I rise today to speak on committee reports. I refer in particular to the Public Accounts and Estimates Committee's 2023–24 budget estimates report of October 2023, and I especially note chapter 6 on the Department of Transport and Planning and want to focus on transport infrastructure investment, or lack thereof, under the budget as it relates to my electorate of Mornington when it comes to road, rail, buses, cycling tracks and more.

First, on the Frankston to Baxter rail extension, this project would electrify and duplicate the line between Frankston and Baxter, with upgraded stations and park-and-ride at Frankston East and Baxter and a new station with large park-and-ride at Langwarrin, just off Peninsula Link. This is such an important project for our region, delivering public transport to so many locals and visitors and for Frankston Hospital and Monash University's peninsula campus, who predicted up to a 20 per cent growth in students if this rail line was upgraded. It would mean also closer park-and-ride and bus services for everyone on the peninsula, including the Mornington electorate, it would mean one train anywhere between Baxter and the city and it would open the way for the return in the future of passenger rail to Mornington and for electrified rail in the future to places like Somerville, Hastings and the whole Stony Point line. It would also potentially mean that the heritage rail link service can be extended beyond just Moorooduc station to Mornington station and go between Baxter and Mornington stations as well, and I note that it has been included in the past on Infrastructure Australia's priority list.

In 2016 I had secured up to \$3 million for the business case for this project. Federal Labor had also promised \$1.5 million for a business case at the time. In 2018 I secured a budget of \$225 million from the federal coalition government towards the project, with the state Labor government asked to at least match that. But they did not do so in the past, and they have not done so in this budget either. State Labor are the only ones who have never supported the project, and I note that state Liberals before the last election had committed over \$700 million if elected to fully fund and to building the project. But this was not matched, and Labor were re-elected. Again, as I mentioned, it was not included in their budget for 2023 to 2024.

After the budgeted commitment I had secured in 2018 now Prime Minister Albanese went out with the now member for Dunkley Peta Murphy before the 2019 election, saying that an elected Labor government would also match this funding and commit to the project, promising to ensure the project is not only delivered but delivered sooner than the coalition. They went out to Frankston station – and I note the member for Frankston is here with us today – and they plugged their commitment with fliers, trying to win over votes. They did win votes, because they promised to deliver this project, but guess what has happened – it has now been included in the federal government's 90-day review. Not only have federal Labor put this in their 90-day review, we expect that they will imminently scrap this project altogether. Zoe McKenzie, the member for Flinders, the Liberal members for Eastern Victoria and South-East Metro and I have been advocating not only to keep this project but that, in a worst-case situation, if it is scrapped after the 90-day review, these funds should be kept for our region.

I want to move also to roads in my electorate, Uralla Road and Forest Drive intersections with Nepean Highway in particular. These are also projects that in the past had received federal coalition funding to fully fund and enable the building of them by the state Labor government. We saw delays for years by the state Labor government for these projects until we finally got a commitment to deliver the project in late 2022 and then early 2023 and then mid-2023 and then late 2023. But now it has also been included in the 90-day review, and that has delayed the project even further, as the state government cannot enter contracts even though they were ready to start the project before the 90-day review commenced, which means 2024 at the earliest for these projects. In addition we see decaying roads, with many facing potholes and a lack of repair. One situation is a 40 kilometre-an-hour sign that has been up for months now along Nepean Highway between Balcombe Grammar and Uralla Road in Mount Martha, and locals are asking why this has not been fixed.

### **Public Accounts and Estimates Committee**

#### *Report on the 2023–24 Budget Estimates*

**Mathew HILAKARI** (Point Cook) (11:16): I am going to outrage the member for Mornington by speaking somewhat about the 2023–24 budget estimates committee report. I know that we sometimes stray a fair way from these reports into the domain of federal government, and understandably with the member's background, but this is an opportunity to talk about some of the things that we are doing

in this Parliament and some of the things that we are considering out of the budget. I might actually move to chapter 4 to talk a little bit about the chapter on education, and I certainly want to thank the minister, the departmental staff and all those who were able to provide the committee with some really important information about what it is going on in education across Victoria at the moment.

Of particular note and concern for the community that I represent is the 100 new schools program. Prior to the election last year – and we are almost a year away from that election now – the Labor government promised, if we were re-elected, that we would be building a school in Point Cook and a specialist school as well, and I was glad to see that these were committed to in the budget, and we spoke about some of those 100 schools during the Public Accounts and Estimates Committee (PAEC) estimates hearings.

Why is school so important for the community that I represent? I will give you a couple of facts in a moment. Actually I might go to that to start with. Members here might not be aware that the University of Melbourne judge their intakes each year on which suburbs they come from. Of course as every member would expect here – where the students live when they live on campus – Carlton in particular has the highest intake. No doubt that is the case. Kew, where a lot of these high-, high-, high-cost private schools are held, is number two. I am glad to see that many of those schools will now pay the same taxes as every state school. That is a really important thing so that we can support the state and support the budget that we talked about in this committee. Number three is the suburb of Point Cook for the University of Melbourne's intake. So education is very important for the community that I represent. It is highly valued, and it is something that our community wants to see improved all the time.

We are also a growing suburb, so these commitments and the commitments in the budget and the commitments that the minister spoke about at the Public Accounts and Estimates Committee go to the very heart of some of the things that are most important for the community that I represent. So I am really excited to see these schools built. There is another thing that the member for Kew recently mentioned, which is that she felt that there was too much overcrowding in schools in the area of Point Cook. The reason there are a lot of people going to schools in Point Cook is because they are great educational facilities; they are fantastic education facilities. They are facilities that are destination schools for people from Point Cook and beyond. They are places that people want to go to to get educated, and I am really proud that they are public schools that people want to go to to get educated. I know that Point Cook South P-9, which is the interim name, and Point Cook South specialist school will be such schools when they are built and completed and opened in 2026.

One of those schools that is a real destination school for the community that I represent is Saltwater P-9 College, which also received support during the budget of \$37.3 million. We were out there with Minister Hutchins in the days after the budget was announced, and we talked through some of these matters in the PAEC committee hearings as well. The school is just so excited to see more support for the facilities that they need to continue doing great education.

I do want to take a little bit of a moment, with your indulgence, Deputy Speaker, to thank all those educators who do such great work across all the suburbs of the communities that I represent and across all of Victoria, because without them we are not the Education State. We have got great education facilities across our community, and as a government we keep supporting those education facilities.

One of the other things that we touched briefly upon as well were the beacon schools for Punjabi and Hindi as VCE language programs. Seventeen per cent of the community in the suburb of Point Cook have an Indian background or themselves were born in India. It is a huge amount of our community, and I know those programs are going to be so popular across the western suburbs with that commitment. I have got lots more to say on this committee report, and I look forward to having the opportunity to say it on another occasion.

**Public Accounts and Estimates Committee***Report on the 2023–24 Budget Estimates*

**Kim O'KEEFFE** (Shepparton) (11:21): I rise this morning to speak on the Public Accounts and Estimates Committee's report on the 2023–24 budget estimates. Right through the PAEC report it repeats a common theme of waste and mismanagement, especially in the areas of transport infrastructure and now in the abandoned and cancelled debacle of the Commonwealth Games. All of these portfolios were held by the now Premier, the previous transport infrastructure and Commonwealth Games minister. In the Public Accounts and Estimates Committee report the committee talked a lot about how things could have been done better and how, if there is a state plan, we could plan things properly and we would not get the waste and mismanagement that we are now seeing and suffering from. In particular, in major projects, \$30 billion worth of blowouts – no matter where you look, whether it be tunnels, whether it be level crossing removals or whether it be the Suburban Rail Loop, it ends up coming at the cost of taxpayers, who wear the burden and pay for the financial waste and mismanagement of the Labor government. The answer from the now Allan Labor government to the state debt and these budget blowouts on many major infrastructure and transport projects is to tax Victorians more when they are already doing it tough with the increasing cost-of-living pressures.

I want to particularly take note of and bring attention to the area of the Commonwealth Games, especially in relation to page 138 of the committee's report. Finding 77 of the committee's report on the 2023–24 budget estimates talks about how the government announced that Victoria as a state would no longer be hosting the 2026 Commonwealth Games. This came after the original \$2.6 billion budget for the event ended up being revised to over \$6 billion, an increase of \$3.4 billion on the original estimates.

Further, we knew during the actual hearings conducted by the committee that both ministers responsible for the games were steadfast in saying how much the games were going to cost to Victorians. It was \$2.6 billion, then all of a sudden out of nowhere the figure was miraculously blown out to over \$6 billion. Following this, recommendation 42 of the committee's report on page 138 states:

The Department of Jobs, Skills, Industries and Regions publicly release a detailed breakdown of the original \$2.6 billion forecast cost of hosting the 2026 Commonwealth Games, as well as any cost-benefit analysis undertaken, and a detailed breakdown of the revised approximate of \$6 billion forecast cost of hosting the 2026 Commonwealth Games.

It is important to the Victorian community and Victorian taxpayers to understand and know how, within a matter of weeks of having these hearings conducted by the committee in which we had reassurances that the government had the money available, had the plan, had the budget and had it all ready to go, it went from \$2.6 billion to over \$6 billion. Five hundred million dollars alone for just cancelling the Commonwealth Games is yet another financial burden and punishment for Victorians having to suffer from the waste and financial mismanagement of this now Allan Labor government. This government continues to waste Victorian taxpayers money that could have been spent on our unsafe, crumbling roads and on building hospitals, homes and many things that communities need.

I would also like to highlight for the house's attention the flood-impacted roads which affect my electorate. In reference to page 99 of the committee's report, the 2022 *Victorian Economic and Fiscal Update* allocated \$500 million to the whole-of-government flood recovery initiative, which included funding to deliver emergency road repair works to ensure the safety of road users and the community, repair works to reopen priority roads in flood-affected areas and larger scale works like the reconstruction of roads, bridges and culverts following damage assessments. However, the proportion of funding allocated to flood-impacted road repairs is not disclosed in either the 2022 *Victorian Economic and Fiscal Update* or the 2023–24 budget, although during the hearings the committee was informed that \$165 million was allocated to post-flood emergency road repairs and that \$141 million had been spent as of May this year.

In addition, the budget papers, in reference to page 99 of the committee's report, state that the government is prioritising efforts to rebuild the state's road network following the 2022 floods in the immediate term but that the 2023–24 budget would deliver a strong foundation to continue to support a safer and more efficient Victorian road network in the long term. This is not the case, and our country roads have been progressively deteriorating – a 45 per cent reduction in our budget, a \$380 million cut to the roads maintenance budget since 2020 by Labor. Only significant and serious investment will now fix the problem. How bad does it have to get before this government understand that they are putting lives at risk? We must all collectively act and respond to the dire-straits conditions of the regional roads, as tragically we have seen in recent times that more lives have been lost. I would like to take note of my fellow Nationals colleague the member for Gippsland and in the other place a member for Western Victoria Region and a member for North-Eastern Metropolitan Region for their work as members of this committee. There is so much waste and financial mismanagement by this Allan Labor government. It cannot manage money and cannot manage projects.

### **Public Accounts and Estimates Committee**

#### *Appointment of the Parliamentary Budget Officer*

**Iwan WALTERS** (Greenvale) (11:25): It is a pleasure to rise to speak this morning on the Public Accounts and Estimates Committee's (PAEC) recent report into the appointment of the Parliamentary Budget Officer (PBO). I am not a member of the Public Accounts and Estimates Committee, but I do want to thank all of the members, particularly the chair, the member for Laverton, in this house and the other place for the, I think, really important work that they do in representing the Parliament as a whole and in turn each of the constituents and citizens who we represent to ensure that the executive is held to account for the expenditure of public money. It is a really important role.

Other members have commented on the recent report into the estimates process that has recently concluded, but I wish to, as I say, speak on the *Appointment of the Parliamentary Budget Officer*, the excellent report that has been completed by the Public Accounts and Estimates Committee. The reason I do this is because I think that the Parliamentary Budget Officer is an incredibly important position, and it is a position that was created by this government, by the Allan–Andrews Labor government, in 2017 in recognition of those facts that I just set out – that having independent external scrutiny of government and of executive decision-making is a good thing for the robustness of democracy and the strength of the institutions that we all serve and that we are members of here in this place. I believe the Treasurer at the time – and indeed the Treasurer to this day – at the point where the Parliamentary Budget Office was established, remarked that it was:

... a great advance in terms of the way that our parliamentary democracy operates.

I could not agree more with the Treasurer on that point. The PBO has now been in operation for 5½ years and has delivered a series of authoritative and independent policy costings and advisory services to members of Parliament and, crucially, to members of Parliament from different political parties. I have had the pleasure of working with the PBO in this place but also the Parliamentary Budget Office in the federal Parliament. As members of the opposition and as advisers to members of the opposition, the work that the PBO in the federal Parliament undertakes is extraordinarily important for providing robust analysis, costings and research into disparate topics – work that enables opposition, government and crossbench MPs to do their job to the greatest extent and the most effective extent possible. So I do commend PAEC for the work that they have done in summarising the exhaustive and really diligent process that has led to the appointment of the new Victorian Parliamentary Budget Officer.

I will come to that in a moment, but I was just reminded that a number of colleagues from the opposition recently attended a bit of a conservative jamboree in the UK. I believe it is called the Alliance for Responsible Citizenship, and I am not sure what they discussed there, whether it was how to shrink the franchise and link it back to land ownership or how to get rid of some kind of universal suffrage in other ways. The mind boggles as to what could have been discussed. I understand it was



chaired by Jordan Peterson. But the reason I float that idea is that it would have brought them into contact, presumably, with Westminster politicians, who could have perhaps begun to understand the work that the Truss government did last year, that sterling 49-day period of calamitous chaos where we got a live lesson in the flaws and the pitfalls of indulging in Reaganomics when you do not have the world's reserve currency to back you up. But the reason I talk about this is that one of the reasons that budget and that government collapsed in flames is because they sought to marginalise the Office for Budget Responsibility, the UK's equivalent of the Parliamentary Budget Officer, and they did so at their peril. So I just draw their attention to the importance of respecting institutions like the Parliamentary Budget Office and Parliamentary Budget Officer.

As a former chair of the Scrutiny of Acts and Regulations Committee I believe strongly in the important independent oversight that a body not just like PAEC but like the Parliamentary Budget Officer themselves can provide. I congratulate the recent appointee to the role of Parliamentary Budget Officer Mr Xavier Rimmer. I wish him really well in his role and in his tenure because it is an important job that he is fulfilling on behalf of the Parliament and on behalf of the people of Victoria. As this report so adeptly and clearly points out, it was an exhaustive process that led to his appointment. So I thank PAEC for clarifying that, for bringing it to the Parliament and for enabling us all to see the scrutiny that was brought to bear in the recruitment and selection process, and I wish the PBO and his team very well.

### **Public Accounts and Estimates Committee**

#### *Report on the 2023–24 Budget Estimates*

**Sam HIBBINS** (Pahran) (11:30): I rise to speak to the Public Accounts and Estimates Committee's *Report on the 2023–24 Budget Estimates*. The report quite rightly makes a number of references to inflation and just the significant impacts that high inflation is having on individuals, households and the broader Victorian economy: that the state's inflation is being driven by price rises across a range of goods and services and energy, that high inflation is a risk to our economic outlook, that inflation is putting downward pressure on household incomes and that interest rates are having a significant impact on households. So the questions I again pose to this chamber are: what is the government's strategy to tackle inflation, and does it even think that it has a role in tackling inflation?

I can tell the chamber that there was actually a time in Victoria when Labor governments did see a role for state governments to lower inflation. They did see a role for the government to take on grocery prices and supermarket prices, and in fact previous governments have taken action on excessive price hikes and local CPI. For example, the Cain Labor government took the following measures: they had a Minister for Prices and they had an office for prices within consumer affairs to deter excessive price rises, and this had the express objective to deter excessive price rises across the economy. It monitored prices; it undertook price investigations; it exposed unfair price hikes; it supported community groups to take actions in their local communities to survey prices; and it supported competition – something that is, sadly, badly lacking in our supermarket sector. In addition to that, they had a target ceiling for grocery price rises, and importantly they had specific legislation that would enable the minister or a prices commissioner to set prices if they were found to be excessive. These policies, this legislation, were credited by the government of the day with lowering Melbourne CPI from some of the highest to the lowest in the country.

In fact I am indebted to the Parliamentary library because they managed to dig out the second-reading speech from some of this specific legislation, the Prices Bill 1989, which replaced the Grocery Prices Act 1987, and it is very telling. In the second-reading speech it states that when the Grocery Prices Act was in power the grocery price rises were kept to almost half their target level of 6 per cent. It was important that this legislation had an impact, but when that legislation expired 12 months later, without the support of legislation and with less negotiating power, the results were then less favourable and they were not able to meet their target of 6 per cent. I quote from the second-reading speech, which tells you just what the government of the day's attitude was to high prices:

The government has been fearless in highlighting companies engaged in unfair or excessive pricing and brought them to task publicly. This in itself has a significant impact, although without the support of legislation many companies are prepared to ignore such exposure and continue their practices.

Fearless – ‘fearless in highlighting companies engaged in unfair excessive prices’. You have got to say that this government do not see it as their role to highlight unfair price hikes. They are not fearless in holding companies to account for their unfair prices. In fact what we have just got from this government is that it is purely a federal matter. Well, that is simply not the case. It remains completely legal for a supermarket to charge whatever they want, and the ACCC and the federal government cannot do a thing about it. This power to take on unfair price hikes only rests with the states.

In fact this has been decided constitutionally at a referendum twice. It was Gough Whitlam that sought to have these powers at the federal level, and in doing so he stated in Parliament:

Controls over prices are not a cure-all for inflation, but they can be used responsibly and selectively as one of the elements in an anti-inflationary strategy.

Whitlam was not able to get the power to control prices and could not deal with the economic crisis of the 1970s, but this government, this Labor government, does have the power to act. They can act like previous Labor governments have over history, but instead they are choosing not to.

### **Scrutiny of Acts and Regulations Committee**

#### *Report on the Statute Law Amendment Bill 2022*

**Kathleen MATTHEWS-WARD** (Broadmeadows) (11:35): I rise to speak on the *Report on the Statute Law Amendment Bill 2022* by the Scrutiny of Acts and Regulations Committee. I am enjoying working with the member for Narre Warren South as the chair of the Scrutiny of Acts and Regulations Committee, and I congratulate him on the wonderful job he is doing as chair – thanks, Gazza. I thank Sonja and Sheena for their guidance and support on the committee – sorry, the members in the other place; I have learned a lot from both of them – and the member for Tarneit for his thoughtful contributions and for the time he gives to the regulation review subcommittee of the Scrutiny of Acts and Regulations Committee. I also want to thank the dedicated and hardworking secretariat who support the committee, including Helen Mason, Katie Helme, Simon Dinsbergs, Sonya Caruana and Professor Jeremy Gans. Jeremy offers much support to us all and great advice and does a lot of research every week to ensure that we have got the best advice available to us as we make our decisions on the committee. As a member of the Scrutiny of Acts and Regulations Committee I can attest to the diligence, sincerity and professionalism of the wonderful secretariat and the incredible assistance they provide to ensure committee members are fully prepared and briefed so that we can do our jobs.

Meeting every Monday morning, the work of the committee is important, and the member for Greenvale alluded to how much committees add to the democracy of our state and how important they are. This committee work within strict confines to ensure that Parliament is not burdened with administrative matters while ensuring that they do not consider any matters which should be brought before the Parliament. It acts as an additional and necessary check on the executive’s powers and has long been seen as best practice in free and fair democracies. Under section 17 of the Parliamentary Committees Act 2003, the committee is tasked to consider if bills proposed in either chamber unduly trespass upon the rights and freedoms of our citizens. The committee also examines legislation to determine if a bill unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the Privacy and Data Protection Act 2014 or on the privacy of health information within the meaning of the Health Records Act 2001. The committee is thorough in considering if any bill inappropriately delegates legislative powers or insufficiently subjects the exercise of legislative powers to parliamentary scrutiny.

I can keep listing the reasons why this committee’s work is of paramount importance to the health and functioning of our democratic system, but instead I will focus on the contents of the report that has been tabled in front of us. The Statute Law Amendment Bill 2022 is mentioned in the report tabled and includes certain traditional statute law revision amendments, a substantive amendment to the Sex

Offenders Registration Regulations Act 2004 and substantive amendments to the Competition Policy Reform (Victoria) Act 1995. I would like to thank the chief parliamentary counsel for her assistance on this matter and for the information she provided to the committee. The committee received a certificate from the chief parliamentary counsel that traditional statute law revision amendments did not make any substantive changes to the law of Victoria. While the other amendments were more substantive, the certificate explained these changes were necessary to implement existing laws and regulations in the manner that Parliament intended them to be exercised.

The report contains seven recommendations to the Statute Law Amendment Bill 2022. Most of these recommendations either rectify minor incorrect cross-references or clarify if certain items are of a substantive nature. These recommendations have been made after extensive research. For instance, the committee noted in its fourth recommendation that:

... the proposed amendment to the *Justice Legislation Amendment (Police and Other Matters) Act 2022* listed in item 4 of Schedule 1 is not of a substantive nature. It repeals a provision in that Act rendered redundant by the amendments made by Item 5 of Schedule 1.

The committee also found that the proposed amendment to the Sex Offenders Registration Act 2004 is more substantive. The report points out that the earlier amendments to the act were ineffective because of an intervening act. The Firearms and Other Acts Amendment Act 2021 amended the same provision. The proposed amendments to the Statute Law Amendment Bill 2022 are in line with what Parliament originally intended in the Justice Legislation Amendment (Police and Other Matters) Act 2022. The report specifies that the committee relied on the certificate from the Chief Parliamentary Counsel, and I concur. (*Time expired*)

### *Motions*

#### **Apology for past care leavers**

**Mary-Anne THOMAS** (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (11:40): I move:

That so much of standing and sessional orders be suspended on Wednesday 29 November 2023 to allow:

- (1) the Speaker to take the Chair at 10 am, interrupt business, and the house proceed in accordance with paragraphs (2) to (5);
- (2) Legislative Council members to be admitted onto the floor of the house and to remain until the motion for a parliamentary apology for past care leavers is resolved;
- (3) the Premier to move a motion for a parliamentary apology for past care leavers and the Leader of the Opposition in the Legislative Assembly and the Leader of the Victorian Greens in the Legislative Council to speak on the motion for up to 10 minutes each;
- (4) the Speaker to put the question on the motion at the conclusion of the contributions referred to in paragraph (3);
- (5) any business under discussion at the 10 am suspension to be resumed immediately after the motion is resolved and Legislative Council members have withdrawn, and any member speaking at the time of interruption to then continue their speech.

Bringing the houses together to issue an apology on behalf of the Parliament is always a significant event, and in doing so we will be acquitting a commitment that was made at the last election to care leavers – to the Clannies, as they are affectionately known – and it is fitting that we do this in the last sitting week of the Parliament. I want to thank the members of the opposition for their cooperation in helping to bring about this sitting so that we can take that opportunity to apologise for past practices that have been very damaging to many people, and I commend the motion to the house.

**James NEWBURY** (Brighton) (11:41): I concur with the Leader of the House and say that the coalition and government have worked together on this motion in the best spirit of the Parliament on behalf of Victorians. This is an important opportunity to bring both houses together to provide an apology to people that deserve it. This sitting will be an opportunity to pass on what will be words but heartfelt words on behalf of both chambers and all members in both chambers.

**Motion agreed to.*****Bills*****Justice Legislation Amendment (Police and Other Matters) Bill 2023***Statement of compatibility*

**Anthony CARBINES** (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:43): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Justice Legislation Amendment (Police and Other Matters) Bill 2023.

**Opening paragraphs**

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

In my opinion, the Justice Legislation Amendment (Police and Other Matters) Bill 2023, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill amends the *Victoria Police Act 2013* to:

- a. Empower a Victoria Police Discipline Inquiry Officer to direct a police officer or protective services officer (PSO) to undertake an independent medical assessment if they are satisfied that the assessment is necessary to determine whether the officer is physically and mentally fit to participate in a discipline inquiry.
- b. Amend provisions relating to the conditions Victoria Police may attach to a good behaviour bond that applies to a police officer in a disciplinary context, including adding a non-exhaustive list of relevant conditions (including drug and alcohol testing for up to two years); specifying that conditions must be reasonably linked to the relevant breach of discipline or criminal offence; and confirming how non-compliance with a bond may be addressed.
- c. Exempt the Secretary of the Department of Justice and Community Safety from a requirement to notify IBAC of any matter that involves corrupt conduct, if the Secretary has knowledge of the matter only by reason of information received by the Restorative Engagement and Redress Scheme for Victoria Police (the Scheme).
- d. Amend section 227 to extend the statute of limitations for the offence of Victoria police personnel accessing, using or disclosing police information from 12 months to three years.

The Bill amends the *Firearms Act 1996* to:

- a. Provide for a Licensed Firearms Dealer to receive/accept/take possession of a firearm from an unlicensed person who is not exempt by the Firearms Act for the purposes of sale, registration or destruction, consistent with the existing permanent national firearms amnesty which commenced on 1 July 2021.
- b. Restrict the use of bolt action shotguns in combination with detachable magazines greater than five shots.

The Bill amends the *Road Safety Act 1986* to provide additional powers to police officers to deploy vehicle immobilising devices (VIDs). VIDs include a device that is capable of causing a vehicle to stop or preventing a vehicle from moving, including by deflating tires.

The Bill also amends the *Fire Rescue Victoria Act 1958* to enable the transfer of rights, liabilities and obligations associated with certain staff that were transferred from the Country Fire Authority (CFA) to Fire Rescue Victoria (FRV); the *Terrorism (Community Protection) Act 2003* to clarify and address limitations around information sharing under the Countering Violent Extremism Multi-Agency Panel (CVE MAP); and the *Worker Screening Act 2020* and the *Child Employment Act 2003* to exempt police custody officers and police custody officer supervisors from the requirement to obtain a Working with Children Check.

**Human Rights Issues**

The Bill engages the following human rights under the Charter:

- the right to protection from torture and cruel, inhuman or degrading treatment (section 10)

- the right to freedom of movement (section 12)
- the right to privacy and reputation (section 13)
- the right to property (section 20)
- the right to be presumed innocent (section 25(1)).

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.

The right to protection from torture and cruel, inhuman or degrading treatment

Section 10(c) of the Charter provides that a person must not be subjected to medical or scientific experimentation or treatment without their full, free and informed consent. ‘Treatment’ has a wide meaning, including giving medical care or attention or applying a process or substance to someone. This right may be engaged where treatment is required of a person as a condition relating to their employment.

*Medical assessment direction*

A police officer or protective services officer (PSO) who is the subject of a discipline inquiry can request an adjournment of that inquiry on medical grounds. The person conducting the discipline inquiry (the Discipline Inquiry Officer) makes a decision about whether to grant that adjournment based on information provided by the officer under investigation. Clause 46 of the Bill inserts new section 130A into the Victoria Police Act to empower a Discipline Inquiry Officer to direct the officer to undertake an independent medical assessment if they are satisfied that it is necessary to determine whether the officer is physically and mentally fit to participate in the inquiry. Subject to the officer consenting to the assessment, an independent medical officer will perform a medical assessment of the officer and provide a report on the officer’s fitness to participate in the discipline inquiry.

The purpose of this amendment is to ensure that when making a decision about whether to grant an adjournment on medical grounds, a Discipline Inquiry Officer has the benefit of an independent assessment in circumstances where they consider it necessary in addition to information provided by the officer under investigation. This will assist to ensure that those officers who legitimately require an adjournment receive one, and to avoid undue delay of inquiries that do not need to be adjourned. Given that up to one third of internal disciplinary matters at Victoria Police are currently adjourned on ill health grounds, often for up to 12 months, this amendment will significantly improve the discipline process.

While officers may be directed to undergo an assessment where a Discipline Inquiry Officer considers it necessary, in my view this does not amount to medical treatment without consent. The requirement will only arise at the request of an officer for an adjournment of a discipline inquiry. The officer may refuse to undergo the assessment and have their adjournment application determined without the benefit of it. They could also withdraw the adjournment application and proceed with the inquiry. New section 130A(4) expressly provides that failing to comply with a direction to undergo an assessment does not constitute a breach of discipline.

New section 130A(3) provides that the medical assessment is undertaken for the sole purpose of providing an assessment of the officer’s physical and mental fitness to participate in a discipline inquiry. It will not involve the conduct of any medical procedure or administration of medication or other treatment. Any medical assessment will be performed by an independent medical officer registered under the Health Practitioner Regulation National Law to practise in the medical or psychology profession (other than as a student).

For these reasons, I am satisfied that although this amendment may engage the right to protection from torture and cruel, inhuman or degrading treatment under the Charter, it does not give rise to any limitation on that right.

The right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. The right extends, generally, to movement without impediment throughout the State, and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest. The right may also extend to protection of access to, or use of, facilities necessary to enjoy freedom of movement (such as vehicles).

*Additional powers to deploy VIDs*

Part 5 of the Bill amends the Road Safety Act to provide additional powers to police officers to deploy VIDs in order to facilitate the exercise of their powers and functions under the Act. VIDs include a device that is capable of causing a vehicle to stop or preventing a vehicle from moving, including by deflating tires.

Section 63B of the Road Safety Act sets out the circumstances where a police officer may deploy a VID, which currently include to prevent the use of a vehicle by a person for the purpose of escaping lawful custody or avoiding arrest, stopping or assisting to stop a vehicle being pursued by police, or stopping or assisting to stop a vehicle from entering a place where there is a public gathering or non-road activity.

Part 5 of the Bill expands these purposes to authorise police to deploy a VID in a precautionary and pro-active manner to stop a dangerous driver from endangering themselves, other passengers, police officers or other community members. This includes using a VID in the following scenarios to ensure a driver of a vehicle stops when requested and/or remains stationary so that the following existing inspection, monitoring or enforcement activities by police pursuant to the Road Safety Act can be safely undertaken:

- inspecting a motor vehicle or trailer on a highway pursuant to section 13 of the Road Safety Act on a reasonable belief that there has been a failure to comply with the RSA or regulations or rules made under the Road Safety Act;
- requiring specified persons to undergo of a preliminary breath test pursuant to section 53 of the Road Safety Act;
- signalling a person driving a motor vehicle to stop at a preliminary breath testing station pursuant to section 54 of the Road Safety Act;
- requiring a person driving a motor vehicle to furnish samples for analysis or undergo assessment or testing for impairment in various circumstances pursuant to sections 55, 55A, 55B, 55BA, 55D and 55E;
- requesting a driver on a highway to produce for inspection their driver licence document or learner permit and state their name and address pursuant to section 59 of the Road Safety Act;
- preventing a person who is driving, or about to drive, a motor vehicle from driving on a reasonable belief that they are incapable of having proper control of a motor vehicle pursuant to section 62 of the Road Safety Act;
- entering a vehicle by reasonable force if a driver refuses to comply with specified lawful police directions pursuant to section 63 of the Road Safety Act;
- requiring a driver to stop a motor vehicle and remain stopped until indicated to proceed pursuant to section Road Safety Act;
- searching, seizing and impounding or immobilising a motor vehicle on a reasonable belief that the vehicle has been used to commit a 'hoon' offence, including in the course of entering or searching land or premises for this purpose pursuant to sections 84F, 84G and 84GA; and
- stopping or assisting in stopping a vehicle in connection with effecting an arrest pursuant to new section 63B(1)(ba) of the Road Safety Act.

The VID could be deployed, for example, in front of, under or behind the relevant vehicle or, in the case where a premises is being searched, in a driveway or car park at the premises. This expansion of the circumstances in which a VID may be deployed is relevant to the right to freedom of movement.

It is questionable as to whether the new provisions in Part 5 of the Bill constitute any additional interference with the right to freedom of movement where the existing provisions of the Road Safety Act already require a person to stop their vehicle for inspection, monitoring or enforcement activities (to which penalties apply for non-compliance). In relation to the power under new section 63B(1)(ba) to use VIDs for the purpose of effecting arrest, it is arguable that this provision constitutes additional interference with the right to freedom of movement as the circumstances in which a VID may be deployed are broadened from where a person is 'avoiding arrest' to include where police are 'effecting' an arrest, whether the person to be arrested is actively avoiding arrest or not. To the extent that deploying a VID constitutes an additional level of interference, by placing a further barrier to movement, it is my opinion that any limit will be reasonably justified and subject to adequate safeguards.

The deployment of a VID can only occur in circumstances specified in the Road Safety Act and for the limited protective purpose of ensuring a vehicle stops or remains stopped for the required police activity. Under new section 63B(1)(ba), VIDs can be deployed for the purpose of effecting an arrest. Under new section 63B(1A)–(1D), VIDs may be used if the police officer suspects on reasonable grounds that a person, by driving or attempting to drive a motor vehicle, is likely to endanger or cause injury to themselves, a police officer or any other person. Further, the use of a VID pursuant to section 63B(1A)–(1D) is temporary and is only authorised for as long as the police officer holds the requisite reasonable suspicion for exercising the relevant enforcement power and a police officer is required to take reasonable steps to notify the driver of the placement and removal of a VID, unless that is impracticable in the circumstances. The deployment of VIDs serves the legitimate objectives of preventing harm to police, drivers, passengers and the community, and of assisting Victoria Police's capacity to deal with the dangerous use of vehicles.

Accordingly, I am satisfied that these provisions are compatible with the right to freedom of movement.

### The right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) states that a person has the right not to have their reputation unlawfully attacked. A number of amendments in the Bill may engage this right.

An interference with the right to privacy and reputation does not amount to a limitation on that right if it is lawful and is not arbitrary. An interference will be lawful if it is permitted by law which is precise and appropriately circumscribed and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

### *Medical assessment direction*

As outlined above, clause 46 of the Bill inserts new section 130A into the Victoria Police Act to empower a Discipline Inquiry Officer to direct an officer under investigation to undertake an independent medical assessment if they are satisfied that the assessment is necessary to determine whether the officer is medically fit to participate in a discipline inquiry. It can be expected that the independent medical assessment will involve personal and health information of the officer, which may be shared with the Discipline Inquiry Officer in the report prepared by the assessor. However, new section 130A(3) provides that any information obtained is provided for the purpose of assessing the officer's physical and mental fitness to participate in a discipline inquiry, and will not be used in any other context within or outside the discipline inquiry. Any medical assessment will be performed by an independent medical officer registered under the Health Practitioner Regulation National Law to practise in the medical or psychology profession, who is subject to relevant professional obligations in relation to their practise. For all of these reasons, I consider that any interference with privacy occasioned by the medical assessment direction is both lawful and not arbitrary, and therefore does not limit the right.

### *Adjournment bonds*

Clause 48 of the Bill inserts section 132A(1)(a) into the Victoria Police Act to provide that where a police officer or PSO has committed a breach of discipline by returning a positive test for alcohol and/or a drug of dependence, they may be subject to further testing as a condition of a good behaviour bond, for a period of up to two years.

This provision engages the right to privacy and reputation, but in my view does not limit the right as such a condition would only be imposed in cases where the existing threshold for drug and alcohol testing in the Victoria Police Act had already been met, and where the police officer or PSO had already returned a positive test. The condition would not be imposed arbitrarily, and the scope of the imposed testing regime would be clearly established prior to the imposition of the bond and associated conditions. It is important that the option to impose drug and alcohol testing conditions is available to Victoria Police where an officer has already returned a positive test, to ensure that the officer's capacity to maintain community safety is not impaired.

### *Amendments related to the Restorative Engagement and Redress Scheme for Victoria Police*

Part 9A of the Victoria Police Act was inserted in 2022 to establish a legislative framework for the Scheme. The Scheme had previously been operating administratively since December 2019. Clauses 53–54 of the Bill make amendments to Part 9A to strengthen the privacy of applicants to the Scheme.

The amendments to the legislative framework for the Scheme also interfere with the right to privacy and reputation; however, in my view they do not limit the right as none of the relevant amendments are unlawful or arbitrary. The amendments engage the right in the following ways:

- New section 174PA exempts the Secretary from a requirement in the IBAC Act to notify IBAC of any matter that the Secretary suspects on reasonable grounds involves corrupt conduct, if the Secretary has knowledge of the matter only by reason of information received by the Scheme.
- New section 174PB allows the Secretary of the Department of Justice and Community Safety to provide certain de-identified information received by the Scheme to IBAC.

Clause 54 inserts new sections 174A(3A) and 174PA into the Victoria Police Act to exempt the Secretary from a requirement in section 57 of the IBAC Act to notify IBAC of any matter that the Secretary suspects on reasonable grounds involves corrupt conduct occurring or having occurred, if the Secretary has knowledge of the matter only by reason of information provided by an applicant, provided by a prospective applicant, or disclosed for the purpose of, or in the course of, a restorative engagement process. This protects the privacy and reputation of the applicant and any prospective applicants and the privacy and reputation of any alleged perpetrators of sexual harassment and sex discrimination. Clause 54 also inserts new section 174PB into the Victoria Police Act. New section 174PB allows the Secretary to provide information to IBAC to support IBAC with its education and prevention functions. However, this section upholds the right to privacy by

prohibiting the Secretary from providing information to IBAC that identifies or is likely to lead to the identification of an applicant, without the consent of the applicant to the Scheme.

The Scheme was established to provide current and former members of police personnel who have experienced sexual harassment or sex discrimination in connection with being a current or former member, to apply to the Scheme to obtain a therapeutic outcome. These provisions aim to allow current and former members to document their experience, without fear that information may be disclosed to another agency for a different purpose. They also ensure the Secretary can continue to support IBAC in its education and prevention functions.

In my opinion these amendments are consistent with the right to privacy and reputation.

*Amendments to the Terrorism (Community Protection) Act 2003*

The *Terrorism (Community Protection) Act 2003* (Terrorism Act) provides for two early intervention schemes for persons assessed to be at low to medium risk of radicalising towards violent extremism – the Voluntary Case Management (VCM) and Support and Engagement Order (SEO) schemes. It establishes the CVE MAP to provide coordinated case management of participants in the VCM and SEO schemes by lead government agencies.

The Terrorism Act also contains a standalone information sharing scheme providing for the collection, use and disclosure of personal, sensitive and health information about participants in the VCM and SEO schemes. This ensures that the schemes can operate effectively, and that people participating in them can be appropriately assessed to identify and address the underlying causes of their radicalisation.

Currently, information may only be shared with the CVE MAP by ‘authorised disclosers’ – including the Secretary of DJCS, a member of CVE MAP and specified program or service providers – for a defined purpose. This means that information cannot be shared by a home entity represented on the CVE MAP (such as Victoria Police) if their CVE MAP member is unavailable. This compromises the ability of the CVE MAP to receive and share information in a timely manner, and make critical case management decisions on the basis of all available information.

The Bill will amend the Terrorism Act to allow information sharing by a ‘representative’ (appointed to attend a CVE MAP meeting on behalf of a CVE MAP member), and by a ‘central contact’ (appointed by a CVE MAP member to collect and share information on their behalf).

These changes will facilitate the efficient sharing of information by the CVE MAP, which will enable it to make decisions, manage risk and provide advice in a timely manner. Importantly, allowing information sharing by representatives and central contacts will enhance the CVE MAP’s ability to respond quickly to any escalations of risk. This promotes community safety by facilitating intervention before an act of violent extremism or terrorism occurs.

The Bill does not expand the information sharing scheme under the Terrorism Act to allow a person’s personal, sensitive and health information to be disclosed at large. Rather, the sharing of information will remain tightly prescribed. In particular, both representatives and central contacts may only share information for the duration of their appointment, which is strictly limited under the Bill (for example, a representative can only act for a specified time before and after a specific CVE MAP meeting and central contacts can only be appointed for up to a year).

Although the Bill facilitates the more efficient sharing of information to the CVE MAP, it maintains the existing robust constraints on the collection, use and disclosure of personal, sensitive and health information and provides appropriate safeguards.

In my view, any resulting impacts on the right to privacy are appropriately circumscribed to the objectives of the VCM and SEO schemes. These aims are to support the person to disengage from engaging in behaviours consistent with radicalisation towards violent extremism and preserve community safety. The amendments reflect and are proportionate to these legitimate purposes. Therefore, while the right to privacy will be engaged by these changes, in that additional persons will be able to collect, share and be privy to information, any interference with privacy will be lawful and not arbitrary for the reasons outlined above.

*Amendments to the Worker Screening Act 2020*

Clauses 4 and 62 of the Bill engage the right to privacy by requiring certain persons to notify other persons or agencies of certain matters arising in connection with an exemption from the Working with Children (WWC) check.

Specifically, clause 62 of the Bill exempts a person employed by Victoria Police as a police custody officer or a police custody officer supervisor from the requirement to obtain a WWC check. As a consequence of this, clause 62 requires that a police custody officer or supervisor must notify any employer or agency for whom they do child-related work (other than as a police custody officer or supervisor) if they are suspended or their authority to act as a police custody officer or supervisor is revoked.



Similarly, clause 4 makes consequential amendments to the *Child Employment Act 2003* to provide a person who is permitted by reason of his or her employment as a police custody officer or supervisor to supervise a child in employment (other than as a police custody officer or supervisor) must notify any person by whom he or she is employed in that supervision of any suspension or revocation of their authority to act as a police custody officer or supervisor.

While clauses 62 and 4 interfere with the right to privacy, the interference is neither unlawful nor arbitrary. The interference is authorised under the legislation and the instances in which sharing of information must occur are clearly delineated by the Bill. The notification requirement is necessary to ensure that agencies and people who employ certain persons in child-related work are kept informed of the status of the person's exemption from a WWC check and, in the instance where a person is no longer exempt but wishes to continue engaging in child-related work, the status of an application and subsequent WWC clearance.

Clauses 62 and 4 assists those people and agencies to ensure that they only engage persons who are fit and proper to work with children. Consequently, in my view the clauses do not result in an arbitrary or unlawful interference with the right to privacy.

#### The right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with the law. Property includes a bundle of property rights, including the right to enjoyment of property. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

#### *Amendments to the Fire Rescue Victoria Act*

The Bill will enable the transfer of rights, liabilities and obligations associated with certain staff that were transferred from the CFA to FRV, and this may affect the property rights of individuals (for example, claims that may be made under historical insurance policies).

As the Bill is not intended to alter any existing rights, liabilities or obligations of persons or entities other than to enable the transfer of those rights, liabilities and obligations from CFA to FRV, section 20 of the Charter is not engaged.

#### *Limitation on detachable magazines when used in conjunction with a bolt action shotgun*

The Bill will amend the Firearms Act to place a special condition on the holder of a category A or A&B longarms licence who has obtained the licence for the reason of hunting or sport or target shooting.

The special condition will state that a licensee cannot carry, possess or use a detachable magazine greater than five shots in combination with a bolt action shotgun, unless it is for the purpose of participating in a Chief Commissioner approved event.

Some category A or A&B longarms licensees who have obtained their firearms licence for the reason of hunting or sport or target shooting may need to dispose of a detachable magazine with a capacity greater than five shots as a result of this amendment.

Although these changes may engage the right to property in that they may impact the way a person can use their property or require the disposal of that property, in my view the changes do not limit the right to property. This is because any conditions on or possible disposal of a detachable magazine will be under the Firearms Act and therefore in accordance with law. The relevant provisions are clear and confined to the legitimate purpose of regulating firearms in the interests of safety of the community.

#### *Additional powers to deploy VIDs*

These provisions engage this right by placing a further, albeit temporary, restriction on a person's enjoyment of their vehicle, including by allowing police officers to damage the vehicle if a person does not comply with this restriction. However, in my view, to the extent that these provisions constitute a deprivation of a proprietary right (such as enjoyment of property) this Bill does not act to limit the right to property as any interference with this right is done according to legislation which clearly specifies the scope and circumstances in which a VID can be deployed in relation to a person's vehicle and does so for legitimate purposes relating to protection of safety (as outlined above).

For these reasons, I consider that these provisions are compatible with the right to property in the Charter.

#### The right to be presumed innocent

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

*Amendment to the offences for disclosing police information*

Section 227 of the Victoria Police Act establishes an offence for the unauthorised access to, use of, or disclosure of police information by current or former members of Victoria Police personnel. A member or former member of Victoria Police personnel must not, without reasonable excuse, access, use or disclose any police information if it is the duty of the member or former member not to access, make use of or disclose that information. Clause 56 of the Bill amends section 227 to extend the statute of limitations for charging a person with this offence from 12 months to three years.

Although the Bill does not amend the elements of the offence established by section 227, as it increases the amount of time available for Victoria Police to charge a person with the offence, I consider it prudent to discuss the impact of the existing offence on the right to be presumed innocent.

The existing offence places an evidentiary burden on the accused to demonstrate that they had a reasonable excuse to access, use or disclosure of police information. The current legal authority is that section 25(1) of the Charter is not engaged or limited by a provision which places only an evidentiary burden on an accused. This is because such an onus only requires an accused to point to some evidence which raises a reasonable doubt, at which point the legal onus is on the prosecution to disprove the defence.

I am therefore of the opinion that the amendment to extend the statute of limitations for the offence established by section 227 of the Victoria Police Act does not limit the right to be presumed innocent.

**The Hon Anthony Carbines MP – Minister for Police**

*Second reading*

**Anthony CARBINES** (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:44): I move:

That this bill be now read a second time.

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

**Incorporated speech as follows:**

The Bill before the House introduces a range of policing reforms which are aimed at strengthening the integrity of the Victoria Police discipline system and supporting Victoria Police and other agencies to maintain community safety. It does this through a number of amendments, including improving the internal Victoria Police discipline process, strengthening Victoria Police's capacity to regulate firearms, expanding the circumstances in which Victoria Police can deploy a vehicle immobilising device, and supporting the function of the Countering Violent Extremism Multi-Agency Panel (CVE MAP). The Bill also introduces amendments to a number of other Acts which I will outline below.

*Victoria Police discipline system*

The Bill amends the *Victoria Police Act 2013* (the Police Act) to enhance Victoria Police's discipline system. In 2022, Victoria Police reported an increase in disciplinary hearings for police officers and protective services officers (PSOs) who were charged with a breach of discipline under the Police Act or a criminal offence. The majority of Victoria Police officers are upholding the values and standards the community expects of our police personnel. However, it is important that Victoria Police has a robust discipline system in place to ensure that any officers who do not do the right thing can be held to account. Police officers have significant powers to maintain and protect community safety and it is important that there are strong protections for members of the public in relation to the use of police powers. To strengthen the Victoria Police discipline system, the Bill makes the following reforms to the Police Act:

1. Enshrining the Victoria Police Code of Conduct and prescribing non-compliance as a breach of discipline

The Victoria Police Code of Conduct is an important organisational standard that establishes the Victoria Police values and the professional obligations that flow from them. The Bill amends the Police Act to enshrine the Chief Commissioner of Police's ability to issue a code of conduct for Victoria Police that is binding on Victoria Police personnel, and to expressly prescribe that failure to comply with this code of conduct can constitute a breach of discipline. These amendments will consolidate the importance of the Code of Conduct as an organisational standard at Victoria Police, establish clear consequences for failing to comply with professional obligations set out in the Code of Conduct and ensure that Victoria Police's behavioural expectations are communicated to the community they serve.

## 2. Medical assessment direction

A police officer or PSO who is subject to a discipline inquiry may request an adjournment of that inquiry on medical grounds. To support their request for an adjournment, police officers and PSOs may provide medical evidence. As the officers who conduct discipline inquiries are not medically trained, sometimes they are unable to determine whether the evidence provided demonstrates that an adjournment is required. Adjournments can lead to delays of the disciplinary process for over 12 months, including in cases where the officer is suspended with pay, so it is important that they are only adjourned in cases where it is genuinely needed.

To assist discipline inquiry officers to determine whether to grant an adjournment, the Bill amends the Police Act to authorise a discipline inquiry officer to direct a police officer or PSO to undertake an independent medical assessment of their physical and mental fitness to participate in disciplinary hearings.

## 3. Including a non-exhaustive list of conditions which Victoria Police may attach to a good behaviour bond

Where a police officer or PSO has committed a breach of discipline or a criminal offence, the Police Act provides that Victoria Police may place them on a good behaviour bond with conditions. Good behaviour bonds are an important tool for Victoria Police to use to ensure that police officers and PSOs who have committed a breach of discipline or a criminal offence understand what they need to do to change their behaviour so they are meeting the standard the community expects. To ensure good behaviour bonds work appropriately, the Bill provides examples of conditions which can be imposed alongside these bonds, without limiting Victoria Police's decision-making scope. These example conditions will include drug and alcohol testing, for a period of up to two years, in circumstances where the breach or offence includes having returned a positive test for alcohol or drugs. In all other cases, the bonds and conditions will be limited to a period of 12 months.

The Bill also provides that any conditions imposed alongside a good behaviour bond must be reasonably linked to the conduct of the officer that gave rise to the discipline inquiry and that Victoria Police must take all actions necessary to enable compliance with the bond conditions. The Bill also clarifies steps to be taken in circumstances where the officer or PSO has not complied with the bond or conditions.

## 4. Extending the statute of limitations for the offence of accessing, using or disclosing police information

Police information is highly sensitive in nature and it is important that the Police Act strongly protects the access to and use of this information. Victoria's integrity agencies have emphasised the importance of maintaining confidentiality of police information in a number of recent reports:

- The Independent Broad-based Anti-corruption Commission (IBAC) identified in two recent reports that the misuse of police information can be a key enabler of other improper conduct with more serious consequences.
- In October 2022, the Victorian Inspectorate published a Special Report on IBAC's referral and oversight of Victoria Police's response to a matter involving family violence perpetrated by a police officer. As the Victorian Inspectorate identified, violence occurred following the inappropriate disclosure of police information.

Section 227 of the Police Act establishes an offence for current and former Victoria Police personnel to access, use or disclose police information when it is not in line with their current duty to do so. It can be difficult to identify this type of offending, as it is often well concealed by the offender and not easily identifiable through traditional auditing processes. The offence is often only uncovered during the investigation of more serious offending, by which time the 12-month timeframe for charging a person with the offence under section 227 may have expired.

To ensure the confidentiality of police information is protected, and in recognition of the serious consequences which can flow from the misuse of police information, the Bill extends the statute of limitations for the offence established by section 227 of the Police Act from 12 months to three years.

### *Restorative Engagement and Redress Scheme for Victoria Police*

In addition to the amendments to the police discipline system, the Bill amends the Police Act to support participants in the Restorative Engagement and Redress Scheme for Victoria Police to maintain their privacy and autonomy in reporting. The Scheme is operated by the Department of Justice and Community Safety (DJCS).

Since the Redress Scheme commenced operating, information privacy and confidentiality issues have continued to emerge. Participants share private and sensitive information with DJCS to seek personal support and redress in a private, non-adversarial and non-inquisitorial setting and they do not intend to disclose information for the purposes of reporting wrong-doing or to inform disciplinary, criminal or other legal proceedings. The Bill amends the Police Act to exempt the Secretary of DJCS from a requirement in the

*Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act)* to notify IBAC of any matter they are aware of which is suspected to involve corrupt or improper conduct. Mandatory reporting of information shared in applications to the Redress Scheme would undermine the victim-focused nature of the Redress Scheme, risk re-traumatising participants, breach privacy, erode trust and reduce the likelihood of eligible applicants applying. Redress Scheme participants already have the option to voluntarily report possible corrupt conduct within Victoria Police to IBAC. This amendment will ensure the privacy of participants and ownership over their personal and sensitive information is protected. However, in recognition of IBAC's important role in identifying themes of potential misconduct, the Secretary will be authorised to provide de-identified and thematic information from the Redress Scheme to IBAC to assist it to perform its education and prevention functions.

*Amendments to the Firearms Act 1996*

Victoria has some of the strongest firearms controls in the world and the Government is committed to working with Victoria Police and licensed firearms holders to ensure firearms regulation remains contemporary and able to respond to changing community needs.

To support the ongoing National Firearms Amnesty, the Bill will amend the Firearms Act to allow a Licensed Firearms Dealer to receive/accept/take possession of a firearm from an unlicensed person who is not exempt by the Firearms Act for the purposes of sale, registration, or destruction. Licensed Firearms Dealers are playing a pivotal role in the ongoing National Firearms Amnesty and the Bill will remove any concern Licensed Firearms Dealers may have with participating in the amnesty, by formalising their ability to accept firearms from unlicensed persons.

The Bill will also place a special condition on the holder of a category A or A&B long arms firearms licence who has obtained the licence for the reason of hunting or sport or target shooting. The special condition will state that a licensee cannot carry, possess or use a detachable magazine greater than five shots in combination with a bolt action shotgun, unless it is for the purpose of participating in a Chief Commissioner approved event. This is a proactive community safety reform to limit the ability of opportunistic misuse of bolt action shotguns which can be paired with large capacity detachable magazines.

*Vehicle immobilising devices*

In addition to the Firearms Act amendments, the Bill further enhances Victoria Police's capacity to maintain community safety by making amendments to vehicle immobilising devices (VIDs). Victoria Police has limited power to use VIDs, such as tyre deflating road spikes, to ensure that Victorians are safe on our roads. At present, police are only able to use VIDs in situations where they are trying to prevent a driver from escaping custody or avoiding arrest, and to stop a moving vehicle in limited circumstances.

The Bill will expand the situations in which VIDs may be used to include situations where police suspect on reasonable grounds that a person, by driving or attempting to drive a motor vehicle, is likely to endanger or cause injury to themselves, a police officer or any other person. The presence of a suspicion on reasonable grounds requirement achieves an appropriate balance between the road safety benefits of the increased use of VIDs with the associated limitation on the right of freedom of movement under the Charter of Human Rights and Responsibilities. Police officers will be required to take reasonable steps to advise the driver of the vehicle that the immobilising device has been deployed and removed unless it is impracticable for them to do so in the circumstances.

*Strengthening the operation of the Countering Violent Extremism Multi-Agency Panel*

The *Terrorism (Community Protection) Act 2003* (TCPA) provides Victoria's countering violent extremism laws. The TCPA currently provides for two early intervention pathways for persons who have been assessed to be at low to medium risk of engaging in violent extremism – the Voluntary Case Management (VCM) and Support and Engagement Order (SEO) schemes. The TCPA establishes the CVE MAP which provides coordinated case management by key government agencies for participants in these schemes. The Bill makes important changes to facilitate the operation of the CVE MAP and the VCM and SEO schemes to ensure they operate efficiently and effectively.

In particular, current restrictions on information sharing under the TCPA have created unnecessary barriers to the appropriate sharing of risk information where a CVE MAP member is not available. This impacts on the ability of the CVE MAP to receive and share information in a timely manner and make critical case management decisions on the basis of all available information.

The Bill amends the TCPA to allow information about participants in the scheme to be shared and received by a 'representative' appointed to attend a CVE MAP meeting on behalf of a CVE MAP member, and shared by a 'central contact' who is appointed by a CVE MAP member to collect and share information on their behalf. These changes will ensure that people participating in the schemes can be properly assessed so their

underlying causes of radicalisation can be identified and addressed. This will also enable CVE MAP and law enforcement to respond quickly and appropriately in response to any escalations of risk.

At the same time, the Bill places restrictions on the appointment of a representative and central contact to ensure information sharing under the TCPA remains limited. This allows the Bill to strike an appropriate balance between enabling the necessary sharing of risk information to and from CVE MAP and protecting the privacy of participants in the schemes.

The Bill will also make minor miscellaneous amendments to the TCPA to facilitate the effective operation of the CVE MAP. This includes giving the Secretary greater flexibility in the appointment of CVE MAP members for a term for less than three years, allowing the CVE MAP to make decisions out of session and allowing the appointment of acting CVE MAP members when a CVE MAP Member is unavailable.

By facilitating the effective operation of the CVE MAP, the Bill will promote community safety by providing support and case management to people at risk of radicalising to violent extremism and facilitating intervention before an act of violent extremism or terrorism occurs.

#### *Other amendments*

The Bill also introduces minor and technical amendments to the *Worker Screening Act 2020*, *Child Employment Act 2003*, *Fire Rescue Victoria Act 1958* (FRV Act) and *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act). I will outline each of these amendments.

The *Worker Screening Act 2020* and *Child Employment Act 2003* will be amended to exempt police custody officer supervisors and police custody officers (PCOs) from a requirement to obtain a Working with Children check. Although PCOs are subject to the same security vetting requirements as police officers and protective services officers (PSOs), they are not currently exempt from a Working with Children check in the same way.

PCOs will no longer be required to obtain a Working with Children check if they are engaged in child-related work, including as part of their role as a PCO. This will provide consistency between key frontline Victoria Police roles regarding Working with Children check exemptions and will remove the current duplication of worker screening requirements for PCOs. The Bill also makes consequential amendments to the *Child Employment Act 2003* to ensure that the child employment and Working with Children check schemes continue to be aligned. As is the case with police officers and PSOs, a PCO who is suspended from their role or whose employment is terminated as a Victoria Police employee, and who is engaged in child-related work in another capacity, such as a junior sports coach, would need to apply for a Working with Children check to continue to engage in that child-related work.

As part of Fire Services Reforms in 2019, the FRV Act provided for the transfer of Country Fire Authority staff to Fire Rescue Victoria. These transferred staff were broken down into two categories of staff, those assigned to a particular station and those that were not assigned to a particular station. All necessary transfers of these staff have been completed. The FRV Act provided for the Minister to direct that an allocation statement be prepared for rights, liabilities and obligations associated with Country Fire Authority staff that were assigned to particular stations to be allocated from the Country Fire Authority to the new Fire Rescue Victoria. However, the FRV Act did not provide for the Minister to direct that an allocation statement be prepared allocating these rights, liabilities and obligations of staff that were not assigned to a particular station. The Bill amends the FRV Act to enable the Minister to ensure that the allocation of rights, liabilities and obligations for staff not assigned to a particular station, is captured, and will ensure consistency with arrangements legislated for staff assigned to a particular station.

The Bill will make minor technical amendments to the VCAT Act, to address a potential ambiguity as to the operation of section 77. Section 77 of the VCAT Act was recently amended in the *Justice Legislation Amendment Act 2023*, to provide courts the power to extend the limitation period for federal jurisdictional matters referred to them by VCAT. Following the introduction of those amendments into Parliament, the Court of Appeal handed down its decision in *Krongold Constructions (Aust) Pty Ltd v Thurin [2023] VSCA 191*, which raised ambiguity as to whether this power to extend limitation periods applied to third parties who were not joined to a VCAT proceeding, where that proceeding was then referred to the court under section 77(3). The Bill clarifies that if a matter is referred to a court under section 77(3), the court has the power to extend any limitation period, including to any party that was not joined to a VCAT proceeding before the matter was referred.

I commend the Bill to the house.

**James NEWBURY** (Brighton) (11:44): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 29 November.**

### **Land (Revocation of Reservations) Bill 2023**

#### *Statement of compatibility*

**Steve DIMOPOULOS** (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (11:45): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Land (Revocation of Reservations) Bill 2023.

#### **Opening paragraphs**

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

In my opinion, the Land (Revocation of Reservations) Bill 2023, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The Bill provides for the revocation of 13 Crown land reservations and the revocation of six restricted Crown grants which will enable appropriate management and future use and development of the relevant land as well as provide certainty to communities and affected stakeholders.

#### **Human Rights Issues**

##### **Section 20 – Property rights**

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

Clauses 4, 8, 12, 17, 20, 22, 25, 29, 31 and 34 of the Bill provide that, on revocation of the respective reservations, the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. These provisions could also be perceived to operate to deprive persons of proprietary rights that are held in relation to the land subject of these clauses.

However, the provisions are not intended to abolish known rights, but, rather, give land the requisite characteristics of unalienated Crown land. There are known lease or licence rights in relation to the land to which clauses 7, 24 and 34 apply. In relation to 7 and 24, these are held by bodies corporate (to which the Charter does not apply) and, in any case, are preserved by clauses 9 and 26 of the Bill.

In relation to clause 34, licence rights are held by several existing private occupants of the land, some of whom occupy the properties under licence arrangements with the Minister responsible for administering the *Land Act 1958*, under section 138 of that Act, while others occupy without any arrangements in place and have no recognised legal rights. The existing licences do not refer to the correct Crown Allotments. As such, existing licences will not be saved under the Bill and will instead be reissued by the Minister upon the commencement of Part 10 of the Bill.

Currently, the occupiers of these Allotments cannot sell the properties and, in some cases, cannot obtain insurance. In this case the proposal promotes section 20, as the land over which the permanent reservation is proposed to be revoked will facilitate the potential sale to the existing occupants. The proposal under Part 4 also promotes section 20, as it will facilitate the potential sale of the land to the adjoining private landowner.

For these reasons, I consider the Bill to be compatible with the right to property protected under section 20 of the Charter.

**Hon Steve Dimopoulos**  
**Minister for Environment**

*Second reading*

**Steve DIMOPOULOS** (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (11:45): I move:

That this bill be now read a second time.

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

**Incorporated speech as follows:**

The proposed Bill will revoke the permanent reservations at 13 locations across Victoria as well as 6 corresponding restricted Crown grants. The Bill will also repeal the related Part 4 of the *Land (Reservations and Other Matters) Act 1999*. All the relevant areas are less than 6 hectares in size, other than the site at Toolangi (105 hectares).

In Victoria, Crown land can be reserved either temporarily or permanently. While temporarily reserved land may be revoked through an administrative process, permanent reservations may only be revoked by an Act of Parliament. Acts which revoke permanent reservations are a normal part of government business, and Parliament has passed many such Acts over the years.

The Bill will facilitate new management arrangements and the future use and development of the relevant areas of land. Future uses may include re-reservation in some cases, continued use by existing occupiers, and potential sale and development. It is important to note that the sale of Crown land in Victoria is subject to a range of Victorian Government legislative and policy requirements, including the Strategic Crown Land Assessment Policy, the Land Transactions Policy and the Landholding Policy and Guidelines. Additionally, any sale process must adhere to obligations under the Native Title Act 1993 (Cth) and under relevant agreements made under the *Traditional Owner Settlement Act 2010*.

I will now describe aspects of the various revocations.

**Victoria Park Lake, Shepparton**

The Bill will revoke part of the permanent reservation at Victoria Park Lake, Shepparton. Victoria Park Lake is permanently reserved for the purpose of public park, and the Greater Shepparton City Council (the Council) is the reserve's committee of management.

Situated at the southern end of the reserve (as well as on land owned by the Council) is a caravan park which the Council has operated for more than 60 years. The Council has advised the Department of Energy, Environment and Climate Action (DEECA) that it wishes to purchase the Crown land portion of the caravan park so that it can be refurbished to cater for increased tourism in the Shepparton area.

Because any sale is likely to take at least 12 months after the permanent reserve is revoked, the Bill will temporarily reserve the land for public purposes under the *Crown Land (Reserves) Act 1978* and the Council will continue as the land's committee of management, pending any sale.

**Former Potato Research Station, Toolangi**

The Bill will revoke the reservation of land permanently reserved as a site for agricultural research purposes which comprised part of the former Toolangi Potato Research Station, north of Healesville.

The research station was established by the former Department of Agriculture in the 1950s over part of the Yarra State Forest. Parts of the research station were cleared and used for agricultural purposes under the management of the Department of Agriculture and its successor agencies. In 2008, the Minister for Agriculture announced the closure of the research station and, in 2012, uncleared areas were excised from the permanent reserve under the *Land (Revocation of Reservations) Act 2012* and then subsequently reserved as State forest.

The Bill will revoke the remaining permanent reservation, and future uses for the site will be explored further after this occurs, including potential sale of the land.

The Bill will also save a 21-year lease granted in 2010 to the Victorian Strawberry Industry Certification Authority and the Victorian Seed Potato Authority under the Crown Land (Reserves) Act.

**Merriman Creek, Seaspray**

The Bill will revoke a small area of land permanently reserved as a site for public purposes along the banks of Merriman Creek, Seaspray. Due to a survey error, part of a house is located on the permanently reserved water frontage. Following revocation of the permanent reservation and the necessary due diligence processes associated with the sale of Crown land, it is proposed the land would be sold to the adjoining landowner.

**Former Mechanics Institutes Reserves**

The Bill will revoke 5 redundant permanent reservations for Mechanics Institutes at 4 locations in eastern Victoria as well as a site in the west: at Haunted Stream (south of Swifts Creek and which adjoins reserved forest), Narracan, Darlimurla and Mirboo in South Gippsland, and at Wombelano in the Wimmera. In all cases, the mechanics institutes have not functioned for many years, there are no buildings or structures on the reserves, and the land is now used for a range of purposes including a pine plantation, grazing or as part of a surrounding State forest.

The areas at Haunted Stream and Wombelano are permanently reserved for the purpose of a 'Mechanics Institute' whereas the reserves at Narracan, Darlimurla and Mirboo are reserved for the purposes of a 'Mechanics Institute and Free Library'. The lands were reserved between 1888 and 1906 and, in each case, a restricted Crown grant was issued following reservation to trustees for the same purpose as the reservation. In the case of Wombelano, the trustees surrendered the Crown grant in 1960. The Bill will revoke the remaining restricted Crown grants associated with these reservations.

Following revocation of the permanent reservations and restricted Crown grants, and the necessary processes associated with the sale of Crown land being completed, the land at Narracan, Darlimurla, Mirboo and Wombelano will likely be sold. In the case of the Haunted Stream site, the Bill will provide that the land is taken to be dedicated as reserved forest under section 42 of the *Forests Act 1958*.

**Port of Geelong**

The Bill will revoke a redundant permanent reservation at the Port of Geelong. The land is part of the permanent public purposes reserve created along the shores of Port Phillip Bay and Corio Bay in 1873. Part of the land also holds the status as government road controlled by the City of Greater Geelong under the *Local Government Act 1989*.

Progressive reclamation works since the late 19th century have significantly altered the position of the Corio Bay foreshore within the Port of Geelong to the extent that the southern section of the reserve is now located hundreds of metres inland, dissecting the freehold land owned by Geelong Port Pty Ltd and impeding future development of the port.

Following revocation of the permanent reservation where it is now well inland, it is proposed that part of the land would be sold to Geelong Port Pty Ltd. The remaining land will continue as a government road.

**Borough Chambers Reserve, Clunes**

The Bill will revoke part of a permanent reservation for the purposes of 'Borough Chambers at Clunes' that Wesley College, Melbourne currently leases for a residential college. The Bill will save the lease granted to Wesley College, which commenced on 1 July 2023, with a 5 year term.

**Alexandra Park, Melbourne**

The Bill will revoke the reservation over a small area of Alexandra Park on the banks of the Yarra River in South Yarra which is permanently reserved for public recreation purposes, and also the associated restricted Crown grant issued to the former Board of Land and Works (now the Minister for Environment) and the City of Melbourne for the purposes of the reservation (to the extent that it applies to the area of the reservation being revoked). This will allow the legal status of the land to reflect its current use as part of the Swan Street Bridge.

Upgrades to the Swan Street Bridge to alleviate congestion and increase pedestrian and cyclist capacity as well as improve road safety in the area were completed in September 2018. The works resulted in a very small section of the permanent reservation forming Alexandra Park being incorporated into the structure of the Swan Street Bridge. Following revocation of the relevant area of the permanent reservation, the subject land will be proclaimed as a government road through a separate administrative process.

**Melbourne City Baths**

The Bill will revoke the permanent reservation for public baths and wash-houses over a very small area of the Melbourne City Baths Reserve and also the restricted Crown grant issued to the City of Melbourne as trustee for the same purpose as the permanent reservation (to the extent that it applies to the area of the reservation being revoked). This will allow the legal status of the land to reflect its long-term use as a government road.

The Melbourne City Baths are located on a triangular site between Swanston, Victoria, and Franklin Streets. According to the City of Melbourne, the relevant area located on the corner of Swanston and Franklin Streets has, since the time of the land's reservation in 1878, been used as a road and has never been used for its reserved purpose.

Once the permanent reservation and restricted Crown grant are revoked (as they relate to the relevant area), the land will be proclaimed as a government road through a separate administrative process.



**Stringers Creek, Walhalla**

The Bill will revoke the reservation over certain land permanently reserved as a site for public purposes along the banks of Stringers Creek, Walhalla. The Bill will also repeal Part 4 of the *Land (Reservations and Other Matters) Act 1999*, which applies to land at Walhalla.

The revocation relates to several dwellings along the creek, together with sections of roads providing access to those properties and to Walhalla. The reservation occurred in 1881 as part of a broader reservation applying to hundreds of waterways around Victoria. At that time, dwellings had already been built along Stringers Creek without freehold title, associated with the goldrush at Walhalla.

This is an unsatisfactory arrangement for current occupants. To resolve this, following the revocation of the relevant parts of the reservation and following completion of the necessary due diligence processes associated with the sale of Crown land, it is proposed that the occupied land would be sold to the occupants.

Part 4 of the *Land (Reservation and other Matters) Act 1999* established a process to remove the relevant sections of the occupied permanent reservation following a survey of the entire length of Stringers Creek through Walhalla (approximately 2 kilometres). This survey was never completed due to the challenging nature of the topography. Because the Bill will revoke the permanent reservation of the areas currently subject to occupation, together with the roads providing access to those properties, Part 4 of the *Land (Reservation and other Matters) Act 1999* is redundant and will be repealed.

**Conclusion**

The Bill, through the revocation of 13 permanent reservations and 6 restricted Crown grants, will enable appropriate use of the relevant land, providing certainty to communities and affected individuals.

I commend the Bill to the house.

**James NEWBURY** (Brighton) (11:46): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 29 November.**

**Crimes Amendment (Non-fatal Strangulation) Bill 2023**

*Second reading*

**Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

**Meng Heang TAK** (Clarinda) (11:46): I am delighted to rise today to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. Yesterday we heard contributions by members in this house, and I would like to join to make this contribution by acknowledging the member for Mildura and the member for Narracan for their heartfelt lived experience and also the member for Lara for her work, for three years before coming to this place, with victims of domestic violence.

This is another important bill and one that continues to build on this government's strong commitment to preventing and eliminating family violence in Victoria. Everyone deserves the right to feel safe in their workplace, in their community and of course at their home, and yesterday I listened carefully to the contribution by the member for Cranbourne, talking about the 47 deaths per year. These are not just numbers, these are victims of domestic violence. Supposedly the place that they called home was the safest place, but we see 47 is too many, and it took place at the safe place which is home, which is unacceptable. Sadly, we know that too many women and children in our community do not feel safe in their homes. For the electorate that I represent, many come from multicultural communities, and engaging with the authorities or with the police or calling 000 would be very difficult at times, and when the perpetrator happens to be either your husband, your partner or your boyfriend, in these communities I think it is even harder.

It is unacceptable to me and it is unacceptable to this government, and that is why we established the Royal Commission into Family Violence and, importantly, committed to implementing all

227 recommendations. As we heard, this year was really a big year for the prevention of family violence, as it was in January that the former minister announced the implementation of all those 227 recommendations from the Royal Commission into Family Violence. That is a significant milestone in the reform of the family violence system, strengthening its foundation and supporting all Victorians to feel confidence about reporting family and sexual violence and seeking the help that they deserve. The result of it really is a nation-leading system. The Orange Door network is a big part of that system, an open door for support rolled out statewide. I was privileged and honoured to join the minister not long ago at the opening of the Orange Door offices in Dandenong and a few other places.

Talking about Dandenong, that is where I served as a councillor for six years and for one term as mayor. Many times I marched along with the community not to celebrate but to raise awareness about domestic violence in our local government area. It is not a proud moment, but it is a proud moment in the sense that we talk about it, and as men, and as men of multicultural communities, I think we have a big part to play in this. I am not pinpointing multicultural communities in terms of statistics on domestic violence, but I merely say that victims in these communities would be finding it very difficult in terms of their confidence in reporting an offence.

I am really proud of this government's investment in the royal commission. More than \$3.86 billion has been invested to transform Victoria's family violence system, and this is more than every other state and territory combined. The 2023–24 state budget builds on this investment by providing a further \$77 million to end family and sexual violence with a host of initiatives and programs. Further to this, the next stage of the reform is focused on strengthening the family violence system and progressing our ultimate goal of stopping family violence before it starts. Those priorities will guide the development of the third and final family violence reform rolling action plan for 2024–26. I commend all the ministers for prevention of family violence since 2018 for this investment, for delivering all the 227 recommendations of the royal commission and for ensuring that Victoria is leading the nation in preventing and eliminating family violence.

This is important work that has to continue, and it is here today with the Crimes Amendment (Non-fatal Strangulation) Bill 2023. It is very important that the bill led back to the *Community Safety Statement 2019–20*. In this statement the government committed to delivering legislation for a standalone offence of strangulation to enhance the protection of victims and to make it easier to hold offenders to account. That commitment has been reiterated several times, including in the Parliament and most recently in the gender equality strategy and action plan 2023–27.

What this bill will deliver is two new indictable offences of intentional non-fatal strangulation against a family member in the Crimes Act 1958. The first is an offence of intentional non-fatal strangulation against a family member as defined in the Family Violence Protection Act 2008. This has a maximum penalty of five years imprisonment. The second is the offence of intentional non-fatal strangulation against a family member with intent to cause injury, which has a maximum penalty of 10 years. These are significant offences, with significant penalties, which are essential and designed to provide better protection for victims and to hold offenders to account. Alongside the offence, the bill will also make a consequential amendment to the Family Violence Protection Act 2008 to ensure that non-fatal strangulation is recognised as an act of family violence for the purpose of family violence intervention orders, consideration of bail applications and protection for witnesses giving evidence. This is also a practical and important change that will complement those two significant offences with significant penalties. The introduction of these offences and penalties is very warranted, and we have heard strangulation is a leading cause of death among women killed by current and former male partners, husbands, boyfriends or loved ones.

I would like to conclude my contribution by congratulating the minister for the work and for the important change here. I would also like to join many members here in acknowledging the tireless and powerful advocacy by the family of the late Joy Maree Rowley, by Joy's children, Aaron, Nadine and Renee and their father Les. These are important changes, changes that push us towards a future free from family violence, a future where we all can be safe at home and we all can feel safe no matter

where we come from or where we live. I would like to conclude by saying that 47 is too many and we will see less of this in the future. I commend the bill and also commend the family for their advocacy. I commend this bill to the house.

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (11:56): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

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

*Second reading*

**Debate resumed on motion of Danny Pearson:**

That this bill be now read a second time.

**Cindy McLEISH** (Eildon) (11:57): The reason we have the bill before us, the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023, is because WorkCover, the scheme, is broke and Labor broke it. It is pretty easy to see that since 2018 the performance of WorkCover has been on a steady decline, and it is very easy to find out this information. A quick look at the annual reports, a quick look at the books, will show the extent, and I will talk about the extent to which the system has been on the decline and has been broken. Despite it being on this steady decline for five years and the government being aware that it is on a steady decline, they have only just this year decided to act. I find that fairly extraordinary.

We have a scheme that instead of being self-funded, which is one of the objectives within the legislation, has actually required \$1.3 billion of taxpayer money to prop it up. That is an extraordinary amount of money. If we have a look at that, in the last financial year, 2022–23, it was \$300 million. Well, that is a lot less than the \$450 million the year before and the \$550 million the year prior to that. There has not been a miraculous turnaround in that year so that it required less money to be propped up. They have actually had some windfalls with their investments. As you would appreciate, the scheme collect premiums and they invest that, and I guess because interest rates have gone up over the last period of time it has actually worked in the government's favour, certainly in terms of WorkCover, because that, I imagine, is pretty well the reason why they did not need to prop it up by another \$400 million or \$500 million.

On top of these failings and the government needing to prop it up, what we see is the premiums have gone up by an average of 42 per cent. This is what the Treasurer said in the Treasurer's speech when he handed down his budget. Now, I am actually yet to meet anybody who has 42 per cent or less, so I am not quite sure how that 42 per cent average is calculated, but I would be very keen to see if that in fact has come to bear. The scheme is under a lot of pressure. There are more injured workers staying on the scheme for longer. That is something the government needs to address. There is rapid growth in mental injury claims, and the revenue from premiums has not covered the claims management or organisational costs. There are a whole bunch of issues going on here, but I think it is going to take a lot more than legislation to fix this. This is the opportunity for the government to get it right and to have a look at other changes within the scheme.

We have seen for years – true to Labor form – political appointments at the board and CEO level. We have to get governance right. We know the Ombudsman has had a look at politicisation of the public sector, and I think this is a prime example because we have had appointments at that board level, and the CEO, with very strong links to the Labor government. Addressing governance is one thing; governance comes from the minister – what the minister puts forward to the board and to the CEO – but it is also the senior leadership and executive of WorkCover and WorkSafe Victoria itself that needs to be addressed.

On top of that there needs to be a good, solid strategy and people who can implement that strategy. We need people with strong leadership capabilities who can build a strong culture, and that is certainly missing at the moment. I know that the CEO recently departed, and they have got an interim CEO at the moment. There is an opportunity for the government to have a look at the leadership and their skills and capabilities, because they need somebody who can implement strategy to turn the ship around and bring everybody else along at the same time. I think that has certainly been missing.

The attempted purpose of the bill here today is to address the viability of the scheme and bring it back to being financially sustainable. So the bill has been introduced to address areas of pain for the government, and these include the rise of mental health claims and the growing tail, which sees people remain on the scheme for a longer period of time. These factors combined are changing the way that they have looked at the scheme and managed the scheme over considerable years. We have people that are staying on for a longer period of time. We see through the statistics that tail of people who are staying on beyond 130 weeks, which is pretty well 2½ years. It is a long period of time and the more they stay on, the longer they do stay on. We have seen a change certainly in the rise of mental health claims.

The bill before us amends the following acts: the principal act here, the Workplace Injury Rehabilitation and Compensation Act 2013; the Accident Compensation Act 1985; and the Occupational Health and Safety Act 2004 (OH&S act). Specifically, if we look at the Workplace Injury Rehabilitation and Compensation Act 2013, the bill inserts a new definition of ‘mental injury’, makes further provision for the circumstances in which benefits are paid for mental injuries, introduces an impairment threshold for assessing eligibility for the payment of benefits beyond 130 weeks, provides for a process of review of the operation of the proposed amendments and makes other miscellaneous amendments. With regard to the Accident Compensation Act, it introduces an impairment threshold for assessing eligibility for the payment of benefits beyond a period of 130 weeks. And with regard to the Occupational Health and Safety Act, it refers to the use of information.

I note that yesterday there was a message from the Governor recommending an appropriation, as the bill is likely to spend money. If you have a look at clause 14, it inserts a couple of new sections which particularly provide that workers may be entitled to further compensation if their whole person impairment increases. So it is possible that there will be additional funds spent, which is the reason for that appropriation recommendation yesterday.

As I have said, the WorkCover scheme is broken. You would expect that the leadership at the ministerial level would be perhaps better than what it has been. I have before me – and I am happy to table this – a document from 28 March this year which is actually the statement of expectations for WorkSafe Victoria. It is a document that the minister provided to the CEO at the time. Given the scheme is so broken, I am surprised at the high level of ‘not much’ that is included in this statement of expectation. To me, it did not look as though it relayed the urgency that was needed to address the failing scheme. It does talk about working closely with the Department of Treasury and Finance and the Department of Premier and Cabinet on reforms and initiatives to prevent workplace injuries and incidents and make return-to-work outcomes better for injured workers. I do know through FOI that they have set up an interdepartmental committee, but we do not really see much of the results about what has happened there.

Just by way of a little bit of background, WorkCover relies on employer premiums and its investments to support the claims expenses and to run the organisation, and since 2018 these expenses have been absolutely blowing out. The government has been aware of these financial pressures, but it sat on this information pretty well until early this year when work commenced. The minister has said in public forums that this is the culmination of 10 years work. So the government have known that this is a significant issue for them for a considerable period of time and have actually not done much at all, and that is exceptionally disappointing.

Through FOI we were able to obtain a report conducted by actuarial and insurance consultants Finity. They did a review in 2020 of the financial sustainability. In December 2020 it was handed down –

three years ago – so the government has sat on this information for two years and has done diddly squat. That is just such a failure by the government and by the minister. We got that information through fighting at VCAT. The initial report that we got was heavily redacted. David Davis in the other place went to VCAT to fight this, and we got a non-redacted version. Well, we are still there trying to get additional information, because I can tell you right now the government are not keen to hand over information. The minister says that he wants to work with us and he wants to provide us with all the information. Well, there is a host of information that we do not have, and I will mention a little bit later the things that we would like to have. The Finity report highlighted in December 2020 that WorkSafe was already:

... at a tipping point ... facing both internal and external threats to its financial sustainability.

That was three years ago, and I will tell you, things have only got worse. The report talked about premiums, it talked about mental health, it talked about tackling the long tail and it talked about how there would be insufficient money if you changed the practices – it is insufficient to just do nothing.

What we have also found out is that the premium rate alone could not cover the growing rate. We saw the government whack up premiums hugely, big time, in contrast to what the coalition were able to do when we were in government. We were able to reduce them twice with our treasurers, the member for Rowville and the member for Malvern. We were able to make a positive difference. But since then the management of the scheme has got worse. In the year 2019–20 the net result for WorkCover was \$3 billion in the red, and performance from insurance operations was similarly \$3.5 billion in debt. Net profits have varied over the last three years. They posted a \$1.76 million loss in 2022–23 despite ongoing cash injections. As I mentioned, they have totalled \$1.38 billion. The performance from insurance operations remains at \$1.8 million in debt. As I said, this tells us that the scheme is absolutely cactus, and the government have failed in their efforts to do something about this.

I want to bring to the house's attention the objectives of the Workplace Injury Rehabilitation and Compensation Act 2013. Section 10 in division 2 lists the objectives of the act, and they are failing on nearly every single measure. I find it extraordinary when you have the act and the government are failing. Sadly, we still have fatalities and traumatic injuries and are leading in road accidents that lead to death, but we have still some very debilitating accidents and injuries. Other objectives around the early return to work include making provision for the effective occupational rehabilitation of workers and increasing the provision of suitable employment for workers. Two of the first three focus on returning to work, but if you look at the performance in this area it has slipped. You could very easily argue that the government is failing completely on its objectives, including ensuring appropriate compensation and provisional payments under the act are paid to injured workers in the most socially and economically appropriate manner and as expeditiously as possible – 'Treat them well'.

We have had two Ombudsman's reports to say they have not always been treated well. They need to ensure workers compensation costs are contained so as to minimise the burden on Victorian businesses. They have failed in that, because they have whacked them up, and the fear is that this bill is not going to make a difference to the premiums, which they are going to look at jacking up again. There is more. One of them is to maintain a fully funded scheme – well, that is just not the case – and the final one is to improve the health and safety of persons at work and reduce the social and economic cost to the Victorian community of accident compensation. Improve the health and safety of people at work – there is work that should be done in the prevention space, and at the moment that work is, I would say, failing. I would like to see greater evidence of what WorkSafe are doing and what the minister has given them, because his statement of expectations does not address these issues sufficiently and gives WorkSafe a lot of wriggle room not to deliver on what is required.

About the bill, I am going to have a look at starting with the mental injury amendments that are there. It introduces new eligibility requirements for work-related mental injuries, and it says that only mental injuries diagnosed by a medical practitioner in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*, which is the DSM – and I think we may be at DSM-5, with a text

review – that are predominantly arising out of or in the course of employment are compensable. If you have a look at the wording it uses in clause 5 about entitlement to compensation ‘predominantly’, this is not really a word that is used a lot in legislation, so I imagine that there are going to be legal cases testing that. It also uses non-medical terminology, such as work-related stress and burnout. I am pretty sure that they are not in the DSM at all, so there are certainly questions around that. It clarifies in doing so that the mental injuries that are predominantly caused by work-related stress or burnout will not be compensable unless these duties are routinely traumatic. I think all of us in this chamber could have a look at the nature of duties that are routinely traumatic, and that would be for a lot of frontline service workers. But I would like to see the government do greater work in the prevention of long-term trauma associated with the work. I have heard of a number of examples of different types of programs that have been put in place to address this, and I really ask the government to do more in this space.

With regard to ongoing eligibility for compensation, what they have looked at doing is introducing a whole person impairment threshold of greater than 20 per cent alongside the existing capacity test for injuries for a person to remain entitled to weekly payments beyond the 130-week second entitlement period. This applies to physical injuries and applies to mental injuries, and they are assessed differently. Physical injuries are assessed using the AMA *Guides to the Evaluation of Permanent Impairment*. It is an American Medical Association guide, it is up to the fourth edition and it has been used for quite a long time. For mental injuries what is being used is the *Guide to the Evaluation of Psychiatric Impairment for Clinicians*, and this I was very interested to see was put together by Melbourne psychiatrists Michael Epstein, George Mendelson and Nigel Strauss in 2005, because at that time the AMA guides were insufficient to address mental whole person impairment.

On information sharing, it amends the Workplace Injury Rehabilitation and Compensation Act and the OH&S act to allow the authority to use information collected for the purposes of the acts to fulfill its functions or exercise its powers under the act in certain conditions. There is another part as well which refers to arbitration, and it clarifies that disputes relating to whether a worker has suffered an injury in circumstances that are compensable under the act are not disputes that can be referred to the Workplace Injury Commission for arbitration. So there are very specific types of decisions that can be arbitrated on, but whether a person has suffered that injury in the first instance is not one of those.

There is also built into this scheme a review of the amendments. It requires the minister to cause an independent review of the amendments to the WorkCover scheme arising out of this bill in the 2027 calendar year. I think that is too late, absolutely. You cannot have this scheme motoring along from, in theory, early next year for three years or so if things are not working, and I think it is only fair that it is reported on more frequently than is proposed through this legislation.

There are many issues. I have had an enormous amount of feedback provided from multiple sources, and it is important that we maintain the integrity of the system and that those people who have legitimate claims are managed better up-front. If they can get back to work, they need to have this system there to support them in those early days. It also seems for many stakeholders that the legislation is being rushed through prior to Christmas. The government has consulted with some larger stakeholders but not everybody, and there are still a lot of concerns.

I want to talk about the concerns about Return to Work Victoria, because the minister in his media release earlier in the year – in May, I think it was – and in his second-reading speech talked about the establishment of Return to Work Victoria but there is absolutely zero information. He talked that up. We do not know, but I am assuming it is not a statutory authority because it is not referred to in the bill in any way. Is it a unit in the department or does it sit within WorkSafe? Do they need funding or not? It was not included in the appropriation that the message from the Governor brought to our attention yesterday. We do not know about this. Is it going to be at the back end or the front end or both? There are just no answers, and the government are failing with their return-to-work objectives.

I said two of the first three objectives relate to return to work. The longer a claimant is off work, the less likely they are to return to work, and ending return-to-work activity is central to the financial cost

of the workers compensation scheme and for the injured worker. This is better for everyone. The information I am reading now is from the Finity report that I said we obtained through freedom of information, that once a claim has moved past 130 weeks, there are very few exits. The minister, who extraordinarily did the bill briefing himself, did mention that this is certainly the case, that there are fewer exits regardless of whether it is physical or mental. But mental injury return-to-work rates are certainly lower than other injuries, and this is key. This again is from the report:

A growing proportion of claims are exceeding the two week employer excess and thus being counted as weekly claims.

This suggests that the return-to-work performance in

... the first two weeks after injury has slipped over time; this applies to both Mental Injuries and Other Injuries

The government have taken their eye off the ball here. They have talked up Return to Work Victoria, but we have absolutely no information about it. The minister says, 'No, trust us on this.' Well, sorry, I cannot trust you on this. I need to have that information. The unions would like to have that information; employer groups would like to have that information.

Turning now to the mental health claims, as I mentioned earlier, there is some technical language and complexity in the bill seeking to remove the entitlement in respect to a mental injury predominantly caused by work-related stress or burnout that has arisen from events usually considered to be part of the normal workplace, unless it is one of those particular areas. I know that I would like to see greater emphasis put on the frontline responders who may be in positions that many of us are not in normally.

I have mentioned the independent review of amendments, and I would like that to also have a greater number of checkpoints in there, not just one in 2027. Prior to that, the long-term tale about reducing the number of people – well, it is still a little bit unclear to us what sort of difference that is going to make. We have not seen the data, and I want to see the data. It is like the increases in premiums. Employer groups have absolutely voiced their concern that they cannot cop another large premium rise, but they do not want the scheme to fall over. So we need to get the balance right here. I am proposing a reasoned amendment, and I move:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government:

- (1) agrees to freeze premium increases for 24 months and then limit increases to be in line with CPI for a further 24 months in order to provide certainty to businesses;
- (2) provides details of the commencement date, structure, objectives, functions and funding of Return to Work Victoria;
- (3) provides a detailed analysis and comparison of public and private sector claims for physical and mental injuries and commits to increasing focus on prevention strategies for each sector;
- (4) makes available the reports on the modelling for the legislation; and
- (5) commits to reporting annually to Parliament on the implementation and progress of the new arrangements, prior to the proposed legislative review in 2027.'

As I have mentioned, employers cannot cop another whopping premium increase. For some of them, it would put them out of business. For some of them, it would inhibit growth and jobs. Even Trades Hall told me that they worry about what this would mean for the future of jobs being made available for workers – and you know, I think the Victorian Chamber of Commerce and Industry and Trades Hall were in agreement on a number of these issues. Everybody wants to see greater work around what Return to Work Victoria will look like.

On the third point, about the comparison of public and private sector claims for physical and mental injuries, it has been said a number of times that in the public sector mental injury claims are much greater now. I acknowledge that we have the paramedics, we have emergency services, we have police and we have teachers, but we would like to see departmental data. Are we failing our workers by not providing a safe place mentally for these people? What is happening there? We need to understand

what these challenges are. Are the government doing anything about it? Have they made any efforts in prevention or are they helping people get back to work quickly? This is one of the reasons that I will be looking for the coalition to refer it to an inquiry in the other place, because this is the opportunity for the minister to get it right.

On the fourth point here, about making available the reports on the modelling for the legislation, there is a lot of information that we do not have, and the minister has said to me multiple times that he wants to give us all of the information, and everything I seem to ask for they do not really have. He has been fine coming back with easy questions, giving me the answers to those, and I really appreciate that, but through FOI we have been able to ascertain that there are quite a number of reports that have not been made available to us.

I have mentioned the Finity report that we got through VCAT, handed down in December 2020. It was released after the election last year. The VCAT judge ordered that it be released prior to the end of the year. Well, they did it after the election, 30 December, just before New Year. Gosh, that is an open and transparent government if ever I have seen one. What we have also ascertained through that was the agenda and minutes of the interdepartmental committee that has been set up – and I do not know the terms of reference. They had the initial terms of reference, and then about nine months later I see through the minutes that the terms of reference were amended. We do not know what their terms of reference were, but I will say that the government sat for two years before deciding they had better do something about this broken scheme. What was it, the interrelationship between the government through the Department of Treasury and Finance, through the Department of Premier and Cabinet, through the minister's office and through the Premier's private office, because there is also reference to those? I would like to know what influence the Premier's private office had over some of the decisions that were made.

There was a report conducted by PwC. I see through the minutes that there was additional work commissioned through Finity. We do not know what that is about either. Taylor Fry, an analytics and actuarial consulting firm, have done some work as well, and we do not have access to that report. So it is very difficult for the government to say, 'Here we go. We've got this bill. We've got it right.' They have not got it right. There are so many issues. I think if we get this off to an inquiry, to a committee in the other place, it will get us an opportunity to go into more detail so that all of the stakeholders that have skin in the game here can get to tell us to make sure that we shape this legislation into the best that it can be.

The scheme is broken, no doubt about it. The minister admits that. He says that time and time again. He probably omits to say that it is Labor that has broken the scheme. They have brought something to Parliament that is full of holes with more questions than answers, and we have so many questions that we need answers to. Employers cannot cop premium increases of 42 per cent. When I talk to employers it is an average of 42 per cent, which makes you think that there is somewhere between 30 and 50 per cent. Well, I will tell you what: everybody I have spoken to has increases of 70 to 80 per cent. That is just not good enough. Injured workers and employers cannot carry the can for failed administration.

**Nathan LAMBERT** (Preston) (12:27): I rise to support the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023, which as we know amends the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 and to a slightly more minor degree the Occupational Health and Safety Act 2004.

I was hoping to address the comments made by the member for Eildon. I will, perhaps briefly. We are very much saying in this bill that we are addressing the issues that are widely recognised to affect the scheme, and the gist of the member for Eildon's points as I understood them was that we should fix them up more quickly. With the fullest of respect, I think that when you are in opposition and you have nothing else to say, that is what you always say. I note that the member was quoting a report that came out in 2020, a report that came out in 2021, a government response in 2022, the significant



reforms announced earlier this year and then the significant legislation ahead of us now. I would put to the member that those time lines are indication of a minister who is working very hard. With respect to the Finity report in particular, which she quoted at length, I would draw her attention to the fact that there was a COVID pandemic in the period to which she refers. It was very difficult, I point out to the member, during that period to understand which changes were the result of temporary COVID measures and which were permanent. That is something upon which we have visibility now. I would note further for the member's benefit that those reports urged action because of predicted outcomes, but at the time that they were done WorkCover clearly still had assets that exceeded its liabilities. It was not in a negative position then. It was a warning that we had to take action in the long term, and that is what we are taking today. If I can make a final point, it might have been gracious for the member to acknowledge that when she was in government taking \$600 million out of the scheme, as they did, it did not really help the situation.

I might just very briefly note that of course a reasoned amendment has been circulated, and there is a great deal of inconsistency between giving a 30-minute speech that essentially says the government is moving too slowly – which we reject – and then circulating a reasoned amendment that asks us to pause to take longer and, as I understand from the member, to then have an upper house inquiry. I note the reasoned amendment concerns substantially things that are not in the bill, things that relate to the May reforms. The member can take them up with the minister, but we have a bill in front of us today, and certainly I will be supporting passing the bill today.

Having addressed the member for Eildon's points, I will just turn back briefly to the context of today's bill. I would love to give a long history of WorkCover, which is a great Labor reform that originated back when it was called WorkCare in 1985, obviously with the important objectives of preventing workplace injuries in the first place but then supporting injured workers where injuries do occur. I just note for everyone's benefit that the intention back then even of the Labor government was to have a fully public system, and it was amendments forced through by those opposite or their predecessors that led to the mixed public-private system we have today. There are some extensive comments about that mixed system in the Ombudsman report, which I will perhaps refer them to. I will skip through that because the model is not up for debate today, as we know. The government, however, has a key role in making operational decisions about the scheme, about the premia and about the support for workers and the preventative measures, and that is the subject of both today's bill and the reforms that were announced in May.

The reforms that we are discussing today arise really out of two factors. The first is the rise in mental health injuries. As we know, they are now up to a point where they are 16 per cent of claims but, more importantly, 50 per cent of scheme costs, and that difference is because a lot of the mental health injury claims result in people ending up on the scheme for much longer and indeed ending up in the long tail, as it is called – the period beyond 130 weeks. As a result of that, payouts for mental health injuries are much higher on average. Obviously, that rise in mental health cases coincides with a broader higher incidence of mental health challenges that we all face. We do not know the full reasons for that, but as members are aware, we had the opportunity to debate the Mental Health and Wellbeing Amendment Bill 2023 earlier this year, in June. Without restating what I thought was a very good debate then, we know that this government is taking action on mental health. We have held a royal commission, we are implementing all 65 of its recommendations and indeed this government is funding mental health at a much more significant level than when we came to office in 2014. In fact it is by effectively \$1 billion a year more in real terms that we are funding it, and for good reason. I just say all that because I want to be really clear that nothing in this bill is stepping away from the government's commitment to tackling mental health.

Mental health injuries are real. Mental health is health, to a degree. Mental health and physical health injuries often go together; we understand there are complex interactions between them often. None of that is up for debate. In fact I and the member for Greenvale were talking to some Health and Community Services Union members a couple of months ago, a great union, and they told us some

harrowing stories of mental health professionals dealing with repeated physical assaults in their workplace. You can imagine the way that that leads to both physical injuries and mental injuries with complex interactions.

We have to recognise there were three Ombudsman reports and the Rosen report commissioned by former member Jill Hennessy. What we know from that is that as pressure was rising on the system, the costs were contained to a certain degree by private agents pressuring vulnerable people to get off the system. The government has addressed that; that has been debated extensively within these chambers. We made those changes because they were the right thing to do, but there was always a very high likelihood that making those changes would lead to higher costs and give us in the end a true picture of the difficulty of sustaining the system that we can now see today. Effectively we had two choices: we could raise premiums or reduce outgoings. As we have heard from the member for Eildon, some people called for us to go down one path, others called for us to go down the other. We have effectively done both. We recognise that increasing premiums affects not only private business but schools, kinders and neighbourhood houses. There are very, very few exceptions, so we do need to be judicious about those decisions. But of course the crux of today's bill is the reduction in outgoings. In the time I have got left I will not have an opportunity to go through all of those reductions in detail, but I look forward to hearing other government speakers do so.

Clearly the key change is to move in that direction of the 20 per cent whole-person impairment test at 130 weeks. Those tests are already part of the system. This extends their purpose. I think we recognise that they are not perfect tests by any means. We are still working in the mental health area towards tests that are really robust, but they are the best tests we have available today, and I would say very clearly they are much better than what was happening previously, as the Ombudsman has reported.

The second key change is the tightening in eligibility for mental injury claims. That will impact stress and burnout cases and it will affect overwork cases. Of course this government will retain the 13 weeks of access to treatment and psychosocial supports, but I do recognise the point has been made by trade unions that the government itself and indeed certain departments within the government are over-represented in those cases, and there is probably some work for us to do there.

The main thrust of the reforms is that we are no longer going to manage mental health injuries to the extent that we have been by providing people with indefinite weekly payments that can go on for years and indeed for their entire working life. I think everyone who works in the area understands that whilst that is something you have to do in some circumstances, it should be an option that you use in the most limited way possible, and return to work and all the other measures that the minister has announced are ways that we hope will be a lot more effective in ultimately getting better outcomes for those workers.

Again, I acknowledge on behalf of unions that there are some complex interactions in terms of the way that this bill affects other mental health claims and complex physical health claims. There are concerns about workforce capacity for whole-person impairment and *Diagnostic and Statistical Manual of Mental Disorders* assessments, and I think the latter in particular we understand. There are requests from unions – which I was sort of pleased to hear the member for Eildon actually support – for some more data. I think many of us would like to see some more data to understand these important issues that we are discussing.

**A member:** You have got the data. The government has got the data.

**Nathan LAMBERT:** More public data, to take up that interjection. The bill of course legislates an independent review, and I should say that Labor governments have never been afraid to review and reform WorkCover and will continue to do so. But ultimately, as a result of today's bill, we are addressing the issues that everyone is aware of. We know that WorkCover is fundamentally important to providing injured workers with the compensation that they need and deserve. We know it funds very important preventive work. We are seeking with this bill to strengthen it and to ensure that it

continues to have broad support in the community. I would like to thank the minister and his team for the work they have done over a very long period to bring on this bill, and I commend it to the house.

**Emma KEALY** (Lowan) (12:37): I rise today to speak on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. It was interesting to listen to the member for Preston telling us about how this is going to actually improve mental health outcomes for workers across Victoria. We heard from the member for Preston as well that the structure of WorkCover is not up for debate. Well, why on earth has this bill been called a 'WorkCover scheme modernisation'? It is not modernisation. It is not the reform that is needed of the WorkCover system. If there is one thing we can all agree on in this place, it is that WorkCover desperately needs reform, and that is much, much more than a simple change of cutting out key classes of injury or stress and burnout in the workplace, which are legitimate claims in every way.

I spoke to a woman just last week who is going through a WorkCover claim related to burnout, and the ongoing impact on her life is absolutely unbelievable. She is not ready for her story to be shared at this point in time, but anybody I have spoken to in the mental health sector has reinforced that they are deeply, deeply concerned about the amendments that are put forward in this legislation we are debating today. I have spoken to Mental Health Victoria. I understand that when these changes to WorkCover were first flagged by the minister about six months or so ago, Mental Health Victoria actually reached out to the minister. This was confirmed by the minister in the bill briefing. However, no mental health professional, no mental health group was advised and provided with an exposure draft of this legislation. To have such significant legislation before the house, which will have an impact on whether workers can claim for a mental health injury at the workplace or not, but to not consult with the sector who are experts in that area is nothing less than gross negligence on behalf of this government – nothing less than gross negligence.

As I said, there is absolutely no doubt – there is complete unity – that we need to fix WorkCover. We need significant reforms. We can no longer see significant premium increases year on year on year. This year we saw an average increase of 42 per cent. I am yet to speak to one business that had less than a 42 per cent increase in their WorkCover premiums. Many of them had much, much higher increases, some in excess of 80 per cent, with no injuries in their workplace. A very, very important matter for this Parliament to recognise is that the increases are being burdened on good employers as well as employers who are not doing such a great job. And do you know who the worst employer is in all of the state, who is not paying their fair share of WorkCover premiums and who is not taking their responsibility appropriately for management of the health and particularly the mental health of their workers? It is the government; the ministers who are in here today. Whether it is in government bodies, in government entities or in the wider public sector, this is where WorkCover claims are increasing.

In fact if we pulled out the private sector as a separate insurance scheme, as New South Wales have, we would actually see a cut to the WorkCover premiums applied to businesses in Victoria. We would see a cut from currently 1.8 per cent of payroll for businesses in Victoria; we would see that reduced to 1.4 per cent. That is not just me saying that on my calculations. I would love to be able to calculate that, and I am in full agreement with the member for Preston that we should see more data around this, but do you know what? The government have got the data, but they will not release it. The most preposterous thing I have ever heard in a bill briefing was when we were told there has been no modelling done on what the impact on the number of claims will be if we cut out stress and burnout as an acceptable class of injury. Have you heard of anything more ridiculous than 'We're going to fix the WorkCover problem because we're going to cut out these two classes, which will reduce our claims by – oh, I don't know how many. I don't know what the number will be. We don't actually know what that will be' – and that will of course reduce our WorkCover premiums. That is not what will happen.

Unlike the minister, I have spoken in depth to the mental health sector. In fact before they even saw the full bill on that first reading when the minister gave his summary they said 'I can see what will happen, Emma. The doctors who are in the know will understand that it is not an acceptable claim if

somebody claims for stress and burnout'. So instead they were going to claim for an alternate injury, which is in the *Diagnostic and Statistical Manual of Mental Disorders*. They will claim for anxiety and depression, which is appropriate. So it will not actually reduce the net number of claims. This person I spoke to actually went on to say that the other problem is if you have a doctor who is not aware that stress and burnout is not an acceptable class of injury and someone is also displaying extreme symptoms of anxiety and depression and other injuries which are diagnosable through the DSM, they are going to miss out on that cover.

Now we have got this system which is going to be put in place where Return to Work Victoria will be the ones who are instead managing these stress and burnout claims, but we have got a little bit of a problem when it comes to the timing of these things. Firstly, no-one actually knows what Return to Work Victoria will actually do. There is not one cent allocated to it in this year's budget, so the first time we are ever going to see a dollar allocated to it is 1 July next year. We know how slow it is for government of any level, of any colour, to be able to deliver these things, and it will not be up and running on the first day of the new financial year. So we are going to have a position where this new legislation is brought in, which has retrospectivity, which has an impact on the people who have claims in the system today, and there will be nothing. There will be no supports available until Return to Work Victoria is established. The key issue that both Trades Hall and the Victorian Chamber of Commerce and Industry and also the mental health sector have is that we are saying we are going to push on; we are moving ahead with this new model. But there is nothing. There is no structure behind it; there is no money behind it. In fact if you ask for any detail in questions, no-one can provide any information about what it looks like or how it will operate.

We cannot simply just go to something that does not exist, that is this nebulous idea. It will not work. You are going to leave thousands of workers without support. This concept of 'That's okay, they'll be covered for 13 weeks anyway if it's a stress and burnout claim' – well, if anybody can find an appointment with a psychiatrist or a psychologist within 13 weeks, good luck to you. If you manage to get one of those little golden eggs of an appointment within 13 weeks rather than the average of six months to 12 months, then you will not get a diagnosis, because it takes many, many appointments to be able to get a proper diagnosis which would be accepted by WorkCover. This system is a thought bubble. It is trying to tinker at the edges and is not going to the depths of reform that are needed in this state.

One thing that I would like to particularly emphasise is that this is a massive shift when it comes to what the government have been saying about mental health. I am deeply, deeply concerned that this is a signal – in fact it is clear evidence – that this government, the Allan government, is turning its back on the Royal Commission into Victoria's Mental Health System recommendations. In fact this move today in this legislation is in direct opposition to recommendation 16, 'Establishing mentally healthy workplaces', and I will refer to that, which is:

The Royal Commission recommends that the Victorian Government:

...

advise on, develop and provide resources to assist employers and employees across Victorian businesses to:

...

support people experiencing mental illness at work.

To bring in legislation which says you cannot have an injury related to stress and burnout at work in Victoria under our new legislation is a retrospective step and is directly against recommendation 16, which I add it is the responsibility of the Premier to put in place. Premier Allan has only just come into this place, but for one of her first actions to be to directly oppose the royal commission into mental health is a very, very bad signal for all Victorians that mental health and the stigma of mental health will only be embedded further, that workers in Victoria will not be supported if they are in a mentally unhealthy workplace and that there is no responsibility being taken by the Premier for her own employees within the government sector – and this is not just the frontline employees, it is also the bureaucrats in the big buildings in Melbourne. All of those workers are putting in increased numbers

of claims. That is our biggest problem – that the government is not providing a mentally healthy workplace. The government must prioritise that, they must deal with that and they must stop passing the buck to make businesses pay for their lack of support.

**Nick STAIKOS** (Bentleigh) (12:47): I rise to make a contribution on the important amendments proposed in the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. I think it is very, very important that we do talk about the long history of this issue because we need to understand very clearly and remember very clearly what the situation was like pre-1985. Not passing this bill risks going back to that.

Prior to 1914 there was scant government regulation and involvement in workers compensation. Injured workers only had access to common law, which allowed them to sue their employer for negligence and be awarded civil damages for the loss suffered, providing they could afford a lawyer. In 1914 the Workers' Compensation Act 1914 came into force, requiring employers to take out accident insurance policies to cover any compensation payments that they were liable for. But the system was a private industry rort, with agents charging high premiums to employers and inadequate compensation for employees. The system favoured one-off lump sum payments which did nothing for people who suffered prolonged injuries as a result of their work and encouraged a compo culture. For the next 70 years workplace accidents were commonplace, and there were few incentives for employers to implement preventative measures or make safer workplaces.

By the early 1980s it was clear that Victoria's workers compensation system had reached a crisis point, which is why in 1984 we had the Cooney report, written by Bernard Cooney, a barrister and the chair of the Victorian workers compensation inquiry, which found a 260 per cent average increase in workers compensation costs over five years and identified delays and unfairness in the system. In response, in 1985 the Cain Labor government proudly began the transition to a new and more equitable model, and that was WorkCare, now of course known as WorkCover.

I say all of that just so that we realise that not passing this bill risks going back to that broken system. This government cannot and will not allow the scheme to collapse. Over the past 38 years WorkCover has remade the model for workplace safety culture and attitudes towards occupational accidents. It has shifted the state from the compo culture of the mid-1980s to an expectation that workplaces be safety-focused and that, should the unthinkable happen, a fairer system is in place for injured workers. WorkCover is at the heart of what every Labor government strives to do, and that is look out for workers. That is why these changes to the scheme are needed now, so that it is fit for purpose and sustainable, so that we do not regress to private industry rorts and compo culture, so that we continue to prioritise preventative measures and so that it can keep looking out for workers in the generations to come.

So what are the current challenges? The scheme as it stands today is facing unprecedented challenges, which we have already heard about. We are seeing an exponential increase in mental injury claims, which now represent 16 per cent of new claims and 50 per cent of the total cost of claims. In fact mental injury claims average \$290,000 – 2.4 times physical injury claims. This was an unforeseen scenario when the scheme was originally designed nearly four decades ago, and the increase has placed considerable strain on the financial stability of the scheme, with claims liability tripling since 2010.

The other pressing issue is the prolonged duration of workers remaining on the scheme. In 2015 around 8 per cent of injured workers remained on weekly payments beyond the 130-week second entitlement period. In 2023 that number is projected to jump to 18 per cent. The scheme aims to support workers as they recover from an injury and get back to work. It was never designed to be a widespread source of indefinite income. This bill proposes necessary reforms to address these challenges.

One of the key amendments is the introduction of new eligibility requirements for mental injury claims. This change is critical to ensuring that compensation is rightly directed towards mental injuries that (a) cause significant behavioural, cognitive or psychological dysfunction as diagnosed by a medical practitioner, (b) are predominantly caused by employment and (c) are not caused by stress or

burnout that would reasonably be expected from usual employment. It is important to note that these changes do not abandon workers who experience severe work-related stress in routinely traumatic roles such as our ambos, nurses and other frontline workers. Their support remains our priority.

This bill also introduces a whole-person impairment threshold requiring more than a 20 per cent impairment for injured workers to continue receiving weekly payments beyond the 130-week second entitlement period. While this measure will help alleviate the financial pressures the scheme is facing, it is also about ensuring that injured workers are not languishing on WorkCover. I want to come to that specifically because nine years ago in my inaugural speech in this house I spoke about social isolation, which is a prevalent issue in our community. It cannot be good for anybody's mental health to be languishing on WorkCover for years and years and years, isolated from the community. We need to get people back to work, and we need to be better at getting people back to work.

The member for Lowan used some very loaded language about this government's mental health agenda and our commitment to acquitting the recommendations of the historic Royal Commission into Victoria's Mental Health System. Well, the fact is – and it is widely understood by Victorians – that we have not wasted a single day in implementing the recommendations of the royal commission into mental health, and since the royal commission we have invested \$6 billion in that endeavour. So do not come in here and question our commitment to the mental health of Victorians when we have shown that commitment like no other government in this country – and we are proud of that.

It is not only our investment in mental health but, thanks to our government, more than 80 free TAFE courses. It is now easier than ever before to retrain, to reskill, to secure a change of career. We have those opportunities in this state because of this government. I repeat: we need to help get people back to work, and Return to Work Victoria – and they had a bit to say about that today – will help us do that. That is why we have committed to establishing it. It is going to be a body within WorkSafe dedicated to supporting workers to get back to work. Return to Work Victoria will be co-designed with government, with unions, with employers together with mental health and occupational health experts. A core mission of Return to Work Victoria will be to support workers who are not eligible to enter the WorkCover scheme as well as to provide injured workers on the scheme with the support they need to return to meaningful work or training pathways. The government is committed to giving tailored support to get workers back to work. I repeat: the government is committed to giving tailored support to get workers back to work.

We have consulted widely on this bill with many, many key stakeholders. The member for Eildon in her opening address did express some surprise that the minister conducted the briefing on the bill himself. That is testament to the minister's commitment to ensuring that we reform WorkCover so that it is there for workers. I repeat what I said at the beginning of this contribution: not voting for this bill risks higher premiums and risks this scheme collapsing and going back to the pre-1985 system where we had 69 private insurers. We do not want to go back to those times, because that will not be good for workers, and it will not be good for employers either. So I commend the bill to the house, and I wish it a speedy passage.

**Sam HIBBINS** (Pahran) (12:57): I rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. This is a misleading title if ever there was one. This bill is not a modernisation of the scheme in any sense. This is a retrograde step. This bill takes us backwards to the dark old days where workers had to fight through the courts to get compensation after being injured at work. The member for Bentleigh said, 'Oh, well, if you don't pass this, we're risking going back to that time.' Well, this bill is removing that risk and it is saying we are definitely going to go back to the dark old days for those workers who are going to be denied access to workers compensation and are going to be kicked off the scheme despite the fact that they have had an injury at work and are unable to get back to work. We are now being asked in this place to rush through these really significant changes to WorkCover entitlements and eligibility rules by the end of the parliamentary year and to start on 1 January 2024 changes that will have a huge

impact on the health and wellbeing of Victorian workers, and the Greens are saying no, absolutely not, as should everyone else in this parliament.

We are not going to pass a bill that restricts people who have suffered certain mental injury at work from accessing WorkCover or that throws them off the scheme despite their being unable to work. We have heard from government members it is part of a wider range of reforms such as setting up Return to Work Victoria. Where is it? Where is the start date for Return to Work Victoria? It is not there. No-one is in disagreement that the WorkCover system is in need of reform, but to massively limit eligibility and to kick workers off the scheme is not the solution, particularly at a time when public sector workers, the people the government employs, are at higher risk of mental injury in the workplace. They are already struggling from the government's cuts to thousands of public sector jobs. They have been suffering under a deliberate government policy to keep wages low with their harsh public sector wage cap, and this bill will only make things worse for Victorian workers.

The government has underfunded WorkCover for years. They have kept those premiums far too low for well over a decade now and have now squibbed the real reform that is needed to improve the system. The government needs to go back to the drawing board, look at how workplaces can be made safer, particularly their own workplaces, which are so affected by this bill – our schools, our hospitals, our public service – and look at how injured workers can get back to work sooner and how they can get treatment sooner. There was some really concerning language I heard from government members: 'Oh, well, with the assumption that if you are part of –

**The DEPUTY SPEAKER:** Order! It is time for lunch, so I will interrupt the member, and he will have the call when we return.

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

**Business interrupted under sessional orders.**

*Questions without notice and ministers statements*

**Public housing**

**Richard RIORDAN** (Polwarth) (14:02): My question is to the Premier. Premier, since 2018 19,686 families have joined the public housing waiting list. Despite promising to add 12,000 public housing properties by 2024, only 394 have been added. Why has this government broken its promise to Victoria's most vulnerable?

**Jacinta ALLAN** (Bendigo East – Premier) (14:02): I thank the member for Polwarth for his question, and it is a delight to be able to talk about this government's investment in public housing, in social and affordable housing and in building more homes right across Victoria. Now, the member for Polwarth went through a number of figures in his question. Let me share with the member for Polwarth and the chamber more broadly that as part of our \$5.3 billion investment from 2020 we have already built 3000 homes right across Victoria. There are a further 4600 under construction, and you know what 'under construction' also means – it means jobs for people working in the construction industry as we head towards building homes as part of the Big Housing Build.

But we have not just invested \$5.3 billion, as significant as that funding is. We have also added to that \$1 billion for regional housing, and the member for Polwarth knows that out of that initial allocation we have already made a commitment to Colac. We have already made a commitment to Colac to build more homes out of that billion-dollar regional package, out of that \$1 billion to regional –

*Members interjecting.*

**Jacinta ALLAN:** We are building some in Rochester as well. It is okay, we are building them for you as well.

**The SPEAKER:** Order! The Premier will come to order. The Leader of the Nationals will come to order. The house will come to order.

**Peter Walsh:** On a point of order, Speaker, on relevance, the question was not about how much money was being invested, it was about how little houses were actually being built when it comes to the net growth. I would ask you to bring the Premier back to answering that question about how many houses have actually been built.

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

**Jacinta ALLAN:** Absolutely – talking about the funding that is being invested to build more homes because we need to invest the funding to be able to build more homes, just as you need to make sure that there is a pipeline for all those construction workers, workers in the housing industry, to be able to have the jobs in this important area. We are going to continue to push on to build more homes, particularly in the public housing area, particularly for Victorians who rely on the government to be the housing provider for them – for vulnerable Victorians who need the government to provide more housing for them. This is something that we have –

**Richard Riordan:** On a point of order, Speaker, on relevance, the minister is going on about how many she has built. It is the net gain – you have spent \$3.5 billion and got 394 –

**The SPEAKER:** There is no point of order.

**Jacinta ALLAN:** I would be delighted, as we continue to make these investments in building more homes, as we work through the terms as we are with the housing statement and looking at bringing all the levers we have as a government to build more homes, if the member for Polwarth brings his voice and energy to support us through the legislative process, through the regulatory process, to getting out there and supporting the building of more homes right across Victoria – as I have said, we are already making those investments in Colac – because it needs all of us to work together to ensure that we are getting more homes built for more Victorians. As I have indicated, we are investing heavily and seeing thousands and thousands of homes being built through this investment.

**Richard RIORDAN (Polwarth) (14:07):** Figures released by the Department of Families, Fairness and Housing reveal that the number of public housing bedrooms has fallen some 2733 since 2018. Why should Victorians suffer because this government cannot manage money, cannot manage projects and cannot manage public housing?

**Jacinta ALLAN (Bendigo East – Premier) (14:07):** We are not just building more homes through our investment; we are also building a different mix of homes. There is significant demand for one- and two-bedroom homes, which we are building, but I note it is very interesting that this question is coming from the member for Polwarth and not the Leader of the Opposition – probably because he is a little embarrassed that if he walked down Bell Street in Hawthorn –

**A member** interjected.

**Jacinta ALLAN:** Sorry, Bills Street – but you still oppose it –

*Members interjecting.*

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**James Newbury:** On a point of order, Speaker, this question related to a reduction of nearly 3000 bedrooms, and I ask you to bring the Premier back to that question.

**Mary-Anne Thomas:** On the point of order, Speaker, there is no point of order. The Premier was being entirely relevant to the question and answering it. The challenge has been of course that those on the other side are speaking so loudly and interjecting over the Premier that no-one is able to hear the answer.



**The SPEAKER:** Order! There is no point of order. The Premier was being relevant.

**Jacinta ALLAN:** Again for the benefit of the member for Polwarth, the Big Housing Build – just that \$5.3 billion, and we have since added to it – will see a 10 per cent uplift in the number of social homes across Victoria. The Leader of the Opposition has a record in his own electorate of opposing projects every step of the way that are about providing more homes.

*Members interjecting.*

**The SPEAKER:** Order! The Leader of the Opposition will come to order! I would ask you to stop interjecting across the chamber.

**James Newbury:** On a point of order, Speaker, standing order 118: imputations are disorderly.

**The SPEAKER:** The Premier has concluded her answer.

### Ministers statements: Remembrance Day

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (14:09): I rise today to mark Remembrance Day, one of the most significant days in the year for veterans and their families. It was an honour to attend the shrine service on Saturday 11 November together with the Premier and many other colleagues. I know Victorians attended services across the state. Many volunteers of all ages donate their time and effort to this important day of remembrance. Every year we pause to mark the moment when the guns fell silent on the Western Front in 1918. Observing that moment of silence, we remember the brave Australians who died on the battlefields in World War I, and we also remember all defence personnel who have served and are still serving in conflicts and peacekeeping operations around the world. We have lost some 103,000 Australians in the service of our nation, and many more have made great sacrifices. We remember those who have given their lives for peace, for democracy and for the freedoms that we enjoy today. We are reminded all too often that peace is fragile and must be treasured, not just on Remembrance Day but throughout the year. To quote Governor Gardner’s speech from the Remembrance Day service, as Victoria grows and changes:

... it is more important than ever that we learn from the lessons of the past ...

That when faced with difference, we choose curiosity; when met with intolerance, we choose understanding; and when confronted with conflict we pursue peace.

Lest we forget.

**The SPEAKER:** Before I call for the next question, can I acknowledge in the gallery former Premier the Honourable Jeffrey Kennett.

### Public housing

**Emma KEALY** (Lowan) (14:11): My question is to the Premier. Recently a woman in Echuca who was fleeing domestic violence and who needed urgent access to public housing was told the best the state could offer her is a tent at a local caravan park for six months. Why is the Premier failing vulnerable women?

**Jacinta ALLAN** (Bendigo East – Premier) (14:12): I thank the member for Lowan for her question. Should the member for Lowan be prepared to share some of those details, I am sure the Minister for Prevention of Family Violence along with the Minister for Housing would be pleased to see what additional support could be provided because we know and I know this very well. In the community I represent in Bendigo many of the service providers that are based out of Bendigo provide services for the communities around Bendigo, including Echuca. A number of those services I talk with regularly, and they have raised some of the challenges that we have. Just as we have a challenge here in and around the suburbs of Melbourne of people having access to affordable homes – homes that they need, homes particularly for more vulnerable Victorians – it is a challenge we face too in regional communities. And particularly where there are additional challenges of distance and remoteness, that

adds to that challenge. That is why we have a \$1 billion regional housing package to provide an additional 1300 social and affordable homes – at least 1300 social and affordable homes – for regional communities right across the state. As I have indicated previously – I appreciate it is not for the community of Echuca – just close by we have already made an initial investment for housing to be built in Rochester, Seymour and Shepparton in and around the district. We know we need to do more – we absolutely know we need to do more. That is why, whether it is through the \$1 billion regional housing package, whether it is through the work we are doing in the housing statement, which is looking at everything we can do to, overall, increase supply –

**Emma Kealy:** On a point of order, Speaker, on relevance, this question was around women today who are being told the best we can offer is a six-month wait in a tent in a caravan park.

**The SPEAKER:** What is your point of order?

**Emma Kealy:** I ask you to bring her back to that question, please.

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

**Jacinta ALLAN:** You see, this is the thing: playing politics with these sorts of examples is not going to get one house built. I have already acknowledged –

**James Newbury:** On a point of order, Speaker, in respect of standing order 118, to reflect on a member for raising an important case of a person who has been offered a tent who is fleeing domestic violence is outrageous. Frankly, I think the Premier should apologise.

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

**Jacinta ALLAN:** I did at the outset acknowledge that this was a far from desirable situation, which is why I extended the opportunity to the member for Lowan to work with us to look at how that woman in that set of circumstances can be provided with additional support. In case the member for Lowan did not have the opportunity to fully hear and appreciate that point, I make the point again, because as I indicated, Speaker – and you know this well also – we know that women in regional communities do face some additional challenges in being able to access housing and housing support they need at a time when they are most vulnerable. That is why we are making additional investments – investments that come from and are influenced by recommendations from the Royal Commission into Family Violence. For completeness, this is a royal commission report that was not fully supported by those opposite.

**Emma KEALY (Lowan) (14:16):** Public housing wait times for women fleeing domestic violence have tripled to a long two-year wait. How many vulnerable women will die because this government has failed to provide them with safe public housing?

**Jacinta ALLAN (Bendigo East – Premier) (14:16):** The Leader of the Opposition is right. It was a number of years ago that one of our very first actions as a government was to call the Royal Commission into Family Violence, and we did that because we knew that it was a system that was broken and was not providing support for vulnerable women and children, and we knew we needed system-wide reform. That included making sure that there was a safe place for women and children to go to when they needed that support at that point in time. We wholeheartedly supported and are now implementing every single one of those recommendations – every single one of those recommendations.

**Emma Kealy:** On a point of order, Speaker, on relevance. This question is specifically about why women have to wait three times as long for public housing –

**The SPEAKER:** Member for Lowan, you know how to call a point of order, and that is not an appropriate way to call a point of order.

**Jacinta ALLAN:** As I was indicating, we are implementing each and every one of those recommendations because this system reform is challenging. It is going to take time to change the

system and we are going to do that out of respect to women and children experiencing family violence. That respect is not extended by those opposite who did not support the royal commission in full and behave in this way.

### **Ministers statements: Melbourne Cup Carnival**

**Anthony CARBINES** (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (14:18): Racing is back. I rise to update the house on a stellar Melbourne Cup Carnival, an international major event – four days of great weather, great crowds and great racing. The Victoria Racing Club welcomed over 260,000 racegoers to Flemington across the cup carnival’s four days. Crowds were up on last year across the four race days. Cup Day itself saw a 15 per cent increase in attendees as 85,000 attended the Melbourne Cup at headquarters. A third successive state funding of the cup since the introduction of world-leading safety protocols by Racing Victoria and the VRC, including the most stringent pre-race screening process anywhere in the world, means every jockey is safe home after every race.

Melbourne is the major events capital of Australia. The Melbourne Cup was broadcast to 209 countries – 750 million eyes were watching – and 369 radio stations. The carnival will also be remembered as the finale of our greatest jockey – the GOAT, Damien Oliver. Ollie has ridden 129 group 1 winners, an Australian record, since his first ride way back in 1988, including three Melbourne Cups. It is a remarkable performance from a champion of the sport, and we wish him well. Across the carnival our hospo workers served 20,000 chicken sandwiches, 400 dozen oysters, 8000 scones and 20,000 cups of coffee. Our cup carnival generated some \$422 million in gross economic benefit for our state, and the broader Spring Racing Carnival saw increases in crowds at the Cox Plate and the Caulfield Cup. We are not done yet – there are the Crannie Cup on Saturday week, with the member for Cranbourne and the member for Narre Warren North, and the Ballarat Cup on 9 December. The Allan Labor government is investing \$15 million through the Major Events Fund to increase economic benefits to our state by showcasing premium Victorian racing. It builds on our state as the nation’s events capital, as we are here in Victoria – the leading major events capital in the world.

### **Payroll tax**

**Emma KEALY** (Lowan) (14:20): My question is to the Minister for Health. Kilmore and Broadford medical centres have said they will be forced to close because of the government’s health tax. These centres take 200,000 appointments each year. Where will patients go when these medical centres close?

**Mary-Anne THOMAS** (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:20): I welcome this question. Those on the other side just will not let go of this issue. But let me tell you, let me say this: our government has always been up-front that right now primary care is challenged because of a failure of those on the other side’s mates in Canberra. For almost a decade they neglected primary care. There was a six-year freeze –

**The SPEAKER:** Order! The Manager of Opposition Business on a point of order. Make it succinct.

**James Newbury:** On a point of order, Speaker, on standing order 58, the minister is clearly debating the question.

**The SPEAKER:** I ask the minister to come back to the question that was asked.

**Mary-Anne THOMAS:** The question related of course to the viability of general practice in our state, and let me tell you, the number one reason why GPs are under stress at the moment is as a consequence of the Medicare freeze that was imposed by the previous federal Liberal–National government. Ask any GP and they will tell you that that has been a live issue for many, many years now. Not only that, no other state government or indeed any government has done more to support –

**Emma Kealy:** On a point of order, Speaker, on relevance, it was a narrow question: where will the patients go when these centres close because of Labor's health tax?

**The SPEAKER:** A point of order is not an opportunity to repeat the question. The minister was being relevant, but I do ask the minister to come back to the question.

**Mary-Anne THOMAS:** I do want to make the point, though, that no other state government or indeed any government has done more to support general practitioners than the Allan Labor government. And we have done that of course – we have got a \$32 million package to support more GPs taking up training. But let me say this as well: because of the challenges that general practices face as a consequence of the failure of the previous federal Liberal–National government to invest, we established 27 priority primary care centres. We have established the Victorian virtual ED. Together these services have seen more than 360,000 people –

*Members interjecting.*

**The SPEAKER:** Order! The member for South-West Coast can leave the chamber for half an hour.

**Member for South-West Coast withdrew from chamber.**

**Emma Kealy:** On a point of order, Speaker, I ask the minister to come back to the question. She is referring to priority primary care centres, which specifically say – at Craigieburn, the nearest centre – it does not replace your usual appointments with your –

**The SPEAKER:** There is no point of order. The minister was being relevant.

**Mary-Anne THOMAS:** One would have thought that one who prides herself on her vast experience in our health system would understand that primary care is the responsibility –

*Members interjecting.*

**The SPEAKER:** Order! I expect when a question is asked that you want to hear the answer.

**James Newbury:** On a point of order, Speaker, on standing order 118, this is the third time today a minister has cast an aspersion on another member.

**The SPEAKER:** I do ask the minister to come back to the question. The minister has concluded her answer.

**Emma KEALY (Lowan) (14:24):** Kilmore Medical Centre has said:

We're struggling to keep our head above water and the only hand this government has given us is one that will drown us ...

Why is the government punishing patients by forcing the Kilmore Medical Centre to close?

**Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:25):** Once again I will make this point: the RACGP and the AMA have been clear for many, many years that the Medicare rebate has not kept up with the real cost of delivering primary care health services here in Victoria and indeed around the nation.

#### **Ministers statements: public transport**

**Gabrielle WILLIAMS (Dandenong – Minister for Government Services, Minister for Consumer Affairs, Minister for Public and Active Transport) (14:25):** Today I rise to highlight the extraordinary work of our public transport workers –

**Sam Groth** interjected.

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

**Member for Nepean withdrew from chamber.**

**Gabrielle WILLIAMS:** to keep Victoria moving. The Spring Racing Carnival is one of the busiest periods in our network each and every year, which is why we add extra services and extra workers to help passengers get to the races safely. I want to give a shout-out to the extra customer service staff, the authorised officers and drivers as well as the dedicated team at the Metro control centre who kept our system running and our commuters supported over those few days. The workforce put in a huge effort on Cup Day and then the very next day confronted the additional challenge of the Optus outage, but they showed up to help commuters navigate revised timetables and keep the system running. Then they backed it up the very next day, Oaks Day, which is the busiest day on our network each and every year, and they did a stellar job.

Throughout the Spring Racing Carnival we added almost 1000 extra services, including extra daytime services and all-night transport on Friday and Saturday nights. On Melbourne Cup Day we ran an additional 290 train services. On Derby Day, Oaks Day and Stakes Day we ran additional trams on the 57 route to Flemington as well as shuttle services from Flinders Street to the racecourse. Across the carnival more than 100,000 people took the train at Flemington. It was not just the Spring Racing Carnival that our transport workers helped to get Victorians to – our veterans were able to travel to Remembrance Day events for free, thanks to the Veterans Card Victoria. Unlike those opposite, the Allan government is committed to investing in a world-class public transport system for all Victorians so that more trains can run more often.

*Members interjecting.*

**Gabrielle WILLIAMS:** I would watch the misogyny, member for Hawthorn – watch it. And we will continue to invest.

**James Newbury:** On a point of order, Speaker, that was simply disorderly.

**Jacinta Allan:** On the point of order, Speaker, I would ask you rule the Manager of Opposition Business's point of order out of order. Before he rushes to defend the Leader of the Opposition in the way he does, I would suggest the Leader of the Opposition needs to cease and desist with his constant references to ministers across the table. Otherwise, we will also make similar points of order that the Manager of Opposition Business may not like.

**The SPEAKER:** I will rule on this point of order, Leader of the Nationals. I would like to rule on this point of order. I know that you will be referring to similar matters, but there is too much interjection across the table. There is too much interjection across the house more broadly. When members are on their feet I ask you to be respectful. It is not too much to ask. There is no point of order.

**Peter Walsh:** On a further point of order, Speaker, if we are going to go down this path, I would ask you to ask the Leader of the House to also refrain –

**The SPEAKER:** Order! I have ruled on the point of order, Leader of the Nationals. I have ruled on the point of order. I have reflected on all members in the chamber to show some respect.

### Elbit Systems

**Tim READ (Brunswick) (14:29):** I have a question for the Premier. In March this year the Minister for Industry and Innovation visited Israel and met with Elbit corporation, the largest weapons supplier to Israel, whose weapons are currently being used in the invasion of Gaza. He reaffirmed the Victorian government's commitment to the human and machine teaming centre of excellence with Elbit and further discussed opportunities for increased cooperation between Victoria and Elbit. So the question for the Premier is: how much funding has the Victorian government provided to the human and machine teaming centre since 2020?

**Jacinta ALLAN (Bendigo East – Premier) (14:30):** I thank the member for Brunswick for his question. It goes to details of what is I think a well-reported trip by the Deputy Premier when he was the Minister for Industry and Innovation. As is often the requirement for ministers in those portfolios –

as indeed it is for the Treasurer, who is currently travelling overseas to represent the Victorian government's business interests – it was entirely appropriate in this instance, when the Deputy Premier was the minister, to visit Israel and engage with businesses in Israel about economic and trade opportunities with Victoria. That has been a consistent pattern of government behaviour that governments I think of all types have pursued for a number of years, because in terms of furthering opportunities to support jobs and economic activity here in Victoria we do need to travel overseas from time to time and engage in those face-to-face contacts. Indeed at a state level we have through our Victorian government business offices the largest network of business offices of any state in Australia, and that includes having a presence in Tel Aviv, as no doubt the member for Brunswick knows.

We will continue to pursue those trade and economic relationships with businesses that are located around the world that support Victorian jobs, but what we will also do is continue to support communities here when there are times of international conflict and disturbance like we are seeing now. As we discussed at length in the house just yesterday, we will continue to do everything we can to support communities here who are grieving the loss of loved ones in Israel, in Gaza and across the Middle East, and I do not think it reflects well on members here to add to that distress, to add to those concerns or to add to the grief by endeavouring to find a way to – I do not want to accuse the member for Brunswick of necessarily playing politics with this, but we are skating close to the edge there. It is important that we show respect for communities here whilst recognising too that as a government we will look at how we continue to support our strong and growing economy.

**Tim READ** (Brunswick) (14:33): Our issue is not so much with the minister's trip as with the relationship with the defence industry. A February 2021 press release from the Premier's office stated that Elbit was funded under Victoria's spend of \$6 million supporting the state's defence sector. Over the past month we have seen horrifying images of children injured and killed by Israeli weapons, including very likely those made by Elbit. We have seen hospitals destroyed and neighbourhoods obliterated. The question for the Premier is: after seeing the casualties their weapons are causing, will your government sever ties with this company, Elbit?

**Jacinta ALLAN** (Bendigo East – Premier) (14:34): I must say I am more than a little disappointed with the tenor, tone and content of the question from the member for Brunswick. We have engagements with a number of businesses across Victoria, and indeed when it comes to the defence industry there are a number of businesses, including in my own electorate – there are Bushmasters that were built in Bendigo that are serving in Ukraine right now. So I do not think the member for Brunswick has necessarily served himself well in the way he has presented this question. We will continue to support industry here in Victoria because they support jobs. They support jobs in communities like my own in Bendigo, and they support jobs – I think the Deputy Premier referred to Hanwha – in Geelong. We will continue to support the manufacturing industry here in Victoria.

#### **Ministers statements: women's sport**

**Steve DIMOPOULOS** (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:35): It was a pleasure to host the Australian Diamonds in Parliament last sitting week to celebrate their World Cup victory and our partnership, which is carrying our brand across the globe. The Visit Melbourne logo has been with the Diamonds for one of their most successful years, with a three-game sweep of South Africa, a nailbiting victory at the Constellation Cup and of course their World Cup title in South Africa this August. The tournament was broadcast around the world, including to some of the most valuable tourism markets for Victoria. Our partnership has also seen the Diamonds contribute their star power to our tourism campaigns. It has brought the Suncorp Super Netball Grand Final to Melbourne, selling out John Cain Arena, and 48 per cent of the people who attended that match came from outside Victoria, resulting in an estimated economic activity gain for Victoria of \$7 million, further strengthening our \$36 billion tourism economy.

Beyond the dollar value of our partnership, it reflects our values and our shared commitment to women's sport. Netball is the number one team sport for women and girls in Australia. It has a massive role to play in the health and wellbeing of Victorians. I am very pleased that just last week the Diamonds helped deliver a netball clinic in Shepparton at Shepparton High School for 130 students, and the second clinic is to come at the end of this month at the State Netball Hockey Centre in Parkville. That centre in fact had a \$64 million investment from our government –

**A member:** Yes? Which government?

**Steve DIMOPOULOS:** the Andrews now Allan Labor government – and it has thousands of women and girls going through its doors every year. Eighty per cent – all users in fact are women. This is the foundation of a good major events economy, when investment aligns with values, excellence and community. We carefully curate our content, we invest in world-class facilities and we support an elite workforce from athletes to event planners to social media people to hospitality and hotel staff. Through these commitments and these shared values we are not just proud to partner with these major events, they are proud to partner with us and to deliver some of the biggest events not only in the country but in the world.

#### Level crossing removals

**David SOUTHWICK** (Caulfield) (14:37): My question is to the Minister for Transport Infrastructure. Yesterday the minister told the house that if you look at the level crossing removal program there was not a dollar from Canberra. In July 2020 the federal government provided \$8 million in funding to the Victorian government to develop a business case to remove the level crossing at Glenferrie Road. Will the minister admit that he misled the house?

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (14:38): I think what the Deputy Leader of the Opposition is demonstrating is the fact that those opposite do not know the difference between planning and delivery. They have not delivered a single level crossing. This was planning –

*Members interjecting.*

**The SPEAKER:** Order!

**Danny PEARSON:** Again, it speaks to their record in office where they had their business case for airport rail –

*Members interjecting.*

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

#### Member for Croydon withdrew from chamber.

**David Southwick:** On a point of order, Speaker, the minister is clearly debating the question. I would ask that you bring him back to answering the question.

**The SPEAKER:** The minister will come back to answering the question.

**Danny PEARSON:** The reality is that when it comes to removing level crossings, getting rid of level crossings, we are the only party in this state that is getting on with the job of removing level crossings. We have gotten on with the job of removing 72 level crossings. I look around this chamber and so many of my colleagues – and even a few over there – have benefitted from this work.

**David Southwick:** On a point of order, Speaker, I ask you to bring the minister back to answering the question. On relevance, this is about whether the minister misled the house yesterday.

**The SPEAKER:** Member for Caulfield, I am a bit tired of frivolous points of order. If you cannot call a point of order that is relevant to the standing orders, I would ask you not to call a point of order. The minister was being relevant at this point. I ask the minister to come back to the answer.

**Danny PEARSON:** Again, I am just super proud to be a member of this government, which is getting on with the job of removing 72 level crossings at the moment. We will have a 73rd removed by the end of the year in Cranbourne, and we are on track to removing 110 level crossings right across this state. 110 of those level crossings are being delivered by the Andrews–Allan Labor government.

**Darren Cheeseman** interjected.

**The SPEAKER:** Member for South Barwon, you can leave the chamber for half an hour.

**Member for South Barwon withdrew from chamber.**

**David SOUTHWICK** (Caulfield) (14:40): Also in July 2020 the federal government provided \$2 million to the Victorian government for a feasibility study into the removal of level crossings at Tooronga Road and at Madden Grove in Burnley. Will the minister admit that he misled the house yesterday by saying ‘not a single dollar’, ‘not a single dollar from Canberra’? Again, will the minister come back and tell us he misled the house?

*Members interjecting.*

**The SPEAKER:** Order! Member for Caulfield, you asked two questions. Would you like to define which question you want answered? Just the last question or the one before it?

**David SOUTHWICK:** Will the minister come clean and tell us that he misled the house yesterday?

**Danny PEARSON** (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (14:41): Well, look, clearly Josh Frydenberg is moonlighting in the member for Caulfield’s office, writing these questions. We are getting on with the job of removing these dangerous and deadly level crossings right across Melbourne, and it is only the Allan Labor government that can be trusted to remove these level crossings.

#### **Ministers statements: Indian community**

**Jacinta ALLAN** (Bendigo East – Premier) (14:42): I would like to wish every Victorian that has been celebrating Diwali over the past week a very happy, healthy and light-filled Diwali. Celebrations like this reflect the true diversity of our state; it is really when that diversity shines through. It is a time to celebrate the triumph of light over darkness, hope over fear, good over evil. There is a whole range of different communities: the Indian, Sri Lankan, Bengali, Nepalese, Singaporean, Bhutanese, Malaysian or Fijian–Indian communities. One of the terrific things about Diwali of course is that these communities also reach out and welcome the broader community to be involved in the celebration, and that is what Victoria and Melbourne are all about. We embrace our multicultural traditions and diversity, and I am certainly proud that we are a state that embraces and harnesses the life experiences of communities and what they bring to us here in Victoria.

Indeed I had that personal experience myself last Friday when along with our fabulous member for Cranbourne I attended a chai and chat. I would like to acknowledge the wonderful women I met there last Friday afternoon, particularly the Indian women who joined us who were also on their way to Diwali celebrations; I shared a chai and personally wished them a very happy Diwali. Additionally, along with the member for Cranbourne and indeed many other members of this place, I had the pleasure of hosting the second Premier’s state Diwali reception last Friday night. It was bigger and better than the year before, and it was a great pleasure to share that celebration with the rich and diverse Victorian communities who celebrate Diwali. People from every corner of the globe have chosen Melbourne and Victoria as their home because they know here they can practise their faith and they can celebrate their culture with the rest of the community.

**Bridget Vallence:** On a point of order, Speaker, constituency question 312 on elder abuse to the Minister for Ageing is a significant issue. I think I have raised this point of order maybe four or five times now. It is well overdue, and I would appreciate a response for my community. Constituency



question 340 to the Minister for Public and Active Transport on the failed bike cages at the Lilydale train station: I would appreciate a response. That one is also overdue.

*Constituency questions*

**Murray Plains electorate**

**Peter WALSH** (Murray Plains) (14:45): (420) My constituency question is to the Treasurer, and it is on behalf of medical practices in Swan Hill and Echuca that have approached me with concerns about the government's new health tax – they are being charged on contract doctors who work out of their practices. Patients can wait for six to 12 weeks to see a GP in my electorate, and these medical practices are concerned that if they lose doctors or, worse still, they are forced to close the doors because of this new tax, the wait to see a GP will be even longer. I ask the Treasurer to provide me with information about how these medical practices can work with the government to stay in business and continue to provide GP services to the community.

**Bellarine electorate**

**Alison MARCHANT** (Bellarine) (14:46): (421) My question is for the Minister for Public and Active Transport. Minister, what is being done to support the increase in demand for public transport in the Bellarine over the summer months? The Bellarine is bustling with tourists in summer who rely on our public transport on top of our local residents and kids who utilise the bus service to get between towns and in and out of Geelong. To assist our community to prepare for this busy period, I would appreciate this information for my constituents.

**Berwick electorate**

**Brad BATTIN** (Berwick) (14:46): (422) My question is to the Minister for Roads and Road Safety. What information is the department relying on to say that some simple re-marking of lines at the intersection of Thompsons and Berwick-Cranbourne roads in Berwick would not improve safety or traffic flow? We get many calls to the office, and we have been contacted by so many saying that the markings at the current roundabout simply make no sense. The traffic flow is awful, and it is adding to the congestion and the delays and the dangers at this spot. The government told Jayden, one of my amazing constituents from Berwick, who has long advocated on behalf of his community for change directly with the department, that they would be doing this. But all of a sudden they have cited some vague reasons and said that this cannot occur. There are 45,000 cars that go through this intersection daily, according to the government's own figures. It is really important that this is upgraded, and I ask for that information.

**Glen Waverley electorate**

**John MULLAHY** (Glen Waverley) (14:47): (423) My constituency question is to the Minister for Multicultural Affairs. How is the Allan Labor government supporting the multicultural communities in the Glen Waverley district to help them celebrate significant cultural festivals and events? Lately, many of our diverse and vibrant communities have been celebrating Diwali, the festival of lights. Last Friday I attended the Premier's Diwali reception. It was an evening of great food and cultural performances, catching up with old friends and making new ones. Next week the member for Ashwood and I will jointly hold a local Diwali celebration to say thank you to our grassroots community organisations. It is our hope that the Ashwood and Glen Waverley joint Diwali celebration, as well as many other Diwali celebrations across Victoria, will serve as a reminder that our cultural diversity should be a point of unifying celebration. During Diwali we should reflect on the symbolism of the spiritual victory of light over darkness, good over evil and knowledge over ignorance. As we witness the horrendous conflict unfolding in the Middle East, it should renew our commitment to peace and harmony here in Victoria. I look forward to the minister's response.

**Polwarth electorate**

**Richard RIORDAN** (Polwarth) (14:48): (424) My question is to the Treasurer, and the question I have for the Treasurer is: could he please provide an explanation to members of my community who have incurred windfall gains tax on council rezoning of land within the township of Colac in a recent application? The reason I ask this question, Treasurer, is because these landowners were willing participants in a rezoning but have no intention of subdividing their land. In some instances people have received accounts from the State Revenue Office for \$200,000, \$300,000 and, in one case, \$1.9 million. These people need to understand what the costs and implications are of your deferral process. The reason this is important is because your billing has required payment within 60 days. These are not wealthy people; these are not people who plan to sell or subdivide their land anytime soon.

**Hastings electorate**

**Paul MERCURIO** (Hastings) (14:49): (425) My constituency question is to the Minister for Environment. Can the minister please tell me how often the reverse vending machines for Victoria's container deposit scheme are emptied? The container deposit scheme has had a very successful two weeks, with over 5 million units being collected in the eastern zone, which is part of my electorate. There are three ways to exchange your cans and bottles for cash: there are the reverse vending machines, there are the over-the-counter collection points, such as local bottle shops, and then there are the depots. I want to give a big shout-out to Hoxton Industries, who have a depot in Wallis Drive, Hastings, and who employ local people with a disability. In the last two weeks they collected 100,000 items, which equates to 438 different transactions and a total of \$10,000 going into the pockets of Victorians and CDS donation partners. People in my electorate can log on to [returnit.com.au](http://returnit.com.au) to get all the information they need to dispose of their cans and bottles responsibly. This is a great initiative by the Labor government, and it is great for our environment.

**Melbourne electorate**

**Ellen SANDELL** (Melbourne) (14:50): (426) My question is to the Minister for Housing. Last year Labor promised to install air-conditioning units in all Victorian public housing towers. It was an election promise and \$141 million was earmarked in the budget this year, but many of my residents say they are yet to see any sign of these air conditioners. We have had some residents who have already had holes put in their walls, getting ready for the units, but have no aircon. Some elderly residents have told us that they have been told that they can purchase their own aircon units and then Homes Victoria will do the installation, but they have to pay for the units themselves. Given Labor's plan to demolish all public housing towers in Victoria, many of my constituents are worried that the promise of air conditioners by Labor has been scrapped just as we are going into an El Niño event and what looks like being one of the hottest summers we have ever had. My question is, Minister: does the Labor government intend to follow through on its promise to provide air conditioning to all public housing towers, or has this promise been scrapped?

**Pakenham electorate**

**Emma VULIN** (Pakenham) (14:51): (427) My constituency question is for the Minister for Water in the other place. The Beaconsfield dam is situated within the pristine environment of the Beaconsfield Nature Conservation Reserve. Melbourne Water have advised that the dam, which was built over 100 years ago, does not meet current safety standards and that a partial reduction in the dam wall height is necessary to ensure the safety of the community, particularly residents living downstream. How will the planned project ensure the dam meets modern dam safety requirements? There has been some recent community interest in this conservation reserve, and I look forward to the answer to my question.

**Evelyn electorate**

**Bridget VALLENCE** (Evelyn) (14:52): (428) Silvan Reservoir Park has been closed now for around one year, local residents inform me, because of broken toilets and overgrown vegetation. On behalf of residents in Silvan, Mount Evelyn, Wandin and surrounds, my question is to the Minister for Environment: what date will the toilets at Silvan Reservoir Park be fixed so that it can be reopened and local residents and tourists can access the park for recreation and exercise and to enjoy our beautiful natural environment? Many in my community question whether the state Labor government has allocated sufficient funding to maintain its Parks Victoria assets, including at Silvan dam, which has increasingly become overgrown with weeds, fallen timber, cracked paths and closed-off walking tracks, and how Parks Victoria can take so long to ensure essential facilities like toilets are fixed. Silvan Reservoir Park needs to be adequately maintained and access restored without further delay, and my community is keen to hear from the Minister for Environment with their response.

**Point Cook electorate**

**Mathew HILAKARI** (Point Cook) (14:53): (429) The matter that I raise is for the Minister for Roads and Road Safety. The question I have is: what plans are there for further changes at the intersection of Point Cook and Sneydes roads to make it safer for the community that I represent? Of course the Victorian Labor government is committed to making roads safer in our community. The upgraded intersections of Point Cook Road and Central Avenue and Point Cook Road and Sneydes Road are some of the commitments that we have made as a government. The government is delivering a safer commute through Point Cook by installing new traffic lights at Point Cook Road, and we are also undertaking the processes around Point Cook Road and Central Avenue. There is not a single day that goes by that I do not talk about Point Cook Road with people that I represent in the community, so I look forward to the minister's update on this important and much-needed project.

**Bills****Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023***Second reading***Debate resumed.**

**Sam HIBBINS** (Pahran) (14:54): As I was saying, I was just really concerned by some of the language used by government members in their contributions, which seemingly indicated 'Oh, well, if you're thrown off the scheme at the end of 130 weeks or if you're denied access to the scheme for certain mental injuries, then you're back to work. Everything is okay'. Well, that is not the case, this sort of suggestion that people who are claiming WorkCover are somehow illegitimate or that if you are part of that cohort that has significant injuries that do not allow you to return to work for some time, somehow with a bit of tough love, off the scheme, there you go, you will be right back to work. No, I am disappointed by that sort of language.

The reality is that the WorkCover system can work better and be fairer for people who need it, and we can have a system that does not actually make things harder for them in the first place. As I said, this bill does not make things easier for them. It makes things harder. This is coming after the Royal Commission into Victoria's Mental Health System and findings and recommendations from that royal commission specifically going to creating mentally healthy workplaces and supporting people experiencing mental illness at work. This bill and the changes in this bill to WorkCover are completely inconsistent with those recommendations from the royal commission and really inconsistent with the approach that we have taken to mental illness and mental injury for some years now in terms of the destigmatisation of mental illness. This bill restigmatises people with mental illness and punishes people who are experiencing mental illness and mental injury at work.

To the details of the bill, it makes a number of amendments to the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004. It has much stricter eligibility requirements for mental health claims, with the definition of mental injury narrowed and specifically excluding stress and burnout, and it proposes the introduction of a whole-person impairment test of more than 20 per cent for workers who are on the scheme after 130 weeks. In addition to that, disputes over eligibility may no longer go to arbitration and must go to the courts instead.

Mental health injuries currently account for 16 per cent of all WorkCover claims. As I said, we have come a long way in destigmatising mental illness, and it has taken a lot of hard work to get to that point. But these new eligibility requirements being proposed are just too narrow. They are going to preclude a significant number of legitimate mental health injury claims. As I said, what is going to happen for these workers under these changes? Is their mental injury just going to go away? It is going to have a really harsh effect on them, with far-reaching effects. They are just going to be pushed now to our already overstretched public health system. It is going to push them onto the hospital system and emergency departments and will actually increase demand on our mental health system, because people will have no other support.

Claims caused by stress and burnout will be ineligible under the changes, with new criteria stipulating that mental health injuries be caused by a single traumatic event, but this ignores the fact that often workers who suffer mental injury due to vicarious trauma, ongoing exposure, distressing events or unreasonable workload will most likely have their claims rejected. Employees who are working excessive overtime because they cannot argue against it or do not want to risk their employment are just going to have to suck it up, really, according to this government. As I said, it is this ongoing exposure that will lead to mental health injury, rather than just a single event. This is a workforce, particularly within our public sector, that is already stretched, already stressed and already close to burnout. We have seen that the number of mental injury claims is significant for government services, for our schools and for our health services. It is the government who should be going in and improving their workplaces there, not getting rid of eligibility for workers and denying them access to the scheme.

In relation to the 13-week provisional payments there are a number of issues with this proposal. Number one, they only cover medical expenses, so you will not be entitled to workers compensation in the first 13 weeks. The reality is it can take weeks or months to access supports such as psychologists and medical treatment. The payment is only for a scheduled fee, so the worker needs to pay up-front fees and be reimbursed down the track. You have got medication for mental ill health issues that take weeks or months to actually start working or often require trial and error. It is a situation where people are going to be pushed to seeking alternative diagnoses, and it creates potential for diagnosis creep.

The whole-person impairment test of more than 20 per cent is a significant concern. Under the current scheme workers are entitled to receive ongoing benefits if they can establish they have no work capacity on an ongoing basis, but under these changes, in order to get payments after 130 weeks, they are going to need to have an impairment of more than 20 per cent in addition to having no capacity on an ongoing basis. So you are going to have people who cannot work due to an injury at work being denied access to WorkCover, being kicked off the scheme. For example, a disc herniation under the guide is assessed as 10 per cent. This is not a suitable benchmark to be given for the different types of jobs and injuries that people have. It is made purely with finances in mind so that they can kick a whole bunch of people off the scheme and save the money.

I also note that the AMA guides to determine the whole-person impairment are problematic in that they measure the severity of impairment rather than disability. The whole-person impairment accords higher priority to body regions that are deemed more important to functionality. They were never intended to be used for compensation impairment. They are complex, they are difficult to use, they can lead to inconsistent and inaccurate evaluations of impairment and they do not consider – and this is really important – the unique circumstances of each individual case, such as the person's occupation, their age and their overall health. I mean, just look at the difference between certain injuries – a physical injury

like what you might have as a manual labourer over the age of 50 compared to an office worker in their 20s. It is a one-size-fits-all approach that is just unworkable, and it is going to result in injured workers who are unable to work being unable to receive a payment. Furthermore, injured workers can only use one of mental or physical injury, even if they are both caused by the same incident.

This is just an attempt to claw back some money, and it is injured workers who are going to be paying for it. We all agree the scheme needs reform, but unfortunately the scheme has been for far too long weighted in the favour of agents who want to minimise payment and maximise profits. We have had a number of investigations, inquiries and reports into WorkCover from the Ombudsman. We had the Rozen review. There have obviously been already a number of reviews into WorkCover and actions that have needed to be taken, but they have not been taken by this government. They have not done the serious and the real reform that is required. We have heard from injured workers who have told how they have struggled to navigate the system when they have sustained an injury and are suffering from impairment, often at great distress, waiting for surgery or in pain or on strong medication. The process they have to go through is overwhelming and stressful, so we need to have a system that does not make things worse for people, it actually makes things better for them. Limiting eligibility, stigmatising mental health and penalising workers in making up for a financial shortfall is not the solution.

Quite rightly, the unions, advocates, mental health experts and injured workers are not buying in any way, shape or form the government's spin on this, and quite rightly they have told us they are advocating to reject this bill. The government say that they have consulted widely. Well, if they had listened, they would not be bringing forward this bill, because they have been told that they should not be bringing forward this bill and that this bill should be opposed. This government is acting like a heartless insurance company instead of a good government that helps injured people in the workplace and actually prevents injury in the first place.

The Greens are opposing this bill. I urge all other parties to oppose it. We will consider the opposition's reasoned amendment. Whilst well meaning, I think it is unlikely we will be seeing a freeze in premiums for 24 months regardless of whether this bill fails or passes, as stated in the reasoned amendment. But overall, as I said, this bill is anti-worker. It is not a modernisation in any sense. This takes WorkCover backwards, and it has got injured workers paying the price for the government's own mismanagement of the scheme. I urge all members to oppose this bill.

**Nina TAYLOR** (Albert Park) (15:05): I will seek to acquit various matters that have been raised in the chamber with regard to the proposed reforms to do with WorkCover. I would like to emphasise that it is absolutely a priority that this scheme be sustainable into the future so it can truly benefit Victorians who are going to need to be using these support mechanisms in the future. I do think that there has been a little bit of poetic licence with the flavour and the way it has been described by, perhaps, the opposition and the Greens on different angles, but I will speak to some specific elements.

On the one hand we know that with the coalition's war on WorkCover, that continued when they were last in government. They ripped \$641 million from the scheme in four years, so I find it a little bit rich now that they are suggesting on the one hand do not increase premiums – so how are they proposing that this scheme be sustainable? They cannot have it both ways. They have a pretty ordinary record in this zone, so their credibility with regard to the way they have described the various elements of these proposed reforms is pretty thin. They are on pretty thin ice there, so I do not give credence to some of the aspersions that were truly cast in the chamber. I think they were quite unfair, to say the least. If we look at history, we can see that they really are not looking out for the – they cannot be taken seriously to be suggesting the sustainability of this scheme if they do not want us to, at a minimum, bring in line the premium increase relative to other states as well. I think that just does not fly.

On the other hand, respectfully, I think with the Greens I did not hear any solutions. I also heard 'Yep, let's just keep rolling on and let the whole thing collapse, and then no-one benefits'. You cannot have it both ways. You want to say 'Do some reform' – lovely, where are your solutions? 'No, just do things' – okay, we will do things then. I will limit my sarcasm there, but again, when people are lobbing

in the sledges you need to be a little bit careful, because obviously we take a lot of pride when it comes to looking out for the mental health of Victorians. Hence we certainly have implemented as a result of the Royal Commission into Victoria's Mental Health System – of itself an acknowledgement of the significant gaps, to say the least, that we have had in mental health in our state and the significant impetus for reform, which we have heeded. I know that we have certainly already implemented many of the reforms, and there is more reform to come. I will speak more to that shortly.

Nobody can question our commitment when you think of a \$6 billion investment. Now, when you say big figures, sometimes we can blur the line, but \$6 billion is not exactly being stingy with regard to reform in a space that really is incredibly delicate, noting that the human mind is precious and nurturing change and healing in that space is not easy. It is complicated. I have personally witnessed people who have had protracted mental health claims and processes and also those who have been able to return to work more expediently. I will not attempt to compare the two, because each case will have its own story and each workplace has its particular circumstances, but nevertheless – and I do not want to provide detail, because I do not want to give away the individual's details. But suffice to say that seeing a quicker return to work for a colleague that I recall, it was actually a beautiful surprise to see how well they were able to get back on track and be able to be truly productive for themselves – I am not necessarily just saying for the workplace but in terms of being able to be fulfilled and to live a rewarding life as well. I can see where the impetus is, and I think at the core of this there are two elements. One is the sustainability of the scheme into the future, but also there is ensuring that people get that support when they need it to maximise the possibility of them being able to go back to work and have a rewarding career throughout their lives. Of course there will be varying circumstances, so I am not in any way wishing to generalise about individual workers and their particular experiences – absolutely not. I think that we could all agree that putting in place mechanisms to support a safe and supported return to work has got to be a good thing, but that will be obviously relative to individual workers and their particular circumstances. I am just being really careful not to generalise, because this is obviously a very nuanced space.

There are a couple of other points that I want to raise – and I note that time is marching on – with regard to the return-to-work mechanism. I think I should put this as a baseline caveat: all workers who make a mental injury claim, including stress-related claims, will continue to have access to provisional payments for psychosocial support for 13 weeks regardless of whether the claim is ultimately accepted. That is an important early intervention. I just want to pick up on a couple of points, because I think there was a little bit of a blurring of the line. Provisional payments for mental injuries cover the costs of GPs to develop an action plan to support recovery and include payments for psychologists, counsellors, psychiatrists, cost of medication and travel to treatment and services. This includes the worker having facilitated discussions conducted by occupational rehabilitation providers to help the worker and employer to identify and address barriers to returning to work. I just want to be very clear about that, because I felt that particular element was potentially being diminished in terms of what it actually does provide.

Workers with stress and burnout claims will still be able to access these provisional payments for 13 weeks to cover medical treatment alongside enhanced psychosocial supports through Return to Work Victoria to help them return to their workplace. It is easy to draw a bit of a blunt instrument and to perhaps cut out some of the very significant elements of this reform, and I think we just have to be careful in the chamber when we are discussing this, because obviously there will be those listening and it would be awful to artificially trim, for want of a better word, for the sake of an argument, what exactly the reforms will deliver. We do want Return to Work Victoria to have a focus on mental health, particularly given mental injury claims represent around 16 per cent of all new claims and around 50 per cent of costs to the scheme. Without change, mental injury claims are projected to represent about 30 per cent of all new claims by 2030.

Just to reiterate a very important point, these reforms are not being brought forward in a vacuum. It was a Labor government that delivered the royal commission into mental health. I know I mentioned

that earlier, but I think it is very easy to have simplistic and binary arguments – that sort of, you know, ‘Not looking, not looking’ – and just zone in on one element of a reform without setting a proper context for the mammoth reforms that are continuing, as they should, in this state when it comes to addressing mental health per se. We are getting on and implementing all 74 recommendations, backed by, I will reiterate, \$6 billion in funding – the largest investment in Australia’s history. But in saying that, I do not wish to in any way oversimplify the complex space in which we are operating when we are talking about helping to support workers back to work, because obviously individuals and the mind and healing – I do want to allow for individual contingencies in that space as well, particularly as I am not a medical practitioner.

The other thing that I do want to say with regard to return to work, in my 20 seconds, is that research shows that the longer a person is disconnected from work, the worse their health outcomes are. Safe and suitable work is good for health as it provides a sense of purpose and economic independence. I am not generalising with those comments; I am just saying it is a core principle for reform in this space.

**David SOUTHWICK** (Caulfield) (15:15): I rise to make some comments on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. It is clear from what we have seen over a number of months now, where the rubber has hit the road, that the WorkCover scheme is broken here in Victoria. The government has had a number of years to fix it, but particularly in the past six months we have seen a number of businesses writing to us – they are on the brink, particularly a number of these small businesses writing to us – and saying their premiums have now hit such a point that they are really questioning the potential of the business being able to continue. I know from listening to a fair bit of talkback as well that that is consistent. It is not just in my electorate where we have had a number of small businesses contact us, but it seems to be throughout the state. I know a number of my colleagues have raised this point as well. Average increases of 40 per cent – I mean, this is not a 5 per cent increase, these are 40 per cent increases and some much larger than that.

When you are in a situation where the small businesses need to continue to pay the premiums – effectively insurance – because the system is broken, we need change. We respect that, and we certainly have been prepared to look at that, but what we have seen here is that the government has had effectively since 2018 to actually look at this as part of that review and to fix it. But now here we are in our second-last sitting of Parliament, and the government are trying to rush in some changes, which are really important changes to legislation that may or may not fix it and in some cases may actually make things worse.

I support the great work the member for Eildon has done on this in the consultation that she has provided from speaking to a number of organisations, including the Victorian Chamber of Commerce and Industry and the Australian Industry Group. – and I know Tim Piper has been very vocal on this – as well as the Master Builders, the South East Melbourne Manufacturers Alliance, a number of the insurers agents like Allianz, Gallagher Bassett, EML and CGU, and as the member for Eildon quite rightly pointed out, Trades Hall as well. So there are concerns right across the board when it comes to this rushed legislation to attempt to fix a broken system that has been poorly managed by what is now the Allan Labor government. I know that the member for Eildon has spoken to a number of small business associations, and the feedback has been very, very consistent: get it fixed, but let us not get into a situation where we have got to come back to the drawing board again. I certainly support the member for Eildon’s reasoned amendment, which includes that this house:

agrees to freeze premium increases for 24 months and then limit increases ... in line with CPI for a further 24 months in order to provide certainty to businesses ...

That is actually quite the key here, because it is the uncertainty that is causing a lot of the instability for many of those small businesses. If they close, jobs get lost, and unfortunately it is Victorians that miss out. So you have got to look at following the flow here to keep those small businesses afloat, and

that certainty in terms of a freeze for 24 months to get this right is a really, really important thing for us to do.

Secondly, it asks the government to provide the:

... details of the commencement date, structure, objectives, functions and funding of Return to Work Victoria ...

That is important because this particular structure, this part of the bill – there is no detail, and what we do not want to do is to set up yet another bureaucracy with more costs that could already be done by the existing bureaucracy if the systems were changed to give them more reporting functions and more direction. You just cannot keep setting up new authorities and new boards and expect things to be fixed. We know that all that does is add to costs and delay processes and everything else. We need to understand what this Return to Work Victoria is actually going to do: who is going to fund it, when is it going to start, how is it going to be paid for and how does it create more efficiencies in the system? This is what it seems this minister has done: the minister, the member for Essendon, has rushed in, had a crack at this with no detail but has just done whatever he possibly can to fix it. We saw already in question time today that this minister is not across the detail, and if you are not across the detail, Victorians end up paying the price. So it is important to get this right. We are happy to give the minister more time to get this fixed and get it right, but do not rush this in and ultimately have us all having to pay for it.

The third part of this reasoned amendment is to provide a detailed analysis and comparison of public and private sector claims for physical and mental injuries and also commit to increasing the focus on prevention strategies for each sector. We need to look at this. This is really important in terms of the style of claims. Mental health – let us divide this up. We have seen the cases surge, we have seen the cost surge, but what does this actually mean and what are the claims, public and private, in terms of the types of claims? We know the big issue around the long tail, which ultimately talks about not the cases that are sorted and solved quickly but the ones that take months and in some cases years to get sorted. That is where the cost is, that is where the complexity is, and we need to understand what we can do to better fix those.

The rest of the reasoned amendment states:

- (4) makes available the reports on the modelling for the legislation; and
- (5) commits to reporting annually to Parliament on the implementation and progress of the new arrangements, prior to the proposed legislative review in 2027.'

These are all very sensible, and I would hope that the government will see fit to support those. We could work together to actually get this sorted, because what we have seen is a system that continues to grow in cost, and ultimately Victorians end up paying for this. I think we need to look at what we are going to do in terms of fixing some of the costs. If you look at the time frames, in 2019–20 WorkCover's net result was \$3.3 billion in the red and the performance from insurance operations was similarly \$3.5 billion in debt. Net profits have varied over the last three years, posting a \$176 million loss in 2022–23. Despite ongoing cash injections from the government totalling \$1.3 billion, the performance from insurance operations remains \$1.8 billion in debt. So this system is broken. WorkCover is broken. Labor broke it, and now Labor expect us to trust that they are actually going to be able to fix it. We have got no confidence in that, and certainly the rushed manner in which this legislation has been brought before the house only adds further uncertainty and a lack of confidence in the government being able to deliver this.

I think it is fitting to understand some of these details – working out where the costs are, targeting those costs and ensuring we understand the real issues between the public and private sector claims. That is really, really important. Where are the pressure points in all of this? What is the type of claim? Again, mental health injuries are on the rise, and we have got to be looking at some of this as well. But we have also got to look at the many, many people that unfortunately look to try and take advantage



of some of the system as well. We cannot have that; we have got to make sure that there are processes in place to stop that as well.

Finally, in terms of new authorities and everything else, you cannot just keep fixing things with new authorities. We have got to make sure we have the system streamlined, ready to go and available, and that is why we need a proper understanding of this. Lacking in detail – that is what this bill is. It lacks in detail, it lacks in substance. As I say, there are already a number of stakeholders that are very, very concerned with the fact that the minister has rushed this bill in and has not properly consulted, and we do not know the detail of what this minister is actually trying to achieve. Yes, we do agree that the system is broken, but it has been broken by the current government. We are happy to help fix it, but at the end of the day we have got to do this properly and not in a rushed manner where we end up back at the drawing board once again.

**Darren CHEESEMAN** (South Barwon) (15:25): It is with some pleasure that I rise this afternoon to make my contribution on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. In reflecting on this provision and in reflecting on the history of the bill that we largely accept from 1985, my mind actually turned to a little bit of research that I had done to look at WorkCover-type systems or compensation arrangements that we have had in the state of Victoria.

Indeed the first time, as far as I can see, that the Victorian Parliament sought to regulate or legislate a set of arrangements for workers in this state on this arrangement was 1914, and in reflection on that history I thought about what the nature of work looked like back then. Of course the nature of the workplace back then in so many ways was very different to what men and women would have found in 1985. In 1914 we had in areas such as, say, Ballarat and Bendigo, those very famous goldmining cities and regions, a lot of people who had made their way to those goldfields who originally were working for themselves as they chased alluvial gold on the surface. But as the economics changed and the orebody changed, what we saw was the formation of some very, very substantial mining companies. We saw, as a consequence of that, those mining workers going much, much, much deeper and the nature of the injuries that those workers would endure being that much more extreme by the nature of those dangerous workplaces.

I think the realities reflected in those 1880s and 1890s circumstances and the nature of work not just in the goldfields but indeed in many industrialised workplaces saw the formation of a Labor government and a Labor Party and of course saw the formation of trade union movements and trade unions, who sought to increase the rights of workers in this state, across the country and globally, and through the efforts of those early trade unions we saw the regulation of our workplaces and we saw new laws and new rights introduced into this place.

Then we move the clock forward to 1985. In 1985 after many, many decades of campaigning by trade unions, workers and indeed in so many ways Labor academics and the like, the Cain government had the opportunity in 1985 to introduce a fit-for-purpose, modern WorkCover set of arrangements that has served the people of Victoria since that period in time. That scheme has served our community and has meant that workers who get injured in the workplace can rely upon a scheme to help restore them to good health if indeed their injuries are the types of injuries that enable recovery, or to get them into a state, if they cannot be completely healed, where they can function at home, function in the community and hopefully enable them to go back to work if their injuries enable them to do that through being restored to good health.

I think all of us can reflect on the issues that exist in the workplace today versus the issues that existed in the workplace back in 1985. They are different in so many ways. I can certainly reflect that, as someone who is 47, the nature of workplaces today is quite different to when I entered the workforce. Reflecting on the types of injuries that we see today, sometimes they are quite different and sometimes they are the same, but what I would certainly say is there has been a real shift away from physical injuries to more mental health injuries, and that is a shift that has happened over a significant period

of time. Indeed that shift is really creating all sorts of significant challenges to the viability of the scheme that we have in place right now.

From my perspective there are effectively four avenues that any government or any Parliament for that matter might pursue. Option one is to do absolutely nothing, and by doing absolutely nothing what we will ultimately see is the collapse of the WorkCover scheme in this state, because the resources in the scheme to pay out workers when they get injured and to help them get back to a fit and healthy state to enable them to function will just not be available. The alternative is ad hoc arrangements whereby the government puts money in, and indeed for a number of financial years that is exactly what our government has chosen to do to keep the scheme viable. I also note that when the Liberals were given that great gift of government, they actually took money out of the scheme. They attempted to undermine the viability of the scheme. The other course is to reform the scheme so that we get better outcomes by workers to enable them to return to work.

The existing set of arrangements is no longer fit for purpose. It is not achieving the outcome that we need, which is to have a financial scheme that delivers for workers and that is affordable for business to support, and that is why this reform agenda is so important. I would prefer not to be here making this particular contribution today, but the reality is that we need to reform this scheme. We need to make these hard decisions now, because if we do not make these hard decisions now, then the scheme will collapse and injured workers will not have a scheme that they can rely on to get healthy again, to get back to work, to get back into a decent family life. It is hard reform but it is necessary reform, and that is why I have decided to make this contribution. It is only ever Labor in government that will, at the end of the day, fight to have arrangements in our workplaces that support workers. I know my colleagues will fight every single day, along with our brothers and sisters in the trade union movement, to make sure we have a set of laws in this country that protect our workers.

**Bridget VALLENCE** (Evelyn) (15:35): The Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 might more aptly be named the ‘Save WorkCover from Financial Collapse Bill’, because that is where this Labor government has got us to. Under their watch this tired nine-year-old Labor government have shamefully nearly killed WorkCover. Repeatedly, Premier Allan and the Minister for WorkSafe and the TAC Minister Pearson tell the Victorian people that WorkCover is broken. I find that quite an astonishing admission, given that Labor is in government and 100 per cent responsible for the health of the WorkCover scheme. It is this Labor government that has broken WorkCover.

Labor claim that they are here for workers, but the very scheme that supports sick and injured workers in Victoria has been so dismally managed that WorkCover under Labor is in financial disarray and is at risk of collapse. Even the Labor members in their contributions are saying that it is at risk of collapse. It is at the point where things are so dire that it has needed an injection of taxpayer funds to the tune of \$1.3 billion just to prop it up, and not just \$1.3 billion from the state budget. Furthermore, the Labor government has whacked businesses – businesses that create jobs and contribute to our economy – with significant hikes in premiums, in some cases for businesses in my community, small and medium businesses, 70 per cent, 80 per cent, 90 per cent higher premiums just this year. Some of these businesses suffering these massive premium hikes had not even had a claim in their workplace in the past five or more years. The government cannot keep whacking business to prop up failed government bodies. Indeed recent analysis that we have seen from the Parliamentary Budget Office, the independent watchdog, reveals that businesses will be slugged \$17.8 billion over the next 10 years in additional costs for the WorkCover scheme.

We know WorkSafe Victoria is responsible for WorkCover, and the board of WorkSafe, chaired by a former Labor MP that this state Labor government appointed back in 2022, is now at risk of breaching its fiduciary duties – something that Minister Pearson in fact told us himself. That they are potentially in breach of their fiduciary duties just because WorkCover is in such financial despair is really troubling. It is something that every Victorian should be worried about. It is only Labor that could punish workers so badly that they would seek to strip workers’ ability to make claims for mental injury in the workplace.

It is only Labor, who have managed this so poorly that they have nearly killed off WorkCover, that would seek to strip workers' ability to make claims for mental injury in the workplace. And it is only Labor that could punish businesses so badly that they are hiking premiums to such a significant extent that businesses are actively talking about shifting their operations interstate or offshore, risking Victorian jobs and investment in our state. It is only Labor that has got us to this point.

Sadly, this bill before us that we are debating will go nowhere near to modernising the WorkCover scheme. It is absolute spin to have implanted in the title of the bill 'WorkCover modernisation', and Victorians are sick of the spin of this Labor government – this tired nine-year-old Labor government. I think that there is fierce agreement across this Parliament – indeed outside of this Parliament, across peak industry bodies, employers, Trades Hall and unions – that WorkCover does need serious reform, but sadly this bill falls well short and is in no way robust or comprehensive enough to ensure that it will become sustainable. That is the object. The object here is to make WorkCover sustainable, but this bill lacks sufficient detail and is insufficiently comprehensive to make sure that it will become sustainable, which is precisely why the Victorian Liberals and Nationals, in the spirit of wanting WorkCover to survive and thrive for both employers and employees, are exploring ways that we can strengthen this legislation, because we want to see it succeed. We want to see it sustainable. We want it to be there to support those vulnerable workers who through no fault of their own get injured at work, and we want it to support industries and businesses that depend on a sustainable and well-functioning WorkCover scheme.

Minister Pearson really should be hanging his head in shame for letting the scheme slide into such a mess. Frankly, he should resign. With WorkCover claims having tripled in recent years and the system being fundamentally broken by the Labor government, it was only back in May this year that the then Premier and Minister Pearson announced Return to Work Victoria. In theory, I support the concept. Obviously, after all, that is what the thrust of the original legislation is all about. It is all about rehabilitation and getting people back into work where they can contribute, they can stay connected, they can achieve and they can boost their self-esteem. In the minister's media statement back on 19 May this year he stated that the government was:

... establishing Return to Work Victoria, so that no injured worker is left behind.

Well, this legislation will certainly leave some workers behind, and that is what we are hearing from the trade union movement. It is totally silent on the organisation Return to Work Victoria. In the bill briefing on Thursday of last sitting week, I asked the minister directly about his announcement back in May and whether Return to Work Victoria was funded in Labor's state budget. The minister confirmed it was not funded. We are six months down the track since that announcement in May to modernise WorkCover apparently and to stand up a new body called Return to Work Victoria, and yet six months on, there is not a single cent allocated to Return to Work Victoria. I think that might surprise some of the members in the Labor government that there is not a single cent allocated to Return to Work Victoria, and yet the government's aspiration is that this comes into place early in 2024. It is not resourced – no money, no workforce, no plan for Return to Work Victoria. In fact there is no mention of Return to Work Victoria in this proposed legislation – none whatsoever. In the media release:

Return to Work Victoria, with input from employers, unions, mental health and occupational health experts, will pilot supports for injured Victorians and those experiencing work related mental stress to return to work or training pathways.

There is absolutely no detail on what 'pilot supports' actually means. There is much more uncertainty both for employers and employees, uncertainty for businesses and uncertainty for workers.

Another thing this bill is silent on is the future of WorkCover premiums. The Labor government will try and pull the wool over Victorians' eyes that if we, the opposition, do not support this bill, that it will be forced to hike premiums, yet again hurting businesses. But what the Labor government should do is be up-front and stop misleading Victorians that there is nothing in this bill to preclude premiums from being massively hiked again next year or the next year or the next. This provides no certainty to

business and may force some businesses out of business or some businesses to move out of Victoria, which is something that I absolutely want to prevent.

After the shock of the premium hikes this year to secure the future of WorkCover, our proposal is to freeze premiums for two years and then peg premiums to CPI after that. That is reasonable and sensible. If the government was serious about getting this legislation up, then it would support these sensible amendments to the bill. This is why I support the member for Eildon's reasoned amendment, precisely because we actually want to make the scheme sustainable. We want detail about Return to Work Victoria and how it will actually be funded and function in order to help workers return to the workplace, to be supported and productive. And we want to support industry, our manufacturers, our allied health workers, our hospitality businesses and the vast array of private sector businesses that employ people and generate economic activity. We want to give them certainty, and we will do so by freezing premium increases for 24 months and then limiting premium increases to CPI for a further 24 months. Essentially, the Liberals and Nationals want to make this system fairer and sustainable. I very much look forward to going into consideration in detail, as promised by the Labor government, tomorrow afternoon on this bill so that we can get a little bit more information and detail about the bill.

**Anthony CIANFLONE** (Pascoe Vale) (15:45): I rise to make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. In doing so I acknowledge the Minister for WorkSafe and the TAC, his team and his department for their work and efforts in bringing this bill to the Parliament.

This is a bill that is all about helping Victorians get healthy and get back to work after injury. It is a bill that is about building a modern WorkCover scheme that gives security and certainty to Victorian workers and businesses. It is a bill that is about creating a sustainable WorkCover system for all of Victoria that can continue to support injured workers now and into the future. It is a bill that continues in the Labor tradition of leading with the introduction and modernisation of landmark reforms that have always been designed to support working people and working families to lead better and fairer lives.

It has been Labor governments that have always stood with able-bodied and injured workers. For example, at the federal level it has been Labor governments that have led the way when it comes to introducing landmark schemes designed to help working people, including as far back as 1944 through the first introduction of the pharmaceutical benefits scheme by the Curtin Labor government; the introduction of Medibank, which came into effect in July 1975, by the Whitlam government, the foundation of universal health care in this country; the introduction of Medicare in February 1984 by the Hawke Labor government, which continues to be the backbone of the health sector to this very day; the introduction of universal retirement savings via superannuation, which was passed by the Keating government in 1992; the dismantling of the Howard Liberal government's extremely unfair WorkChoices legislation, which was replaced by the Fair Work Act 2009 under the Rudd and Gillard governments; and the introduction of paid parental leave and the national disability insurance scheme, the NDIS, by the Rudd-Gillard governments. Each of these and many other federal Labor initiatives have always been designed and implemented to support all working people, and each and every one of them was always met with some level of opposition, resistance or scepticism by the Liberal-National coalition parties.

But it is also at a state Labor level that we have continued to introduce complementary measures to support working people: the introduction of the casual sick pay guarantee for casual workers; the introduction of primary care health clinics and adult mental health and wellbeing services; the introduction of free TAFE, free nursing, free teaching, free kinder; and establishing the landmark royal commissions into family violence and mental health. The reality is that all of these initiatives and more have been designed to support working people and working families at their core, but just like at the federal level, at a state level each and every one of these initiatives has always been met with some level of opposition, resistance and scepticism again by Liberal-National coalition parties here in Victoria too.

When it comes to which side of the house is on the side of working people and which side of the house you can trust when it comes to introducing reforms that concern working people, it is well and truly this side of the house. Just think about the last time you ever heard a coalition government advocating for pay rises for workers, introducing universal health care for workers or introducing casual sick pay guarantees for casual workers. The reality is you never have heard this and you never will hear this from Liberal coalition governments.

In this context I come to the reforms now before the house pertaining to this WorkCover scheme modernisation bill. Just like all the previous landmark reforms I referenced, the WorkCover scheme was designed by the Cain Labor government in 1985 primarily to support workers with physical injuries. I refer the house to the contribution of the member for Bentleigh and also the member for South Barwon, who took us through the very barren landscape that injured workers experienced before 1985 and before these reforms came into place. The WorkCover scheme was designed by Labor, and only Labor now can be trusted to modernise the scheme today. WorkCover at its inception and still to this day is all about providing support to Victorian workers when they may become injured and covers insurance, workers compensation, workplace claims, worker rehabilitation, return-to-work pathways and dispute resolution. However, after 38 years of operations, the reality is that many modern-day workplaces now look very different to 1985, and the scheme simply no longer meets the needs for those it was designed to assist nearly 40 years ago. With significant technological advancement across many sectors and workplaces, the way we now work – and how we have worked – has dramatically changed. As a result, workplace risks and hazards have also changed. Where the risk of physical injury was initially the focus of WorkSafe Victoria, addressing the rise in mental injuries in Victoria has increasingly become the focus of WorkSafe. In this respect I draw the house's attention to some of the key stats which outline WorkSafe's growing number of claims and workers being supported. During 2022–23 WorkSafe supported over 98,000 workers, paying benefits totalling \$3.1 billion. During 2022–23 WorkSafe supported over 23,600 workers to return to work after injury. There are currently over 30,000 active WorkCover claims.

However, the statistics also show us that WorkCover is in urgent need of reform to make it sustainable for workers and to make it sustainable for all Victorians, because WorkCover as it currently stands, as we know, is broken. Since 2010 WorkCover's claims liabilities have tripled, driven by increased costs of weekly income support, many workers staying on the scheme for longer, return-to-work rates declining and the rise in mental injury claims, which was never envisaged when the scheme was originally designed. In 2022–23 there was a 17 per cent increase in mental injury claims and a 14 per cent increase in physical injury claims. This represents 4000 additional claims on the scheme since 2021–22. In 2022–23 WorkSafe recorded a performance from insurance operations loss of \$1.8 billion. This is compared to \$1.6 billion in 2021–22. These losses reflect the shortfall between premium revenue and claims costs in these years.

WorkCover premiums have remained static at 1.27 per cent and have not been increased since 2014 – no changes to premium rates in almost 10 years. That is why the bill seeks to make several amendments to the Workplace Injury Rehabilitation and Compensation Act 2013 to deliver on the Victorian Labor government's commitment to building a modern workers compensation scheme which gives security to Victorian workers and businesses, which gets injured workers healthy and back to work following a workplace injury and which seeks to address the increasing financial pressure on WorkCover to amend structural issues.

To deliver on these reforms the bill contains a number of amendments to a number of acts, including (a) introducing additional eligibility requirements for mental injury so that only significant mental injuries diagnosed by a medical practitioner in accordance with the most recent *Diagnostic and Statistical Manual of Mental Disorders*, DSM, that predominantly arise out of or in the course of employment are compensable, (b) clarifying that there will be no entitlement to compensation for mental injuries that are predominantly caused by work-related stress or burnout arising from events that may be considered usual or typical and are reasonably expected to occur in a worker's duty, (c)

confirming that where a worker's duties are usually or typically traumatic, mental injuries predominantly caused by work-related stress or burnout as a result of traumatic events experienced by a worker do remain compensable, (d) clarifying that disputes related to issues of eligibility decisions under the Workplace Injury Rehabilitation and Compensation Act 2013 cannot be referred to arbitration, (e) introducing a permanent whole-person impairment threshold of more than 20 per cent alongside the existing work capacity test for injured workers to remain entitled to weekly benefits beyond the 130-week second entitlement period and (f) requiring the minister to cause an independent review of the amendments to the scheme arising out of this bill by an expert panel during the 2027 calendar year.

Along with these reforms, the government will also be seeking to establish a new entity, Return to Work Victoria, which will be specifically tasked with helping injured workers to get healthy and to get back into the workforce. Return to Work Victoria, with input from employers, unions and mental health and occupational health experts, will pilot supports for injured workers and those experiencing mental health related stresses to return to work or new training pathways, because the reality is WorkCover at its heart has always been designed to be a safety net for injured workers, because we know that health and wellbeing outcomes for workers deteriorate and become worse the longer they remain on WorkCover or out of work, which can lead to prolonged injury and unemployment as well as social isolation and other health and wellbeing issues. Essentially, the longer a person is away from work, the less likely they are ever to return. That is why, to align with other states and territories, WorkSafe will update its test for workers receiving WorkCover weekly payments, as I said, with the 20 per cent whole-person impairment test.

Workers who experience less stress and burnout will no longer be able to access weekly benefits from WorkCover, but instead they will be eligible for provisional payments of 13 weeks to cover medical treatment, while enhanced psychosocial supports will also be provided to help them return to work or explore new training pathways. These planned eligibility changes through this bill, if passed, will come into effect in 2024 and will only apply prospectively. Victorians already receiving WorkCover under the current scheme will continue to do so as is currently the case. That is an important point, because it goes contrary to the fearmongering of many of those opposite and particularly the Greens in relation to this bill – that many on the scheme currently will be impacted now under prospective changes.

To help secure the scheme's financial viability the government is also proposing to increase the WorkCover premium rate, which has not changed, as I said, since 2014, from 1.27 per cent up to 1.8 per cent. This is a significant step which will bring Victoria into line with other states and territories, including Tasmania, who have an equivalent rate of 1.9 per cent, South Australia, who have a 1.85 per cent rate, and Western Australia, who have a 1.72 per cent rate.

This is our plan to reform WorkCover so that it is sustainable for workers, businesses and the Victorian community now and into the future. When combined, all of these measures provide for a sensible, balanced, proportionate set of reforms that get the balance right to build a modern, sustainable WorkCover scheme for all Victorians. It is critical that this Parliament works to progress the consideration and implementation of this bill as soon as possible so we can get these reforms in place quickly, because any further delays will only continue to compound existing challenges. Of course in doing so I would have liked to respond in the time I have left to quite a number of those arguments that have been put forward by the opposition and the Greens in relation to stakeholder consultation and in relation to the impact that these reforms will have on WorkSafe's current capacity to monitor workplace safety in existing workplaces on mental health and the like, but I commend the bill.

**Tim McCURDY** (Ovens Valley) (15:55): I am delighted to rise and make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. Like night follows day, the member for Essendon has created another mess, and this time it is in WorkCover, because the WorkCover system is not just broken, it is in tatters – we know that. We have all seen this train wreck coming for years, with spiralling claims going up and no action taken until all of a sudden it is too late. With the light switch turned on and the Victorian

government having discovered that we are actually broke, ministers are now scampering to try and get some cost savings. It was highlighted to me back in 2020 when larger businesses in my electorate were saying that the WorkCover model was broken and something needed to be done. We yelled from the rafters back then to say it needs to be fixed but still nothing was done. Massive increases in claims have added many claims, but they remain unresolved and up to 10 times larger and longer than previous claims. We know that other states like Queensland have acted. They have been responsive and they have dealt with the wave before it became a tidal wave. Unfortunately, Victorians again were led down the garden path, and business will pay – small business, medium business and large business.

Only Labor can turn a self-funded scheme into a taxpayers nightmare. We have gone from a self-funded and profitable scheme to injecting \$300 million in 2022 into the scheme, \$450 million in 2021 and a further \$550 million in 2022. It took the member for Essendon three years to see that there was a trend happening here, and now we have poured another \$1 billion or more down the toilet. I do not know whether he worked this out for himself or whether the Treasurer tapped him on the shoulder and said ‘We’ve got to deal with this, because money is just pouring down the toilet. We have to solve this problem’. So all of a sudden there is a scamper, and here we find ourselves where we are today.

I am not sure that this bill solves what we are trying to set out to do, because when the minister briefed us on it, he was not exactly sure how it is going to pan out himself. He was not sure about whether the changes in the claims would change the amount of claims that we are getting and the time frames of those. As these calm waters turn choppy and the swells begin to break, where do the Premier and the member for Essendon turn? They turn to business. The answer to everything is: business will pay for the financial shortfall. We have seen average premiums go up by 42 per cent. Well, in my electorate I have not had anybody tell me their premiums have gone up by 42 per cent – it is always more than 42 per cent. I do not know where this average figure comes from. Somebody is getting a good deal, but everybody that has approached me in my electorate, whether they are from Wangaratta, Myrtleford, Bright, Cobram or Yarrawonga – all the big areas in my community – is saying their WorkCover premiums have gone through the roof, well and truly above 50 per cent. This is only half the solution. The other part of this unequal equation is to cut people’s eligibility for a claim. Labor boast that they are the party of the people, the party of the working class, the battlers and the underdogs. But when the money runs out, nobody is spared and everybody will pay.

How did we get here? Well, this financial mess is largely a result of the public sector. The member for Lowan was very clear in her message to this house earlier today when she spoke about the government: we know they cannot manage money, they cannot manage major projects and they cannot manage staff. Here we have found ourselves in this predicament, and the public sector is what is dragging down the whole WorkCover system. It is their staff that are making the private sector get thrown in the deep end, and they will have to bail out. That is quite unfair.

There has certainly been a rise in mental health claims and of course the growing tail that you have heard about from other speakers in this house today. Mental health claims come off the back of the world’s longest lockdowns and ridiculous work-from-home policies, and this bill changes the criteria to qualify to make it more difficult. Carving out the stress and burnout claims will not change the status quo, because the stress and burnout will just turn into anxiety and depression claims.

I am not sure we are going to fix anything by some of the wording in this bill, and I am not sure the minister has thought it through. We do need to have a closer look at this before it gets to the upper house and whether it gets beyond there. It is really important that we drill down into the detail because I do not think he has done his homework very well.

**The SPEAKER:** Order! The time has come for me to interrupt business for the matter of public importance. The member will have the call when the matter is next before the Chair.

**Business interrupted under sessional orders.**

*Matters of public importance***Community safety**

**The SPEAKER** (16:01): I have accepted a statement from the member for Malvern proposing the following matter of public importance for discussion:

That this house reaffirms that no Victorian should face harassment on account of their faith, and therefore:

- (1) condemns the intimidatory protest held in close proximity to a Caulfield synagogue on 10 November 2023; and
- (2) supports the reinstatement of Victoria Police's full range of move-on and arrest powers.

**Michael O'BRIEN** (Malvern) (16:01): Normally I would say it is a great pleasure to rise to speak on a matter of public importance debate in this chamber, but given the topic I do not think such words would be appropriate. It is in fact a matter of great concern as a Victorian that we are discussing people being attacked because of their faith in this city and in this state, because let us be under no doubt: that is exactly what has happened, and it is wrong – it is absolutely wrong – and we need to call out with one voice as a Parliament that it is wrong. We are starting to see the sorts of antisemitism, the sorts of attacks on people because of their faith that have never been my experience of this city or this state or I suspect that of many other members either.

To see the front page of the *Herald Sun* newspaper on Saturday morning with the headline 'Synagogue evacuated, fight erupts in Caulfield: Jewish under attack' – that is gutting. It is gutting for me as a non-Jewish person. I can only imagine what people of the Jewish faith are feeling. I know I have spoken to Jewish people in my community of Malvern, and they are worried. They are scared. They are nervous about being who they are and professing their own faith, and that is not what Victoria should be about. To have Jewish students being warned not to wear their uniforms to and from school lest they be targets for attack – that is not who we are as a state, but sadly it seems that is what we have become. We need to end it, and we need to end it now.

To go to the events of Friday night, again rather than paraphrasing, it is probably easier for me just to read from two of the newspapers of record in this state, the *Herald Sun* and the *Age*. Again quoting from the *Herald Sun*:

Police have been forced to pepper-spray pro-Palestinian protesters outside a synagogue in Caulfield as clashes erupted between Jewish and Muslim groups, with Melbourne's Jewish community on high alert last night.

The article goes on:

Pro-Palestinian protesters were pepper-sprayed in a clash with police outside a Caulfield synagogue on Friday night – just hours after a Muslim-owned burger store was set alight.

The violence erupted in Princes Park an hour after the Central synagogue on Maple St was evacuated as hundreds of pro-Palestinian protesters stormed from the park across the road.

Footage obtained by the *Herald Sun* shows protesters clashing with police as they streamed on to Hawthorn Rd following what had started as a mostly peaceful protest.

To that I would say: don't they usually start as mostly peaceful? The trouble is that we know that tensions rise, emotions become inflamed and people's behaviour spirals. We cannot allow this to persist. Somebody known to members of this house, I suspect, was quoted in this article in the *Herald Sun*:

"It was outrageous that this demonstration was allowed to take place tonight in a small park directly opposite the synagogue," he said.

"The rabbis and the congregants have had to abandon regular Friday night Shabbat service and were sent home for their own safety. Many Australians will wonder what this country is coming to."

Those are the words of Michael Danby, a former Labor MP for the seat of Melbourne Ports – somebody I suspect known to many people in this chamber and somebody widely respected across the political divide.



In relation to the *Age*, I think it is important we put that perspective on the record as well. ‘Gaza tensions high outside burnt Caulfield burger shop’ is the headline. The article says:

A suspicious fire at a Melbourne burger shop has become a focal point of local community tensions over the Gaza conflict even as police insist it did not appear to be politically motivated.

This is fairly critical, because the claim made by those who organised a group of protesters to go into the heart of Victoria’s Jewish community on a Friday night and protest opposite a synagogue was that this was in response to some hate crime. Here I am quoting again from the *Age* article:

Victoria Police Inspector Scott Dwyer told reporters in the afternoon he was “very confident” it was not an attack motivated by prejudice, but would not “go into the details of the incident or what evidence has been gathered”.

“All I can say is, I want to tell people I am very confident that this is not linked to a religious or political incident,” he said. “I would warn people not to make assumptions or draw lines of inquiry that aren’t there between this incident and anything else that is occurring.”

Victoria Police could not be much clearer about it, but that did not stop these people deciding it was a good idea to get a group of people to protest – an ugly protest – right opposite a synagogue in the heart of Melbourne’s Jewish community on Friday night at the start of the Jewish Sabbath. What were our police able to do? Can I say this with the great respect that I have for our Victoria Police: our Victoria Police did the best they could with what they had. They did the best they could with the resources they had, which are too few and far between. It is why my local police station in Malvern is going to be closed to the public for 16 hours a day now. I got an email today from the local inspector saying ‘Sorry, we just don’t have enough police. We’re closing your cop shop 16 hours a day to the public. Bad luck’. The police are understaffed massively under this government, but they also do not have the legislative powers that they need. That is what this matter is all about. We need to give police the powers and the resources they need to keep the peace, to keep Victorians safe. That is why clause (2) of this matter says that this house supports the reinstatement of Victoria Police’s full range of move-on and arrest powers.

Before I go to that I should note the statement that was issued on Sunday from Free Palestine Melbourne, which claim to be the organisers of the protests that shut down the synagogue on Friday night. It says:

Organisers were unaware that there was a Synagogue across the park, the Central Shule Chabad on Maple St, South Caulfield.

Well, people were not looking very hard, were they, if they were not aware that there was a synagogue there.

We apologise to the local Jewish community for the protest location that led to the evacuation of the synagogue, for any fear they may have felt and for the cancellation of Shabbat. We should not have gathered in this location. It was never our intention to disrupt or intimidate Jewish worshippers.

Well, it is not for me to accept it, not being a person of the Jewish faith, but I acknowledge the fact that the protest organisers have apologised. But why did it get to this point? Why did it get to a point where worshippers, reflecting their faith on a Friday night, were evacuated from their place of worship for their own safety? And the answer is: because the police did not have the powers to turn down the temperature of those protests. Those protests that led to people being pepper sprayed because they had turned violent.

Why is it police have to wait until a punch is thrown before they can make an arrest? Why do police have to wait until violence breaks out before they can make an arrest? Proper move-on powers – the move-on powers that the Liberals and Nationals provided to Victoria Police in 2014 – avoid the need for violence to erupt before the police can act. For example, and this is quoting from the act as it previously existed before Labor stripped away the powers, a move-on direction can be issued where:

the person is or persons are impeding or attempting to impede another person from lawfully entering or leaving premises or part of premises.

Premises like a synagogue – if anybody tries to stop a person lawfully entering or leaving a synagogue, they can be the subject of a move-on direction. Well, what is wrong with that? Why shouldn't people have the freedom to enter their place of worship? It does not really matter whether it is a synagogue, whether it is a mosque, whether it is a temple or whether it is a church or any other place of worship. We say a lot of words about freedom of religion in this state. We have a Charter of Human Rights and Responsibilities and an Equal Opportunity Act which pretend to protect it, but when push comes to shove people of faith in this state are always pushed to the back of the queue compared to the rights of people who want to protest against them, and that is wrong. That is absolutely wrong.

The sort of move-on powers that previously existed allowed for a move-on direction to be given where the conduct of the person or persons is causing a reasonable apprehension of violence in another person. We are not talking about somebody who sees a sign that they disagree with and thinks 'I feel threatened' – words of violence. We are not talking about this sort of nonsense, we are talking about a reasonable apprehension of violence. If somebody's actions are causing a reasonable apprehension of violence in another, why shouldn't they be subject to a direction to move on? Not a direction to arrest them, not a direction to put them in jail, not a direction to charge them or to fine them but a direction for them to move on – to try and turn down the temperature, to try and make sure that the social fabric of this city and this state is not rent in two. Because that is what sensible, proportionate move-on powers allow to occur, and that is why this side of the house is committed to them and why the government if it wanted to do something practical, sensible and possible could do it today. The government could reintroduce move-on powers. I understand the government is worried about unions and union protests. I understand that.

*Members interjecting.*

**Michael O'BRIEN:** Well, the member for Narre Warren South actually specifically talked about it today in his speech when I sought to introduce the private members bill to reinstate move-on powers, so I am not quite sure why they are arguing with me. We know that the government is very sensitive about union issues, but I would urge government members to have a look at what the lack of powers is doing in our city and in our state. Look at the fact that Victoria Police are simply having to stand there as referees with one hand tied behind their back because they do not have the powers to be able to deal with these issues properly and prevent them from escalating. I have got no doubt the members opposite were as appalled as I was – as we are – about what happened on Friday night.

So my question through you, Speaker, is: what is the government going to do about it? The government is very keen to talk up the police when they choose to, but it seems that they do not trust the police with move-on powers. Why is that? Why is it that the government is quite happy to stand there with uniformed officers whenever it suits them, roll them out for a press conference whenever it suits them, but when it comes to trusting them with sensible, proportionate move-on powers there is no trust between this Labor government and Victoria Police?

This is too important. We cannot have a situation where neo-Nazi morons are marauding through train carriages in Melbourne demanding to know which passengers are Jewish and the police throwing up their hands saying 'I don't think they've committed an offence'. A move-on power would allow people to be directed to move on, and if they breach that, then they can be arrested. The government may say, 'We don't like what you propose, member for Malvern. We don't like move-on powers.' We are hearing the sounds of silence from those opposite. They have no idea. The \$3 million they committed before the last election to tackle antisemitism – how much of that has actually been spent? Zero. Doughnuts. Absolute doughnuts. This government does not know how to deal with these issues. All it can do is say no, no, no. Well, Victorians cannot afford to wait any longer. Our social cohesion and our reputation for being a tolerant multicultural community is at risk. It is at risk today. People are feeling fear. Kids are feeling fear going to school. People are feeling fear in the streets. A man cannot even ride his bicycle down Chapel Street without getting punched for daring to have an Israeli flag on the back. That is what this city and state have come to. We call on the government to listen to common

sense, reinstate sensible move-on laws, give the police the tools that they need to keep Victorians safe and to protect Victorians' rights to their faith.

**The SPEAKER:** Before I call the member for Box Hill, can I acknowledge in the gallery the Ambassador of the Republic of Poland Maciej Chmieliński and the Honorary Consul General of the Republic of Poland Andrew Soszyński.

**Paul HAMER (Box Hill) (16:17):** I rise to speak on the member for Malvern's matter of public importance, and at the outset I would like to repeat the words in the matter of public importance because of their importance:

That this house reaffirms that no Victorian should face harassment on account of their faith ...

We have many matters of public importance that are debated on a Wednesday afternoon, but few are as important as ensuring the social cohesion of our communities and ensuring that all of our communities can live in peace and can gather peacefully, free of harassment from others. We must stand united against antisemitism and against hatred in all its forms. The people of Israel, the Palestinian people and indeed all of humanity deserve nothing less. Both Jewish communities and Palestinian communities are suffering at the moment from the unimaginable grief of friends and relatives who they are mourning, but this does not provide any excuse for the scenes that we saw on Friday night or any form of antisemitism, Islamophobia or any form of hatred directed in our great state.

It is not an exaggeration to say that the Melbourne Jewish community is living in fear at the moment. It is a fear that I have never seen in my life as a Jewish person in Australia, and it is a fear that I never thought that I would see living in a liberal democracy such as Australia. I think it is quite poignant that the ambassador for Poland is in the room today, because as a child of a Holocaust survivor from Poland the family came here to escape the worst of antisemitism. For many, many years Australia, and Victoria in particular, has been such a safe haven for the Jewish community and indeed many other communities right around the world. To see these actions and to see these antisemitic incidents is really incredibly traumatic and incredibly difficult. As the member for Malvern rightly said, all people should be able to worship in safety and free from anxiety. All people should be able to freely express themselves, gather in their groups and gather together without fear of being persecuted.

I want to just reflect a little bit on the events of Friday night. I note that the trigger for the event and for the rally appeared to be the characterisation of the event as a hate crime. As the member for Malvern said, this had been put out in quite clear terms, not opinion, by Victoria Police that they did not consider this a hate crime or politically motivated. Notwithstanding even the owner of the shop asking people not to protest, people did still come and protest, and protesting in the most highly concentrated Jewish area in the whole of Australia on a Friday night just before the Sabbath is nothing if not inflammatory.

I want to also call out a member of the other place, the Leader of the Greens, who on Sunday repeated her call that this needed to be investigated as a hate crime. This was after the police had repeatedly indicated what their view of it was on the Friday afternoon. This incident does need to be investigated, as any suspected arson needs to be investigated, and we need to let Victoria Police do their work and investigate the crime properly without trying to put our own perspectives on what the motivations for that crime might be which are going to enrage and incite people to commit antisemitic responses.

I want to talk a little bit about what antisemitism is in the context of the debate that we are having today. I think we have talked in this place quite a lot about antisemitism as it appears from the far right, and I think we have been very successful in achieving cross-party support for banning the Nazi flag and banning Nazi gestures, because we all know that those gestures are a form of hate. It has always been a little bit difficult to grapple with antisemitism when it comes from other sources. I want to thank the Allan government and the Andrews government before that for adopting the International Holocaust Remembrance Alliance's working definition of antisemitism, because it is very instructive in terms of the debate that we are now having and what we see around the community. The IHRA

definition provides a tool for all Victorians to understand what constitutes antisemitism. It is not a legal definition. It is a definition for education; it is a definition to try and assist people to understand the difference between antisemitism and legitimate criticism of Israel. I would like to just identify what the IHRA definition actually says. The IHRA definition of antisemitism is that:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Rather helpfully, the definition also goes into quite some detail about differentiating between legitimate critique of a national government and antisemitism. It specifically says that:

... criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

However, it also says that:

Contemporary examples of antisemitism in public life ... include, but are not limited to:

...

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor,
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.

...

- Holding Jews collectively responsible for actions of the state of Israel.

When we see actions such as we saw on the weekend and the incidents described by the member for Malvern, these have no place in our great state, and they need to be called out as antisemitic. I want to also just provide some information about the increase in antisemitic incidents that have occurred since 7 October. In the last five weeks there have been over 1000 calls for assistance to the Jewish Community Security Group, and this compares to just over 300 in the 10 months up until that time. Not all of these incidents are considered antisemitic, and they are not recorded as antisemitic incidents in the report, but of those that have been reported over the last five weeks there have been 129 total antisemitic incidents that have been recorded by the Jewish Community Security Group. That compares to just nine in the same period last year. Verbal abuse constituted 49 of these cases and threats 20 of these cases, and there were various other incidents that were reported, including graffiti, written abuse, online abuse, gestures, property damage and assault. Of course these are only the ones that have been reported.

I want to provide the house with one of my own personal experiences, or that of someone from my family. This was not reported. This was not included in the incidents, and perhaps it would not have even been considered for an antisemitic report. A member of my family was walking to their job in the city, and they were asked are you with Israel or are you against Israel. On the face of that, that might not be seen as antisemitic, but no-one in our society should have to make that public call to anybody else. That is all their own personal decision, and they should not have to be confronted with that wherever they are.

I also want to just briefly touch on some of the messaging that we do see out in the community, and I have seen this in some of the signage that we do see at some of the rallies. I do want to put on record that in my view the vast majority of people who are turning up to the rallies are doing so in support of their family and in support of a peace that they want to achieve. As I said before, there is nothing inherently antisemitic or antisemitic about asking for war to stop, in seeking peace. But one of the most difficult signs that I did see, which was well publicised in the media, was a sign at the rally that said 'Lets clean the world from rubbish'. It had the old recycling sign with that stick figure placing a Star of David in the bin. This must be called out as antisemitic. It may not have been arranged by the organisers of the rally, but it is really important if you are going to say that you stand against all forms of racism, you stand against antisemitism, you stand against Islamophobia, that you call out the

incidences within your own ranks that are trying to divide and are trying to make those claims, because they hurt all of us. Words do matter, and in times of conflict words matter more.

**Peter WALSH** (Murray Plains) (16:32): I rise to support the matter of public importance (MPI) submitted by the member for Malvern:

That this house reaffirms that no Victorian should face harassment on account of their faith, and therefore:

- (1) condemns the intimidatory protest held in close proximity to a Caulfield synagogue on 10 November 2023; and
- (2) supports the reinstatement of Victoria Police's full range of move-on and arrest powers.

There are two very distinct but linked things in the member for Malvern's MPI. The first is the condemnation of those protests on 10 November. I do not think anyone in this house or any other Victorian could really comprehend what it would have been like for the people at that synagogue in that particular circumstance. No-one in Victoria should be subjected to that sort of event, to the sort of bigotry seen there. We have seen what is happening in the Middle East, and that is an issue in itself, but it should not be brought to Australia. It is appalling that it is being brought to Australia, and I support the previous speaker's comments about the fact that words matter. We had this debate in this place a couple of sittings ago. You cannot nuance this issue. You cannot nuance away the fact that there are people being killed. You cannot nuance away the fact that Hamas actually attacked Israel. You cannot nuance away the fact that there were 1300 or 1400 people killed. You cannot nuance away the fact that there are over 200 hostages still being held. There are women and children still being held as hostages. You cannot nuance that away. It is absolutely appalling that this issue should rear its head in Australia and in Victoria. I think we are all proud of the fact that we are a multicultural society. In some ways we are one of the most multicultural societies in the world. Look at some of the communities in country Victoria – take Robinvale, for example. You could not get a more multicultural community anywhere in Victoria than what is in Robinvale – look at the number of languages that are spoken at the primary school there, because it is a melting pot of a lot of people coming to Australia.

I just cannot speak strongly enough in support of the member for Malvern in his condemnation of that particular protest there, which comes to the second point. We need to make sure police have powers, as was discussed in the debate this morning by the member for Malvern and others about giving the police the powers to make sure they can stop these sorts of things happening before they actually happen. It is too late for police to be able to come in and act once violence has happened. Once people's blood is up, people do crazy things. It is just a fact of life, unfortunately, that when people's blood is up, when the heat of the moment is happening, it gets out of hand. It is unsafe for those that are personally involved, but it is also unsafe for police. Why should we put police in circumstances where they cannot act until it is too late? That is effectively what we are seeing in this circumstance. We have to think of the police. Those on the other side of the house like to paint this as us being anti police because we want to give police the laws that give them the power to do the things that they want to do. There may be someone in police hierarchy that does not want it, as the Minister for Police kept interjecting in the debate this morning, but the rank-and-file police and the Police Association Victoria, as I understand it, want these laws brought back in. They want to have the powers so that they can actually intercede in these circumstances and they can stop it before it gets bad, before someone gets hurt, before police are put in the situation where they are at risk of being hurt in the event of going in when it is all too late. As I said, I support the member for Malvern and the other speakers who will be condemning that particular protest.

I want to spend some time on supporting the reinstatement of the police's full range of move-on powers and arrest powers, and I think the issues of the last few weeks have brought that into real focus. But what I want to spend some of my time talking about is how these powers can actually help in regional Victoria. We have had a lot of discussions in this house about the timber industry and the protesters in the timber industry who go into coupes and cause trouble. They do what they call 'black wallaby', where they get dressed up as a wallaby and they hide in the dark. A machinery operator gets in their

truck in the dark to drive out, gets into their bulldozer or gets into their log hauler, and all of a sudden a protester will jump out in front of them when they are moving. They literally panic that they are going to kill someone, and if they hit someone they are in trouble. But there is no way the police can stop those protesters going into those coupes until they actually do something wrong and break the law, and that is an issue for the timber industry there.

There are people who have effectively left the timber industry – apart from the fact that the Andrews government, now the Allan government, is closing it down – because of the stress that was caused to them by the protesters in those logging coupes. You have the situation where they put spikes on the road, so you are driving a B-double timber truck at reasonable speed on sometimes not the best gravel roads within the forest, you run over spikes and you do tyres. That is a very dangerous situation for those people driving those trucks and something that should not happen, and the fact is that police have not got the powers when they know there are protesters there. They know protesters are doing things that will cause trouble in the future, but they do not have the powers to do anything about that. An even worse situation is where they drive spikes into the actual tree. They know that when the chainsaw or the harvesting head hits those spikes, it shatters, it bounces back and it actually puts the operator of that machinery at risk.

**A member:** It can kill them.

**Peter WALSH:** As the interjection said, it can kill someone. Again it is protesters doing things where police could, if they had the powers, actually stop some of those particular issues happening. Protesters also put themselves up a tree, chain themselves to a tree, to stop people from cutting the trees down. Again, if the protesters are in the vicinity and the police know that this is what they are going to do, those move-on powers could stop those issues happening.

The worst thing possible that I have seen or have had reported to me that protesters have done in the forestry coupes is take children in there with them. They actually take children into the coupes and let children be around large, heavy machinery, knowing that the machinery operators cannot move that machinery and cannot do the work they need to do because there are children there. It is unsafe. That closes the coupe down for days, because quite often these coupes are a long way away from a police station. They are a long way away from the officers that can go there and do something about it, so they can lose two or three days work while they are waiting for someone to come along and take these protesters away – if they have broken the law in a way police can do something about, because just being in the vicinity of a logging coupe is not breaking the law but it can stop people from going about their particular work.

I would like to finish on the issue of animal protesters, and we saw the issue at Sinclair's abattoir in Benalla a couple of months ago, where protesters broke in in the middle of the night and chained themselves into the CO<sub>2</sub> chamber in that particular abattoir. The Sinclair family has been operating that abattoir for a long time. They know what they are doing, and they are working to best practice. But they went to work and they had protesters chained inside the chamber there, who would have been at risk if the whole process had started. But they chained themselves in there, and police did not have the power to stop them going in there in the first instance. People knew they were there, but until they broke into the premises, until they actually broke the law, no-one could do anything about it. The issue was going to be that in the future they were going to blockade it and stop the trucks delivering the pigs to that particular abattoir. Again, if police had the move-on power laws to stop that happening, people that are doing lawful commerce and carrying out a role in society that makes sure that we are fed could be protected to go about the work that they do there. We see the same issue with the poultry industry. We see the same issue with the pig production industry, where people go in and they put at risk the biosecurity of that particular farm. They do not care, but the farmer does care. In the last couple of seconds left, there is the whole issue of Gippy Goat, where the farm was invaded down there – John Gommans had his property invaded and had livestock stolen. His staff were stressed when they had 60 people walking down the drive at 6:30 in the morning. Those sorts of things should be able to be

stopped by police before they happen, and that is why I support the member for Malvern's matter to reinstate those move-on laws and arrest powers.

**Nick STAIKOS** (Bentleigh) (16:42): I rise to make a contribution on the matter of public importance which has been moved by the member for Malvern, and I would respectfully say to the member for Malvern that it would have been ideal if his matter of public importance stopped at point (1) at this current time. I say that for a number of reasons, but perhaps I will get point (2) out of the way first and then move on to the more substantive issue.

It is wrong, in my view, to link the current tensions that we are dealing with in Melbourne as a result of events overseas with a decade-long political argument in this house. In 2014 the then government introduced these move-on laws, and they were introduced in response to union protests – that is a fact. At the time the then Labor opposition committed to repeal those laws, and that was done when we came to government the next year. The opposition attempted to reintroduce those laws in 2019, so it has been something that they have been committed to for some time. Those of us on this side of the house know that it is about unions. That is what it is about – it is about unions. I mean, we also just heard from the Leader of the Nationals about some agricultural issues, and you know, that is all very important. But today we should be discussing Victoria's status as the greatest example of multiculturalism in all the world, despite what is happening. We should be standing in solidarity with faith communities today supporting them to freely practise their faith. Those are the things that are important.

The member for Malvern knows that we do currently have move-on laws – the police currently have powers to move people on. The police can tell a person to move on from a public place if they reasonably believe that a person is breaching the peace or likely to do so, is putting another person in danger or likely to do so, is likely to injure someone or damage property or is likely to be a risk to public safety. The police may tell a person to stay away from a public place for up to 24 hours. If the person does not move on or stay away, police can give the person an on-the-spot fine or arrest them. So we do have current move-on laws, we absolutely do.

The member for Malvern talked about police resources. Over the nine years that we have been in government, the government has always had a policy of giving our police the resources and the powers that they have asked for in order to keep our community safe. That is why Victoria currently has the biggest police force in Australia – it is because of our government. Our major investment in police resources grew the size of Victoria Police by 20 per cent. That was back in 2016 or 2017. Thanks to our government Victoria Police have the resources that they need to keep our community safe, and the government will continue to provide Victoria Police with those resources and those powers that they need. On police, I do want to thank our dedicated police members, particularly those at Caulfield police station, who I meet with regularly, and particularly our district inspector and our senior sergeant. I met with our senior sergeant just last week, and I know that they are working exceptionally hard at the moment to not only keep the local community safe but to also play their part in keeping tensions down as much as possible. I thank our district inspector, our senior sergeant and all of their members for always going above and beyond. They always go above and beyond.

Now I would like to turn to point (1) of the member for Malvern's matter of public importance. Last Friday a number of us in this house were at the Premier's Diwali state reception with 1200 other people. The member for Caulfield was there too. It was a colourful celebration of multiculturalism in this state. It was a wonderful event. I was there with the Jain community from my electorate over in Moorabbin. It was also a celebration of people who have come to Australia, made it their home and have not had to give up their culture or their faith. They come and celebrate it here in Victoria, in the greatest multicultural place on earth, and also worship freely.

That night, unfortunately, something absolutely awful was taking place in Caulfield, which is adjacent to my electorate. I will just say this, and I will say it very clearly: if you have a problem with the way that Israel has responded to that heinous terrorist attack on 7 October – and I know many people do – do not take it out on your fellow Australians. That is wrong – that is absolutely wrong. Our Jewish

community, like all faith communities, have a right to worship in peace and in safety. I think holding that rally in the Jewish community heartland of Melbourne raised tensions in a way that they should not have been raised.

It is not just those of us in this house who are elected to these positions or the police who have a role to play to maintain the peace and to defend our peaceful, harmonious, multicultural society; it is the responsibility of all Victorians. I said earlier today that the horrible images we see on our television screens and on social media day after day after day at the moment – those things are beyond our comprehension. The loss of life in Israel and Gaza is beyond the comprehension of those of us who won the lottery of life to be Australian – it really is.

The only role we can play is to defend our peaceful, harmonious society, and it does start with leadership. It starts with leadership in this place. We have a special responsibility to make sure that we are keeping the temperature down, because you know what: that is what is going to help our police to do their job – if we show leadership, if we keep tensions down. We can talk about move-on laws all we like, but we have to maintain a peaceful, harmonious society. We need to jealously guard our peaceful diversity, which is the envy of the world. Our multiculturalism is the envy of the world. It is no accident that Melbourne, for instance, is ranked the best international student city in Australia and now the fourth best in the world. It is not just because we have fantastic universities, it is also because we are a multicultural society. That is something that we have to jealously guard, and as I said it starts with leadership in this place.

I would also like to conclude by just once again highlighting our government's commitment to fighting antisemitism and prejudice. I am really proud that it was this government that was the first in Australia to criminalise the public display of the Nazi swastika and the Nazi salute, and we know that those new laws are already working to keep our communities safe. I am also proud that it was our government that introduced compulsory Holocaust education in schools. I am proud that our government adopted the International Holocaust Remembrance Alliance definition of antisemitism. I am proud that our government has funded the Holocaust centre over in Elsternwick. I am proud of all of these things, because we stand united with diverse communities, and it is those communities that have built Victoria and made it the cosmopolitan vibrant place it is today. I will repeat that it starts with leadership in here. We all have a role to play, all 88 of us in this house, to try and turn the temperature down. I again say that is the best thing we can do to assist our police at this very, very challenging time.

**David SOUTHWICK** (Caulfield) (16:51): I rise to support the member for Malvern's matter of public importance today condemning the protest held in close proximity to the Central Shule Caulfield synagogue on 10 November 2023 and support the reinstatement of Victoria's full range of move-on arrest powers. I want to begin by saying that a number of colleagues in here have spoken today about words mattering, and words absolutely matter. The member for Box Hill has rightly pointed that out, particularly when those words are directed at individuals because of their race, their religion, their sexual preference, whatever, to actually incite hate and target people because of who they are – no question. I also want to say that when it comes to leaders, ultimately actions speak louder than words. To combat that, and the words in the attack, we need to ensure that we stand up and provide whatever laws and whatever powers are necessary to ensure the haters do not continue to cause the pain and suffering that they do and, worse, violence and potentially ultimately death.

We all, quite rightfully so, in this matter of public importance today refer to the events on the Sabbath outside Caulfield Central Shule, because that was a crossing-the-line moment that we will all remember. It had never been seen before in our state that a people of faith during a Sabbath service would be targeted in the way that they were. I want to go back, because a number in this chamber have spoken about the swastika ban which we worked together on, rightfully so, and the Nazi salute ban which we worked together on, rightfully so, with a number of different laws and funding for institutions not just of the Jewish community but of a number of multicultural communities, because the multicultural part of Victoria is what makes us strong. It is what people talk about. I do not think there is a person in this chamber, when they go and talk at events, that forgets to mention just how



important the multicultural fabric of Victoria is. It is really our secret ingredient. But when it is threatened like it has been not just over the events of the Sabbath but over a long period, and when things are getting worse and worse and people are allowed to get away with what they are getting away with, we need to act.

For me, one of the biggest tipping points and triggering points was when the Nazis turned up. They turned up a couple of times on the steps of Parliament, which we all remember – horrific. The police did what they could, but they stood by and they did some investigations afterwards, unfortunately after a lot of the hate had taken place. They did their salutes outside the front. They did what they did. We all remember that, and there was not much that was done. What really for me changed the game – and I remember on the Sunday being in Elsternwick and starting to get imagery sent to me – was that the night before you had these Nazis turning up at Flinders Street station, going down the escalator doing the Nazi salute and onto a train, wandering up and down and trying to intimidate people and asking them who was Jewish on the train. Somebody pulled out a blue-and-white handkerchief. They thought that signified potentially that they had a flag and asked them whether they were Jewish. That, for me, is crossing the line – and police were present.

I know our Shadow Minister for Police is here and a number of people have spoken about police. We all talk about what an amazing job our police do on the front line, but when police tell you that they are limited in what they can do – they will watch and they will observe and when something ultimately happens they will actually step in – why are we waiting for something to happen? Why should we wait for somebody to be hit, punched or worse? Why? Nobody expects that. Nobody deserves that. The amount of phone calls that I have had since then and coming on from 7 October, largely leading to so many different acts of people seeing signs, horrific things – why can't the police do something? Why can't the government do something? My phone has blown up. My office – my staff are beside themselves because we do not have the answers. I wish we had the answers. I wish I could tell people we have got it sorted for you. I know the work that we have done with the government. I have sat with the Premier, the Deputy Premier and the Minister for Police, and we have spoken countless times about what we can do. A lot of the people who have spoken have said we do not need these laws. It is about unions and everything else. It is not about that. It is about people knowing that when somebody is after them, when something happens, the police can do something. That is all they want: that the police can do something. I have been told by police in the stations all the way up to command that the move-on laws we had back then in 2014, when they were introduced, would do the trick. They would do the trick.

I know that in New South Wales they have a different system where every protest needs to be registered. Every single time you go out publicly you have to register it. Do we want to go down that path where every single cultural event has to be registered? That might be an option. I do not know what the option would be, but doing the same will not be an option. Doing nothing will not be an option. We cannot just turn around and say 'Let's do some social cohesion stuff'. I can tell you from meeting with the Jewish Community Council of Victoria – the JCCV – and others that we have run out of goodwill when it comes to just having another meeting about social cohesion. The goodwill is out the window. With due respect to the Islamic Council of Victoria, they put out that statement the other day already pointing the finger at the Jewish community for the Burgertory place being burnt down after Victoria Police had put out a statement that said the burning down of that business was not racially motivated. Afterwards they decided to put that out. We want to bring community leaders together when they are pointing the finger at the Jewish community and saying 'You burnt down a store. No wonder you had people wandering down and turning up in vigilante groups'. That was 4 hours before that event took place, 4 hours before they turned up in Caulfield – to a Jewish synagogue in Caulfield – 4 hours. There were Facebook things, social media posts graphically designed saying 'Turn up to Caulfield', so everyone knew it was about to happen.

I was at the Diwali event – absolutely I was – with the member for Bentleigh, and once my phone went off I left and went down to show my support. By that stage, thankfully, a lot of it had settled. But, I tell you what, the memories have not settled. People are not calm. Yes, we want to do whatever

we can in terms of harmony. We want to be able to say we have got the powers. We want to be able to say police will be able to respond. Police – fantastic. I want to commend the government for ensuring that we have got additional resources, another 60 police patrolling at the moment. That is fantastic, and the fact that there is an investigation to look at the footage of the rocks, of the bottles, of things thrown. Again, at that time the line could not be broken to arrest the people that were doing it, because they were under-resourced at the time. We need the resources. When these events take place, we need to have planned for them.

Ultimately, what the member for Malvern's matter today is all about is giving them the powers to respond. We cannot have situations like when a guy cycles down Chapel Street with a flag on his back, the flag gets ripped off and he gets punched in the face. We cannot have that here. The move-on laws started way back in 2014. From 2010 to 2014 we had chocolate shops like Max Brenner that were shut down because they were Jewish. We have had Elbit, which the disgraceful Greens were talking about boycotting, today. Elbit is an Australian-owned business that does bushfire response stuff for Victoria and for Victorians. This crazy lot, the Greens, want to boycott them. We cannot have that.

We talk about harmony and we talk about working together, and I know the government has the goodwill there. But I plead with them: if not today in supporting the move-on laws, then maybe tomorrow. We just cannot wait with our hands tied behind our backs – or, worse still, we cannot wait with Victoria Police having their hands tied behind their backs – because ultimately the community are unsafe, and that is not what Victorians expect.

**Nina TAYLOR** (Albert Park) (17:01): Obviously there is a lot of sensitivity regarding the matter of public importance that we have here today, and I am very mindful of that. I am very mindful that there are many in the community that are hurting deeply with regard to what I think has been very difficult for us all to witness – the events that have been happening in the Middle East of late.

I will, before I speak to those aspects of the discussion, just touch on the aspect of police powers. I think it is important to examine what move-on powers the police currently do have to manage this. I do not say this in any way to patronise at all. Victoria Police obviously make important decisions every minute of every day, and I do not envy the difficulty of their role. The police can tell a person to move on from a public place if they reasonably believe that a person is breaching the peace or likely to do so, putting another person in danger or likely to do so, likely to injure someone or damage property or likely to be a risk to public safety – and I note the word 'likely'. Police may tell a person to stay away from the public place for up to 24 hours. If a person does not move on or stay away, police can give the person an on-the-spot fine or arrest them. Turning to protests, a police officer can tell a person to move on in circumstances where they are protesting and that person is putting the safety of another person in danger or is likely to do so or they are doing something that is likely to injure someone or damage property. In other words, the police have move-on powers, appropriately, where there is a risk to safety or violence.

Respectfully, I would say that we do have to be careful in this space. We cannot be naive as to history with regard to some more significant police power enhancement that I believe the opposition are seeking to put forward and the very unnecessary and, dare I say, at-risk, draconian ramifications that could result were they able to fulfil that particular pathway, which at the same time would in no way enhance or support the safety and security of multicultural or multifaith communities. I put it quite bluntly to the chamber: we should not be naive to the fact of what it has meant in the past. I respect the difference between peaceful protest and what could be interpreted as criminalising peaceful protest, and I think there are significant risks that cannot be overlooked. It was a very salient point – I should say a very important point – put forward by the member for Bentleigh about conflating the two matters: that is, the disturbing events that occurred on the Sabbath and 'Oh well, let's really arc up the police powers'. In conflating those two elements I can see significant risk. I think there has been an attempt to undermine what that actually would mean and translate to for the Victorian community, and at the same time that would not deliver the panacea that is being put forward by the opposition.

I would now like to return to what I think is perhaps the most meaningful element in terms of being able to preserve the beautiful multicultural state that we are, that I dearly love and that I believe everyone in this chamber would love also. I could not imagine Victoria any other way, and I would not have it any other way. We live in this state for so many reasons, and one of them is because of its beautiful diversity. We therefore have an unequivocal commitment, which you can see by actions taken to date and those that are continuing. I want to note further even the concept of peace per se is not a continuum just because. Peace is only preserved by good people being vigilant and by taking those very positive steps which we are, and I actually want to thank our multifaith and multicultural communities for the incredible work that they do day in, day out fostering really significant, important relationships and understanding that enables social cohesion in addition to of course important structural reforms that have been put in place and further structural reform that needs to take place.

I did want to say quite emphatically there is no place for violence, hatred or inciteful behaviour in Victoria, and it is unacceptable for any faith-based community to feel unsafe at their own place of worship or in their neighbourhoods. That is not lip-service. I say that hand on heart. I am speaking here to broader principles because I think when we are looking at fostering the most peaceful and harmonious Victoria now and into the future that these guiding principles can underpin the best decision-making for everyone's benefit. I know I have heard of students being scared to wear the kippah and to be publicly identified as Jewish, and that just horrifies me. You should be absolutely able to be your complete self in terms of being able to express your faith in a respectful way. Similarly, I should make the comparison of being able to wear a hijab and not ever feel in any way persecuted wherever you choose to walk, again, in our great state.

Can I say of course we vehemently oppose antisemitism, racism of any kind and Islamophobia of any kind. There is absolutely no place for it. It will not advance us as a community in any way at any time. I know that my learned colleague from Box Hill put forward some statistics on the escalation in verbal abuse, in threats and in symbols, paraphernalia and graffiti. It is very disturbing of itself to see that kind of behaviour, so it is up to us within the chamber but also the community as a collective. Every single member of the Victorian community has a role to play in preserving that which we value and hold dear – that is, peace and harmony and respect for diversity. I also want to take this opportunity to support the Premier's call requesting that Victorians show each other love, care and support in these difficult times, because it would be no less than a travesty in any way to see any kind of replication of what we are seeing overseas in terms of violence and hateful conduct. It has no place in Victoria. I would like to think genuinely that the overwhelming majority of Victorians want to feel that they can be their authentic selves, honouring and respecting each other, living in peace and harmony and being able to express their faith or their cultural identity without fear of persecution of any kind.

I should say I am pleased with the work that we are doing in particular – I am just speaking as the Parliamentary Secretary for Justice – because we know that the Racial and Religious Tolerance Act 2001 does not do enough to protect Victorians from multicultural backgrounds. That is absolutely conceded, hence intense work is underway. I have attended a number of the round tables with multicultural and multifaith representatives who are working very constructively, collectively, to ensure that we do strengthen those much-needed protections for all Victorians into the future. It is conceded that we are not where we need to be yet, so this good work needs to be done. I do not want to resile from the importance of further changes that need to be made, but we are unequivocally committed to that. It is happening as we speak.

**Brad BATTIN** (Berwick) (17:11): I rise to support the member for Malvern's matter of public importance (MPI). As I start, I would just like to say to the member for Box Hill: thank you for sharing. It is a difficult time for you and for my friend the member for Caulfield. You have had to face this, not just in a political sense in Parliament but in your communities and within your families as well. I know probably not many people are sitting at home watching you now online, but I would encourage the three people that may be watching to go back and read your contribution in *Hansard*. I think it is a genuine part of what Parliament should all be about. Member for Caulfield, I know we have spoken a

few times on this, and we join you in condemning the behaviour. As I put on my Facebook post, whilst I cannot control what is going on overseas – I have really got no influence at all – I do have an influence here in Victoria. We have to be a voice, we have to be strong and we have to stay united in some of our messaging. And some of that messaging is: there was no reason for people to go to Caulfield to protest unless they were trying to incite something. There was no reason in the world that they decided to go to protest in Caulfield and not out the front of the Victorian Parliament. That is where we protest. If you want protest, go for your life outside of here. If it is a peaceful protest, this is the place to protest, not outside a mosque, not outside a synagogue, not outside a church, not outside a school. There are places for this where it can be safer, and they were just there to incite violence.

I am going to speak a little bit, obviously, from the police side of this, and I am going to have to put on record that I am a bit disappointed that the Minister for Police is not speaking on this matter of public importance, because it is something that impacts every single person that he is supposed to be standing up for in this place. Victoria Police members each and every day have a very, very difficult job. Whilst they are on the street, they have got to work within the laws that are dictated to them by this place – rules that come to them from people in here that may not share the same values as them. Each person in Victoria Police is a different representative from the community, but they do their job with distinction. They go out there and do everything they can to keep our communities safe. Every single one of them works hard to protect not just us in here but every single person in our community.

I have heard a couple of members say that the police already have, effectively, move-on laws. It is just not the case. If you go and speak to the Police Association Victoria, they will explain to you why the difference is there. Each and every day a police member walks out of a station now, it has changed. They used to put on a gun, a baton and a belt, and that was about it. Now they carry every single weapon you can think of, but one of the things that is probably the biggest change for them is that they have to wear body-worn cameras every single place they go. Everyone on the street now carries a camera. Everything is filmed. If they make the slightest mistake, the media or others are so quick to condemn them, which is just so wrong. I have said this before: we hear of coroners reports that come back after two years of consideration to tell us that a police officer did something wrong in a split second. It is exactly the same as what happens now with social media and media – so quickly Victoria Police get condemned for their behaviour when, if you go and look into it in more detail, they are generally doing the right thing to protect our community.

The move-on laws give them the opportunity to prevent what happened on Friday in Caulfield. They give them the genuine opportunity to go in peacefully and move people on using directions, and I am going to say usually just using words, to ensure they can provide safety for the people who are going about their legal business or – as a Liberal, I do not just talk about their legal business – their freedoms, including their freedom of religion, their freedom of association and their right to go to a workplace, to be safe and to be on a train. To see the actions that the member for Caulfield has referred to on one of our own train lines, where a group of thugs, neo-Nazis, decided it was okay to go down the escalator doing the Nazi symbol on the way down, the Nazi sign, to harass passengers, to get on a train and try to find out if there was anyone that was Jewish on there, effectively with the intention of creating fear – and Victoria Police had to stand there and watch that.

If the powers the government has given them already – which two members have mentioned – are there, that is the occasion that they should have been used. Why were they not used? I suggest strongly that members of the government go and speak to those police and ask them why they were not used. They are genuinely fearful every day of being sued. They are genuinely fearful of the reaction that is going to come back through media, and they just do not get the support – and definitely not from the current minister. The former minister I would actually say did stand up for them. Lisa Neville, the former minister, at least stood up for Victoria Police. The current minister is missing at the time they need this support the most. They are out there at the moment every single day of the week trying to protect Victorians, and the minister cannot even come in here and speak on an MPI. The only time he spoke in this Parliament today was about the races. It is the only thing he has spoken about in this chamber.

**Juliana Addison:** He's the Minister for Racing.

**Brad BATTIN:** He is the Minister for Racing, but guess what? He is the Minister for Police. Seventeen thousand Victoria Police officers at the moment need their minister to be standing up for them. Eight hundred police officers every day are not available for duty because there are those vacancies. Another 700-plus are currently off work because of PTSD and mental health issues. We had one scratching at the Melbourne Cup, and that made more media than 700 police not available for shift. That is just simply wrong. That is because this minister has his priorities wrong – totally the wrong way around.

The members at the moment are looking for support. They have got an enterprise bargaining agreement (EBA) negotiation coming up. They are not asking for numbers. They are not even asking for a lot when it comes to their wage. What they are asking for is support and respect, and that has to start in this place. This means they need the powers to go out to do their job. To ensure that we are going to protect them in the event that something happens, they should not have to worry about losing their family home, they should not have to worry about losing their job just for doing their role in the community and protecting us. It is already hard enough.

The member for Malvern referred to 43 stations that had their reception hours reduced. In Malvern specifically they were reduced to 8 hours. I can tell you from personal experience Malvern police station is a busy station – people automatically think of Toorak and those wonderful spots around there – they have got Chadstone shopping centre. Chadstone shopping centre will take you off the road for a long period of time nearly every shift. I would guarantee that. They also back up Prahran. They go into Chapel Street. They support other people in those areas. The stations that are closed: Springvale has got reduced hours; Sunbury – we have had stabbings in Sunbury recently all over the media and youth crime on the way up, and yet we are going to reduce the hours in the police station.

Why? Because this government has failed to act when it has come to recruiting for Victoria Police over the last three years, and we have seen a decline year on year, which means we have less police available to do the duties that we need. Year on year we have had police numbers being reduced. That is just simply not good enough. We need to make sure that we can get the police numbers there that we need to protect Victorians but more importantly to protect themselves so they can go out there knowing that there is a backup van down the road, that if anything gets out of hand, someone is going to come and support them.

The next step in this is this government is now trying to negotiate in the EBA to remove the protections ensuring we have got one-man stations across regional Victoria. Therefore a station that is a single-man station – we will use an example – Forrest, in the event that they were short in Colac, they could roster the member for Forrest in Colac. So if it is a 40-degree day, that means we have got no-one there for community safety because that person will now be in Colac. That is 50 minutes away. That is unfair on the Forrest community. There are 93 stations like that – 93 stations where you are willing to move the one man away to other areas and take them away from those stations.

What this MPI – whilst it is the condemnation of what happened on that Friday, which should never happen, and the reinstatement of the arrest powers and the move-on powers, as moved by the member for Malvern – is about respect for our Victoria Police, and it is about time that this government shows that respect. This minister needs to go out and explain why he is silent on these issues when it comes to police numbers, when it comes to backing police out on the street, when it comes to having the discussions to protect one-man stations and when it comes to reducing hours in Victoria Police stations across the entire state. If the minister wants to continue to go to the races, that is fine. Maybe just be the Minister for Racing and hand on the portfolio to somebody else, because 16,000 to 17,000 Victoria Police officers need and are desperate for someone in this place to be their voice, otherwise it will continue declining and we are going to have a more unsafe Victoria.

**Martha HAYLETT** (Ripon) (17:21): I rise to speak on the matter of public importance submitted by the member for Malvern today. I want to begin by saying how proud I am of our state's diverse multicultural and multifaith communities. There are many Muslim and Jewish people across my electorate of Ripon, including the proud Muslim community of Ararat and the Jewish community of Ballarat. As a government we are committed to taking action to stamp out racism, faith-based discrimination and hate in any form. Racism and discrimination, including antisemitism and Islamophobia, are unacceptable and have no place in our great state. There is no place for violence or inciteful behaviour in Victoria, and it is never acceptable for any faith-based community to feel unsafe in their own neighbourhood and at their place of worship.

The scenes we saw last Friday in Caulfield were shocking. They go against the fundamental values that we hold in this place and in this state. We treasure our multicultural fabric in this state. Our diversity is our greatest strength, and it is crucial that we protect it to make sure every single community can live safely and securely in Victoria. We must protect every Victorian's right to practise their religion, beliefs, traditions and festivals freely and without fear. Last Friday night, though, members of our Jewish community in Caulfield did not feel safe to practise their religion.

Friday night marks the beginning of Shabbat, the Jewish day of rest, a holy and sacred day celebrated by Jewish people around the world every week for millennia. I have joined Jewish friends of mine for Shabbat dinner, and I know how joyous it is. But last Friday there was no joy for the Central Shule community in Caulfield South. Their service was cancelled and evacuated due to a protest that should not have ever happened in that place and at that time. For any religious prayer service to be cancelled because it is not safe to go ahead is wrong. It would be wrong if it was a service for the Islamic, Christian, Hindu or Buddhist communities. In Caulfield, where around one in four residents are Jewish, it is obvious that we should not be seeing protests descend on a park outside a synagogue. We saw clashes and fights, spitting and arrests made. This is not what a Friday night should look like anywhere in our state or our nation, let alone in the heart of our Jewish community at the start of Shabbat.

The conflict in the Middle East is causing serious anxiety and distress for our Palestinian, Israeli, Arab, Jewish and Islamic communities. My deepest thoughts are with them at this time. What we do not want to see is that anxiety being compounded by the conflict abroad turning into conflict here at home, and the member for Bentleigh spoke of that previously. In these challenging times we must stand together against attempts to sow the seeds of hate and division in our communities and make sure that our state remains a place where everyone can live harmoniously side by side in peace.

I want to acknowledge that there has been a lot of bipartisan work with the member for Caulfield on this issue, because there should be no partisan divide when it comes to keeping our community safe. Of course our government has provided significant funding to our Jewish community to ensure its safety, security and wellbeing. This includes funding last year of \$3 million to combat antisemitism, \$900,000 to help fund the Community Security Group's vital work, \$1 million towards a Jewish community safety infrastructure program and more. We have also strengthened legislation to outlaw Nazi hate symbols and salutes, and as the member for Albert Park noted, we are working towards big improvements to the Racial and Religious Tolerance Act 2001 to make it easier to prosecute any individual who incites hatred or bigotry based on someone's religion, race or ethnicity.

I want to take this opportunity to back in the Premier's calls, as the member for Albert Park did, requesting that all Victorians show love, care and support for one another in these difficult times. It is important to also emphasise how Victorians all have the right to come together and support one another and the right to peaceful protest, but this must not be at the expense of the safety and wellbeing of others. I want to be very clear that the Allan Labor government is not in the business of preventing peaceful protest. There have been almost 90 community rallies involving police presence in recent weeks, and most of them have been completely peaceful. Victoria Police are engaging closely with Victorian Jewish and Islamic community leaders as well as organisers of last Friday's protest to make sure that they can plan an appropriate response to uphold community safety.

I want to take this moment to thank the Chief Commissioner of Police Shane Patton for all that he is doing to lead this work. He is backed by a strong workforce, with more than \$4.5 billion invested in Victoria Police since 2014. We are delivering more than 500 new police officers and 50 protective services officers, which builds on the more than 3000 additional police already on our streets. I remember back in early 2014 when those opposite introduced changes which had the effect of potentially restricting legitimate protests in this state. The once great Liberal Party, the party of Menzies over there, attempted to restrict the rights of everyday Victorians. The coalition's move-on powers did not apply solely to violent or unlawful protests. Their move-on laws meant the police and PSOs could move on any protests of any kind. Victoria Police do a fantastic job under difficult circumstances every single day to keep us safe, and we give our thanks to them for that. It is vital that police have appropriate power to do their jobs effectively, but these laws simply went too far. They were too heavy-handed. They interfered with the rights of working people to assemble. This side of the chamber will always support the right for Victorians to peacefully protest, and it is frankly disgraceful that today those opposite are shamefully exploiting the Israel–Gaza conflict as an opportunity for political pointscoring.

Our government understand that move-on powers are an important tool of Victoria Police, but we also know that it is really important that these powers strike the right balance. Police can currently tell a person to move on from a public place if they reasonably believe that a person is breaching the peace or likely to do so, putting another person in danger or likely to do so, likely to injure someone or damage property or likely to be a risk to public safety. Police may tell an individual to stay away from the public place for up to 24 hours, and if that individual does not move on or stay away, police can give them an on-the-spot fine or arrest them. In other words, the police have move-on powers, appropriately, where there is a risk to safety or violence.

I want to close my remarks by reiterating that this government is completely committed to protecting our multicultural and multifaith communities from harm and distress in these difficult times. Our diversity is at the very heart of the Victorian success story. We will always stand up for the harmony that is so precious to our state. We do not want to see what happened last Friday night in Caulfield ever happen again. While conflict rages abroad, we must not let it divide us at home. We know that our community is at its strongest when we support each other, and every Victorian must have the right to practise their faith and celebrate their culture without fear.

**James NEWBURY** (Brighton) (17:30): I rise to speak on the member for Malvern's matter of public importance:

That this house reaffirms that no Victorian should face harassment on account of their faith, and therefore:

- (1) condemns the intimidatory protest held in close proximity to a Caulfield synagogue on 10 November 2023; and
- (2) supports the reinstatement of Victoria Police's full range of move-on and arrest powers.

I rise to speak knowing that over the last 38 days this chamber, this state, this nation and the world have been seeing a level of evil we thought no longer existed, and that at its heart is what has been so difficult to live through for the last 38 days. We have witnessed a level of evil we thought we would only read about in books and learn of from people who have lived through those times. In many cases in this chamber we have had the great fortune to speak to people who have lived through those atrocities and who have passed on those experiences in a way to ensure that we understand what they lived through and that never again anyone should. But we are seeing those evil times again.

On Saturday, after the events in Caulfield occurred, I said that people of good conscience must not remain silent, and that is what this matter of public importance and what the bill that the member for Malvern moved today are actually about. We are seeing a level of evil pervade our way of life in a way that we cannot sit and watch occur. The line that we tolerate in behaviour, the line that we accept in behaviour around us, has moved every day of those 38 days. That is what occurred before the atrocities of the Second World War – the line of what was acceptable was moved, the line of behaviour

where someone was dismissed in passing, where businesses were boycotted, where violence erupted, where people were killed, where millions were killed. Sadly, every day over the last 38 days we have seen that line move, and we are no longer the Victoria, the nation and the world that we were before that time. So we as a coalition and the member for Malvern are saying we must stand up and say that we will not tolerate the line of behaviour being moved. We will not tolerate it. That is what this matter of public importance is about. That is what the bill moved by the member for Malvern this morning was about. This speech that I am giving now on the matter of public importance, though to the chamber, is as much a speech to the Premier as it is to anybody else, and I would say to the Premier: Premier – and if I can use the words that the member for Caulfield used earlier – can I plead to you that people of good conscience cannot remain silent. We are seeing incidents in our community that we cannot tolerate and be silent about – we cannot. We must do something, and sadly, at its core much of what we are seeing is genuine hatred towards Jews. Yes, antisemitism is a disease, and it is a growing disease, but this stems from a genuine hatred towards Jews.

There have been a number of speakers who have spoken on this matter on both sides of the chamber who will have been talking to the Jewish community and know what the Jewish people are going through. We cannot talk about the incidents that the Jewish community are experiencing all day, every day – hundreds of occurrences of behaviour that is hate filled, that is calling for the absolute eradication of a people – because those experiences and those incidents are so vile, are so violent. They are occurring to adults, but also to children, and they are so vile they cannot be repeated in public and in this place. I was recently at one of the shules in my community praying with the congregants. One of the mothers came over to me after we had prayed and talked about an incident that had happened to her young daughter, and I cannot bring myself to talk about what she experienced only a week ago. There are a number of members in this place and the Jewish community outside this place who are experiencing this, and the community are saying ‘Please, Victoria, please, Victorian government, do something. Do something to ensure that Jewish people are safe’.

At a time when the community have experienced what they have experienced, they suffered through something that I never thought that I would live to see, and they were the events of last Friday night in Caulfield, which is one block from my electorate and my community – one block away. A level of hate in a good community towards good people, a level of hate that I never thought I would have to see, which I had read about or seen in black-and-white photographs learning as a child – it happened down the road from my community, to friends. People were hiding in their homes. We cannot remain silent. We must not remain silent.

Premier, you have the power – through you, Deputy Speaker – to do something about it. We, on behalf of the community, are calling for a modest amendment to the law to ensure that police have power to keep the community safe before an event occurs. One of the differences, something that was removed from the previous law, is that police no longer have the power to move on someone, a person, that is causing a reasonable apprehension of violence. That power no longer exists. So I would say to the Premier: as you look at the line of behaviour that has been moved both here and around the world, do not accept what you are seeing. We need to acknowledge that much of this hate is being directed at the Jewish community, and that is a fact. There is no equivalence. This hate is being directed by overwhelming majority to the Jewish community, and one small thing we can do is ensure that when that hate manifests itself in a group of people, the police can do something before that hate becomes violence, and that is such a small thing. So I would finish by saying: Premier, please hear my pleas. Please hear the community’s pleas. Please hear the coalition’s pleas. It is a small amendment, and I ask in your good conscience that you hear it.

**Daniela DE MARTINO** (Monbulk) (17:40): I rise to speak with a heavy heart on the matter of public importance before us here today, and firstly I would like to acknowledge the contributions of every member who has spoken here before me. Everyone has done so with genuine hurt, pain and concern for their communities and the broader community of Victoria. The member for Box Hill’s moving contribution was actually difficult to listen to. Hearing him express how the Melbourne Jewish



community is living in fear, which he has never seen before in his lifetime here, was very, very difficult to hear. Victoria, he said, has been such a safe haven, and it was incredibly traumatic and difficult to see antisemitism on our streets.

The member for Bentleigh called out that it was the responsibility of all Victorians to maintain the peace that we have enjoyed here for so very long, and it is our intention – I know the intention of all of us here – for that to continue. We do have a role to play here as representatives of our communities. We have an absolute obligation and responsibility to not inflame further tensions. I share the member's pride in what our government has achieved: banning the Hakenkreuz and the Nazi salute, and compulsory education on the Holocaust for children in high school so they truly understand it and are not duped into believing that it is some work of fiction because they have seen something on YouTube. These things are important and they matter. They make a tangible difference.

And the member for Caulfield – I would like to make a note of his incredibly heartfelt, passionate and pained contribution. I could hear it in his voice, I could see it in his stance and I unequivocally agree that no Victorian should ever face harassment on account of their faith. At any time or in any place there is simply no excuse for it because a person's faith is sacred to them. It is their belief system which guides them. It provides them comfort in times of darkness, and it provides them rules to live by. For so many Victorians their faith defines them and shapes their lived experiences. It is deeply personal to each and every person. At no stage and in no scenario should a faith practised by a person subject them to intimidation, harassment or violence. Be they traditional Aboriginal, Jewish, Muslim, Christian, Buddhist, Hindu, Sikh, Confucian, agnostic, atheist or any of the 135 religions represented in our Victorian community, people should always feel safe to espouse their faith, to practise it without fear, intimidation or harassment. They should be able to travel and worship in their synagogue, their mosque, their temple or their church, freely and safely.

Part of what makes this state so wonderful, as has been mentioned by many, many in here today, is our diversity: the rich tapestry of our cultures, our faiths and our languages. With each wave of immigration the fabric of our society has become stronger, it has become more colourful and it has become more interesting. We are more innovative, more cultured and more skilled for it, and we are truly a global city and state by virtue of the myriad of cultures and faiths represented here. Our government is proud that Victorians come from more than 200 countries, speak 260 languages and, as mentioned, follow 135 different faiths. Nearly half of all Victorians were born overseas or have a parent who was, and I spoke of this in my inaugural speech with great pride. I speak of it now with the same great pride and a fierce determination to see it continue and protected.

The Allan Labor government has endeavoured to ensure all Victorians can enjoy the social, cultural and economic benefits of a diverse society, and I am so proud that as a government we do not attempt to divide our community but instead strive to ensure that people feel safe and supported. I recall when we talked about multiculturalism in Australia decades ago we used the word 'tolerance'. Tolerance is just an entry point. We have gone far beyond tolerance and tolerating difference in Victoria, because as a government and as a state we have embraced diversity. There is a place in Victoria for all people to belong, but there is no place for violence or intimidation or harassment.

That is why the protest on 10 November was so deeply upsetting. It was something which none of us here ever want to see again in Victoria. Watching it last Friday erupt into violent scenes was distressing enough for those viewing it from the comfort of their own homes. I can only imagine how terrifying it was for the residents of Caulfield, where it all took place, especially those who were in their place of worship, their synagogue on Shabbat, which had to be evacuated. I condemn the violence in that protest, and as our Premier clearly stated, we should not let violence in the Middle East beget violence here on the streets of Melbourne.

I do believe it is important that we note that Free Palestine Melbourne apologised for protesting near the synagogue. The words of that apology were read out before, but I would also like to restate them, where they said:

We apologise ... for the protest location that led to the evacuation of the synagogue, for any fear they may have felt and for the cancellation of Shabbat. We should not have gathered at this location. It was never our intention to disrupt or intimidate Jewish worshippers.

I do think it is important to note that there was that apology made, and it is really important to note that following that protest we then saw an incredibly peaceful protest of 45,000 people on the streets of Melbourne who were marching in support of free Palestine. That is how protests should be conducted. They are the kinds of protests we are happy to see – peaceful, constructive, with goodwill. Protests are such an important way for people to express their position to government. They are demonstrations of collective action, and it was here in Melbourne in early 1970 that the largest of the moratorium rallies was held: 53 years ago, 70,000-odd people turned out to protest peacefully against the Vietnam War. They were numbers never previously seen and had a profound effect on shifting the direction of our nation's policy in that war. I am sure many of us have actually attended a protest ourselves. I know I have, and I am really glad to say that the ones I attended were peaceful. They should never be stifled.

Our police do incredibly good work in managing protests before they even commence, and it is important to note the work that Victoria Police has done to engage with Jewish and Islamic community leaders and rally organisers. There have been 89 community rallies involving police presence, and the vast majority have been peaceful in recent weeks. So I would like to thank our police officers for the work they do. So much occurs in the background to allow for peaceful protests, and they perform an important role. I remember bumping into a few out the front of Parliament who were going there to do their regular management of a protest happening on the steps. We thanked them on their way there, and they said, 'Oh, that's very kind of you. Normally we get shouted at.' Imagine turning up to work every day to always be shouted at, so hats off to them.

With regard to protest, our laws as they stand are fair and balanced. They empower police to maintain public order whilst allowing people to protest peacefully. The member for Albert Park did cover them thoroughly, so in brief I would just like to say that during a protest a police officer can tell a person to move on in circumstances where they are protesting where the person is putting the safety of another person in danger or is likely to do so or is doing something that is likely to injure someone or damage property. Our current move-on powers appropriately target risks to safety. Going beyond these powers, as the opposition calls for today, would stifle people's democratic right to protest peacefully, which is why we cannot support it. We cannot support their call to return to move-on laws, and there is a reason why those harsh laws were repealed so swiftly by our government when first elected back in 2014 after a four-year period in opposition. It was actually one of the first bills that the then Andrews Labor government introduced into Parliament, to repeal those, and the reasons were that they simply went too far. We have to make sure we strike a balance.

In saying all of that I just would like to pause. I know that I am about to run out of time, so as it draws to a close I would like to unequivocally support the Premier's call requesting that Victorians show each other love, care and support in difficult times.

**Chris CREWTER** (Mornington) (17:50): I rise to speak on the matter of public importance (MPI) submitted by the member for Malvern, which I want to quote.

That this house reaffirms that no Victorian should face harassment on account of their faith, and therefore:

- (1) condemns the intimidatory protest held in close proximity to a Caulfield synagogue on 10 November 2023; and
- (2) supports the reinstatement of Victoria Police's full range of move-on and arrest powers.

On this latter point, in 2013 the then Naphthine Liberal–Nationals government introduced the Summary Offences and Sentencing Amendment Bill 2013, making important changes the law to better protect the community from lawless behaviour on our streets and to deter violence. The bill, passed in 2014, gave police clearer and more effective move-on powers and the ability to create longer lasting exclusion orders. It extended powers to deal with violent individuals impeding others from accessing

a premises, those who had committed a crime in a public place, those causing others to have a reasonable fear of violence or those who were endangering safety or engaging in behaviour that was likely to cause damage to other people's property. This legislation was not about encroaching upon people's right to peacefully protest and express their views in a public setting. It was about making it clear that if people wished to go beyond legitimate peaceful communication of their views and instead resort to violence, intimidation and tribalism, police officers would have the power to order those individuals to move on. These laws were very important and calculated to stop individuals engaging in unlawful, intimidatory or disruptive behaviour. These laws were about keeping people safe as well as protecting businesses, workers, Victorian residents and visitors and Victorian economic and social activity from disruption.

Then the Andrews Labor government scrapped this important legislation, which has since and particularly recently not easily enabled the moving on and arrest of those prepared to put people in harm's way, damage property and intimidate and hurt others. Again, the move-on laws passed by the coalition government in 2014 were about stopping the commission of abuses, not about preventing the exercise of legitimate democratic rights. The Leader of the Opposition when he was debating the Summary Offences Amendment (Move-on Laws) Bill 2015 stated:

Let today's debate be a marker in time – a time when we warned of the dangerous signals that this bill would send ... Law and order is not a cheap quip or the playground of demagogues; it is a responsibility to protect the people we represent.

The Leader of the Opposition's words are still relevant now, more so than ever. As the Israel–Hammas war rages over 14,000 kilometres away, tensions between pro-Israel, pro-Palestine and other communities in Melbourne and across Australia have reached boiling point. I do not want innocent lives lost on any side in Israel and Gaza, but this matter of public importance goes to what is happening here in Australia, here in Victoria, in response to that conflict. I support the right to peaceful protest on all sides on any debate or issue, but I do not support the right to violent protest; encouraging violence; signs that incite violence, such as were raised before about a sign putting the Star of David in a bin; signs and flags that support proscribed terrorist organisations like Hamas or ISIS; and other activities intended to intimidate and harass. I support retaining public order and the safety of our community.

Recently we have had a senior sporting official calling for members of the Jewish community to be bombed; hate-fuelled violence; clashes between protesters; a cyclist attacked just the other day on a popular Melbourne street while carrying an Israeli flag; a car load of people in Melbourne who were, to quote a passenger, hunting for Jews, as reported in the press; neo-Nazis going through train carriages looking to identify Jews and giving the Nazi salute on an escalator; and just over the weekend, a violent clash in Caulfield after a fire at the local Burgertory restaurant, with police officers having to use pepper spray, and a local synagogue having to evacuate and close its doors on Shabbat and also with the Palestinian CEO of Burgertory having to relocate his wife and young child to a safe house after receiving a death threat saying he would be made a Shahid, an Islamic term for a Muslim martyr.

Noting this MPI, I too condemn the intimidatory protest held in close proximity to a Caulfield synagogue on 10 November 2023. Recently I have been contacted by several Jewish Victorians who are now afraid to go out, afraid of being targeted and afraid for their kids' safety in our own community – people who are being targeted for their Jewish faith, perhaps more so than ever in Victoria. People are scared. They are being told not to wear identifying school uniforms or their yarmulkes. As reported to me by a Mornington constituent about the Caulfield protest:

Can you imagine those people in their homes, within hearing of what occurred ... of what was allowed to occur ...

Cars honking, abuse being yelled, one I heard was 'filthy Jews'!

In Caulfield?? What is our State coming to? ... Demand that police can be given the tools to stop this hatred escalation! ...

I'm not Jewish, but I'm getting really upset and concerned about the lack of response from Government.

This kind of behaviour targeting others, perpetrated by a handful of hateful and really poor individuals, is not welcome in our state and country. Of course I support the right to protest and to freely communicate one's views. I believe that in this time of tension, open, honest and legitimate discussions should be allowed for from all, particularly those who are Israeli, Palestinian or otherwise connected to these communities. However, particularly during times of crises, there are opportunistic and angry people who communicate through violence, intimidation and savagery rather than through a peaceful voice, and there are those that support prescribed terrorist organisations like Hamas and ISIS. That is why it is more important than ever to maintain public order and safety in our communities.

The reinstatement of these key move-on powers for Victorian police officers would be a tangible first step in restoring the rule of law in Victoria and safety for Victorians. That is why this MPI is so important, as it supports the reinstatement of Victoria Police's full range of move-on and arrest powers. The Victorian Labor government unfortunately blocked these critical move-on laws in the bill that the member for Malvern attempted to bring in earlier today, just like we saw a few months ago with the Paul Denyer bill, once again causing issues and delay for those affected. But perhaps, like with the Denyer issue, the Labor government will themselves belatedly bring in their own bill strengthening move-on and arrest laws. But we should not have to wait. With move-on laws we could have prevented the recent clashes between opposing groups, and we can prevent future such clashes.

Keeping fighting and warring groups apart is critical to the safety of our community, faith groups, different ethnicities and each of the protest groups and to stop protests being fuelled or ramped up. It is important to keep the peace. We do not want to wait until people commit assaults or attacks before the police are allowed to take action. We need to be able to separate groups that might harm each other. Police should have the power to move people on and to directly arrest people either engaging in violence or inciting violence or other criminal activity. Such move-on laws would have come in handy with the recent protests and, as mentioned by the member for Caulfield, also earlier in the year when neo-Nazis gatecrashed a women's rights protest and did the Nazi salute on the steps of Parliament. With move-on laws that incident could have been prevented. More generally, keeping fighting and warring groups apart is critical to the safety of the community and each of the protest groups and to stop protests from escalating into violent clashes. It is important to keep the peace. We do not want to wait until people commit assaults and attacks. Simply put, the police should be empowered to prevent this.

In summary, the Labor government needs to reinstate the full range of move-on and arrest powers. The rule of law is the linchpin of any just and stable society, serving as a guiding light that helps societies and individuals and prevents injustice and the supposed strong overtaking the supposed weak. This MPI and the bill moved by the member for Malvern earlier today would be of great comfort to many Victorians, in particular our Jewish community, who feel afraid right now. Such Victorians would know that their elected MPs and particularly their government were doing all that they could to protect them, and police would not feel as helpless to act under the powers they are currently given but could act when needed to protect Victorians from harm.

It is important that we strike the very delicate balance between maintaining public order while also respecting rights like freedom of movement, association, speech and protest. But with proper move-on and arrest laws and powers, Victorians would be reassured that, in the event of a violent protest, police will have the powers to protect them and to prevent violent incidents. As part of this MPI, it is not only supporting police move-on and arrest powers and condemning the protests near the Caulfield synagogue, but it is also reaffirming via this house that no Victorian should face harassment on account of their faith. As the member for Mornington and as Shadow Parliamentary Secretary for Justice and Corrections, I hope that the Assembly therefore fully supports this matter.

**Brad ROWSWELL** (Sandringham) (18:00): In the 44 seconds remaining I also rise to speak on this matter of public importance to say that it is absolutely essential for this house to agree to what the member for Malvern has put forward – a very sensible, thought-through, considered proposal in this sad time in our state's history. It is a real shame that earlier today the government had an opportunity to allow the first reading of a bill to reinstate move-on powers in this house and the government,

without actually seeing any detail of that bill, denied the opposition that opportunity – denied a principled, thought-through and well-considered proposal by the member for Malvern being considered by this place at a time when our Victorian community needs it most.

### *Bills*

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

### *Second reading*

#### **Debate resumed.**

**Tim McCURDY** (Ovens Valley) (18:02): I am delighted to resume with the time I have left; I was interrupted by the matter of public importance. What I was talking about before I was rudely interrupted was the stress and burnout provisions that would be removed by this new bill. As we said, they would only be replaced with anxiety and depression claims. So I am not sure that the minister has really thought this through, because he cannot even quantify – it is a pleasure to have the Acting Speaker in the chair, the member for Narracan; what a pleasure it is – or really define how that looks, whether it is going to be an increase or a decrease in claims for WorkCover. The growing tail, which we have talked about and others have talked about in this place, in the system is hurting the bottom line. This bill's solution is a 20 per cent whole-of-person impairment test, and this will occur when a claim goes above 130 weeks. This threshold must be met to go beyond those 130 weeks.

Another solution that this bill puts forward, which currently does not exist and which we have heard about, is Return to Work Victoria. When the minister was quizzed about it at the briefing recently, there was a lot of umming and ahing. He said, 'It could look like this. It might look like that, and it might have this result.' But we do not know whether it is independent. We do not know whether it will have its own board or whether it even sits under WorkCover. So Return to Work Victoria is a bit of a mystery to us. Again we are being asked to support a bill that is not really finished, and we are being asked to support a bill that the same minister who created the mess is now bringing in to try and clean up the mess. That, to me, is a very high-risk policy. That is why I am concerned about that. We do know that they are going to make private business premiums higher, and we need guarantees that they are going to come down. That is not here in the bill. We need guarantees, not empty promises, not 'I think we can bring them down' and certainly not 'Trust me after the bill goes through'. We are asking, as I say, the same minister who created the mess to try and fix it, which we are very concerned about.

I also mentioned that in some of my communities in Wangaratta, Yarrawonga, Myrtleford and Cobram the businesses are screaming, saying the premiums have gone up to 1.8 per cent and will be going higher. There is evidence to suggest they will go up to 2.2 per cent or even higher than that. What really needs to happen is the system needs to be split into the private sector and the public sector, because the private sector knows how to manage money. They know how to manage their business. And we know the public sector – well, they could not run a chook raffle.

This is where we have got to be really careful. If we could carve out the private sector, those premiums would be in the vicinity of 1.4 per cent, and that is what they deserve. They deserve the benefit of their good management rather than being dragged down by the public sector, a government who cannot manage its own staff and its own people – and frankly, as I say, they really are being dragged down by that public sector. The Nationals and Liberals will certainly fight to ensure fair premiums, and these changes are not fair. These changes just transfer the premiums, the costs, to the private sector, and the Victorian government need to learn that the private sector is not just a personal ATM or something for the government to tap on the shoulder when it suits them. The premiums are already split into industries, we know that, so we can split private and public out into the same system. Do not tell me it cannot be done, because it is already being done within industries within the premiums, so it could be done between public and private.

With the very limited time I have got left I was going to discuss the amendment that the member for Eildon moved. I will very quickly reflect on part of that. Part (1) was to agree to freeze premium increases for 24 months and then limit increases to be in line with CPI for a further 24 months in order to provide that certainty for business. I think I will leave the other members in this place to continue on and talk about the other points in that amendment, but that is the most important one that I see, that certainty for business. Everybody has done it tough over the last four or five years, and we need business to thrive, not just survive. By increasing premiums in every facet – and taxes – it is just not helping small business. This is an example of a government again just tapping small business on the shoulder and saying ‘You’ll pay more. We’ve botched this a bit and we’ve had to tip a bit more money in over the last three years. We’ve botched it. We’re going to put all the premiums up, and you’re going to pay as well’, even though it is reflective of their poor management. So I do hope that the government considers this amendment put forward by the member for Eildon, because it is important that the government realise that they do not have all the answers. They do not often get it right, and they have certainly not this time.

**Steve McGHIE** (Melton) (18:07): I rise to contribute on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. The bill makes amendments to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to ensure that injured Victorian workers are adequately supported when they need it most.

There are a couple of things I want to raise firstly, in response to some of the contributions from the opposite side, and those are about consultation. There has been extensive consultation even as far back as February with the unions and certainly business groups and lawyers, but also throughout this year there has been regular consultation with Victorian Trades Hall, union affiliates, Australian Industry Group, the Victorian Chamber of Commerce and Industry and the Australian Lawyers Alliance.

Also, I want to raise the issue of what the Andrews–Allan Labor government has done and what our priorities are, and those are clearly the mental health and wellbeing of all Victorians for our government. That is why we are implementing all of the recommendations from the Royal Commission into Victoria’s Mental Health System, and we have not wasted a day working to build our state’s new mental health system. We have invested over \$6 billion to do so.

I just want to go back in history a little bit, and amongst many achievements like creating VicHealth and introducing nation-leading freedom of information laws, the Cain Labor government established WorkCare, the predecessor to the current WorkSafe scheme, in 1985. Of course the scheme was established to primarily support workers with physical injuries, and if people remember back 40 years ago there was very little reporting of mental health injuries within the workplace; it was all physical injuries. As I say, this was 40 years ago, so we have needed to amend this scheme over the years. Those opposite tried to amend the scheme in the 1990s – and did they amend the scheme. They seriously affected workers by removing common law under the Kennett government. It was only when the Bracks government was elected that it was reintroduced, and I thank the Bracks government for that because there were many, many paramedics that I represented that were affected by those changes in the 1990s – and seriously affected by those changes in the 1990s.

In the 2021–22 financial year there were almost 29,000 workers that had WorkCover claims, and 90,000 people currently receive some sort of benefit from the WorkCover scheme, whether that be a weekly compensation payment or whether that be for some ongoing medical expenses or medical and like expenses, like some home help or gardening or things like that within their home because they have an injury where they are unable to perform those duties or they have no-one to assist them with those duties. We know that workers with mental health claims are on WorkCover for much longer periods than someone that is getting over a physical injury, and we know that the health outcomes for workers on compensation schemes are four times worse than those with the same condition outside these schemes. So it probably indicates something within the scheme itself about how traumatic it is.

I have had to say even to my past members that sometimes injuries are made worse by going through the scheme than the actual injuries are.

The WorkCover scheme has witnessed a notable rise in mental injuries, which now make up around 16 per cent of all new claims, and they contribute to around 50 per cent of the total cost of the scheme. Workers experiencing mental injuries tend to face longer periods, as I previously raised, away from work compared to those with physical injuries, and it is resulting in increased claim duration and cost. The other thing about mental health injuries is that when someone sustains a mental health injury from work, they are away from their workplace, they are away from their colleagues, they are potentially in isolation and that is more damaging to someone that has a mental health injury. Of course the bill introduces a specific definition of mental injury, characterising it as an injury that:

causes significant behavioural, cognitive or psychological dysfunction ...

It must be diagnosed by a medical practitioner in accordance with the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*. Consequently the injuries that do not substantially impair a worker's function or lack a DSM-compliant diagnosis will not qualify for compensation. The bill also mandates that compensable mental injuries must be predominantly caused by work. The proposed legislation will incorporate an additional provision excluding compensation for mental injuries predominantly caused by work-related stress or burnout arising from events deemed typical or expected during a worker's duties. Of course in this context 'predominantly caused' retains its ordinary meaning in referring to the most substantial contributing factor in comparison to all others.

Events considered reasonably expected or typical include typical work-related stresses commonly encountered by most workers during employment such as reasonable additional hours. I think the important thing there is about whether it is reasonable. We have seen in some workforces there are many, many stresses and strains on employees that are unreasonable. I can go to the industry that I represented where ambulance paramedics have no choice but to have an extension of their shift on overtime because they respond to emergency cases. Even though they might have worked a 10-, 12- or 14-hour shift, they sometimes continue to work – and regularly continue to work – well past the end of their shift, causing much stress and strain. I know that first responders may be exempt under the provisions of this legislation, but it is an example of how someone in their role could do unreasonable overtime or unreasonable duties. The most important thing that I am trying to stress here is that these exemptions can only be provided if it is in a reasonable manner. There are many, many workers that are put in an unreasonable situation, and that is very unfortunate. I will go on from that by saying I call on the employers. I would love to say to you that we do not have to change WorkCover legislation because our claims were kept low, but no, in some cases the workplace is just not a nice place to work at. There are many, many things that go on in a workplace amongst employees, amongst managers to employees, and I call on the employers to make sure that they manage the stress, the strains, the bullying and the harassment, and reduce the pressures on people, which can reduce the mental health claims.

I think that is an important thing, and that is about OH&S around the workplace. Of course there are exemptions to this new exclusion for workers who are consistently exposed to traumatic events in the regular course of their duties and whose injuries are primarily a result of those traumatic experiences. If a worker's mental injuries are mainly attributed to traumatic events considered customary or expected in the course of their duties, such as with frontline workers, the worker will remain eligible for compensation. Again I make reference to some of our frontline professions such as paramedics, police, firefighters, nurses, doctors and health professionals that should all be exempt through these changes. But I assume each case will be judged on its merits.

Then there is the vicarious trauma that falls under the umbrella of post-traumatic stress disorder. Again I go to the vicarious trauma which might affect people such as our 000 heroes, our call takers and dispatchers. They are taking many, many emergency calls per day, hearing traumatic situations and

then dealing with those over the telephone and taking that home with them. There is no question that there have been a number of people that work in that industry that have sustained mental health injuries.

In the little time that I have left, I know that there is a process of conciliation when one puts in for a claim under this new legislation. Sometimes if there is not a decision made on that, the matter will then be resolved by the courts. The only thing I say about that is that I just hope the courts will be able to deal with these matters in an expeditious way and that there are not delays that hold up the outcomes of these claims that might affect those individuals, both from a compensation point of view but also from a medical and life expense point of view. So I hope that the courts do not get clogged with these sorts of claims trying to get approved by the courts. This is a really important bill. We have to do it because of the current WorkCover scheme, and we will support injured workers all the way. I commend the bill to the house.

**Brad ROWSWELL** (Sandringham) (18:17): I also rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. WorkCover is broken; WorkCover is broken because Labor broke it. When we were in government between 2010–14, the last administration of a coalition government in this state, the WorkCover scheme was a viable scheme. The WorkCover scheme was returning a profit. It did not need to be topped up, it did not need to go cap in hand to the Treasurer of the day and seek for them to dip into consolidated revenue to prop up a failing, broken scheme. No, in fact on two occasions that I am aware of during the last coalition government the government of the day was actually able to go to WorkCover and seek a return from WorkCover, which then was injected back into consolidated revenue to assist it to build schools and hospitals, to pay for nurses, teachers, firies and ambos and to provide the services that every Victorian relies upon. In fact during the last coalition government WorkCover premiums were cut not once but twice: a better deal for Victorian employers, a better deal for Victorian employees, a better deal for all Victorians.

Nine years on, after nine years under Labor, the WorkCover scheme in this state again is broken, and the blame for that circumstance must be squarely laid at the feet of the current administration. They have proposed through the introduction of this bill the panacea to the current troubles of WorkCover. They say – or they claim, in a bill ranging just 36 pages – that this will fix the broken WorkCover system. What they do not say, however, is the following: they do not guarantee, having raised WorkCover premiums this year already, they say at an average of 42 per cent – can I tell you I am yet to meet a business that has had their WorkCover premium increase by just 42 per cent. More often than not for the many, many businesses around Victoria – and I have been contacted by businesses not just within my own constituency but around the state – their WorkCover premiums have increased by more like 60 per cent, 70 per cent, 80 per cent, 90 per cent, 100 per cent. So for the government to say that they have increased by an average of 42 per cent is, frankly, a furphy.

There are two reasons why we will oppose this bill in its current form. Firstly, there is no guarantee for Victorian businesses, who are already under pressure because of a skills shortage and because of the increasing cost of amenities, including a 26 per cent power increase in the commercial world in the last 12 months – 25 per cent in the domestic market, 26 per cent in business; the cost of employing people; and the cost of supplies. All of these are existing cost pressures. Add on top of that the 53 new or increased taxes, many of which affect businesses directly, and add on top of that an increased premium for WorkCover. There is no guarantee in this bill that WorkCover premiums will not continue to rise.

Let me share for the house's information and for yours as well, Acting Speaker – truer words have never been spoken – 'No boss, no job'. Now, I know that those opposite, members of the Allan Labor government, will seek to categorise employers in this state as the 'big baddies', as the people who do not act in the interests of the people that they employ, but that is not true. Employers in this state – let us be frank – need to take care of their employees and need to take care of their customers, because if they do not, they do not have a business. They do not have an opportunity to earn a wage, to reinvest



in their business, to employ more people and to give people the opportunities that we in this place should want those people, our fellow Victorians, to have.

The second reason why we oppose this bill in its current form is because of the government's claim that there is going to be a focus on return to work. Now, at a principles level we agree. We think there should be a focus on return to work. I have been to a number of bill briefings offered by the government in my coming up to five years in this place, and never once before has a government bill briefing been offered by the minister themselves – an extraordinary move. So I am grateful to Minister Pearson for his particular interest in this bill and his particular vested interest in the success of this bill. But during the course of that briefing we asked the minister any number of times to define and to give us some further details on what Return to Work Victoria would look like.

If you were not there, you should have been – it was almost like the minister through the course of the briefing had further expanded ideas about what it could be. This is completely unacceptable. You do not bring a bill to this place and say that a key feature of this is a focus on return to work and not have an idea – a defined, clarified, finalised idea – about what Return to Work Victoria looks like. Is it going to sit independent of WorkCover? Is it going to sit within WorkCover? Is it going to sit within the department? Is it not? Is it going to be its own statutory agency sitting aside WorkCover? The other thing is that, as it currently stands, there have been no dollars allocated to Return to Work Victoria. So how are they going to pay for it? On that basis, as I have said, because there is no guarantee that premiums will not rise and there is no detail on the government's focus on Return to Work Victoria, that is why we oppose the bill in its current form.

I would like to draw the house's attention to comments made by the Victorian head of the Australian Industry Group Tim Piper, who said:

The premiums are increasing at a time when virtually every other cost is increasing and causing Victorian businesses considerable headaches ...

Victorian businesses need a WorkSafe system that supports them and supports employees. But in recent times the costs to businesses have blown out, mainly as the result of increased mental health injury claims within the public service.

That is another very interesting point, which I will come back to if I have the time to do so. The Victorian Chamber of Commerce and Industry chief executive Paul Guerra said earlier in the year:

Today's 42 per cent increase has contributed to Victoria having the highest WorkCover rates in the country and will impact our reputation as the best place to do business.

As the state's Shadow Treasurer, the state's alternative Treasurer, and being part of the state's alternative government that fully intends, with everything we have, to become the government following the November 2026 election in just three short years time, I do not want businesses to leave this state. We do not need more businesses to leave this state. We need, given our debt position and given the daily interest repayments that we are paying because of the debt position that this government has got us into over the last nine years, greater economic activity in this state. We need more businesses to make this state their home. We need existing businesses to expand within this state. We need existing businesses to employ more people. We need government to get out of the way of businesses to enable them to do what they do best – to help Victorians and to give Victorians the opportunity that they need in their time so in turn those Victorians can pay their bills, pay their school fees, pay their mortgages, pay their increased power prices and pay their increased grocery bills and live a fulsome, a wholesome and a fruitful life that every member of this chamber should want for our fellow Victorians.

I support the reasoned amendment moved by my colleague the shadow minister, the member for Eildon, who I might say has done a power of work in this space. She is a leader in her own right, and on behalf of the coalition she has engaged fully and wholesomely with the government on this matter, and I trust she will continue to do so in the future. I fully support the member for Eildon's reasoned amendment, and again I say: we do not want the WorkCover scheme to fall over. We do not want

premiums to rise. We do need more detail about Return to Work Victoria because Victorians deserve nothing less.

**Meng Heang TAK** (Clarinda) (18:27): I rise today to speak today on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. It is such a great honour to be able to speak following the member for Melton, who did a powerful job before in his past career before coming to this Parliament. In doing so I would like to also commend the Minister for WorkSafe and the TAC for bringing this amendment bill to the house today. This is another important bill, and one that will ensure the sustainability of our workers compensation scheme to make sure that WorkCover can continue to support injured workers when they need it most. This government has a proud legacy in occupational health and safety here. One of the first bills that I had the privilege of speaking on here in this place was the workplace manslaughter legislation, a historic change making workplace manslaughter a criminal offence. There have been many other changes since, a host of amendments and improvements to our workplace safety legislation, occupational health and safety legislation and others to continue our commitment that each and every worker has a safe workplace and comes home to their family at the end of the day. Safe work and decent work are right at the core of what the government stands for. There have been many others since, bringing a host of amendments and improvements in workplaces. Occupational health and safety is at the core of this amendment. We have seen it in our work around silicosis, wage theft law, labour hire licensing and the secure workplace pilot scheme, and the list continues.

WorkCover is right at the centre of all of these conversations. Victorian workers deserve a workers compensation scheme that is there to support them when they need it most following a workplace injury, and this government will not accept anything less than that. That is why we need to make these important changes to the WorkCover scheme to ensure that it remains financially sustainable and can continue to support injured workers into the future.

We heard from this side of the house the member for South Barwon mention about this scheme the related work in 1914, and then the scheme was introduced in 1985 – that is a long time ago, and a lot has changed. The nature of work has changed. Workplaces have changed and so have the needs of workers and the needs of those accessing the workers compensation scheme. Unfortunately this means the scheme is no longer meeting the needs of the Victorian workers. As we have heard, in the last 13 years the scheme's claims liabilities have tripled, driven by the increased costs of weekly income support, many workers staying on the scheme long term and the rise of mental injury claims, now representing 16 per cent of new claims, which was never envisaged when the scheme was initially designed. The return-to-work rate is also declining.

The decision was made earlier in the year to increase the premium, bringing us in line with the average premium rate in other states and territories, but raising the premium alone does not address the pressure compensation schemes around the world are experiencing. The government's priority now is to make certain reforms to the scheme so it is contemporary and fit for purpose and can continue to support Victorian workers into the future, and that is what is most important here – the longevity and the effectiveness of this vital system.

As such the bill will make amendments to the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004 for several purposes: firstly, to introduce a new eligibility requirement for mental injury claims; and secondly, to introduce a whole-person impairment – WPI – threshold of more than 20 per cent, in addition to the capacity test, for injured workers to remain entitled to weekly payments beyond the 130-week second entitlement period.

Just in terms of mental injury and mental health, we know how much of a priority these are for this government, and we have heard many contributions from this side of the house. We spoke earlier this week on the Crimes Amendment (Non-fatal Strangulation) Bill 2023 and the desperate need to eliminate family violence in our community – the epidemic of family violence that is pervasive in all

areas of our society. That is a major priority of this government. Mental health is right there beside family violence, affecting so many Victorians and so many families. That is why we are implementing all the recommendations of the Royal Commission into Victoria's Mental Health System.

Apart from this work to transform the mental health system, we have introduced mental health and wellbeing hubs throughout Victoria to ensure that Victorians have access to free mental health support when they need it most. The first six mental health and wellbeing locals opened last year to provide free and easy ways to get treatment and support in the community without the need to meet any eligibility criteria and with no need for a referral, as we know. There are a further nine locals which will be opened by the end of 2023, and it is great for our community that one of those centres will be in Dandenong.

WorkSafe Victoria also has a significant role to play in responding to the royal commission's recommendations, in particular recommendation 16 in relation to a mentally healthy workplace. WorkSafe's mental health strategy provides an evidence-based framework for WorkSafe to support employers by establishing a mentally healthy workplace and assisting workers with mental health injuries to recover and to return to work. WorkSafe has also established WorkWell to support businesses of all sizes with the toolkit to create mentally healthy workplaces and prevent mental health injury. These are all positive steps that contribute to delivering all the recommendations from the Royal Commission into Victoria's Mental Health System. We have invested more than \$600 million since the release of the royal commission's interim and final reports to grow the mental health workforce, creating more than 2500 new jobs. I would like to say thank you again to everyone working in mental health in our community, particularly all those at Monash Health delivering so many vital services. I look forward to working with and supporting this important work.

In the remaining time I should also note that the bill will mandate a statutory review of the workplace scheme and finally introduce changes to allow for the internal sharing of collected information between WorkSafe Victoria business units. These amendments address the significant financial risk to the scheme, where we see a widening gap between the premiums collected and the annual cost of the claims. Every day Victorians deserve to be safe at work, to have a decent workplace, to have safe and secure working conditions and to have access to support for workplace injuries. These changes are central to making sure all of that continues. I commend the Minister for WorkSafe and the TAC for bringing this bill here, and I commend the bill to the house.

**Jess WILSON** (Kew) (18:37): Acting Speaker Farnham, from the outset I think this is the first time I have spoken while you have been in the Chair, and it is a pleasure to see you there. I rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. From the outset can I say that WorkCover is such an important scheme for Victoria and for workers in Victoria, and we cannot afford for it to fall over. Unfortunately the bill that the government has put before us today does not guarantee that it will survive in the long term but also that businesses will not continue to be punished under the scheme through higher premiums. I thank the member for Eildon and Shadow Minister for WorkCover and the TAC in this place, and can I concur with the member for Sandringham and say all credit to the shadow minister, who has put a huge amount of work into this piece of legislation trying to find opportunities to work with the government and to put forward amendments that will strengthen this piece of legislation.

WorkCover in reality has been in decline for many years now, since 2018, and there has been no action from the Labor government until last week, when this bill was introduced with the chance to try and rush it through before Christmas this year. Contrary to the goal of the legislation to ensure that WorkCover can be a self-funded scheme, over the past few years it has needed an injection of over \$1 billion by this government to keep it sustainable. We have seen over the past few months the impact of the rise in premiums. Those opposite will say that it is not true that premiums have hit businesses hard. I heard one member say today it is just simply not true that they have increased by over 60, 70 or 80 per cent. But I have seen the bills from small businesses. I have seen the impact that it is going

to have on their operations and their ability to keep people employed and, more importantly, to actually be able to grow their business and create new jobs and be able to employ new people.

In fact the average increase of 42 per cent is an average, but what we have seen in reality is 60, 70, 80 per cent for some businesses. When I was visiting a small business in Ballarat, a glass manufacturer, they had an increase of over 60 per cent. For them – they are trying to grow their business, looking to have more export opportunities – it meant that they were not going to be able to meet the demands on growing their workforce if they were going to be able to pay that WorkCover bill. So the premium increases have a real impact on small businesses in particular. We have heard from the Victorian Chamber of Commerce and Industry and we have heard from the Australian Industry Group that what this really means is that businesses lose out every time they are hit with a premium increase. As the member for Sandringham mentioned earlier, when the coalition were last in government we were able to reduce WorkCover premiums twice, allowing businesses to invest more in their employees and allowing businesses to invest more in their operations to grow their operations, grow their footprint in Victoria, create new jobs and employ more Victorians in their businesses.

When you look to the reports into WorkCover – and there have been a number of reports looking at the financial sustainability of WorkCover over recent years – what is very clear is that it is at a tipping point, facing both internal and external threats to its financial position, and it is on an unsustainable financial trajectory. This was released, conveniently, after last year's election, but the report confirmed that premiums had been insufficient to fund the scheme for a five-year period. So we had the decision to increase premiums. Now we have a bill before us that has been rushed, that does not guarantee that premiums will not be increased again in the coming years and that does nothing to actually guarantee the long-term financial sustainability of the scheme. What Victorian businesses are facing at the moment is increased costs when it comes to electricity bills and increased taxes and charges – particularly property taxes – and the WorkCover premiums have just hit them at a time that they can least afford it. We have seen from an independent analysis by the Parliamentary Budget Office that the government's mismanagement of the scheme will see Victorian businesses slugged almost \$18 billion over the next decade as a result of these premium increases.

I turn to the key purpose and the features of the bill before us today, which is looking at the changes to mental injury amendments, introducing new eligibility requirements and clarifying that work-related stress burnout will not be compensable and also looking at ongoing eligibility for compensation – so looking at introducing a whole person impairment threshold of greater than 20 per cent, in conjunction with the existing capacity test to be entitled to the payment beyond the 130-week second entitlement period. Of course it is also looking at greater information sharing for the purpose of the act and requiring a review of the amendments in 2027.

One of the big features of this bill and something that the government and the minister himself have spoken about at length is the Return to Work Victoria aspect. We have significant concerns about the lack of information with regard to Return to Work Victoria. I noted, when looking at this bill and doing some background research, the government put out a press release, as they like to do – a fancy press release – in May this year, talking about Return to Work Victoria:

... creating Return to Work Victoria, to help people get back into the workforce as part of new reforms to ensure Victoria's WorkCover scheme is sustainable and fit-for-purpose.

But that was in May this year. We are now in November. We are in the second-last sitting week of the year and we have only just had this legislation come before us, and there is no detail about what Return to Work Victoria actually means, how it will be structured, how it will be funded and where it will sit. Will it be an independent body? Will it sit within the scheme itself? When we asked the minister in the briefing for details on this, it was very, very clear that it had not been thought through, that there was no detail.

That is why I support the reasoned amendment that was moved by the member for Eildon that calls on the government to provide details of the commencement date, the structure, the objectives, the

function and the funding of Return to Work Victoria. Until we understand how Return to Work Victoria is actually going to work, the coalition cannot support –

**The ACTING SPEAKER (Wayne Farnham):** I remind members of the gallery to turn their phones off, please. Thank you.

**Jess WILSON:** Return to Work Victoria needs to be properly understood and funded, and employer groups and small businesses also need to understand the operation of this new part of WorkSafe Victoria that the Minister for WorkSafe and the TAC has said is so, so important – but we have a lack of detail.

The other key part to our amendment to this bill is to call on the government to freeze premium increases for two years and then limit those increases to be in line with CPI for a further 24 months to ensure that there is certainty for business, so that businesses understand what their obligations are going to be under the scheme in the coming years. Businesses cannot cop another increase to premiums. An average of 42 per cent is something I have not heard. I have not heard of a business that has actually had a 42 per cent increase or less than a 42 per cent increase – it has been 60, 70, 80 per cent. We cannot take the risk that businesses over coming years feel the pain once again of the government’s mismanagement of this scheme and have to feel another premium increase.

The other key part of our amendment is to actually ensure that the Parliament is kept up to date on how this change in legislation is affecting the scheme. We need to actually understand what the progress is of these new arrangements and what that means for the scheme and for Victorian businesses. The coalition wants to see this scheme be financially sustainable and be a scheme that not only supports employers but works for businesses across this state. That is why we have put forward some very, very clear amendments that will seek to strengthen the legislation before us, provide greater clarity on the legislation before us and ensure that businesses in Victoria do not pay higher premiums.

**Sarah CONNOLLY (Laverton) (18:47):** I too rise to speak this afternoon on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. This bill seeks to make a number of really important changes to our WorkCover scheme in order to make sure that it remains financially sustainable, something that is really, really important, particularly in the times that we find ourselves in at the moment. It is also important that it continues to do what it was set up to do, which is support Victorian workers.

I want to start by acknowledging the importance of Victoria’s WorkCover scheme. It is a support that helps thousands upon thousands of Victorians each and every year when they are injured at work. Now, a lot has been said about this bill and about the changes that it is introducing, but I want to make it crystal clear that as a Labor government we will always back WorkCover. Because – and I hate giving history lessons this late in the day, because it is almost 7 o’clock –

*Members interjecting.*

**Sarah CONNOLLY:** It is never too late. It was a Labor government, the Cain government, that set up WorkCover back in 1985. Remember, without WorkCover, workers who are injured at work would most likely be dumped by their employer simply because they would not be able to support their recovery long term – not to mention larger businesses that, let us be frank, would replace them without a second thought. Very tragically here in Australia we still have big businesses who are more than happy to replace workers without a second thought. I do not like to mention names, but Qantas is one that comes to mind quite frequently and that we tend to read a lot about the moment, and it is most certainly a topic we have talked about in my house for not just many years but decades now. So indeed WorkCover is a fantastic legacy of what Labor governments can achieve for working Victorians. A lot has changed since the scheme was introduced in 1985, and I always say: really good governance is about being able to enact change as times change around us. Post COVID and for years before, a lot has changed since 1985. In fact I have changed a lot since 1985. I was born in 1981 – there is a real history lesson. You can start calculating how old I will be on 29 December this year.

**Steve Dimopoulos:** Thirty.

**Sarah CONNOLLY:** You're just always my favourite minister there at the table.

Fortunately our workplaces here in Victoria are for the most part a lot safer now. OH&S is the absolute cornerstone of workplace safety. Of course we have made even more inroads into protecting workers over the past few years with the Andrews government introducing industrial manslaughter laws last term, making employers criminally liable for the first time for the deaths of workers caused by workplace hazards. That was such an important piece of legislation that came through this place that I had the absolute privilege to go ahead and speak on, particularly because I have a brother who is a FIFO – not here in this state, in the state of WA. I know the fear that comes with having family members that work in workplaces that may not always be safe, and those sorts of industrial manslaughter laws that we put through this place last term were so very important to going towards making employers accountable for the safety of their workers. Everyone deserves to go home to the family that they love, and families deserve to have their loved ones come home to them safely.

Another big thing which in truth is a cause of this bill today is the growing importance of mental health. In spite of these workplace safety improvements, the number of claims liabilities received by WorkCover has more than tripled since 2010. So a lot has changed since we introduced this scheme in 1985. More and more workers are staying on WorkCover schemes for the long term, and that is not something to feel incredibly proud of. Each and every single one of those workers has a family, and we know that there is dignity in work. There is a great amount of benefit that comes from being able to return to work, but we know that there are more and more that are unable to. We have seen a steady rise in the number of mental injury claims, which now currently represent 16 per cent of all new claims. They are on the rise. If this trend continues, the reality is that WorkCover will not be able to sustain itself going forward, and this is something that no-one in this place should want to happen.

This is of course not the only measure we have undertaken to ensure the scheme remains viable. Earlier this year WorkCover premium rates were increased to bring Victoria into line with other states and territories, but what we know is that this alone is not going to solve the issues we are seeing when it comes to WorkCover. We want people to be able to return to work, and they need to be able to return to work when it is safe to do so. We do not want to see them languishing on WorkCover for years. In my electorate of Laverton I have come across many folks that have had physical injuries, and they have been on WorkCover for great periods of time in their lives. They do still talk about work, and they do still talk about how they would like to go back to work. Indeed I know that my father-in-law Jim Connolly had a workplace incident and was on WorkCover for many years. He had to then retrain as a financial counsellor. But before that he was a diesel mechanic. He had a crane actually drive into the area that he was working in and hit him, and he broke his back. It was a very, very painful and very, very long return to work, which he was able to do, but it did come at a lot of cost to his family.

What we know is that the longer a person stays away from work, the less likely it is they will actually be able to return to work. Mental health outcomes are also four times worse for people who are stuck on the scheme long term. That is why the focus of this bill is not only on ensuring that WorkCover can continue to work as intended but most importantly it is also to help injured Victorians get back to work and get on with their life when and how they want to. To do so, this bill is going to make a number of changes. The first is in relation to mental injury claims, which the bill deals with by providing a new definition of 'mental injury' that specifies that this injury must predominantly arise from a worker's employment in order to be considered for compensation. This is of course a reasonable measure, I think. This scheme is designed to support workers who are injured at work, and this should be fairly applied to all WorkCover claims.

Now, for external mental health issues there remain important levers that workers can go ahead and access to take time off from work, including annual and sick leave entitlements. In addition to this, workers who make a claim based on mental health issues like burnout and stress – and as someone who, as I said before, yes, was born in 1981, I have spent quite a long period of time in the workforce,

and I have seen people burn out and take periods of leave for stress – are still going to be able to access the 13 weeks of provisional payments that our government introduced back in 2021, which will provide workers with early access to treatment and support while their claims are being assessed. The bill clarifies that these people can continue to do so regardless of whether their claim is ultimately successful. More importantly, frontline workers and workers who are regularly exposed to traumatic events in the course of their work will still be able to claim compensation, and that is an important point to make here in this place when talking about the bill.

There is a lot more that can be said about this bill. There have been a lot of speakers from both sides of the house, and it is always really good to see those opposite make a contribution in this place to legislative reform and legislation that is put before the house. I do not thank them often, but I do thank them for their contribution and for being engaged in this bill, because quite often that is not something that we see. In summarising, in the last 20 seconds that I have, I will revert to the fact that Labor built WorkCover all those years ago. We will always back it in. We have workers' backs. We know that the modern workplace looks a lot different to when the scheme came in. It was introduced in 1985. These changes will make sure that the scheme can meet the modern challenges, and that is why I commend the bill to the house.

**James Newbury:** On a point of order, Deputy Speaker, I seek to have a matter referred to the Speaker. The Council was recently shut down following another protest. It has been put to me that a member of this place was involved in that protest. Though the Council of course is able to manage itself – as it should – it would deeply concern me if a member of this place had been involved in a process that caused the Council to shut down, and I seek for that matter to be referred to the Speaker.

**The DEPUTY SPEAKER:** Thank you, member. I will refer your point of order to the Speaker.

**Tim BULL** (Gippsland East) (18:58): It is a pleasure to rise and make what will be a relatively short contribution on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023. Given that I am not sure we will be coming back to this bill tomorrow, I will try and make my contribution relatively brief. I do note that we are opposing this bill, and I will say up-front that we are not opposed to some of the elements of this bill, but for a system that is so broken under a government that has been in power for nine years, we do need some, I guess, confidence that the proposed remedies in this bill will work.

There is no doubt that Victoria's workplace insurance scheme is in desperate need of reform. That has been very well publicised. We have had skyrocketing WorkCover premiums coupled with more claims, particularly over the COVID lockdowns, and that does mean that serious reform must indeed take place. Hence we support an inquiry that will look into such matters as how this government got into this predicament but also want to obtain some assurances on how it will resolve the problems that we are facing.

Over the past nine years this government has seen the collapse of the WorkCover system, as the scheme has in some cases no doubt been taken advantage of. We certainly do recognise that to be the case. I understand that this bill is to tackle some of those issues around this scheme having been taken advantage of, but it really does need a deep dive to ensure that the remedies that are being proposed in this bill will actually rectify the problems. My understanding is that there is great concern that the public sector is the major driver of this. We need to look into that and find out whether it is the public sector or the private sector – and I will limit my comments to that contribution.

**Business interrupted under sessional orders.**

*Adjournment*

**The DEPUTY SPEAKER:** The question is:

That the house now adjourns.

**Community food relief**

**Roma BRITNELL** (South-West Coast) (19:00): (441) My adjournment matter is for the Minister for Disability in the other house, and the action I seek is for the minister to provide a commitment of ongoing equitable funding to regional food relief organisations and the Regional Food Security Alliance so that country Victorians can be assured of the necessities, such as food, when they are in need. Food insecurity is a very real problem in our state, rising from 5 per cent in 2011 to 8 per cent in 2020 and a staggering 23 per cent in 2022. With the cost of living at crisis point in 2023 I am told that families and individuals who have never before had to rely on support from food services are reaching out to groups such as my region's Western District Food Share to help feed their families. Without the efforts of Food Share, thousands of people in South-West Coast would go hungry.

South-West Coast residents want to be able to afford to have a roof over their heads, feed their families and enjoy life. It is something that should be within every Victorian's reach. With the spiralling costs of rents and mortgages and power prices up 25 per cent and set to climb due to the cost of the government's failing SEC, Victorians are instead under huge pressures with cost of living. It breaks my heart that whilst your government presides over a cost-of-living crisis and billion-dollar project blowouts and squanders millions of dollars on cancelled events, everyday Victorians are finding themselves unsure where their next meal will come from and skipping regular meals.

Food Share in South-West Coast provides more than 62,000 meals a year to our region through food hampers to families and individuals, donations of foodstuff to local groups, running community meals and the provision of breakfasts, lunch and snacks to many of our local schools, yet regional hubs such as Food Share do their mammoth work without the security of ongoing funding from your government. Food insecurity affects regional Victorians disproportionately to those residing in metropolitan areas, with 15.1 per cent of regional Victorians experiencing insecurity compared to 12.6 per cent in metro areas. However, while metro food relief organisations have a greater certainty of funding and even recurrent funding from your government, regional food hubs must largely go it alone, relying heavily on the donations of the local community. Minister, families and children in the south-west are hungry too. We need to see equitable distribution of funding to regional food relief organisations such as Western District Food Share so they can keep doing their vital work.

**The DEPUTY SPEAKER:** Order! Could the member please just refer to the minister in direction?

**Roma BRITNELL:** Could you remind me?

**Ros Spence:** Disability.

**Roma BRITNELL:** Disability.

**The DEPUTY SPEAKER:** I would also appreciate it if we did not use 'your' in that context because that is like 'you', therefore reflecting on the Chair.

**Monbulk electorate youth advisory group**

**Daniela DE MARTINO** (Monbulk) (19:03): (442) My adjournment matter is for the Minister for Youth, and the action I seek is for the minister to join me here in Parliament to speak with members from my youth advisory group, or YAG. I have the privilege of working closely with this dedicated group of young individuals from my local community. Our Monbulk YAG comprises young people aged up to 21 years living, working and studying in the Dandenong Ranges and meets to advise me on pressing local and global issues that impact our younger generation and what we can do to help change things. I would greatly appreciate the minister's presence in Parliament to engage directly with these insightful young minds. Their perspectives on matters affecting them directly are invaluable, and



additionally I look forward to speaking with my young constituents on what the government and minister's vision is for ensuring young people are heard and respected right across government.

### **Firewood collection**

**Emma KEALY** (Lowan) (19:04): (443) My adjournment matter is for the Minister for Agriculture, and the action I seek is for the minister to ensure that sufficient firewood allocation is made available for the coming year. I have had a brief conversation with the minister over the table, and she will work with – I will not put words into her mouth, but I understand that some of this may roll over into the Minister for Environment's role as well. However, I do put my adjournment matter to the Minister for Agriculture.

We have got a really big challenge coming forward in regional Victoria in particular, where firewood allocations have been cut back to nothing. There have been some changes, as we know, to the sustainable native timber industry in that that will not be going ahead from 1 January next year. What that has inadvertently resulted in is that no longer can we have firewood collection allocations in those native timber areas. Many people who do not have a lot of money have problems in terms of affording to put in a gas heating system or an electric heating system – often they are in remote areas also – and they rely heavily on being able to access that level of firewood. It is so often pensioners who come to us wondering where they can get firewood from. I had recently in my office Geoff Evans. He goes out and collects firewood as a business, but it is a very, very low-cost business. Really a lot of what he does is just providing a community service of delivering firewood to elderly pensioners in the local area. He has a commercial licence. That will end in March of next year, and he has heard nothing about how that will be renewed, if it will be renewed, and he is very, very concerned not about what he does, not his business, but about the people that he supplies firewood to.

We have also heard recently, and the government gazetted, that it will no longer be possible to salvage firewood from fire grounds after a bushfire has gone through. This is something that has taken place for a long period of time. Often it is to remove trees which otherwise would be at risk of falling, so it is seen not just as the collection of firewood for heating homes but as the collection of wood to make fire grounds safe. This is not just something that is of interest in my part of the state, in the far west; it is also something that my colleague the member for Gippsland East has raised on multiple occasions in this place and in his local community. It is something that goes from border to border. We are the bookends of the state, the member for Gippsland East and me. I ask the minister, for all of those reasons, to ensure this important allocation of firewood is made available for the coming year to make sure that through these cost-of-living pressures our most vulnerable older people can afford to heat their homes next winter.

### **Early childhood education**

**Paul MERCURIO** (Hastings) (19:07): (444) I direct my adjournment debate to the Minister for Children in the other place. The action I seek is that the minister provide me with factual information about the record investment in early childhood education that this government has provided to my electorate of Hastings.

The Allan Labor government has invested over \$6 billion in early childhood education. Through Best Start, Best Life we have continued our ongoing investment in our kids' future by providing kinder services to three- and four-year-olds for free. We know that young families are doing it tough at the moment, and with this initiative they will save on average \$2500 per child per family, making sure that there are no barriers to early childhood education and providing a level playing field for every Victorian family. Then kids can transition from four-year-old kinder to pre-prep, which is a universal 30-hour week program of play-based learning which will set them up for every possible success before heading into the primary school system.

It has been an absolute privilege this year to visit many local kinders across the electorate of Hastings. At one of these visits we were very lucky to have the former Premier Dan Andrews pop his head into

Wonnai kindergarten in Langwarrin. Seeing these kids engage in play-based learning was awesome. It was also a great opportunity to chat with parents and educators to see how they are going. I am extremely proud to stand here as a member of the Labor government that will always be there to support every Victorian from when they are at a young age, through school and into adulthood. It is what they deserve. We will continue to get on with the job and deliver the things we say we will.

### VCE exams

**Jess WILSON** (Kew) (19:09): (445) My adjournment is for the Minister for Education. The action I am seeking is that he commission a comprehensive and independent investigation of the 2023 VCE exam process conducted by the Victorian Curriculum and Assessment Authority (VCAA).

We have seen multiple errors made during the 2023 VCE exam period, which has caused significant distress for many year 12 students across the state and could potentially compromise the accuracy of VCE assessments. First, multiple mistakes have been identified in the exams for specialist maths, general maths and chemistry. A total of eight errors have been identified across four separate exam papers, forcing an apology by the VCAA. Secondly, last week at least six students sitting the Chinese second language advanced exam were provided with the wrong exam paper, a completely different paper that was scheduled to be sat 10 days later – this afternoon in fact. Subsequently that paper was leaked online, meaning some of the students sitting the Chinese second language exam today may have had access to the paper and gained an unfair advantage. The VCAA knew the Chinese second language exam had been compromised but failed to take any meaningful action. In fact the only action the VCAA did take was to make students sign confidentiality agreements, which clearly did not prevent the leaking of the paper.

Then today the students sitting the Chinese second language exam this afternoon, students who have already had their exam compromised, were forced to cross out an entire question in the exam and write on another topic instead. This is simply unacceptable. I share the dismay of many teachers and students and parents at this approach. It appears the VCAA did not have back-up exams prepared to be used in a scenario where an assessment has been compromised. Despite the minister himself admitting this was a stuff-up, he did not instruct the VCAA to reissue the exam.

VCE exams are stressful enough without the VCAA adding failures to students' workloads. That is why I support the students who are now calling on the VCAA to publish a full list of this year's mistakes, overhaul its exam processes and have experts write and check every test paper. Their petition has gained almost 200 signatures within 48 hours. In the words of these students:

These errors have consequences – they decide whether students can get into the university course they want.

For Victoria to be taken credibly as the Education State, this is one of the things the government just cannot drag its feet on. It must be fixed properly by the next exam cycle. Our VCE students devote hours of their time to study for these exams. When we are examining students and asking them to perform at their very best, it is not too much to ask that the exam itself is drafted to the same standard we are asking of students. I note the minister has asked the VCAA to review the process that has led to these mistakes, but this is an internal review. We need an independent investigation of the 2023 exam process to understand how these mistakes were made and to make sure that any recommendations to improve for the 2024 exam period are well understood. Our teachers and students deserve this before the next exam period.

### Narre Warren level crossing removal

**Belinda WILSON** (Narre Warren North) (19:12): (446) My adjournment matter is directed to the Minister for Transport Infrastructure, and the action that I seek is for the minister to come and visit my electorate to see the level crossing removal works at Webb Street in Narre Warren. The Webb Street level crossing has for a long time been the source of many headaches for Narre Warren, disrupting pedestrians, traffic and many small businesses that operate in the area. The removal of the boom gate is going to make such a big difference for road users, pedestrians and public transport users. The recent

completion of the Hallam Road crossing removal has transformed the area, and I cannot wait to see this also happen at Webb Street. My constituents are very, very much looking forward to both level crossings being removed and a station upgrade, and I am looking forward to the minister seeing all the action.

### **Inclusive education**

**Chris CREWETHER** (Mornington) (19:13): (447) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to fund a government primary and secondary school either in the Mornington electorate or on the Mornington Peninsula for children and adolescents with neurodiversity, including those on the autism spectrum who fall between the gap of mainstream government schools and special development schools. Recently my office was contacted by disability support worker and single mother of four autistic children Rosalyn about the lack of appropriate schools for autistic children on the peninsula. Rosalyn's son Max must go to prep next year and does not qualify for special schooling, as he does not have an intellectual disability and scored slightly higher than the threshold of 70 in a cognitive assessment. This means that Max will have to attend mainstream schooling, a thought which terrifies Rosalyn, given she foresees that he could struggle to sit in a conventional classroom, follow instructions and/or face bullying. Indeed Max, despite having a level of autism that requires very substantial support, has fallen through the cracks.

Rosalyn's circumstances are not unique; other parents on the peninsula are facing the same situation, with the closest suitable government school being an hour or more away for many on the peninsula. There are several Mornington Peninsula based models that have been established to address this deficit, highlighting the need for educational supports for students with neurodiversity. Flinders Christian Community College opened its excellent Joshua Centre in 2022 at its Tyabb campus, a special purpose educational facility for students on the autism spectrum – but only from grade 1 and not without cost, which does not suit Max. Rachel McLeod, clinical manager of Abacus Learning Centre in Hastings, told me:

As an early intervention provider for over 60 autistic children ... each year we support families who are navigating the process of finding a suitable school for their child that meets their individual needs. While many of our students are able to attend mainstream schooling, there is a cohort of children that do not qualify for special schools but who may require more intensive support than mainstream settings are able to provide. Each year there are families that find themselves without adequate, local school options for their child and who express they feel their child has 'fallen through the gap' of the education system. Often these families are limited to private fee schools or travelling significant distances or even moving to find a school for their child.

A suitable school on the Mornington Peninsula would provide many families with a facility that suits their child's needs and provide an environment enabling such students to thrive, and I am sure the member for Nepean would agree. This includes Rosalyn's son Max, who requires more intensive support than mainstream settings can provide. While mainstream schooling may be appropriate for some children, it is an inappropriate environment for others who have fallen through the cracks and still have high needs. A suitable school within the Mornington Peninsula would therefore be welcomed by locals.

### **Container deposit scheme**

**Luba GRIGOROVITCH** (Kororoit) (19:16): (448) The adjournment I wish to raise is for the Minister for Environment. This week is National Recycling Week, and what better action to seek from the minister than that he join me at a bulk container deposit scheme return centre in my electorate of Kororoit to see the amazing work which they are doing. With Victorians now able to return eligible cans, bottles and cartons for a 10-cent refund, Tomra Cleanaway have launched their Ravenhall depot as part of the Victorian west zone container deposit scheme. The container deposit scheme will create around 6000 local jobs, and I am pleased to see that work is being done at the Ravenhall bulk CDS site, operated by social enterprise Outlook (Aust), which is providing real employment opportunities for people with disabilities.

Refund points are also being rolled out across the state in reverse vending machines, which I have seen across my electorate in Deer Park, Caroline Springs and Aintree, as well as over-the-counter sites for refunds being delivered in cash or retail vouchers, directly transferred to personal accounts or to CDS donation partners. I know a lot of sporting and community organisations in Kororoit are very excited about this scheme. CDS Victoria is part of the Allan Labor government's \$515 million investment to transform the state's waste and recycling sector. This includes the new, standardised four-stream waste and recycling system, which will meet the target of diverting 80 per cent of all material away from landfill by 2030.

### Water safety

**Sam GROTH** (Nepean) (19:17): (449) My adjournment matter tonight is for the Minister for Outdoor Recreation and once again pertains to the growing and ongoing issue of jet skis and their impact on coastal communities, especially mine in Nepean, and the action I seek is further enforcement and regulatory reform on the issue, especially as we head towards our peak summer period. Irresponsible use of jet skis is a persistent issue down my way and something I have been advocating about since I got to this place last year and started dealing with it. The member for South-West Coast, who is the Shadow Minister for Boating and Fishing, has been down and addressed this issue with me as well. I raised this issue in this place in February with the then minister; I know we have a new minister in place now. I am happy to work with the Minister for Outdoor Recreation, and I invite him to come down during the peak period and see the number of jet skis that happen to flock our way and how invasive they can be for those beach users.

We are approaching summer. We know the issue is only going to get worse over the coming months. It is a scourge in my local community. It almost makes going to the beach at times unbearable. It has already started. The warmer weather is starting to come, and one constituent reached out to my office recently and said that they had a jet ski hooning close to the beach, 20 metres offshore, weaving in and out between swimmers. I do not think that is a safe environment for people who want to get into Port Phillip Bay and be able to swim.

I do not by any means think that jet skis should be banned. We have all probably had fun on a jet ski at one time or another, but the improper use of these vehicles does have a negative effect on local residents, beachgoers and those visitors that come down to my electorate over the summer period and in other months. We know last year, and we saw it through social media and on the news and publicly, that there were instances where jet skis were disrupting swimmers and boat users and even going up to our marine wildlife such as the dolphins in Port Phillip Bay, and we have got to do everything we can to protect the species in Port Phillip Bay. As I said, I have previously raised this. There are some existing regulations in place, but we do see jet ski users routinely disregard these. We need a high level of police enforcement or presence. Quite often when the police are present jet ski users follow the rules far more closely.

I ask the government to take immediate action on this. We are moving towards the warmer months. I am sure, as the member for South-West Coast sits here, we are happy to try to tackle this in a way that works for everybody. If it needs a bipartisan approach, I am willing to work – it does affect my community – and I am sure the member for South-West Coast is willing to work. We have been speaking about this quite often. As I said, I do invite the minister to come down and actually see personally, for himself, just how invasive these are.

### Geelong Sustainability

**Ella GEORGE** (Lara) (19:20): (450) My adjournment matter is for the Minister for Energy and Resources, and the action that I seek from the minister is that she visit Geelong Sustainability to hear about the work they are doing and their impact-focused community programs that are helping local residents transform their homes to become more sustainable. One such program is the climate safe rooms project. The climate safe rooms pilot project, which was funded by the Victorian government, retrofitted one room within a vulnerable household so that the resident could remain comfortable

during both summer and winter extremes. As a result of upgrades, participants reported an increase in comfort and health along with reduced depression and anxiety. Another is their electric homes program. This program is a community-driven program to help households across the Barwon South West region transition to an all-electric solar-powered future. Geelong Sustainability bring together information, products and experienced suppliers to make it easy for households to install solar panels, home battery storage, hot-water heat pumps, efficient heating and cooling systems and electric vehicle chargers. Every system sold under this program contributes to the donation of solar and heat pumps to other households. These go to households in the community who otherwise could not afford them but who are most vulnerable to cost-of-living pressures and rising energy bills. I look forward to hosting the minister on this visit so she can see the wonderful work that Geelong Sustainability is doing across the Geelong region and in particular the electorate of Lara.

### Responses

**Ros SPENCE** (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (19:21): I will begin with the matter that was raised by the member for Lowan, as that matter was raised for me in my capacity as the Minister for Agriculture. The action being sought was for the minister to ensure that there is sufficient allocation of firewood for the year ahead in regional Victoria, particularly noting the needs of the elderly and the disadvantaged. I really welcome this matter being raised and thank the member for Lowan for doing so. I do understand and appreciate the concerns of not only those that receive and rely upon firewood but also those that collect and distribute firewood. What I will do is continue conversations with you about this so that we can get some reassurance to the community.

Going to the other matters, the member for South-West Coast raised a matter for the Minister for Disability. The action being sought was for the minister to provide a commitment of ongoing equitable funding to regional food relief organisations and the Regional Food Security Alliance so that country Victoria can be assured of necessities such as food.

The member for Monbulk raised a matter for the Minister for Youth, and the action being sought was for the minister to join with the member here in Parliament House to speak with members from her youth advisory council.

The member for Hastings raised a matter for the Minister for Children. The action being sought was that the minister provide the member with information about the record investment in early childhood education that this government has provided in his electorate.

The member for Kew raised a matter for the Minister for Education, and the action being sought is that the minister undertake a comprehensive and independent review of the VCE exams process under the Victorian Curriculum and Assessment Authority.

The member for Narre Warren North raised a matter for the Minister for Transport Infrastructure. The action being sought was for the minister to join the member in her electorate and to visit the site of the Webb Street level crossing removal and station upgrade to see all the action that is taking place around that important project.

The member for Mornington raised a matter for the Minister for Education, and the action being sought was for the minister to fund a government P-12 specialist school for neurodiverse students in his electorate.

The member for Kororoit raised a matter for the Minister for Environment. The action being sought was for the minister to join the member at a bulk container deposit scheme return centre in her electorate and see the amazing work that is being done there.

The member for Nepean raised a matter for the Minister for Outdoor Recreation, and the action being sought was for further enforcement and regulatory reform regarding jet skis in his electorate and to visit Nepean to see how invasive jet skis can be to local beachgoers.

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Finally, the member for Lara raised a matter for the Minister for Energy and Resources. The action being sought was for the minister to visit Geelong Sustainability in her electorate to hear about the work that are they doing and their impact-focused community programs that are helping local residents to make their homes more sustainable.

I will refer all of these matters to the appropriate ministers.

**The DEPUTY SPEAKER:** Thank you, Minister. The house stands adjourned until tomorrow morning.

**House adjourned 7:25 pm.**