Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 9 December 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)
David Davis (from 27 December 2024)
Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)
Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew[1]	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira[2]	Western Metropolitan	Lib	Ratnam, Samantha[5]	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem[6]	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina[3]	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David[4]	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard[7]	North-Eastern Metropolitan	Lib

[1] Resigned 7 December 2023
[2] IndLib from 28 March 2023 until 27 December 2024
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] DLP until 25 March 2024
[7] Appointed 7 February 2024

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
Greens – Australian Greens; Ind – independent; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;
LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;
Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party

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Tuesday 9 December 2025

The PRESIDENT (Shaun Leane) took the chair at 12:03 pm, read the prayer and made an acknowledgement of country.

Bills

Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Bill 2025

Early Childhood Legislation Amendment (Child Safety) Bill 2025

Justice Legislation Amendment (Community Safety) Bill 2025

Justice Legislation Amendment (Police and Other Matters) Bill 2025

Transport Legislation Amendment Bill 2025

Royal assent

The PRESIDENT (12:05): I have a message from the Governor, dated 9 December:

> The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to her by the Clerk of the Parliaments:
>
> **52/2025** Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Act 2025
>
> **53/2025** Early Childhood Legislation Amendment (Child Safety) Act 2025
>
> **54/2025** Justice Legislation Amendment (Community Safety) Act 2025
>
> **55/2025** Justice Legislation Amendment (Police and Other Matters) Act 2025
>
> **56/2025** Transport Legislation Amendment Act 2025

Questions without notice and ministers statements

Post-sentence supervision orders

Bev McARTHUR (Western Victoria) (12:06): (1181) My question is to the Minister for Corrections. Theo Briggs, a sex offender released under a government-approved supervision order, racked up convictions for violating terms of his supervision order. These include drug possession, accessing violent pornographic material, assaults, threats to kill and possession of a firearm. How was Mr Briggs able to commit these serious offences under this government's supervision?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:07): I thank Mrs McArthur for her question and her interest in our corrections system. From the outset let me just express that violent offending must be condemned in the strongest possible terms wherever it occurs, and my thoughts are with the victims of those crimes.

Mrs McArthur, you would appreciate that it is not my role and not appropriate to comment on individual cases, especially cases that are being determined by courts or are being investigated by police and the courts. But what I will say is that our post-sentence system is a vital part of our justice system. The scheme is designed to provide monitoring supervision for the most dangerous offenders, and without this scheme these offenders would be released into the community after completing their sentences without any supervision at all. Courts are the arbitrator in terms of deciding the conditions that are placed on people whilst they are on these orders – where they reside – as is appropriate. Where there are breaches, there is compliance conducted by corrections, the Post Sentence Authority, and most importantly, Victoria Police have a specialist team that do respond. That example you have provided is a case in which police have responded, charges have been laid and there are court decisions at hand, and in many instances people do return to custody for breaching those orders.

Bev McARTHUR (Western Victoria) (12:08): Well, thank you, Minister, but you are responsible for the corrections system and you are responsible for your offenders. So, Minister, how many times has a person under a supervision order for sexual assaults reoffended in Victoria since 2014?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:09): I thank Mrs McArthur for her supplementary question. Mrs McArthur, as I outlined in my answer to your substantive question, where there is noncompliance, there is swift action. Police have a dedicated specialist team that responds. In the case that you referred to, for example, they were swift in pressing charges and making sure that the offender was placed into a custodial setting. That is the common practice –

Bev McArthur: On a point of order, President, I asked how many times for sexual assaults anybody had reoffended in Victoria since 2014 when under a supervision order. I did not ask about how you process it. How many? It is a very simple question.

The PRESIDENT: Mrs McArthur, I have got your point of order. I did have a couple of concerns, but I was happy to put it to the minister in terms of our rulings before – not just from me but from previous presidents as well – about expecting a minister to know a certain level of detail which would seem a bit unrealistic. The other thing that concerns me is that I do not believe the minister was the corrections minister in 2014. With all due respect, I am not too sure when he became the corrections minister or whether he was responsible for that period of time as well. I will let the minister continue, but I put on the record my concerns around this question, and the minister can answer as he sees fit.

Enver ERDOGAN: Thank you, President, for your guidance. In terms of that level of detail, Mrs McArthur, you would appreciate that I do not have that at hand. What I can confirm is that people on these orders have served the sentences that are on these orders. These orders are set by courts. There is strong compliance, and where there is noncompliance, my expectation is that community safety be prioritised and law enforcement and the courts take appropriate action.

Working with children checks

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:11): (1182) My question is for the Attorney-General. In yesterday's early childhood education hearings the Victorian Ombudsman revealed that it notified the office multiple times about overhauling Victoria's weak working with children check scheme, a child safety scheme that had gaping loopholes being exploited by predators, following the investigation of a youth worker sexually assaulting a young child. Despite these clear warnings, the Labor government sat on this for three years and missed an opportunity to strengthen the scheme. Given that these warnings were explicit and repeated and identified a clear risk to child safety, can you explain why your government did not act during those three years to strengthen the system?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:12): I thank Ms Gray-Barberio for her question. I will make sure that is passed on to the Attorney-General in the other place for a response in line with the standing orders.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:12): The Ombudsman's top recommendation from this investigation report was to overhaul the working with children check system. Both QARD and the Commission for Children and Young People have since reported increases in reportable conduct matters and breaches of the child safe standards. Attorney-General, given these trends and your government's prolonged inaction, has your office assessed the impact this inaction has had on the harms to Victorian children and if they could have been prevented?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:12): I thank Ms Gray-Barberio for that

supplementary question. In line with the standing orders, I will make sure that is passed on to the Attorney-General in the other place for a response.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:13): I want to end the parliamentary year by paying tribute to the thousands of Victorian workers and organisations who have spent 2025 building safe, affordable and stable homes for those who need and deserve them most. Whether they are building new homes, planning and building precincts, delivering social housing or providing homelessness and outreach services for people at their times of greatest need, these workers are rightfully proud of the contribution they make every single day for Victorians, and we are proud of them. There are the community services workers who prevent people from falling into homelessness or support women and children fleeing family violence; the Aboriginal community controlled organisations who ensure that Aboriginal Victorians can access culturally safe supports and housing; the housing support staff who help people who have been sleeping rough for years get settled into stable housing again; and of course the construction workers we rely upon to build the homes of tomorrow – homes that provide a foundation on which Victorians can build a good life. Next year we will see tunnel-boring machines launch on the city-shaping Suburban Rail Loop project and 4000 Victorians working hard to make that vision a reality – a project that will deliver 70,000 homes, which means our kids and their kids will have a better chance at living near their families, their schools and their jobs, within walking distance of all that it means to have a livable community.

While we are busy building, we know that what the Victorian Liberals will be up to in 2026 is diametrically opposed to this: cancelling a project that Victorians have voted for in at least three straight elections. I take this time to thank the thousands of Victorians who have now clocked over 14 million hours working across Suburban Rail Loop sites and who are making this transformational project a reality. Perhaps 2026 will be the year when those opposite are honest with those workers about what a Liberal–Nationals coalition government means for their jobs, but I would not hold my breath. Whether it is cancelling the SRL and sacking 4000 workers or organising rallies against the development of the homes Victorians need, those opposite have no credible answers for the big challenges facing Victorians. We certainly do.

Post-sentence supervision orders

Bev McARTHUR (Western Victoria) (12:15): (1183) My question is to the Minister for Corrections. Mr Briggs was placed back into the community on a supervision order only to commit two home invasions, steal a car, kidnap an Uber driver at knifepoint and attack a woman in a park. Why was Mr Briggs placed back into the community?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:15): I thank Mrs McArthur for her question. I think this is an important issue, and again, from the outset, I want to express my deepest sympathy to the victims of those crimes. They are quite violent and horrific and community safety should always be prioritised. That is why we do have the toughest post-sentence scheme in the country. Our laws monitor people post release –

Members interjecting.

Enver ERDOGAN: It is one of the strongest in the nation. As I stated in my answer to the previous question, courts are responsible for determining where offenders should reside. There are a number of options that corrections provide, Corella Place being one, but there are also community options. It is up to the courts to determine what is appropriate in line with the laws of the state. The courts do take a number of factors into place, such as the type of offending and the risks, but these conditions should always be made with community safety as a primary consideration.

Bev McARTHUR (Western Victoria) (12:16): Thank you, Minister. Mr Briggs was placed in a rehabilitation centre where his program included counselling, breathing techniques and yoga. Minister, is this consistent with government policy?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:16): I thank Mrs McArthur for her supplementary question. Mrs McArthur, you know I will not go into individual cases and individual people's treatment. In relation to the system we run in our corrections system more broadly, we do run a system that is about a rehabilitative approach, because that keeps the community safer long term, but where people conduct illegal behaviour and they commit offences it is appropriate that they are held to account. In relation to the matters that you are discussing, those matters are for courts to decide about what is appropriate for people in terms of where they should be placed, whether it be in a residential facility – and we have one such as Corella Place for people on post-sentence –

Bev McArthur: On a point of order, President, I asked whether allowing offenders in a rehabilitation centre to receive counselling, breathing techniques and yoga is government policy. Is it government policy? It is not about the courts.

The PRESIDENT: That is not a point of order; that is just asking the same question. The minister was relevant to the answer.

Enver ERDOGAN: In conclusion, as I stated, Mrs McArthur, courts determine the placement decisions for these offenders.

Renewable energy infrastructure

Rikkie-Lee TYRRELL (Northern Victoria) (12:18): (1184) My question today is for the minister representing the Minister for Emergency Services in the other place. In the past week we have seen a number of dangerous fire situations in designated renewable energy zones, including the King Valley, where possibly the largest solar facility in the state has just been approved. This, along with the fire at Wellington in New South Wales near Dubbo, has my constituents concerned with the potential for contamination from run-off due to firefighting efforts. Minister, what is being done to protect the environment, water catchment areas, agricultural land and communities from this potentially dangerous run-off in the event of a fire?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:18): I thank Ms Tyrrell for her question and her ongoing interest in fire protection. This will be referred to the Minister for Emergency Services, Minister Ward, and I know that this is front and centre of mind.

Ministers statements: Greenvale Reservoir Park

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:19): It was with great pleasure this morning that I joined the member for Greenvale Iwan Walters to officially reopen the new and improved Greenvale Reservoir Park. We were joined by staff from Melbourne Water, Parks Victoria and the Hume City Council, the federal member for Calwell Basem Abdo and many excited community members. A $3 million investment from the Allan Labor government has transformed Greenvale Reservoir Park into an open green space for families to relax in and enjoy. There are two new entry points for pedestrians and vehicles, improved walking trails, toilets, barbecues and upgraded amenities. I was also pleased to confirm that a new playground –

Sonja Terpstra: On a point of order, President, I cannot hear with the constant amount of noise that is coming from that side of the chamber, and I would ask that you bring those opposite to order so the minister can be allowed to continue in silence.

The PRESIDENT: I uphold the point of order. I think there was a bit of noise coming from a lot of directions. So if the minister can continue without assistance, it actually sounds like a really good

thing that we would all be happy with. If we continue with the level of noise, I will ask her to start from the start. But I will ask her to continue now.

Gayle TIERNEY: I was also pleased to confirm that a new playground will be delivered, with more updates to come in the new year. Greenvale Reservoir has a long history of deep community connections. Even when I was working for the vehicle builders union representing Ford workers, we would, at the end of the year, have our break-up picnics there at Greenvale. They were big events and were a true expression of Victoria's multicultural community coming together for good conversation, great food and wonderful music. Now more picnics can be held and more family and community memories can be made. The reopening of Greenvale Reservoir Park demonstrates that we can protect our precious drinking water supply while also creating green, welcoming spaces for local families, walkers and nature lovers. Thank you to everyone who has contributed to making this reopening possible, especially the Greenvale community. I look forward to seeing the community make use of this fantastic new space, with its fantastic new facilities, all made possible by community effort, the Labor government and a fantastic local member.

Evan Mulholland: I seek leave to table the media release from January 2017 of the government promising exactly the same thing that it never delivered.

The PRESIDENT: I think it is not relevant to a question, that you seek leave to table something, but maybe if you would like to do it outside of question time, I would be happy for you to seek leave.

Child protection

Georgie CROZIER (Southern Metropolitan) (12:22): (1185) My question is to the Minister for Children. Minister, the outgoing principal commissioner for children and young people has revealed that 10 infants known to the minister's department died in one year because authorities failed to follow government-mandated safety guidelines. Minister, who will be held accountable for this obvious failure of duty of care to these young Victorians?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:22): I thank Ms Crozier for her question. At the outset, can I acknowledge that the death of any child or young person in any circumstances is indeed tragic. I acknowledge the impact that a child or young person's death has on their families, on those who are close to them and on those who assist in caring for them. For the benefit of the house, I will also point out that, sadly, many of the deaths that are known to child protection are indeed the result of complications due to premature birth, sudden infant death syndrome, motor vehicle and other accidents and pre-existing medical conditions, and in many instances the first time that a child becomes known to child protection is, sadly, at the time of the illness or injury that leads to their death.

Indeed it is the role not of this house or anyone else but the coroner to determine who is responsible for the cause of death and in what circumstances. Again for the benefit of the house, when a child who dies is known to child protection in those previous 12 months, regardless of the services that are provided to them, they are independently reviewed by the Commission for Children and Young People as well, and the findings and recommendations from the commission's child death inquiries inform improvements, and we are very grateful to the commission for the work that they do in this regard that complements the work of the coroner. It is indeed a longstanding process.

I would also advise the house that my advice is that, particularly in relation to infants, there are particular protocols dependent on the intensity of the response required by that family and those children as assessed within the risk assessment framework.

Georgie Crozier: On a point of order, President, I have been listening to the minister for 2 minutes. My question was very specific around who will be held accountable, given that the principal commissioner for children and young people has said authorities have failed to follow government-

mandated safety guidelines. I would ask you to bring the minister back to the specifics of the question and answering it.

The PRESIDENT: I believe the minister has been relevant to the question.

Lizzie BLANDTHORN: I was indeed answering the question, and I would advise those opposite, instead of trying to weaponise or pointscore in relation to infant deaths or child deaths –

Georgie Crozier: On a point of order, President, this is not an opportunity for the minister to attack the opposition. It is an opportunity for the minister to be responsible and accountable to the Victorian public, and I would ask you to bring her back to answering my very important question.

The PRESIDENT: I believe the minister had been relevant, but I will bring her back to the question and not attacking the opposition.

Lizzie BLANDTHORN: Again, as I have advised the house, the death of any child is a tragedy. The work of the child protection workforce in assessing risk and attending to families in crisis and in need is a critical aspect of government frontline work, and I would urge those opposite that, instead of distorting data and misunderstanding the way in which numbers are accounted for, they actually take the time to consider both the important work of the Commission for Children and Young People and significantly the important work of the coroner in identifying the roles and responsibilities –

Georgie Crozier interjected.

Lizzie BLANDTHORN: Sorry, President, it is very difficult to answer Ms Crozier's question when she continues to interject. I am indeed endeavouring to be as helpful as possible. It is difficult when those opposites seek to distort data. What I will say is that the death of any child or young person is a tragedy.

Georgie CROZIER (Southern Metropolitan) (12:26): I note the minister has failed to answer that question, and it is unbelievable that she is saying that a child's death is just distorted data. In fact the former commissioner for children and young people said she has investigated over 300 – close to 320 – children in the last nine years who have died. That is a shocking statistic, Minister, and the Commission for Children and Young People's annual report reveals that only 55 of their 108 recommendations in child death inquiries over the past five years have been fully implemented. So I ask again – and I hope you answer this fulsomely, Minister, because so far you have failed to do so: why has the government failed to implement the remaining 53 recommendations, when every delay exposes vulnerable children to preventable harm?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:27): As I have advised the house, the important work of the Commission for Children and Young People and, significantly, the important work of the coroner in relation to each and every case, determining – as I said, for many children who meet a tragic end, often the first time they become known to child protection is actually at the time of the illness or injury that leads to their death. Sadly, many of these children are not known to child protection beforehand. But also it is important to note that many of these children tragically die of complications due to premature birth, sudden infant death syndrome, motor vehicle and other accidents and pre-existing medical conditions. So it is particularly important that the work of the coroner, when it comes to the Commission for Children and Young People, when a child is indeed known to child protection within the previous 12 months, informs the protocols and the processes –

Georgie Crozier: On a point of order, President, I would ask you to ask the minister to come back and answer the question: why has the government failed to implement the 53 recommendations? We have already heard what the minister said in her substantive answer, and I would ask you to bring her back to answering this important question.

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

Lizzie BLANDTHORN: I am indeed trying to be helpful. Indeed Ms Crozier's own question shows that at some level she does not understand the important work of the Commission for Children and Young People and their role in this process. Again, I would urge those in the house that instead of – *(Time expired)*

Georgie CROZIER (Southern Metropolitan) (12:29): I move:

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

Motion agreed to.

Roadside drug tests

Rachel PAYNE (South-Eastern Metropolitan) (12:29): (1186) My question is for the Minister for Police, represented in this place by the Minister for Casino, Gaming and Liquor Regulation. Earlier this month, Victoria Police announced they will conduct an additional 25,000 roadside drug tests every year, valued at $4.536 million. This brings the total number of annual roadside drug tests to 175,000. At the same time, medicinal cannabis patients who are driving while unimpaired continue to be at risk of being criminalised if they return a positive roadside drug test. So my question is: now that there are an extra 25,000 roadside drug tests every year, can the minister advise how many more medicinal cannabis patients will be criminalised?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:30): I thank Ms Payne for that question and her passion on this issue. I will pass on that question to the Minister for Police in the other place for a response in line with the standing orders.

Rachel PAYNE (South-Eastern Metropolitan) (12:30): I thank the minister for referring that on. By way of a supplementary, I have noticed that a lot of these roadside drug tests are actually in the south-east, but I cannot say I ever remember seeing them in Toorak or Brighton. So my question is: will these extra roadside drug tests target these currently underserviced communities?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:30): Thank you, Ms Payne, for your supplementary question. I will make sure that it is passed on to the police minister for an appropriate response.

Ministers statements: International Day of People with Disability

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:30): I rise to update the house on the International Day of People with Disability, which we celebrated here in Parliament House last week. It was a pleasure to host the Victorian Disability Advisory Council for a panel discussion to mark the day. This year's theme, Fostering Disability Inclusive Societies for Advancing Social Progress, provided an excellent opportunity for VDAC members to discuss the issues which we are working on together across the disability portfolio: issues such as how young people with disability can help create more inclusive communities, co-design, accessible communication, universal design principles, and treaty and the participation of First Nations people with disability. VDAC members offered thoughtful reflections and practical ways government can continue to build towards a truly accessible and inclusive Victoria.

I want to thank the VDAC members and council chair Chris Varney for a great discussion, as it always is. I also want to thank VDAC more broadly for all the work they do and the diversity of views they bring to government. With council members from both cities and regional areas, different cultural backgrounds, First Nations people, representatives who are LGBTIQA+ people and young people as well as carers, there are so many different perspectives and real-life experiences represented amongst the group. The diversity helps us shape the policies and programs that will have a positive impact on people with disability in Victoria. Looking ahead to next year, we will begin work on the development of a new state disability plan. As with the current plan, VDAC will play a key role in the work to

develop the new plan and I am sure will provide valuable insights, ideas and guidance as the next state disability plan takes shape and rolls out. I look forward to continuing to work closely with VDAC, the disability community and the sector in 2026 as we continue to progress towards our goal of a truly inclusive and accessible state.

Economic policy

Gaelle BROAD (Northern Victoria) (12:32): (1187) My question is to the Treasurer. The Victorian *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2024–25* says:

> The higher interest rates are projected to add over $4.0 billion to the … interest bill over the next 4 years, on top of the increasing costs from new borrowings.

Will the Treasurer admit that every dollar saved under the Silver review will be wiped out by higher interest payments?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:33): I thank Mrs Broad for her question. As was confirmed by the VAGO report, government borrowing since 2020 has funded a range of amazing investment. So not only have we responded to COVID to protect Victorians and the economy, we have successfully navigated the pandemic and made sure that the economy can bounce out of that with stronger economic growth than any other state. Mrs Broad, when we talk about the VAGO report, it is a really good reference point for the state's finances and the important investments that we may need to take.

Members interjecting.

The PRESIDENT: Order! The Treasurer to continue without people yelling.

Jaclyn SYMES: But also it is a reminder of why we have a fiscal strategy and why we have a disciplined approach to ensuring that we will be delivering a surplus this year – a $700 million surplus – more than what was forecast at budget time. So, Mrs Broad, there will always be a need for a government who is interested in the services that Victorians rely on to fund the frontline services, to ensure that we are looking after those that are vulnerable, those that are struggling with the cost of living. That is what the budget this year is all about, and that is what you can see in both the VAGO report and the budget update I released on Friday.

Gaelle BROAD (Northern Victoria) (12:34): The Auditor-General also said 'a higher and unsustainable level of public debt can pose a significant risk to future prosperity and economic stability'. Why is the Treasurer putting the future prosperity and economic stability of Victoria at risk because of Labor's failure to manage money?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:34): Thank you, Mrs Broad. While I reject the premise of your supplementary question and it did not necessarily coincide with your substantive question, I come back to: we have a strong economy, and we have a budget that is in surplus for the first time since the pandemic. We will be delivering a surplus when no other state on the eastern seaboard is doing that. We will be the only one. The Commonwealth are not able to do that. As I have continued to remind the house, we have a fiscal strategy which has five steps. We are up to about step 3. Step 4 is about stabilising net debt as a proportion of the economy. Then it is about reducing net debt as a proportion of the economy. This is a strategy that is working. It is the right strategy for Victoria. It is why we have ratings agencies that recognise our stability and have confirmed our ratings. But what I would say is that you talk about risk. The risk to the Victorian economy, to Victorian people, is an $11.1 billion black hole that the alternative government have basically promised they will smash Victorians with.

Economic policy

Gaelle BROAD (Northern Victoria) (12:36): (1188) My question is for the Treasurer. The Auditor-General has confirmed that the government has failed to publicly report on its COVID debt repayment plan since introduction. Why has the Treasurer failed to do so?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:36): Mrs Broad, what I could draw your attention to is the budget update that I released on Friday. There are plenty and plenty of pages here that talk about our initiatives. They talk about our liabilities. They talk about the economic outlook. I can assure you it is a pretty good read. If you are interested in facts, figures and the true state of the Victorian economy and the state budget, I recommend this to you.

Gaelle BROAD (Northern Victoria) (12:37): Thank you, Treasurer. Will the Treasurer commit to implementing the Auditor-General's recommendation by regularly publishing updates on the COVID debt repayment plan?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:37): Mrs Broad, you have asked about the COVID debt repayment plan. As I have indicated, there are a range of transparency and accountability measures that are detailed in the budget papers. We have a COVID debt repayment plan which is scheduled over 10 years. We certainly are well advanced in that, I am pleased to say; there is certainly no intention of extending the temporary revenue measures beyond the 10-year timeframe. But as I said, it was really important for the state to use our balanced books to ensure that Victorians could be protected, Victorians could recover and we could continue to provide the frontline services people need and to support the economy to bounce out of –

Bev McArthur: President, on a point of order to the Treasurer, Mrs Broad asked a specific question: will the Treasurer commit to implementing the Auditor-General's recommendation by regularly publishing updates, yes or no?

The PRESIDENT: I believe the Treasurer is being relevant.

Jaclyn SYMES: As I said, these things are reported. They are both streams that are relevant. The Victorian Future Fund balance is detailed quite regularly each year – page 39 of the most recent annual report will show you that – and the COVID debt levy projections are included in budget paper 5, which is available for you. I can provide the references and indeed photocopy the pages for you if you are interested in the detail that you have just asked about.

Written responses

The PRESIDENT (12:39): Minister Erdogan has got a bit of heavy lifting. He has got to chase up questions from Ms Gray-Barberio for the Attorney-General under the standing orders and also Ms Payne for the Minister for Police, both of her questions. Minister Tierney I believe will follow up Ms Tyrrell's questions on emergency services.

Constituency questions

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:40): (2071) My question is for the Minister for Local Government. My constituents want to know: what was discussed at your meeting with Kingston council on 23 April 2025? A ministerial diary disclosure confirms that, along with a Labor government department official and your adviser, you met with councillors, the mayor and the CEO on this day. It is the only meeting you had with council this year, prior to the monitors being appointed in August. Did you signal your intention to install monitors on this day? Did you discuss protecting your factionally aligned Labor councillor, who allegedly failed to declare a conflict of interest in a multicultural group based outside of Kingston, in at least one council briefing? The same

councillor is said to have met with Kingston council officers and lobbied councillors and was involved in formulating amendments prior to a meeting on 24 June 2024 where a grant was endorsed to have the Kingston council ratepayers fund a large multicultural event not held in Kingston but in the city of Dandenong. This decision may have facilitated branch stacking and your power base.

Michael Galea: On a point of order, President, does this have to be put in as a substantive motion? I will just seek your guidance.

The PRESIDENT: Yes, I will review it. I am sorry, I did miss the start of it, but at the end I was listening. I think it might have been skirting around that, but I do not think it hit the mark then. I will have another look.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:41): (2072) My constituency question is for the Minister for Environment. Yarra Ranges council has again written to the government to express concern and disappointment that their region still falls within the brutal commercial kangaroo harvesting program. This latest correspondence comes after councillors already voted in support of a motion that called for their area to be excluded from this state-sanctioned cruelty. Yarra Ranges remains the only metropolitan council to be included within the harvest zone. Following similar community backlash, the government excluded the Mornington Peninsula in 2021. Kangaroos roamed this area long before any council boundary was drawn, and they deserve to be protected, not peppered with bullets. In its letter to the government, the council outlined how its ratepayers felt unheard and disillusioned with this state government. Will the minister finally listen to the concerns of Yarra Ranges ratepayers and remove their LGA from this wildlife-killing program?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:42): (2073) My matter today is for the interest of the Minister for Creative Industries but particularly the Treasurer as well. It concerns the Australian National Academy of Music, which is situated in South Melbourne, in the town hall in my electorate. Pursuant to a 1995 memorandum of understanding between the Commonwealth and Victoria, Victoria is responsible for the maintenance of the national centre of excellence at that centre. Port Phillip has contributed $40 million and the Commonwealth has contributed $25 million, under both the Morrison and the Albanese governments, and $29 million has been put in place by philanthropic support. I understand ANAM has met with the Treasurer, and I ask the Treasurer: what steps will you take to ensure that Victoria's contribution is paid and when, pursuant to its responsibilities under the memorandum of understanding?

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:43): (2074) My constituency question is for the Minister for Public and Active Transport. My constituent is a Chelsea resident in her 70s who uses a mobility aid. She relies on public transport to access the community from the bus stop on Ella Grove in Chelsea. As there is no shelter or seating at this bus stop, my constituent has often found herself standing in the rain alongside other passengers while waiting for the next service. Buses depart from this stop approximately every half an hour and sometimes drive past early, causing a longer delay than expected. Kingston City Council have noted a lack of budget to fund upgrades and maintenance of bus services within my electorate, so my constituent asks: would the minister commit to funding a bus shelter at stop 11669 on Ella Grove in Chelsea?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:44): (2075) My constituents in the west live in some of the fastest growing regions in Australia, but they tell me they pay more in taxes and get less in services than the other side of town: overcrowded hospitals, closed or empty police stations, crushing cost-of-living pressures and families priced out of the housing market in their own

communities. My question is: will the minister explain why, after a decade of Labor, we pay the highest state taxes in the country and also have the highest debt – or investment, as Labor like to call it – in the country but this government still cannot deliver the basics for the west?

The PRESIDENT: Sorry, was that to the Premier? The Premier is probably a good spot.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:45): (2076) My constituency question is for the Minister for Creative Industries. Minister, the State Library of Victoria has long been a vital resource for Victorians, preserving our history and providing access to knowledge in multiple languages. I recently received an email from a constituent in Northern Metro Region concerned that the state library is prioritising global digitisation projects over documenting communities who use languages other than English and maintaining strong frontline services. They fear this could reduce equitable access to information and weaken the library's role in preserving Victoria's cultural heritage. Minister, will you ensure that the digitisation project will not compromise operational changes and equitable access for all Victorians?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:46): (2077) My question is for the Minister for Police. In November I raised the issue of dangerous behaviour by jetskiers near St Kilda Pier, asking if extra police patrols could be put in place to keep swimmers safe. I am yet to have a response from the minister, and it is well overdue. Locals have told me more recently about some very disturbing activity at the same location, and as reported in today's *Herald Sun*, men on jetskis are targeting young women at St Kilda Pier and offering joy rides, then once out on the bay they pressure the women for sexual favours, saying they will not take them back unless they comply. These men encourage the women to leave their phone behind so it does not get wet. This predatory behaviour is unacceptable, making women and families feel unsafe. Minister, you have not followed up on my previous request for more police patrols around St Kilda Pier, so I ask: what are you doing about keeping women and families safe and getting more patrols in my electorate around St Kilda Pier?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:47): (2078) My constituency question is to the Minister for Planning, and it relates to the long-promised pedestrian bridge between Toyon Road across the Merri Creek from Kalkallo to Donnybrook. We know that in 2024, after significant community pressure plus my advocacy in the Parliament and the media, the government finally committed to using unspent owed developer contributions to build this, but I am continuing to receive countless messages from locals who are frustrated and increasingly sceptical that this project will ever be delivered. You have got a situation where the people from Kalkallo can see Donnybrook station to catch the train but they cannot physically walk there. So I am asking this government: when will this project actually be delivered? People and locals should be able to walk to a train station they can actually see. It does not happen under this government. They are too focused on elsewhere. They are too focused on themselves instead of the people of the northern suburbs.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:48): (2079) My question is for the Minister for Roads and Road Safety. Will the minister initiate the development of designs for an upgrade of the Piper Street and Mollison Street intersection in Kyneton? Kyneton is a charming country town, and many visitors head to the popular Piper Street precinct to enjoy great cafes and restaurants, view the historical buildings and wander through an art gallery. Piper Street is a busy state arterial road, the C793, and intersects with another state arterial road, Mollison Street, the C326. There are no traffic lights managing the safe flow of vehicles and pedestrians through this intersection, and Macedon Ranges Shire Council considers that there is a compelling safety justification to construct a signalised traffic and pedestrian crossing at the corner of Piper and Mollison streets. This upgrade is a key proposal in

council's *Kyneton Movement Network Plan (2024–2033)*. However, the design and construction of the upgrade is the responsibility of the state Labor government, which has ignored the need for safety upgrades at this intersection for too long.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:49): (2080) My constituency question is to the Minister for Health. In the last election, 2022, your government made a commitment of $290 million for stages 2 and 3 of the Wonthaggi Hospital redevelopment. Your commitment to locals included a completion date by 2027. The Bass region is a rapidly growing LGA, and the need for adequate health care is ever increasing, with increasing emergency department and hospital presentations. The redevelopment would expand services by adding new wards, outpatients and therapy areas, a women's health centre, improved radiology, allied health facilities and extra parking. The word is that you have abandoned this commitment. Minister, when will you release the construction timeline for stages 2 and 3 of the Wonthaggi Hospital?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:50): (2081) My question is to the Minister for Agriculture. The Bellarine Peninsula is home to many market gardeners and vegetable growers. The minister will be aware that last year tomato potato psyllid – TPP – was detected on the Bellarine, placing the area under quarantine. A constituent has contacted me, concerned the department is not properly resourced to enforce these quarantine controls, allegedly allowing prohibited products to leave the zone. Disastrously, TPP is now reported in northern Melbourne near the wholesale markets, well outside the previously restricted zone. The Queensland government yesterday revoked Victoria's area freedom certificate. Tasmania is also introducing restrictions. Minister, will you investigate why containment failed and explain the cost of the outbreak for all Victorian exporters, for flower growers as well as vegetable producers? Finally, could new requirements compel pesticide use on organic farms and backyard growers?

Business of the house

Independent Broad-based Anti-corruption Commission

Integrity Oversight Victoria

Performance audit

The PRESIDENT (12:51): I have received a message from the Legislative Assembly:

> The Legislative Assembly has agreed to the following resolution –
>
> That:
>
> Under section 170(1) of the *Independent Broad-based Anti-corruption Act 2011* and section 90D(1) of the *Integrity and Oversight Victoria Act 2011*:
>
> (a) O'Connor Marsden and Associates Pty Ltd (O'Connor Marsden) be appointed to conduct the performance audits of the Independent Broad-based Anti-corruption Commission (IBAC) and Integrity Oversight Victoria (IOV);
>
> (b) in accordance with the Agreement for the provision of services for the performance audits of the IBAC and IOV;
>
> (c) the level of remuneration be $397,485 (including GST) in respect of the performance audit of IBAC, to be paid upon completion of the following:
>
> (i) $79,497 (including GST) upon Parliament's acceptance of O'Connor Marsden's audit plan, representing 20 per cent of the total fee;
>
> (ii) $119,245.50 (including GST) upon Parliament's acceptance of O'Connor Marsden's progress report, representing 30 per cent of the total fee;
>
> (iii) $198,742.50 (including GST) upon Parliament's acceptance of O'Connor Marsden's final draft report, representing 50 per cent of the total fee; and

(d) the level of remuneration be $205,700 (including GST) in respect of the performance audit of IOV, to be paid upon completion of the following:

(i) $41,400 (including GST) upon Parliament's acceptance of O'Connor Marsden's audit plan, representing 20 per cent of the total fee;

(ii) $61,710 (including GST) upon Parliament's acceptance of O'Connor Marsden's progress report, representing 30 per cent of the total fee;

(iii) $102,850 (including GST) upon Parliament's acceptance of O'Connor Marsden's final draft report, representing 50 per cent of the total fee –

which is presented for the agreement of the Legislative Council.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:54): I move, by leave:

That the message be taken into consideration forthwith.

Motion agreed to.

Jaclyn SYMES: I move:

That:

(1) the Council agrees with the Assembly and resolves to appoint O'Connor Marsden and Associates Pty Ltd to conduct the performance audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria;

(2) a message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Motion agreed to.

Petitions

Cairnlea development

Moira DEEMING (Western Metropolitan) presented a petition bearing 2119 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Cairnlea residents are deeply concerned about Development Victoria's proposed redevelopment of the estate. Development Victoria's own online survey showed strong preferences for family-sized dwellings and community facilities from a vast majority of respondents. Yet the Cairnlea Estate Master Plan released months later reflected almost the opposite of what residents had called for, disregarding local views.

Residents call for a Precinct Structure Plans that includes a diverse range of housing options, not solely high-density dwellings and an indoor multipurpose recreational facility with an aquatic centre and integrated parks and sporting fields accessible to residents of all ages and abilities.

These vital amenities are essential for fostering the health, wellbeing, and social cohesion of our community, especially considering the very close proximity to two gambling venues. The inclusion of these amenities is sound social policy that builds strong community in a local government area with the second highest level of socio-economic disadvantage in all Metropolitan Melbourne. A balanced and well-planned development, incorporating these elements, will create a thriving and sustainable community for all.

The petitioners therefore request that the Legislative Council call on the Government to urgently reconsider the proposed Cairnlea Estate Master Plan and develop a Precinct Structure Plan that includes a diverse range of housing options, an indoor multipurpose recreational facility with an aquatic centre and integrated parks and sporting fields.

Moira DEEMING: I move:

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

Motion agreed to.

Tools for the Trade program

Ann-Marie HERMANS (South-Eastern Metropolitan) presented a petition bearing 487 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Tools For The Trade (TFTT) is a proven early intervention program that has supported vulnerable young people across Frankston and the Mornington Peninsula for over a decade. With a 90 per cent success rate in re-engaging 15 to 19-year-olds into education, training and employment, TFTT provides structure, skills and hope when needed most.

Despite this success, TFTT is unfunded beyond July 2025 and faces closure without urgent government support. Many young people will lose a vital opportunity to reconnect with education, community and work.

Each year, thousands of young Victorians disengage from school and training, facing greater risks of mental illness, unemployment and social isolation. Youth offending among 10 to 17-year-olds is now at its highest rate since electronic records began in 1993. When young people disengage from education, family and community, they are more likely to engage in crime and other risks.

TFTT offers more than skills; it provides stability, connection and a real chance to build a positive future. Without action, we risk losing a program that has changed young lives and is ready to expand across Victoria.

TFTT is a proven early intervention program that reconnects disengaged young people with education, training and employment, while building their confidence and resilience. Continued investment will prevent more young people from falling through the cracks, reduce demand on justice, health and housing services, and strengthen communities across Victoria. We urge the Government to recognise the urgent need for programs like TFTT and commit to supporting its delivery and expansion into other areas where youth disengagement is rising. With the right support, more young Victorians can build positive futures and contribute to their communities.

The petitioners therefore request that the Legislative Council call on the Government to urgently secure ongoing funding for the Tools For The Trade program beyond July 2025.

Ann-Marie HERMANS: I move:

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

Motion agreed to.

Waste and recycling management

Sarah MANSFIELD (Western Victoria) presented a petition bearing 564 signatures:

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

- Waste to energy incineration comes with significant impacts on our health, climate, environment and future generations. Even best practice models emit significant volumes of toxic air pollution, greenhouse gases, persistent organic pollutants, microplastics and hazardous ash waste over their lifetime. Recent evidence from Europe shows a legacy of dioxin contamination in the soil, eggs and other produce surrounding these facilities at levels harmful to human health.
- Any such project will expose our communities, homes, schools, agricultural industries and the natural environment to this pollution. This will result in heightened risk of cancer, miscarriage, infant deaths, developmental delays, reproductive issues, heart disease and respiratory problems.
- Other impacts include significant financial and contractual risks for local governments, while also undermining more sustainable and effective waste management solutions.
- Waste to energy incineration produces significant greenhouse gas emissions. Their development would be inconsistent with our governments' commitment to net zero.
- Waste to energy incineration is a linear waste management technology incompatible with the Victorian Circular Economy Policy. Claims that it is part of the circular economy, or that it is better than landfill, are greenwashing.

There are safer, more effective ways to manage residual waste in Victoria.

The Petitioners therefore request that the Government demonstrate leadership in waste management as an essential community service, with an immediate moratorium on all proposed waste to energy incinerator projects and legislation to prohibit waste to energy incineration anywhere in Victoria.

Sarah MANSFIELD: I move:

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

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Financial Management Act 1994 – 2025–26 Budget Update (incorporating Quarterly Financial Report No. 1) *(released on 5 December 2025 – a non-sitting day)*.

Fisheries Act 1995 – Report, 2024–25 on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account.

Mental Health and Wellbeing Commission – Report, 2024–25.

Mental Health Tribunal – Report, 2024–25.

Planning and Environment Act 1987 – Notices of approval of the –

Ballarat Planning Scheme – Amendment C249.

Wangaratta Planning Scheme – Amendment C83.

Warrnambool Planning Scheme – Amendment C216.

Yarra Ranges Planning Scheme – Amendment C230.

Statutory Rules under the following Acts of Parliament –

Children, Youth and Families Act 2005 – Criminal Procedure Act 2009 – No. 131.

Liquor Control Reform Act 1998 – No. 129.

Magistrates' Court Act 1989 – Nos. 132, 133 and 134.

Subordinate Legislation Act 1994 – No. 130.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 129 and 135.

Victorian Collaborative Centre for Mental Health and Wellbeing – Report, 2024–25.

Proclamations of the Governor in Council fixing operative dates for the following acts:

Roads and Ports Legislation Amendment (Road Safety and Other Matters) Act 2025 – Division 1 of Part 5 and sections 9, 14, 23, 24, 29 to 37, 40 to 42, and 62 to 64 – 3 December 2025 – Part 7, Divisions 3 and 4 of Part 9 and sections 82 and 83 – 1 January 2026 *(Gazette S672, 2 December 2025)*.

Transport Legislation Amendment (Vehicle Sharing Scheme Safety and Standards) Act 2025 – Part 1 and sections 3, 4 and 5 – 3 December 2025 *(Gazette S672, 2 December 2025)*.

Victorian Early Childhood Regulatory Authority Act 2025 – Whole Act – 1 January 2026 *(Gazette S672, 2 December 2025)*.

Proclamation of the Lieutenant-Governor in Council fixing an operative date for the following act:

Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024 – Remaining provisions – 1 February 2026 *(Gazette S648, 25 November 2025)*.

Petitions

Responses

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: Minister for Planning's response to the petition titled 'Rezoning of Rossdale Golf Course'.

Production of documents

Early childhood education and care

The Clerk: I table a letter from the Attorney-General dated 8 December 2025 in response to a resolution of the Council on 18 June 2025 on the motion of Ms Gray-Barberio and further to the government's initial response on 29 July 2025 relating to early childhood education. The letter states that given the breadth of the scope of the order and the high volume of documents responsive to the order, the government has decided to release documents in tranches and focus on final documents relevant to final enforcement actions. I further table 17 documents identified in response to term (1)(d) of the order, together with a schedule of the identified documents.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:14): I move:

That the Council, at its rising, adjourn until Tuesday 3 February 2026.

Motion agreed to.

Members statements

Cyclone Ditwah

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (13:15): I want to acknowledge the devastating impact of Cyclone Ditwah and the catastrophic flooding that has struck communities across Sri Lanka. The scale of destruction is heartbreaking, and I share the deep concerns felt by so many Victorians. I want to extend my thoughts and sympathies to our Sri Lankan community, many of whom have friends and family impacted. The distress, the uncertainty and the pain being experienced overseas are also being felt here at home. The Albanese government has announced $3.5 million of relief assistance to support emergency efforts in Sri Lanka and this support is vital, but we know that the road to recovery will be long, and our thoughts remain firmly with the communities rebuilding their lives in the aftermath of this disaster. The tragedy in Sri Lanka comes amid a wave of cyclones and monsoon rains in recent weeks across South and South-East Asia, which have claimed over a thousand lives and displaced many communities. Our hearts are with every family affected, both in Victoria and across the region. We will work closely with the Sri Lankan diaspora here in Victoria to ensure we are providing the necessary supports that the community needs.

Health system

Georgie CROZIER (Southern Metropolitan) (13:16): I am getting increasingly concerned about what I am hearing from health professionals around the deteriorating state of health care in this state. They talk to me about what is happening in emergency departments, with increased demand, workforce shortages, increasing sick leave and, as we know, access blocks. We have had ambulance ramping and people getting inadequate treatment and transfer to hospitals. Morale in some places is very, very low, and that is having an impact on the overall ability of health professionals to undertake the work that they do. They are telling me that patients who are being brought in in ambulances are being assessed on trolleys or in corridors, they are in chairs, they are having very private and delicate results having to be spoken about with a lack of privacy and there are inadequate assessments being able to be done because patients are on chairs. This is what doctors are telling me. They are saying that this is completely unacceptable, and the government has done nothing to address the increasing

demands and the concerns that they have. I note that the government's initiative for timely emergency care is surely taking some patients out of ambulances that are being ramped, but it is not providing high-quality care, and that is what these doctors, nurses and others are saying to me. They are very concerned about the deteriorating state of our health system and the circumstances they are placed in.

Southside Justice sex worker legal program

Katherine COPSEY (Southern Metropolitan) (13:18): It was recently my absolute pleasure and privilege to attend the Southside Justice sex worker legal program impact report launch. This was just a great day to celebrate the important work of this program, and it was wonderful to be in the room with all the practitioners who have made this program a success, as well as lived experience advocates and, on a personal note, many friends and former colleagues from the commercial pro bono world and the community legal sector who have all contributed to the success of this program. The Southside Justice sex worker legal program is Victoria's first funded specialist legal service for sex workers. We heard how over the three years of the program's operation they have delivered 454 legal services to 130 clients, supported of course by strong partnerships with the peer-led and community organisations that make this vital work possible. That work has been across a range of legal advice, representation and advocacy on civil and criminal matters, and it has strengthened the legal framework to protect and uphold sex workers rights. As Mel Dye, CEO of Southside Justice, says:

> The rising demand for the Sex Worker Legal Program doesn't necessarily reflect an increase in legal issues – those have always existed. What we're seeing is a cultural shift. Sex workers, armed with a deeper understanding … are feeling more confident to come forward and seek justice.

This is a fantastic program. It deserves ongoing support. It has already shown the impact that it is having, and I urge the government to continue to support it.

Power saving bonus

Jacinta ERMACORA (Western Victoria) (13:19): I would like to update the house on the take-up of the Allan Labor government's power saving bonus in my community. At a time when cost-of-living relief is vital, I can announce that as of a couple of days ago 4116 people in my community have already received their power saving bonus – that is in the South-West Coast area. That means that 4116 pensioners, carers, veterans and low-income households have already received their $100 bonus, and many of these have received their assistance through my brand new office at 165 Liebig Street, Warrnambool.

Members interjecting.

Jacinta ERMACORA: Just a little bit proud. Yes, the German pronunciation is Liebig, but we are pretty good at getting pronunciation wrong in Warrnambool. Anybody else needing help can call my office or pop in and my very, very friendly staff will help.

Just in closing, I want to say happy Christmas and happy holidays to everybody, and I hope everybody comes back refreshed and energised next year.

Emergency Services and Volunteers Fund

Wendy LOVELL (Northern Victoria) (13:21): We know that an election is on the horizon when Labor tries to fool Victorians by playing cheap tricks to fiddle the books. The government recently decided to delay big increases to Labor's big new emergency services tax until after the state election. The Premier must be feeling desperate if she thinks she can trick Victorians by briefly pausing the emergency services tax, only to whack the tax back on if she returns to government. The cynicism on display here is astounding, but it is what we have come to expect from the Allan Labor government. This is an egregious tax. It was always a bad tax. It should never have been implemented, and it remains a bad tax. Delaying it will not change that. When the increased tax rates come back, as they surely will, it will cripple farmers who will be forced to contribute three times more than they paid under the old fire services levy. This tax will not just hit farmers or the wealthy. It will hit every

Victorian, including the poorest, because it will pass through to the price of groceries in the supermarket and it will pass through to renters when their rent goes up. A delay is not good enough; this tax needs to be abolished, but the Premier is ignoring the protests, ignoring farmers and ignoring emergency services volunteers. However, the Liberals are listening, and we hear the voices of Victorians loud and clear. The Liberals have committed to scrapping the emergency services tax if we are elected to government and returning to the previous fire services levy – *(Time expired)*

Allan Moffatt

Jeff BOURMAN (Eastern Victoria) (13:22): I wish to mark the passing of Allan Moffat. Allan George Moffat was born on 10 November 1939 and passed away on 22 November 2025, aged 86 years. Allan was born in Canada but moved to Australia as a teenager, again showcasing how successful migration has been for Australia. Allan had a long and very successful motorsport career, culminating, in my opinion, in the classic Ford one–two of 1977, winning the Bathurst 1000 in an XC coupé. Allan had a huge influence on many people, me included, and cemented my love of the two-door Falcons. Vale, Allan Moffat.

Felicitations

Jeff BOURMAN (Eastern Victoria) (13:23): Before I sit down I just want to wish everyone a merry Christmas and a happy and safe new year. As I say most years, there will be people going into this Christmas and it is not going to be so happy. I just want them to know that there are people that understand that Christmas time is not always happy for everyone.

Windsor Community Children's Centre

Ryan BATCHELOR (Southern Metropolitan) (13:23): Late yesterday the vice-chancellor of Swinburne University advised they have offered the Windsor Community Children's Centre an extension on their tenancy, securing the future of this centre into next year. It is a huge relief for parents and carers in the Windsor community, who I know were facing much uncertainty in the weeks leading up to Christmas. Swinburne have advised that they will enter into exclusive discussions with the City of Stonnington in the coming months to finalise the sale to Stonnington and will seek an exemption from the state to sell the land directly to Stonnington for a price that is less than the current market value. This is incredibly welcome news, as we know that land was gifted to Swinburne by the previous government, so they got the land for free. It is the last site owned by Swinburne in the Prahran area, and it seemed only fitting that it be sold to Stonnington to continue its use for education purposes.

Last month Minister Tierney encouraged Swinburne to extend the lease, finalise the sale to Stonnington and promptly apply for the necessary approvals, and the vice-chancellor has now said these actions are all underway. I want to thank Minister Tierney for her advocacy. I also want to thank Minister Blandthorn and the team at the Department of Education for their work behind the scenes on the support for the kindergarten parents. Happily, the worst case scenario contingency plans were not required. There remains work ahead for Swinburne and Stonnington to finalise the arrangements, but I know that the newly re-elected mayor Melina Sehr has been a tireless advocate for the centre and the council will get this done. My colleague and good friend Josh Burns, who secured $4 million from the federal Labor government to secure the future of this centre, has brought this about. There were tears shed last night. This is very welcome news.

Southern Metropolitan Cemeteries Trust children's remembrance service

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:25): I wish to wish everybody a very safe and happy Christmas and a happy new year. I am aware that this is a time that is difficult for many people. I attended the children's remembrance service in 2025, its 20th anniversary, held by the Southern Metropolitan Cemeteries Trust at the Bunurong Memorial Park, where families came together to remember the children that they have lost. This is a time for them to think of them before we come into the Christmas period.

Cyclone Ditwah

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:25): My condolences and thoughts are with the victims and casualties of the cyclonic storm Ditwah and the floods and landslides in Sri Lanka. Having family and friends that still live in Sri Lanka from my dad's side, my thoughts are with the Sri Lankan community at this time and all those who have been impacted by this devastation.

Early childhood education and care

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:26): Evidence presented to a parliamentary inquiry has revealed that the state government repeatedly ignored warnings from the child safety watchdog about serious flaws in the working with children check system, failing to keep our children in child care safe from neglect, sexual abuse and harm. The Ombudsman was forced to tell the inquiry that her office raised these issues in 2023 and 2024, only to be met with silence and inaction from the then Attorney-General and now Treasurer Minister Symes and her department. These warnings came before the revelation of shocking allegations involving Joshua Brown, accused of sexually abusing babies and toddlers across multiple centres, and his alleged pornographic pictures. This is simply not good enough. A Wilson-led government will always put our children first.

Victorian Health Promotion Foundation

Sarah MANSFIELD (Western Victoria) (13:27): Last week's announcement by the Allan Labor government that they plan to dissolve VicHealth and absorb its functions into the Department of Health came as a shock to many who work in public health and health promotion. This also came as a shock to the broader community, and a petition run by Friends of VicHealth has already garnered over 2000 signatures and is quickly growing. VicHealth has been a world leader in public health promotion for almost 40 years. Their work on tobacco harm reduction is historic and included the extraordinary step of buying out tobacco company sponsorship of sports and the arts in 1988. It has support from across the political spectrum, and it has protected ongoing funding. But the Allan Labor government's decision spells the death of its independence and undermines a key strength of this vital public health institution. VicHealth has always been willing to take on the big corporate interests that harm Victorians' health, like the junk food industry, big tobacco and alcohol and gambling, something this government have repeatedly demonstrated that they are too afraid of doing. The Allan Labor government is putting short-term interests ahead of health promotion and prevention, which, ironically, will just end up costing our health system even more. I am urging the government to reverse its decision on VicHealth and ensure this vital public health institution remains independent.

Apology to First Peoples

Sonja TERPSTRA (North-Eastern Metropolitan) (13:28): I rise today to reflect on this morning's historic apology to First Peoples. Before I begin I acknowledge the traditional owners of the land on which we meet today, the Wurundjeri Woi Wurrung people of the Kulin nation, and I pay my respects to elders past, present and emerging. Sovereignty was never ceded. It always was and always will be Aboriginal land. This year this Parliament has passed landmark legislation, from helping those suffering to die with dignity to reducing gambling harm and restricting non-disclosure agreements for sexual harassment. But undoubtedly the act I am most proud of is the Statewide Treaty Act 2025. Treaty is an essential journey this government is embarking on to make amends for past injustices, yet treaty is only one part of the promise. The *Uluru Statement from the Heart* called for truth, treaty, Voice – three powerful words guiding our reconciliation. As part of the journey, we implemented the Yoorrook Justice Commission to investigate the injustices experienced by First Peoples in Victoria since colonisation. The commission's final report, handed down in July, made one key powerful recommendation: a formal apology addressing the colonisation that led to devastating displacement, dispossession and violence against First Peoples. Today the Victorian government acknowledged and took responsibility for the laws, policies and practices created by its predecessors – injustices that continue to have a devastating impact to this very day. This morning's apology is not an end but a

crucial step. It is an opportunity for us to move forward, to work together and to make sure we close the gap and build a stronger future for all Victorians.

Government performance

Bev McARTHUR (Western Victoria) (13:30): It is that time of year when Victorians start thinking about what they would really like for Christmas. Very few are asking Santa for another government inquiry, ministerial taskforce or fresh regulatory framework. Nobody wants mandatory awareness training, stakeholder engagement processes or another costly commissioner, and there is certainly no demand for new taxes, levies or state-owned enterprises. What do they really want? A government that costs less than a small mortgage, one that stops treating every paddock, shopfront, rental and family home as a tax opportunity waiting to happen. Integrity under the tree would be nice, and a government that does not need constant stage-managed inquiries to explain where the money went. Some trust in local democracy would not go astray either. Ratepayers deserve representatives, not referees, and an economy allowed to breathe where entrepreneurs do not need a lawyer, an accountant, a crystal ball and a Labor Party contact just to get started. Farmers are not asking for much either, just the freedom to feed the state without green tape ideology, punitive taxes or lectures from people who think food grows in supermarket aisles. Sadly, we may have to wait until next November for the Christmas present we really want. Still, at least then we will get to choose it ourselves.

Felicitations

Rikkie-Lee TYRRELL (Northern Victoria) (13:31): With today being the last day of sitting, I would like to use this opportunity to wish every Victorian a very merry Christmas and a happy, prosperous and safe new year. We all know many Victorians are doing it tough with the housing crisis, the cost of living and a dangerous fire season on top of it all. Those of us lucky enough to have family and friends to celebrate with and a roof over our head should seriously consider spreading the Christmas cheer throughout our extended communities, be it by volunteering at a church or a local food share, checking in on an elderly neighbour and offering to mow their lawn or even seriously considering signing up to be a volunteer with the SES, CFA or local Lions club, just to name a few. There are endless possibilities to give back to the community and gain new lifelong friends along the way. This is what truly matters in life, and being a part of it all is rewarding beyond words.

Energy policy

Evan MULHOLLAND (Northern Metropolitan) (13:32): There is one issue I am particularly fired up about, and it is making sure people have choice in their energy sources. The government continue their reckless and ideological attack on gas in Victorian homes and will be ripping out gas stovetops from March 2027, and they have already been blocking gas to new homes, discriminating against migrant families that live in the growth areas of Melbourne. The ABC reported in June that some ministers knew that this was a step too far and had expressed concern because they know what all Victorians know, particularly migrant families: that those in established suburbs want choice in the options available to them, not more state-sanctioned discrimination against our multicultural communities and people that live in growth areas. People want to heat their homes and cook their meals in the manner they see fit. To make matters worse, the government have backflipped on their backflip in June. The *Australian Financial Review* has reported that Victorian home owners will be forced to go electric even if they replace their gas hot-water heater, even if it is more expensive in a cost-of-living crisis. This decision, signed into law in the *Government Gazette* quietly by Ms Shing, is a slap in the face to my community and to Victorian multicultural communities across our state. They want the ability to heat and cook as they see fit.

Gendered violence

Renee HEATH (Eastern Victoria) (13:34): Today I rise to speak about something that I have spoken about on the last day of the last three years, which is the tragic death of Celeste Manno, who at just 23 years old was stabbed to death on her own bed by a violent stalker. The reason I raise this is

it has now been five years since the Law Reform Commission of Victoria handed down 45 recommendations to strengthen stalking laws in this state, and it is devastating to continue to talk to the family and to continue to report that still nothing has been done. I acknowledge that next year there is going to be some legislation coming through this place that will partly acquit two of those recommendations, but I want to say that I will continue to pursue and continue to fight for law reform until all 45 of those recommendations are made a reality in this state. The second thing I want to raise is that in 2018 Katie Haley was murdered by her violent partner, bashed to death with a dumbbell on their son's bed – absolutely horrific. Since then the family have been advocating to make sure that violent and high-risk offenders are not awarded emergency management days that take them below their non-parole period. We had a debate in this place and we still have not had a response from the government, so next year I will ask that these two areas be strengthened and that work is actually done.

Business of the house

Notices of motion and orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (13:35): I move:

> That the consideration of notices of motion, government business, 278 to 1210, and order of the day, government business, 1, be postponed until later this day.

Motion agreed to.

Bills

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed on motion of Jaclyn Symes:

> That the bill be now read a second time.

Katherine COPSEY (Southern Metropolitan) (13:36): I just seek the call to state that the Greens have a set of amendments to replace those that have been previously circulated on this bill by Dr Mansfield. I ask that those be circulated now. Just to explain: these amendments pick up some consequential renumbering that was missed in the original set, and I will end my contribution.

Georgie PURCELL (Northern Victoria) (13:36): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. It is clear that planning is one of today's great policy challenges faced by our country. We are in the midst of a housing crisis. Rent continues to become less affordable, and home ownership is more out of reach. We also have some of the least densely populated major cities in the world, causing significant problems. The government also faces the implementation of a statewide planning system that in many ways continues to only focus on Melbourne. In addressing housing affordability Victoria faces the unprecedented task of meeting its National Housing Accord and *Plan for Victoria* targets, which would require a significant amount of development to occur and occur quickly. Resolving these challenges while still ensuring livability requires complex solutions, which is where this bill comes in today.

As it states in the title, the purpose of this bill is to ensure planning approvals in Victoria are made faster and better. It is clear that speed is a true focus, and in many ways this is understandable. A planning permit currently takes an average of 140 days to get approved, and if there is an objection, that can increase to more than 300 days. The increase from objections is common. Victoria currently has the broadest third-party appeals rights in the country. The act currently states that any person who may be affected by the grant of a permit may object to the grant of a permit. The bill aims to improve approval speeds by creating three new streams for different types of planning applications, each stream with different requirements and deemed approval timelines.

It is clear that improving the speed of planning approvals is key to more housing and more development, but it is important to note that it alone cannot build more housing. As many others have

already mentioned, over 100,000 homes have received planning approvals but have not yet started. This is particularly due to consistently rising construction costs. However, for many the planning costs and delays affect commercial viability by the time they are granted approval.

Now, I must admit, understanding this bill and the complexity of the state planning system has been a challenge. I have attempted to keep my thinking and decision-making on it grounded by certain principles, key principles and clear issues within the current system. Central to this has been the problem of urban sprawl. Melbourne's metropolitan footprint stretches over 10,000 square kilometres for just over 5 million people, making it one of the least dense major cities in the world. Melbourne is less dense than Los Angeles, despite the latter's reputation for its sprawl. Infrastructure Victoria found that building more-compact cities would save Victoria $43 billion by 2056.

The growth of Melbourne's urban fringe has led to an enormous amount of destruction of our native flora and fauna. In the north and west of the city only 1 per cent of our Western Plains grassland still survives, almost driving the grassland earless dragon to extinction, and in the south-east urban growth has done the same to the southern brown bandicoot. This city's addiction to large houses and sprawling suburbs is a major contributor to Victoria's status as the most cleared state in Australia. As we heard in the inquiry into wildlife road strike in Victoria, this destruction of habitat is also key to more animals being pushed onto roads and ultimately killed. This too must be recognised by our planning laws. I note that the inquiry recommended that the Planning and Environment Act 1987 be amended so that planning schemes must include mechanisms for wildlife protection in all proposed developments.

The way Australian cities have previously been designed has been the cause of or significant contributor to many of our day-to-day problems but also many of the significant challenges that we face as a nation: a quickly worsening traffic situation, the lack of equal access to good jobs, the housing crisis. It is why all Australian cities are implementing policies to slow our sprawl. We must accept that the only way is up, but the way that we do it matters. As I said, despite being called the 'better decisions made faster' bill, I am concerned that the focus continues to be on constructing housing at all costs. Well-designed dense cities are ones that have plenty of access to large green spaces, jobs and amenities and are well connected and walkable. The types of homes built also matter. We need diversity of housing, social and affordable housing, and family-friendly, large, well-designed, beautiful homes.

I am not mentioning all of this because I believe the government can snap its fingers and make it happen but because planning recognises all of these things are interconnected. These are the principles I have tried to place at the centre of my engagement with the government and ultimately my decision on this bill. Those principles have also been kept in the context of what I have heard from a range of stakeholders throughout this process. Stakeholders who I want to recognise and thank include the Planning Institute of Australia, the Grattan Institute, YIMBY Melbourne, the Municipal Association of Victoria (MAV) and the Community Housing Industry Association. I have also received an abundance of correspondence from constituents and people all over Victoria.

How we plan our cities is complex and intricate both conceptually and for governments. I know the government's intention is to simplify those systems while still recognising what Victorians love about the places they live, and I know they share many of the values that I stated. The government's approach to this, particularly in developing this bill, is where they have failed. Time and time again they have perpetuated the NIMBY-versus-YIMBY discourse and seemingly given up on bringing communities along for the journey, as is often the case and frustration for us on the crossbench. This bill was drafted in complete isolation. Councils were left out of the discussion, and those from MAV who were consulted were forced to sign non-disclosure agreements. This is simply unacceptable. The government will continue to struggle to build community support for these changes if they continue to treat local government with the contempt that they have been. As the people ultimately forced to deal with its repercussions, council planners must be seen as an integral part of this discussion.

Despite the fact that I completely condemn the way the government has engaged with the community on this bill, I would like to thank Minister Kilkenny's office for their cooperation with my office and

with other members of the crossbench. The Greens have put forward welcome amendments to this bill which address many of the key issues raised by stakeholders and many of us on the crossbench in our discussions with the government, and there are a few I would like to particularly note. It is important that the Parliament retain its power to revoke planning scheme amendments. So much of the planning system is contained outside of the actual act, so it is vital that they have parliamentary oversight. On the topic of oversight, I am glad to hear that the government will be creating a ministerial advisory committee to prepare the regulations needed to implement this bill, but I really must say this was the bare minimum. A real oversight mechanism for the Victoria Planning Provisions has been recommended to the Victorian government since 2008 and again in several other inquiries since. I would urge the government to still do this. I am also pleased the Greens are seeking to retain the objective of enhancing ecological processes. The bill itself will also finally include responding and adapting to climate change as an objective and the recognition and protection of traditional owner connection to the land.

Most importantly, the proposed powers to prescribe social and affordable housing are wonderful and something that I know every member of the crossbench has raised. As the government seek to encourage more housing growth in places that are well connected and serviced, it is so important that they also increase their supply of social housing. This is also something councils themselves have been begging for. The changes within this bill and those already done to our planning system will lead to significant changes to the urban design of Melbourne and cities across our state. I know the prospect of change on this scale is daunting, but considering the challenges faced by our state, they are entirely necessary. That is why I will be supporting this bill and the Greens amendments today.

David LIMBRICK (South-Eastern Metropolitan) (13:45): I would also like to say a few words on the Planning Amendment (Better Decisions Made Faster) Bill 2025. The government's context in the bill summary that we were provided I think drastically understates the seriousness of the situation that Australia and especially Victoria is in when it comes to housing. I speak to a lot of young people, people in their 20s, and there is a feeling amongst young people in Victoria of despair about housing. They look at the cost of housing, and they see something that past generations had; they do not see something that they can have. The prices that they have to pay and that they see advertised they just see as something totally unattainable, and they are reacting. Some of them that are industrious and are entrepreneurial types leave the country – they go to other places. I know a bunch of people that have gone to the United States. Some people remain in despair. Some people organise into activist groups, and we have seen the emergence of new groups like YIMBY Melbourne, amongst others, that want change of policy. They want Parliament to do something different.

But then there are also other, darker consequences that have been happening, that have been driving extremism on both the left and right of politics, which are far more concerning. The people that oppose housing development I would urge to think of the consequences of this running out of control. On the far left we have people openly advocating for squatting policies, the expropriation of property that is unused and severe inheritance taxes – all sorts of hardcore socialist policy on the left – and on the right we have groups blaming everything on immigrants. Both of these are the toxic result of a housing crisis in Victoria.

I think that there are lots of things that the government could be doing and should be doing to ease the housing crisis. As we have seen in multiple inquiries, about 40 per cent of the cost of a new house is taxes, fees and charges – an incredible amount. The government have done some things on stamp duty; I would like them to do more, such as providing exemptions on people downsizing. Ultimately I would like them to get rid of stamp duty. I think it is an awful tax. Ultimately the government is proposing here to attack one thing which I think everyone acknowledges is a problem in the process and that is the planning system, in particular approvals. The cost of holding a property while you go through this approval and objection process is prohibitive; in fact it is causing investment to not happen in the first place, or when investment happens it raises the required yield for that investment to go ahead if you are talking about something that is going to be rented out. But it is unarguable that making

planning decisions faster will decrease costs. It will accelerate the rate at which houses can be built. I do have concerns, as others have raised, about the labour market and about materials and the costs of materials and whether we can actually support that rate of construction, but nevertheless it is important that we do whatever we can to increase the speed at which these decisions are made.

Now, on how we approach this bill – or how I approach this bill – a fundamental thing that libertarians believe in is property rights. A planning scheme that allows people to object from all over the place just because they live within a vicinity of a property is actually an affront to property rights, and I welcome what the government is doing here. I see it as actually a protection of property rights. I know that people have been arguing that they should have a more democratic say in what other people do with their property, but ultimately the person that owns the property should be the one that dictates how that property is used. Of course there are situations where there are conflicts in property rights – things like overshadowing and this sort of thing. These are genuine property rights concerns, but there are large numbers of people who simply oppose development because they do not like new houses in their area. Considering how serious this is and the social disruption that this is causing, I think that it is very wise to err on the side of allowing housing to be built as fast as possible.

I have had lots of people contact me about this bill. Some of the concerns that have been put to me will be I think alleviated somewhat by some of the amendments proposed. We will get to those in committee. Nevertheless I think that the government needs to go further on this, actually. Ultimately I think that the problem that we have created with housing is self-inflicted through government regulations, taxes, planning schemes and heritage overlays. All of these things that they have put in place – not to mention competition with government construction projects for labour – have made it harder and more expensive to build homes, not to mention what they have done with increasing rental regulations and taxes. They have made it to the point where no-one wants to be a landlord in Victoria anymore, which is another concern.

I want the government to go further. Ultimately I would like to get rid of planning systems. I know that other places in the world have done that quite successfully – notably, I have spoken about Houston a number of times. In any economic system where you have a freer market, you have more efficiency. That is what we need and we do not have at the moment. This is a self-inflicted problem. I am glad that the government are doing something to address it, but I urge the government to go further on this and do whatever they can to ensure that more housing is built for Victorians, because the consequences of an entire generation locked out of property ownership are too horrendous to think about.

David ETTERSHANK (Western Metropolitan) (13:53): Could I firstly thank Minister Shing and Mr Tarlamis for holding over the remaining second-reading speeches. I think after Thursday of last week we were all pretty shot, so it is much appreciated.

Harriet Shing: Speak for yourself. I was ready to go for hours.

David ETTERSHANK: I do not doubt it. Could I also ask at this point that the amendments in my name be circulated.

When this bill was announced on 28 October the government said that it was 'delivering the biggest overhaul of Victoria's planning laws in decades'. That much is certainly true. So how should one go about the process of overhauling a planning system, one might ask? You could take the New South Wales route. You could talk to the opposition, talk to the Planning Institute of Australia and maybe even talk to the crossbench and try and reach a broad consensus about how the planning system should be reformed. You could then take the bill through Parliament, improve it through amendments and end up with a bill that enjoys broad support and sets the planning system up for success for another generation. Or you could take the Victorian route. You could write the bill behind closed doors, not talk to other legislators, definitely not talk to the 79 councils that will have to implement the reformed planning system and drop a 238-page bill into the Parliament. You could also perhaps not, amazingly, as Ms Purcell referred to, take the Municipal Association of Victoria, which is legislated as the peak

body on behalf of those 79 councils, and subject it to an NDA that is so comprehensive it even denies the existence of the NDA. This of course only came to earth as a result of the Planning and Environment Committee inquiry into consultation, and I think that sort of gagging is disgraceful.

But of course the government now rushes this bill through the Assembly and then demands that all stages of the bill go through the Legislative Council on the final scheduled sitting day of the year. As a cherry on top, you can pretend that the bill only does one thing, that it magically builds more houses, so that any criticism of the bill can be dismissed in advance as blocking housing supply. Again, I commend Ms Purcell's speech in terms of identifying the really regrettable way in which this debate has been framed into NIMBY versus YIMBY, with no meaningful discussion of how we build sustainable and amenable communities – and that is the missing centre here in this debate.

I am not in the habit of quoting myself, mainly because I am often wrong.

Harriet Shing: But you are about to do so.

David ETTERSHANK: That is exactly right. But I want to remind members of what I said in May after a select committee I chaired made unanimous recommendations about how the government could improve the way it does planning reform:

> So there is still a lot of work to do. I imagine there will be plenty more Victoria Planning Provisions amendments coming down the line. I imagine there will also be some reforms to the act. Whether those reforms are designed to smash through or whether they are done in a way that generates public confidence is entirely up to the government. So far we have seen a lot of the former, and I hope we start seeing some of the latter.

When I made that statement Mrs McArthur insisted that I was, I think, 'naive in the extreme' – her words – to think that the government would heed my thoughts. I have to say, Mrs McArthur, you were right. That select committee was an eye-opening experience. It showed that we really do have a problem in this state with the way we go about reforming the planning system. Well-intentioned codes and changes to the Victoria Planning Provisions (VPP) get drafted in a rush without consulting those who actually have to administer them, independent experts or the affected communities. And while these new codes and planning provisions might solve a few problems, too often they create new ones. The removal of the ability of decision-makers to consider environmental risks like flood, fire and contaminated land under the Townhouse and Low-rise Code remains I think perhaps the best example of just that.

The select committee was also conducted in the context of a potential use of the powers of this chamber to disallow planning scheme amendments. If we did not have that power, we probably would not have had a select committee, and if we had not had the select committee, we would not have been able to discover just how rushed and inadequate some of these planning reforms have been. That select committee made serious recommendations about how to go about planning reform in a way that achieves broad political and public support for urban densification and housing supply. At the end of the day, every one of those recommendations was in the government's own interests, because they all had the aim of building public support for reforms that lead to more efficient decisions and better outcomes. Not only have the government not responded to the select committee's recommendations, so upset were they at the slightest bit of public scrutiny that they have chosen the nuclear option, the bill repeals the Parliament's power to disallow planning scheme amendments. This is the only real democratic check and balance on the government to ensure that its planning reforms are consistent with the act, and the government says, 'Get rid of that.'

It goes without saying that Legalise Cannabis will be voting to remove that clause from the bill. It is an affront to the principles of democratic and representative government, and the government should be embarrassed for including it in the first place. If, after the committee stage, the disallowance powers are not back in the bill, we will have no hesitation in voting against the bill at third reading. There are too many untested and underconsulted elements in this bill for us to be confident that it will do what it aims to do, so we will support any referral of the bill to an inquiry so that this once-in-a-generation

opportunity is not squandered. We want to get these reforms right and we want to see these reforms succeed.

There is a lot of good in this bill, and the rushed and flawed parts can potentially be improved by amendment and detailed consideration. Let me mention a few of the good points. Firstly, repeal of the disallowance powers aside, the bill's reforms to the planning scheme amendment process are welcome, and we support them. The new performance measurement scheme for planning scheme amendments is especially welcome. Too many planning scheme amendments are stuck on the minister's desk or waiting for a gap in the planning panel calendar, and we need to flush them out. That performance measurement scheme should also include planning scheme amendments proposed by the minister, not just those proposed by councils, and I will move an amendment to that effect. The proposed 30-day warning before major VPP amendments are made was a specific recommendation of the select committee, so that is welcome too. There is no reason that the provisions should wait until 27 October to be implemented. They should commence immediately, and we will be moving an amendment to that effect.

The changes to the objectives of planning in Victoria are mostly supported, but some important concepts have been lost along the way. These include fairness, efficiency and ecological processes and the protection of human life. These are not frivolous concerns. They go to the reason we have planning laws in the first place. No decent justification has been given for their removal, so I will be moving amendments to reinstate them.

The planning permit process reforms are more challenging. The idea of streaming permits into three speed sequences based on the risk and complexity of applications is a good one. If matters are genuinely simple and uncontroversial, they should not be delayed. But councils have told us that they will struggle to facilitate the mechanisms that allocate applications to streams. Given the government chose not to consult any of them, I am happy to take up their suggestion of amendments that provide some safeguards to ensure that all applications are assessed under the correct stream and do not force a high-risk application down a 10-day pathway.

Allocating applications to the correct stream is especially important because the bill introduces a series of new automatic approvals and they click in if the deadlines are not met. If, for example, a referral authority like Melbourne Water or the CFA does not respond to a type 3 application quickly enough, they are simply deemed not to object. If a responsible authority does not approve a type 1 application within 10 days, the applicant automatically gets a permit. If a responsible authority does not respond quickly enough to an extension-of-time request, the extension is automatically granted. And if a responsible authority does not approve plans required under permit conditions within the prescribed time, the plans are automatically approved. Automatic approvals are not necessarily bad, but if they are going to be introduced into the act, they need to be introduced with caution. Government should have a very high level of confidence that they are not creating unacceptable risks. I will be looking for that confidence in the bill inquiry or the committee stage.

Given the government failed to consult any councils and councils make up the majority of the Victorian planning system, I put the government on notice now that they have a lot of work to do to convince me that they have thought this proposal through. Many of my constituents live near the Maribyrnong River, which flooded in October 2022. The Ombudsman found that the reasons the Rivervue Retirement Village flooded included that the original flood modelling was rushed, the development plans used the wrong set of flood levels and the assessment of the planning application cut just too many corners. So when the government introduces a bill that literally has 'faster decisions' in the title, okay, we all agree in principle that fast approvals are important, but I also want to know: will Melbourne Water's resources be up to the job? Will the council have enough time to check everything without cutting corners? And will my constituents be safe?

A second troubling element of part 5 of the bill is the general reduction of public notice of applications. I am not talking about third-party appeals here, though that is being reduced too; I am talking about

public notice to neighbours, locals and interested parties. To my mind this is the part of the planning process that gives all the other parts legitimacy, because it is the part of the planning process that allows for some scrutiny and transparency over decisions. If you cut that out, there is not much chance that Victorians will believe that the right decisions are being made. The act currently requires all planning applications to undergo public notification unless the planning scheme switches it off. This bill reverses this for type 2 applications, like applications to build new townhouses and low- and medium-rise apartments. Public notification will be off unless the minister switches it on again later. The government is playing with fire here. If applications for new homes are not going to be the subject of public notice, then there is less chance of mistakes being picked up, there is less chance the local community will welcome the proposal and there is less pressure on applicants to make high-quality applications in the first place. I will save my other thoughts for the committee stage when we get to amendments, but I reiterate that this bill is not acceptable in its current form but it can be made acceptable.

I will close by discussing what this bill does not do. Firstly, it does not do what it says it does in the title – faster decisions, yes, but there is no evidence that the decisions will be better decisions. Unless the government switches back on the general discretion of decision-makers to identify and manage known environmental risks under the new residential codes, including existential risks like major floods in areas that do not have a flood overlay yet, there is no evidence that faster decisions will indeed be better decisions. Secondly, it does not do what the government says it does. It does not magically produce more homes. Planning might influence yield, but it does not alone dictate development costs or the market. A piece of paper granting planning permission does not come with a shovel attached. By focusing only on housing supply and pretending that planning is the panacea, the government overlooks the many other financial barriers to building more homes, and by pretending that the market can deliver more affordable housing if only 30 days can be shaved off a planning approval, well, the government is starting to believe its own spin. Yes, housing supply is a problem, and the lack of affordable housing is the most acute part of this problem. New public and private affordable housing has to be part of the solution, and it has to be done in a timely and appropriate manner. This bill could do some good – quite a lot of good – but it needs significant amendment.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (14:08): I rise to make a contribution on the debate of this particular bill, noting the extensive contributions that have formed part of the second-reading process. I do want to take this opportunity with the time that I have available to respond to a number of concerns, noting that we will have an extensive committee stage that will enable us to go through some of those concerns and those assertions in greater detail. Firstly, thank you to everybody who has been part of constructive and good faith discussions around this legislative reform. We have had a number of discussions that have gone over a not insignificant period of time, including with the crossbench, around addressing concerns and following up issues with them. We really appreciate the willingness to engage. It is a hallmark of this particular chamber that, at our best, we are able to have these conversations with a shared understanding of the challenges that are attendant in Victoria as our population continues to grow. The fact that we do continue to grow so strongly is one of the reasons for this, being the livability that is already germane to living in Victoria. We do have a range of living opportunities, typologies, environments and possibilities that meet the aspirations of Victorians now and continue to do so. This is about prosperity, opportunity and amenity, and these are the sorts of things that underpin these reforms and indeed the broader reforms in the housing statement. A collective commitment to ensuring that this remains the case is at the heart of what we are doing through this bill, and we really want to make sure that these planning reforms, necessary as they are, can pass in order to keep us on the right path.

I want to respond to a couple of the assertions that have been made around concern that the bill is stripping away all the protections in the act, that the changes being made will lead to councils and communities being cut out of planning development processes and that more power will be axiomatically delivered to the minister. That is not the case. There is nothing in the bill that reduces or

changes the consideration of environmental and safety risks under the Planning and Environment Act 1987 and the planning system that it establishes. The bill does not abolish the right to know about proposals, and the government absolutely rejects the assertions that any corners are being cut through reforms to regulatory processes. None of the changes proposed in this bill change the role and function of councils when, firstly, acting as the planning authority for their municipality or when, secondly, acting as the responsible authority. Councils will still be making recommendations on zoning changes and the implementation of local strategies and plans on behalf of their communities and still be making decisions in respect of planning permit applications. In fact the bill provides a greater measure of transparency and certainty about how and when the community will be consulted on planning scheme amendments, and in establishing more proportionate processes for planning scheme amendments we are guided by the desire to reduce the use of exemptions and bespoke processes.

The minister in the other place explained this pretty extensively in the second-reading speech, and that is a pretty stark contradistinction to the member for Bulleen, who previously held the planning portfolio. He asserted that none of these amendments are needed because, in his words, the minister can use section 20(4) of the existing act to grant more exemptions from the requirement to engage with the community and suggested that this government should in fact do more of what he did when he was the Minister for Planning. When he was the Minister for Planning he was known for approving high-rise towers without consultation. The record reflects very clearly what happened during that period. But Mr Davis, when he was making a contribution, in fact lovingly referred to those times in government – as highly critical as he is of the use of section 20(4) by this government, that is an interesting engagement in I would say cognitive dissonance, but I do not want to be so uncharitable – when it was used by government to strike away the rights of people in the community. We want to make sure that we are also addressing the issues and the concerns that Mr Davis raised in this regard. When it was used without restraint by those on the opposition benches, that is portrayed as taking action to deliver what the community needs. Again we want to make sure that we are calling that out and that we are not actually entering into a path of what might be temptingly advanced as the politicisation of what we all know and experience in our own communities as a challenge around affordability, availability and consistency in decision-making.

This bill does not remove the right to object or the right to see what is being proposed when planning permits are being sought. It retains the requirement for notice of planning permits to be given for permit applications using the default process, which is assessment type 3 under the bill, and it should be noted that the separate regulatory process for standardised developments can be assessed by reference to a planning code, so assessment type 2. The planning codes may or may not provide for notice to be given for such standardised developments when developed in different planning zones or in specified circumstances, and it should be noted that the example of a code that already exists for townhouses and low-rise developments requires notice to be given for permit applications.

I would like to really ensure that there is clarity about who the government consulted as well. That has been the subject of some of the contributions here today in the second-reading debate. Consultation was undertaken in four phases between July 2024 and October 2025. This consisted of meetings, workshops and the provision of detailed written materials. In phase 1 of the consultations there was targeted consultation with peak planning, development and professional bodies to identify priorities for the review of the Planning and Environment Act 1987. With the permission of the house I might refer to it as the P and E act from now on. In phase 2, which occurred in February and March this year, workshops and written feedback occurred with local government planning officers, planning consultants and peak bodies, and that was about testing proposed legislative options in relation to planning scheme amendments and planning permits and also to gather feedback on the policy direction. Phase 3, from April to June this year, was about meeting with peak bodies and stakeholder groups to discuss a range of additional reforms. Phase 4 was consultation with peak bodies and key stakeholder groups on detailed policy proposals and the bill. Participants were provided with draft provisions and summary material, with feedback used to refine the drafting and to confirm preferred policy positions. Parties that were consulted on the detailed policy provisions of the bill were then

provided with a copy of the bill in October this year, and they were the following peak bodies. I just want to read them into the record for the purpose of having them in one spot for the sum-up here.

David Davis interjected.

Harriet SHING: Peak bodies and stakeholder groups that were consulted were the Municipal Association of Victoria, MAV; Planning Institute Australia, PIA; Property Council of Australia, PCA; Urban Development Institute of Australia, UDIA; Housing Industry Association, HIA; Master Builders Association of Victoria, MBV; Law Institute of Victoria, LIV; the Victorian Planning and Environmental Law Association; and the Australian Institute of Landscape Architects.

The confidentiality agreements, which Mr Davis has just chimed in on, enabled copies of the bill to be provided to these parties so that they could review the bill over a number of days rather than over the course of a lock-up for a 2- to 3-hour period. It is a detailed bill. It is a bill which again requires some careful contemplation, and the confidentiality agreements are not in and of themselves a controversial matter as asserted by some in the contributions made in this place. Local government planning officers chose not to participate in the consideration of detailed reform proposals and the final details of the bill because they were not willing to sign confidentiality agreements. There is nothing that says that people are precluded from talking about the existence of a confidentiality agreement. It is simply that the content of the subject matter covered by the confidentiality agreement is not to be disclosed and is a condition of an arrangement whereby, subject to a confidentiality agreement, that detail is made known. All of the other peak bodies, including the MAV, understood the need and imperative to sign those confidentiality agreements to ensure that there were protections against the unauthorised disclosure of cabinet-in-confidence information. So in all other earlier rounds of consultation, no confidentiality agreements were in place.

I note that I am running out of time. I am just going to skim over the subject matter of some of the other contributions, and then perhaps we can get into further detail in the committee stage. I have talked about how the bill does not actually strip away rights, but I do want to make sure that we can address some of the issues around First Peoples. In our engagement with First Peoples and the development industry, it was identified that cultural heritage approval requirements were not being identified early enough in the process and that that could result in costly rework and delays. The bill seeks to address this by requiring applicants for planning permits to notify traditional owners of development proposals, and that notice period is only required in culturally sensitive areas that have been prescribed. It is not across all of the state. The areas that are intended to be prescribed are being surveyed and mapping work is being undertaken, and those areas will be prescribed using regulations once that mapping is complete.

The next criticism was that the bill leaves a lot of matters to be determined through regulations and subordinate instruments. That is true, but it is also not unusual. Again, these are not new components of a system to those people who are actually involved in using or administering the planning system. More specific concerns have been raised about the development of regulations and other subordinate instruments and how they will be developed. So what steps is the government taking specifically to ensure that local government planners, the development industry and the community have an opportunity to have their say in developing those details? The Subordinate Legislation Act 1994 requires that for any new instrument or any amendment there must be consultation with representatives of individuals or groups that are likely to be impacted – minimally, initial discussions about the need for and proposed content of proposed regulations. In circumstances where there is new regulation or regulatory amendments or a legislative instrument is likely to impose a significant burden on a sector of the public, then a RIS, a regulatory impact statement, and public consultation would be required. That is where, again, it is that measure of consistency and the application of process that is intended to provide a better measure of certainty to decision-making.

The planning regulations advisory committee and our proposal to establish this committee to provide advice to the minister will in fact enable us to establish that committee under section 151 of the

Planning and Environment Act, and the scope will include a range of matters – new regulations, a review and remake of existing regulations, changes to the Victoria Planning Provisions and development of ministerial guidelines and directions. We propose to invite the following organisations to be represented on the committee: the Department of Transport and Planning – DTP – the MAV, municipal councils, the PIA, the PCA, the UDIA, the HIA, MBV, the LIV and the Victorian Planning and Environmental Law Association. This is predominantly about a committee having an advisory function, but it is also foreseen that it can fulfil oversight and coordination functions.

Concern has been raised about removal of the word 'fair'. The removal of the word 'fair' occurred because 'fair' is subjective. Again, when we have a level of subjective interpretation which does not have a canon of case law, as distinct from 'reasonableness', which is a very well established principle at law, even if what is fair is clearly understood and defined in each and every context, which is not the case, the role of the planning framework in achieving this outcome is really limited. Including consideration of what is fair makes what should be, so far as possible, an objectified decision-making process more open to subjective judgement. Ultimately, our position is that the bill provides the need to balance all objectives against one another, including social and economic impacts. In doing so, the objectives will collectively, in the aggregate, deliver fair outcomes through the planning system on behalf of all Victorians.

I am also aware that there is a view that the new objectives narrow the consideration of safety. Again, we do want to make sure that there is an objective of planning to facilitate those places that are 'safe and accessible' and that enhance the health and wellbeing of Victorians and visitors to Victoria. To set the record straight, the order of those objectives does not reflect relative priorities. These are priorities that exist adjacent to each other, matters of equal merit, and the instruction to those that must give the objectives consideration when making decisions is to balance all of those objectives against each other.

Tighter timeframes – the timeframe for responses to referrals is not in fact proposed to be changed but is proposed to apply more discipline to compliance with those timeframes.

The other issue that I do just want to raise is the suggestion that the bill provides for the removal of parliamentary scrutiny of planning scheme amendments. The bill does not do this. The government acknowledges that this reform was not supported by the majority of members of the Legislative Council, and the Greens and the Legalise Cannabis Party have proposed amendments to remove the proposed changes to the parliamentary scrutiny arrangements from the bill, so the government will be supporting the Greens amendment in that regard. The government will not be supporting the Legalise Cannabis Party amendment to further changes to the status quo. The Greens are also proposing some other amendments relating to a head of power to mandate affordable housing public notice requirements for permit applications assessed through the type 2 process, and putting it beyond doubt that protecting ecological processes is an objective of planning, the government will be supporting these amendments. I just want to put those matters on the record with the time I have available. I commend the bill to the house.

Motion agreed to.

Read second time.

Referral to committee

David DAVIS (Southern Metropolitan) (14:23): I move:

That:

(1) a select committee of six members be appointed to inquire into, consider and report by 31 March 2026 on the Planning Amendment (Better Decisions Made Faster) Bill 2025 and in undertaking this inquiry examine the following:

(a) the appropriateness of the planning changes proposed in the bill;

(b) the adequacy or otherwise of consultation with Victorian municipal councils and the Victorian community;

(c) if the bill is the best mechanism to achieve its stated objectives;

(d) the impact on heritage of the measures proposed in the bill;

(e) the impact on participatory democracy of the changes proposed in the bill;

(f) other proposed amendments either in addition to or in replacement for proposed changes in the bill, including mechanisms for mandating the inclusion of social or affordable housing in new residential developments in locations where it is financially viable to do so;

(g) the appropriate mix of mandatory and discretionary height restrictions;

(h) the appropriate role of municipal councils in managing planning and reflecting the views of their local community; and

(i) other matters the committee considers appropriate to improve the Planning and Environment Act 1987;

(2) the committee consist of two members from the government nominated by the Leader of the Government in the Council, two members from the opposition nominated by the Leader of the Opposition in the Council and two members from among the remaining members in the Council, to be nominated jointly by those remaining members;

(3) the members will be appointed by lodgement of the names with the President within five calendar days of the Council agreeing to this resolution;

(4) a member of the committee may appoint a substitute to act in their place (for nominated meetings or for a defined period of time) by that member, or the leader of that member's party, writing to the chair advising of the member who will act as their substitute;

(5) a member who has been substituted off the committee must not participate in any proceedings of the committee for the nominated meetings or defined period of time that they have been substituted off for;

(6) substitute members will have all the rights of a member of the committee and shall be taken to be a member of the committee for the purpose of forming a quorum;

(7) the chair of the committee will be a non-government member; and

(8) the first meeting of the committee will be held within one week of members' names being lodged with the President.

We have heard a lot through this debate from the Municipal Association of Victoria, councils across the state, individuals and those concerned about the government's decision to take more power for itself through these planning changes. We have heard a lot about the government, and we heard just then from the minister about consultation. Well, let me just say one thing: there was one group that was not consulted, and that is the Victorian community. The people of Victoria – all those home owners and all those who want to see the livability of their suburbs and the livability of their communities protected – were not consulted. The government went through this long process. We heard the list from the minister. We heard that the bill in its later stages was shared with certain groups, and an NDA was required there – you had to sign the non-disclosure agreement. You could not go and consult the council of which you were a member. We heard that local government planning officials were not part of that process because they said, 'We don't want to sign a non-disclosure agreement and take on the burden of giving advice without actually consulting with our councils and our communities.' And I say that is a pretty fair call.

In the other list that the minister went through in the consultation process, there was no deep consultation with the members of the community. This is a very important act. The Planning and Environment Act 1987 has been changed of course over the years, but it has been in place in one form or another for that length of time, and that is a very long period of time. Now we are about to make serious changes to that to strip out a lot of the protections, strip out a lot of the controls and strip out the checks and balances that have protected communities over those many decades. And yet the government did not deign to even talk to the community. They did not talk to the rest of the community. Until the bill landed in the lower house, the community did not know the detail of this bill. And then of course it takes a bit of time, and a very small number of weeks have actually elapsed

since the bill landed de novo in the lower house. It was pushed through in short order there, and then it came here. The government wanted to push it through last week, but they were forced by the chamber's reticence to debate that up-front in that short period of time, saying no, and the government have had to come back a week later with a special sitting and a special decision to do it today.

But I say this bill needs to be looked at very carefully – its impact on the environment and its impact on the population changes. We have got increased density as an objective of the government. Well, what does that mean? How will this set of changes impact that? All of those matters should sensibly be looked at. The vegetation requirements around the city are a matter of real significance at this point. I say the proper way to do this is with a proper inquiry that will look at this in detail, with a select committee that will be in the position to look at this carefully over the period before March and hold hearings, take expert advice, bring the government ministers in, bring the government department in, bring the Planning Institute of Australia people in, bring the Victorian Planning and Environmental Law Association people in – all of those different groups who have got a lot to contribute – and, importantly, hear from people in the community. I have had many people email me whose covenants are to be torn up, to be ripped up. You might say that is unimportant, but they were not consulted on that. They are only learning about that now. I had new people email me on the weekend. People are starting to learn about the effect of this bill across a wide front.

This is a very reasonable way forward. It is a select committee. It will not interfere with the work of another committee. It actually will have a fair balance across the chamber. We will have a non-government chair. It can actually hold the government to account through this period and dig down into the effect and the impact of this bill. This bill is an absolute nasty, this one, and this bill will impact right across the suburbs of Melbourne and across the suburbs of Victoria.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (14:31): Mr Davis, the referral that you have made ignores, perhaps conveniently, the work that has been undertaken, to your point about the community having not guided this process, in the largest consultation that we have ever undertaken across the state of Victoria. *Plan for Victoria*, Mr Davis – and I am not sure whether you yourself made a submission to that – involved and engaged more than 110,000 Victorians. In fact much of the work in *Plan for Victoria* has informed what is in this bill, Mr Davis. So it is somewhat perplexing that you are seeking effectively to ignore the existence of a consultation process, the largest in Victorian history as far as the consultation undertaken goes.

Plan for Victoria, Mr Davis, is about making those better decisions. It is about facilitating growth. It is about addressing the issues of amenity, of environmental design, of careful decision-making and of the role of councils and the intersection between that and the housing statement, Mr Davis. Many of the matters that are set out in this referral were actually contemplated specifically by the *Plan for Victoria* consultation and were canvassed very broadly and very extensively in the process of consultation there. So, Mr Davis, the fact that you have set out terms in a proposed referral that would seek, in essence, to set a benchmark that cannot reasonably be said to be achieved because of your inherent objection to this bill and your inherent objection to the delivery of more housing to meet the stated objectives of the housing statement says in fact more about a potential concern for bad faith, in advancing this referral, than anything else.

Mr Davis, I would hate to think that you might be perhaps using a parliamentary process to prevent the legislative process from occurring because of the referral off to a committee which would then presumably be about – when are you proposing for this final report to be –

David Davis interjected.

Harriet SHING: 31 March, Mr Davis. We have been having consultation on this bill in addition to 110,000 people being engaged in *Plan for Victoria*.

David Davis interjected.

Harriet SHING: Mr Davis, you have read *Plan for Victoria*; that is good to know. What you would then recognise from having read *Plan for Victoria* is that the engagement of 110,000 Victorians in subject matter which overlaps significantly with this bill is something that indicates a very clear correlation and an engagement there.

David Davis interjected.

Harriet SHING: Mr Davis, you appear to be asserting that consultation in *Plan for Victoria* is inadequate, while you propose that a committee process might be better than what Victorians are telling us about planning reform. Perhaps, Mr Davis, that says more about the regard in which you hold communities' direct voices than a proposed referral.

I went through, in my summing-up, the extensive consultation that has occurred – the three phases of consultation, Mr Davis. Of course there is always more work to be done. The Minister for Planning has been assiduous in the breakdown of detail of that careful engagement, whether it is with councils, whether it is with community groups or whether it is with peak bodies, and we intend to continue that work because it is important. We do want to make sure that we have, in the committee work, in the references that I spoke to in my sum-up, that ongoing engagement, because ultimately this is about creating a planning framework that facilitates and enables outcomes and decisions that outlast all of us, that are made well and that are made by reference to a range of considerations that are balanced carefully against each other to ensure that, as we grow, that growth not only is sustainable, not only is environmentally considered, but also facilitates the idea of opportunity and of prosperity and of a measure of equity in the way in which people can achieve their dream, as Mr Limbrick pointed out, of home ownership, which increasingly has become difficult. Change is hard, Mr Davis. But good change is possible, and through the objectives and the processes set out in this bill and in the process we have done the work to make sure that we have that driving the heart of the reforms in this bill.

David ETTERSHANK (Western Metropolitan) (14:36): I rise to support Mr Davis's motion. I am sure we are going to argue this repeatedly this afternoon or maybe this evening – hopefully not. But this polarisation – that either you are pro and unqualified in support of government amendments, in which case you are in the YIMBY camp, or if you raise any questions or doubts or procedural issues then you are obviously a NIMBY and you are against housing – I just want to reject. I just want to reject that characterisation or that caricature. I would like to reject that caricature unequivocally because it is just so convenient to try and put things in boxes. Minister Shing referred earlier on to some of the amendments that a previous Liberal Minister for Planning had made which saw the magnificent spectacle of Joseph Road in Footscray, which is a multistorey planning disaster and was of course facilitated not only by the minister but by the Department of Transport and Planning; it was fast-tracked. Now there are hundreds of residents living in that incredibly badly planned, inhospitable, virtually war zone–looking area – it will be better when they do the roads eventually. I think that is a compelling argument for why we do not simply characterise this as YIMBY versus NIMBY. It is about building communities. It is about recognising that what is built now will be there for 50, 60, 70 years and should be considered thoughtfully.

I just want to say I endorse completely what the minister said. Good change is entirely possible, and that is what we want. We want good change that allows for a thoughtful approach to developments that will last for decades, and to suggest that in some way a referral to this committee, which will report back by 31 March, is delaying the process is just materially wrong. As it stands, this bill does not come into effect for two years, until the end of 2027. This will take a couple of months at the beginning of the year. On that basis what is there to lose? What is going to be so damaging about actually having experts come in to speak to the strong points and the concerns around this bill? Clearly the last planning inquiry was simply rejected by the government. We are sincerely hopeful that they will reply, other than to call the inquiry a sham. But hopefully there can be a little more respect for a parliamentary process and the work that was done by not only members of this chamber but also an incredibly dedicated and hardworking secretariat. On that basis I would just like to endorse Mr Davis's

motion. We probably disagree on a few things, but by and large the concept of an inquiry – open, transparent and accessible by the community – should be supported.

Richard WELCH (North-Eastern Metropolitan) (14:40): I would like to make a brief contribution on Mr Davis's request to transfer this to inquiry. I think it comes back to the basic premise: have people been consulted? No, they have not, and I absolutely echo Mr Ettershank's comments about that. You do not have to be in one camp or the other. We do want good development. Good development is entirely possible with good consultation. We have many generations in Melbourne where exactly that was achieved. You can go back as far as the 1920s in the Richmond slum clearance, when we said, 'We're not going back to that state of living again. We'll put in planning controls so that people have the dignity of homes that they can live in and they can raise families in.' We have done it before. We put in controls so that we could avoid what is the logical fallacy of the tragedy of the commons. Even though I typically agree with much of what Mr Limbrick says, if we have open slather we will have the tragedy of the commons, which is that we will overuse a limited resource and have poorer outcomes.

I also do strongly agree that this is about planting communities. It is not just about putting some concrete up in random places wherever we can shove it in; it is about building communities. There is a lot of pejorative language about urban sprawl, when in reality that, to me, only goes a very small way to describing what it is. It is actually about planting communities, and if you look at some of the fringe communities and new suburbs – places like places like Doreen and –

Lizzie Blandthorn: President, on a point of order, this is a very narrow procedural motion, and I suggest that Mr Welch would be better placed saving his contribution for the substantive committee stage rather than applying it to the procedural debate.

The PRESIDENT: On the point of order, the debate is around whether the committee should be formed or not, so I will remind Mr Welch that is what the procedural debate is about.

Richard WELCH: Thank you for that correction. I agree: I think all of that is really simply a foreword to the comment that we need an inquiry because the consultation has not been done. Other opportunities that we have to meet this really acute housing need exist, but it will not be solved this way, by a top-down, oppressive planning rule that is simply designed, really – as the government has tightened and tightened its tax regime and made housing more and more unviable, it seems to want to counterbalance it by completely liberalising all planning rules, throwing them all up in the air for anyone to do anything they want. It is a bad formula; it is bad urban planning.

Lizzie Blandthorn: On a point of order, President, I would suggest that Mr Welch is now in defiance of your order, which is that this is a procedural debate, and the substance of his contribution does not go to the procedural matter at hand.

The PRESIDENT: I call Mr Welch back to the procedural debate.

Richard WELCH: Well, again I am saying this is the argument why it should go to inquiry. But I have made my points, and I am happy to finish there.

David LIMBRICK (South-Eastern Metropolitan) (14:43): I have made my views on this bill known earlier. It is rare that the government does something that I like, so I am going to be the last person to stand in its way and try and frustrate it with an inquiry that is effectively going to kill it off so it has to bring it back again. I note the concerns about the bill only coming into effect after two years; I wish it would come into effect sooner than that. But regardless of that –

Harriet Shing interjected.

David LIMBRICK: Yes, elements do come in earlier, the minister has just informed me. I will not be supporting this referral to committee.

Sarah MANSFIELD (Western Victoria) (14:44): The Greens also will not be supporting this referral, although we certainly understand the sentiment behind it and obviously supported the previous select committee inquiry into a number of planning scheme amendments. I guess the difference in that situation was that the Parliament did not have an opportunity to really apply scrutiny to those planning scheme amendments when that public scrutiny period was available. I think the other consideration for us, at a practical level, is that we had some concerns about this bill, we wanted to see some changes and we felt that it was important to get those changes to happen. Getting an outcome is a really important thing for us. We hope that we will get to that outcome. A committee process is not necessarily the best pathway to delivering that outcome.

The other thing to note is that a number of the changes we are seeking will come into effect earlier, and that is an important consideration, given that so much of what is going on in planning, including, as I mentioned in the second-reading debate, the activity centre program, is happening with or without this bill. Some of the changes we are seeking we think would be really important to have in place as that activity centre program work and other work happens in the planning space, which is happening, as I said, through regulations, through planning scheme amendments, through codes that are being developed outside of this bill; having those measures in place before any further work happens I think is something that we consider to be very important. For those reasons we will not be supporting this committee establishment.

Council divided on motion:

Ayes (18): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Motion negatived.

The PRESIDENT: Before we get to the committee, concerning some amendments that may have potential tax implications and having considered the amendments circulated by Dr Mansfield and Mr Ettershank, there could be concerns that amendment 6 on sheet SMA53C and amendment 10 on sheet DE10C may have taxing provisions in breach of section 64 of the Constitution Act 1975. In summary, these amendments propose to insert provisions into the bill that would establish an affordable housing head of power under section 6 of the Planning and Environment Act 1987. This takes the form of an optional planning scheme mechanism to make any use of development of land conditional on an affordable housing contribution in certain circumstances. In both proposals the affordable housing contributions are to be prescribed in form and may be monetary. As it is optional for the entity preparing the planning scheme amendment to include the requirement for affordable housing contribution and the form of the contribution can vary and is subject to regulations, it is difficult to definitely rule that these amendments constitute a new taxing provision. Under section 64(2) of the Constitution Act 1975, the Council cannot propose amendments that impose a tax. The Assembly has often interpreted this quite strictly and refused to entertain amendments proposed by the Council on the grounds they impose or increase a tax. However, the Assembly's position does not necessarily prevent a member from moving an amendment in the Council. Given there is some uncertainty on whether or not this proposal is definitely a taxing provision, I advise the house that Dr Mansfield and Mr Ettershank can proceed with their amendments. The committee may consider the issue when it votes on the amendments, but they will be moving their amendments.

Committed.

Committee

Clause 1 (14:56)

David DAVIS: With the leave of the committee, we might run through a number of questions on clause 1 that obviously have implications across the bill. I think Mr Ettershank has a slightly different approach, and I will let him talk about that in a moment.

I want to, if possible, just return to this issue of consultation and the limited consultation that occurred. The minister has spoken about that, and we have had some exchange through the referral motion that was moved just a moment ago. Councils are the primary administrators and decision-makers on planning proposals in Victoria, although increasingly that is not quite as clear as the state government takes more and more power away from councils. The bill only appeared here for the first time. The minister laid out that certain changes or certain arrangements had been put in place. She indicated that non-disclosure agreements were required for those council groups who saw the bill and other groups who saw the bill much later in the process. And she indicated that, earlier, non-disclosure agreements had not been required, but the actual formal bill was not available then, so they were more generic discussions. The minister tried, I think, to say that because there had been disclosure on earlier statewide planning documents, that therefore was the same as consulting on the bill.

Harriet SHING: No. That is not what I said at all.

David DAVIS: Well, it is pretty much what you said. Essentially, what the minister tried to say is that because consultation had occurred on earlier statewide planning documents, consultation was thereby not necessary on this particular bill and not for the members of the public who were going to be impacted. I would ask, given the drastic changes proposed here and the permits that will be changed, how the government will ensure a smooth transition and implementation of reforms so that councils can implement changes in a way that industry is not adversely impacted. This non-consultation phase – late consultation with a few groups but not council planning officers, as we have heard from the minister herself, because they refused, in a principled way, I might add, to sign a non-disclosure agreement. So how is the implementation going to proceed given the lack of detailed consultation?

Harriet SHING: Mr Davis, just for the avoidance of any doubt, I did not say – and you might want to check *Hansard* – that because 110,000 Victorians had participated in the *Plan for Victoria* consultation this obviated the need for any consultation in respect of this bill. In fact I was very –

David DAVIS: You implied that very strongly.

Harriet SHING: I was very clear about the process of consultation that was undertaken over a not insignificant period of time around the amendments being proposed as part of this bill, the basis for the reforms as proposed and the background to the bill, being the review and the rewrite of the Planning and Environment Act 1987 (P and E act). That is a housing statement initiative, Mr Davis. That is about providing a foundation for improvements to the planning system that will contribute to a more rapid increase in housing supply and the implementation of *Plan for Victoria*. So the first –

David DAVIS: You assert.

Harriet SHING: Well, that is in fact literally what the housing statement says. The first phase of the review was conducted between June 2024 and March 2025, and that resulted in a recommendation to implement priority reforms to the act. The bill gives effect to those recommendations, taking into account the refinement of proposals in consultation with peak bodies and stakeholder groups.

I will just take you through the process of engagement and consultation. Consultation on the reforms between parts 1 and 8 inclusive was undertaken across three phases between July 2024 and October 2025. This consultation consisted of meetings, workshops and the provision of detailed written materials. The engagement consisted of the following phases. Phase 1, which occurred between July and October 2024, included targeted consultation with peak planning, development and professional

bodies to identify priorities for reform. Phase 2, between February and March 2025, included workshops and written feedback with local government planning officers, planning consultants and peak bodies to test proposed legislative options in relation to planning scheme amendments and planning permits and to gather feedback on the policy direction. Phase 3, between April and June 2025, included meetings with peak bodies and stakeholder groups to discuss a range of additional reforms. And phase 4 – May to October 2025 – included consultation with peak bodies and key stakeholder groups on detailed policy proposals and the bill. Participants were provided with draft provisions and summary material, with feedback used to refine the drafting and confirm the policy intent. Separate programs of consultation and engagement occurred with registered Aboriginal parties in relation to reforms of the specific benefit to First Peoples, with a panel of expert legal practitioners in relation to the reforms related to planning compensation.

Mr Davis, you have talked about consultation, and I have referred to a number of bodies in the summing-up of my second-reading contribution. In terms of peak bodies – again, I am just going to restate – the Municipal Association of Victoria, MAV; the Victorian Local Governance Association, the VLGA; the Planning Institute of Australia, PIA; the Property Council Australia, PCA; the Urban Development Institute of Australia, UDIA; Master Builders Victoria, MBV; the Housing Industry Association; Community Housing Industry Association Victoria; the Victorian Planning and Environmental Law Association; the Law Institute of Victoria; the National Parks Association; the National Trust of Australia (Victoria); the Business Council of Australia, BCA; the Australian Institute of Landscape Architects, AILA; Trust for Nature; the Green Building Council of Australia; the Australian Institute of Architects; Urban Design Forum, UDF; and the Victorian Chamber of Commerce and Industry. And from local government, Mr Davis, statutory and strategic planning planners from approximately 70 of the 79 councils, noting that all council planning directors were invited to attend or to send delegates.

David DAVIS: They were all forced to sign an NDA.

Harriet SHING: Of the planning consultants, we had Hansen, Ratio, Ethos Urban, Tract, Contour, SGS Economics and Planning, Echelon Planning, Glossop Town Planning and Urbis. In respect of confidentiality agreements, Mr Davis, the conduct of the review of the P and E act and related rounds of consultation undertaken between June 2024 and June 2025 were undertaken without having any confidentiality agreements in place. The Department of Transport and Planning (DTP) took action to put confidentiality agreements in place when work on the bill commenced and there was a need to maintain cabinet in confidence in respect to the reforms proposed to be included in the bill as informed by that process of extensive consultation and discussion.

In terms of the work that we have done on transition and implementation, we have committed to establishing a planning regulations advisory committee (PRAC). I did actually refer to the components of that committee when I summed up in respect of the second-reading debate, Mr Davis. I am happy to go back into the detail of what that actually looks like. Again, this is about an advisory committee to provide advice to the minister on planning on the development of regulations and subordinate instruments required to implement the Planning Amendment (Better Decisions Made Faster) Bill 2025. It will be established under section 151 of the Planning and Environment Act. Section 151(1) will enable the Minister for Planning to establish committees to advise on any matters which the minister may refer to them. The scope of matters being proposed to be referred to the planning regulations advisory committee, when established, will include: new regulations needed to implement reforms in the bill – so low-, medium- and high-impact planning scheme amendments and prescribed timeframes; reviewing and remaking of existing regulations and codes; changes to the Victoria Planning Provisions as needed to implement the bill; and development of ministerial guidelines and directions required to implement the bill.

The government proposes to invite a number of organisations to be represented on the committee: DTP, the MAV, municipal councils, the PIA, the PCA, UDIA, Housing Industry Association, MBV, Law Institute of Victoria and the Victorian Planning and Environmental Law Association. I note also,

Mr Davis, that a number of these organisations are also represented and are part of discussions with government as part of the delivery of the housing statement more broadly. This is where those partnerships are an inherent feature of the work in the housing statement. That work and those collaborative efforts are set out extensively in the housing statement and the materials which accompanied its release. Once established, the advisory committee will run from the first quarter of 2026 – so that again points to the earlier application of work under this bill prior to commencement of other parts of its substance – to the end of 2027, after the default commencement date specified in the bill. The minister may also choose to extend the operation of the committee to monitor the effectiveness of implementation or continue to provide advice and oversee elements of the implementation program that may extend past the default commencement date.

David ETTERSHANK: Just to pick up on Mr Davis's earlier comment about process, I will have a range of questions that I will put in context as we move through it rather than trying to front-end them. Can I, however, just ask the minister a question specifically about this consultation issue. You referenced, Minister, phase 2, about comprehensive consultation with councils, and I would like to get some clarity on that. MPs have been told by the MAV and by councils that the sessions with council planning directors, hosted by the department in February, were only about the conceptual idea of creating a three-speed system for planning scheme amendments and for permits – so there were no details about how that would be done, and nothing at all about the changes to the objectives of the act or gifts and donations or compensation or infrastructure contributions or restrictive covenants was detailed. We have also been told that the invitation to those workshops said:

> The Department is not seeking Councils views at these workshops.

I will just say that again:

> The Department is not seeking Councils views at these workshops.

So are you really saying that councils were consulted on this bill because of the February sessions as part of your phase 2?

Harriet SHING: The invitation that was issued was for the purpose of local government planners being able to come and provide information about the proposals and about that stream of engagement. The MAV then actually coordinated a working group off the back of that engagement and provided a submission in respect of the matters that were set out in that consultation. Importantly, though, this is a multistage process of consultation and engagement. The MAV and other stakeholder groups – those peak bodies, as I said in response to my last question – are part of an ongoing series of conversations about implementation of the housing statement as underpinned by the planning reforms. There is constant engagement between these peak bodies, the working groups that they establish or that they are part of and the engagement with DTP and indeed other parts of government.

David DAVIS: I have a couple of further questions. We could labour this for a long period, but I do not intend to. I just want the minister to confirm that at the later stage when the bill was being looked at there was not a single consumer, a single member of the public, who had a chance to input directly on that until the day the bill appeared in Parliament.

Harriet SHING: It seems to me that you are asking whether there had been public consultation on the bill. Again, we do targeted consultation across any number of different proposed legislative reforms, Mr Davis. You yourself would be well familiar with that process, which seeks to engage with peaks, with representative bodies and, again, with those organisations and entities that are at the coalface of delivery. That includes councils through the MAV, Mr Davis. It is councils through the MAV that are, I would say, well placed to articulate the views of community members. But, Mr Davis, if you are saying that it stands therefore that there had not been a process of consultation, notwithstanding 110,000 Victorians providing their advice and their views in a consultative process around *Plan for Victoria*, a number of components of which overlap significantly with this bill, then

you are perhaps seeking to rewrite the process whereby legislation is developed in this chamber and indeed across this Parliament.

David DAVIS: I am not going to labour this point, but I think the minister has in effect confirmed that no member of the public was consulted –

A member interjected.

David DAVIS: on the bill – until it appeared in the Parliament. The government could have adopted a very different approach. They could have put a bill out for a broad exposure draft and had lots of views come in from all sorts of people across the community. But I will just leave that and ask a second question about consultation. Going forward, do any of those consultative committees the minister has mentioned have a majority of community members on them?

Harriet SHING: Mr Davis, I read out the membership of that committee, so I would refer you to my earlier answer.

David DAVIS: I am not trying to be difficult here, and I very much support consultation with industry groups, sectoral people and a whole range of others. But I also want to see in the planning system the community having a direct say on some of these committees. Now, it is a simple question: do any of these committees have a majority of community participants – non-industry people? I am not saying the industry ones are not important; I actually believe they are very important. Is there any representation at all on a number of these committees by members of the Victorian community who are not industry participants?

Harriet SHING: The Municipal Association of Victoria is not an industry participant. Municipal councils are not industry participants. Then we have the industry participants: the PIA, the PCA, the UDIA, the HIA, the MBV, the Law Institute and the VPELA. Mr Davis, I also just want to be really clear about the way in which these reforms are adjacent to broader planning reforms. Again, these reforms are contemplated in and set out extensively in the housing statement. One hundred and ten thousand Victorians, Mr Davis – the largest amount of participation in Victoria – have gone to *Plan for Victoria*, that statewide reform piece around how, as we grow, we are able to make better decisions and lean into better changes that endure in ways that reflect people's aspirations and desires, the importance of livability and sustainability, those key themes set out in the *Plan for Victoria* work. We also established, Mr Davis, as you would no doubt be aware, the people's panel with 50 Victorians to shape the vision for *Plan for Victoria*. That all sits alongside the work that has informed P and E act work or reform and this particular planning amendment. So if you are seeking to extract a conclusion because of these processes involving peak bodies that include industry, necessarily and appropriately, as you acknowledge, but also councils that sit adjacent to Victoria's largest ever consultation – that sit adjacent to the people's panel with those 50 Victorians on shaping that vision – then I would suggest that that is a very, very long bow indeed.

David DAVIS: I am not going to labour this further other than to say I think essentially the minister has confirmed that going forward the actual implementation of the act will be advised by a panel that has got many worthy industry participants, including councils, including the MAV, and I would welcome all of that. But it is just a fact that there is no member of the Victorian community.

Sarah MANSFIELD: Quite a few of my questions around the consultation aspects have been covered off, and I welcome the commitments that have been aired about the establishment of a PRAC, including the membership, what functions it will have and the commencement and duration of that committee. I guess what is being reflected in some of the questions is that there are parts especially of the local government sector, who do take on the majority of the planning work in this state, that have concerns about this bill and have a lot of concerns about what is being left to regulation in this bill, and rightly or wrongly there is a bit of scepticism amongst that sector about how well they will be engaged. I guess what I am seeking is what assurances you can provide that the advice of these

technical experts – town planners from councils, planning experts – will be taken on board in the development of these regulations and the review of any existing regulations.

Harriet SHING: We do recognise the importance of involving local government planners in the development of regs that will impact upon their day-to-day operations; that is not something to which we have been wilfully or ignorantly blind. We do commit to working with local government planners – across the city, middle Melbourne, outer Melbourne, peri-urban and regional and rural councils – on the development of regulations that are needed. They need to be fit for purpose. Local government planners, the development industry and the community should note that government needs to comply with the Subordinate Legislation Act 1994 when developing regulations, and for regulations and legislative instruments that act requires that for any new instrument or any amendment to an existing instrument there has to be consultation with representatives, individuals or groups that are likely to be impacted. At a minimum there have to be initial discussions about the need for and proposed content of those proposed regulations and legislative instruments, and there also has to be consultation on the draft of the regulations, regulation amendments or legislative instruments. In circumstances where a new regulation or regulation amendments or a legislative instrument are likely to impose a significant impact on a sector of the public, then a regulatory impact statement and public consultation are required. For each of the main sets of regulation changes and the remake of the Planning and Environment Regulations 2015 and the P and E fees regulations a regulatory impact statement and public consultation will be required.

David DAVIS: One question I would like to ask the minister is: how do you expect councils to start assessing developments in a third of the time without hiring more planners? How much is that going to add to Victorians' rates? You want a faster time; we do not mind faster times. How is that going to happen without additional staff coming up?

Harriet SHING: The net impact on local councils' resources will be positive. Continued progressive codification of planning permit assessments will actually reduce the time and cost associated with administering and assessing planning permits, with new fees to cover costs to support increased resourcing and strategic and statutory planning areas. One-off transitional costs need to be considered further, and the government may consider providing support to local councils to ensure significant benefits of planning permit reforms are realised.

David DAVIS: I thank the minister for that response, and I think that is a hopeful response. It is hopeful that the code assessed type of mechanism will shorten the time. I think actually what will happen is councils will continue to do detailed assessment because their communities will actually expect it. They will expect to understand what is actually happening in their area, and they will look to their councils to understand, so there will still be very detailed assessments. So I would put it to you that whatever the actual requirements, councils are in a practical sense in a situation where they are going to have to do still a great deal of assessment and that will add significant cost.

Harriet SHING: I have answered it.

David DAVIS: There you are. The minister does not want to answer that one.

Harriet SHING: No, you made a statement. It is not a question that I have not answered, David.

David DAVIS: Well, I will be very direct. Will councils have to continue assessing these projects as they come forward, whether or not they have got an official requirement to do so?

Harriet SHING: That is a rather different question to the statement that you put earlier. We do intend to continue to work with peak bodies, including the Municipal Association of Victoria, and to make sure that we are continuing to engage with councils around what the net impact on their resources will be. That progressive codification that I referred to earlier will actually reduce the time and the cost associated with administering and assessing planning permits.

Again, I do want to mention rural councils in this space as well. They will benefit from a streamlined approach to planning scheme amendments that will also facilitate their important strategic work. They will assess the requirements under the act and those three pathways, depending on the size and complexity of the various applications that come before them. That necessarily involves an element of education and assistance to develop the decision-making processes and pathways for councils, and that is where peak bodies play a really important role. That is where that advisory committee will play an important role, and that is where the MAV's work in engaging with government, including across a number of other discussion points in giving effect to the housing statement and the broader planning reforms, will be so essential.

Mr Davis, I cannot reach into the operational functions of individual councils to understand what they might do to go above and beyond the framework that is contemplated by this bill. But the intent of this bill is to provide that net impact that is positive for local councils' resources, including by reference to consideration of one-off transitional costs.

David DAVIS: We will just move on from that. There is another point here. Essentially there are a number of rights that are being removed from councils and from communities. Is there another phase here? This is asked in clause 1 because it is a broader context. Is there another phase? Is there any other set of rights that the government is intending to move to take from councils and communities in the foreseeable future? Is there something that the government has in contemplation beyond this bill that actually is part of this sweep of reform? You have made a number of changes here. They strip away a lot of powers and controls from councils and communities. Is this the end of it, or is there more to come?

Harriet SHING: Mr Davis, you are asking a question about this bill, but it is not actually a question about this bill; it is about what might happen beyond this bill. I do not accept that this question is within the scope of the bill. But I do just want to reiterate the work of the housing statement and the P and E act and amendment bill reforms and *Plan for Victoria*. Mr Davis, this is not an issue or a set of concerns or challenges that can be resolved in one conversation, because if it were, it would have happened by now. I am going to finish my remarks there, just to be clear that I do not want to create any precedent for discussing matters that are clearly outside the scope of this bill.

David DAVIS: The minister does not have to answer it if she does not want to. Let me ask another set of questions then. It is unclear how the categorisations of a permit application in planning scheme amendments type 1, 2 or 3 will work in practice or how categorisation will differ between councils and state government departments. My question is: how will the government manage a likely increase in judicial reviews and legal challenges following the reduction in third-party VCAT review rights and public participation across both permit and planning scheme amendment processes?

Harriet SHING: Councils, just to be really clear, are still the responsible authority for permits and for the planning system. Regulations will set those categories and the components of those categories. That is something that I covered pretty extensively in the summing-up contribution that I made earlier. It was also clearly articulated in the second-reading speech. Just to be really clear, state and regional planning strategies will not replace requirements in planning schemes or the use of the planning policy framework to express state, regional and local planning policies. The role of state and regional planning strategies will be to express goals and directions for future land use and development at state and regional levels, which will then be implemented through policies in the planning policy framework and controls such as zones and overlays in the planning schemes. We will continue to engage with councils, and they will assess the requirements under the act and those three pathways, depending on size and complexity.

We do want to make sure, Mr Davis, that we are also managing the triage of various streams. If I can take you through the various streams now, that might be something that can assist other members in the chamber. Stream 1 – the type 1 applications under this stream are those simple, low-risk proposals, and they will be entirely code based with no notice or referral. This assessment type is comparable to

the existing VicSmart pathway specified in the Victoria Planning Provisions, with responsible authorities having 10 business days to assess an application. If an assessment is not completed within the prescribed timeframe for a decision, the applicant can seek to have the application deemed as approved, and this application type will be exempt from notice and review in the same way that VicSmart applications currently are. Stream 2 – type 2 applications will be assessed against a combination of codes and policies. These applications will not require referral. This bill enables notice to be provided if the planning scheme specifies that it is required. However, unlike type 3 applications, there will be no third-party review. Type 3 applications – applications under this stream require a higher level of assessment. This application type is the same as what is currently provided for in the act. Notice, objections, referrals and limited third-party reviews will continue to apply, consistent with status quo requirements.

David DAVIS: Just moving to another area, I ask the minister: how will the bill implement the IBAC anti-corruption recommendations from Operation Sandon?

Harriet SHING: The amendments that are contemplated within this bill go to a number of areas, including Sandon. This is about formally establishing a hierarchy in legislation of those state and regional plans. It is establishing those three pathways, which I have just taken you through; changing the parliamentary scrutiny processes for planning scheme amendments so they are reviewed by the SARC – the Scrutiny of Acts and Regulations Committee – rather than the current bespoke arrangements that provide for all amendments to be tabled in Parliament; updating the distinctive areas and landscapes regime; improving how registered Aboriginal parties navigate and interact with Victoria's planning system; and establishing three planning permit assessment streams to ensure alignment with the risk, complexity and impacts of any given application. There is the capacity to make technical and process improvements to planning permit referrals and requests for further information to ensure efficient assessment; clarification of third-party appeal rights to apply to those who receive direct notification of a planning permit application; the provision of greater flexibility for how restrictive covenants are applied and considered when making planning decisions; establishing of clear process and procedures for post-permit matters, such as extending permits and satisfying conditions; and increasing of enforcement powers to increase compliance and provide for more effective, consistent and coordinated compliance monitoring and enforcement. They respond to the IBAC Operation Sandon recommendations, update planning compensation and legislation, make sure that aligns with case law and improves clarity and improve flexibility in how infrastructure contributions plans can be reformed and administered.

Mr Davis, I will just take you through recommendation 7 of Sandon, which outlines a suggested change to the P and E act to require disclosures to be made regarding donations to decision-makers under the act. The Sandon report, as you would be aware, notes that lobbying and donations are essential in planning matters. However, there is a clear need to ensure transparency in decision-making processes as they relate to planning matters in the context of gifts and donations. The Sandon report notes that while the Local Government Act 2020 requires disclosure to be made by councillors about particular matters, there are currently no requirements for disclosures regarding gifts or donations made to decision-makers fulfilling a function under the P and E act, and the gifts and donations legislation set out in the bill addresses this issue.

The Sandon report also made it clear that any reportable gift or donation should be disclosed and reported on before a decision is made on a planning matter. This forms part of the new gifts and donations regime in the P and E act, and as recommended by the Sandon report, the disclosure regime has been designed with reference to the gifts and donations provisions existing in the New South Wales Environmental Planning and Assessment Act 1979.

David DAVIS: The minister mentioned a number of the oversight by Parliament changes, and one of the things in this bill is the removal of the revocation powers. I wonder if the minister might explain where the proposal or the idea came from to remove the section 38 revocation powers. Where did this hail from?

Harriet SHING: What the bill provides is that planning scheme amendments will follow the normal tabling, scrutiny and disallowance procedures under the Subordinate Legislation Act 1994. This means that approved planning scheme amendments will be reviewed by SARC and subject to disallowance on the recommendation of SARC. That is exactly the same process that has been applied to literally hundreds of other subordinate instruments made under acts across all portfolios. A range of important matters are determined through subordinate instruments, and most of these are applied across the state and have statewide implications. By contrast, most planning scheme amendments typically relate to specific parts of individual municipal council areas, and the government does not consider that special treatment is justified. However, the government acknowledges that this reform is not supported by the majority of members of this place and that the Greens and Legalise Cannabis have proposed amendments to remove the proposed changes to the parliamentary scrutiny arrangements from the bill. Again, to reiterate what I said in my sum-up to the second-reading contribution, the government will be supporting the Greens amendment, and we are aligning revocation with other subordinate legislation. That is an important part of what we are doing in terms of that particular alignment.

David DAVIS: The minister did not actually answer where this idea came from to do this. We will just leave that, and we will certainly record that the Liberals and Nationals are very opposed to this change. But I would ask a question of the minister: under the arrangements with the Subordinate Legislation Act in other areas – obviously it does not apply to planning at this point – is there a single case that she can point to where SARC has recommended that a revocation or disallowance occur and that has actually happened?

Harriet SHING: I need some thinking music here.

David DAVIS: The answer is no.

Harriet SHING: You either want me to think about it and give you an answer or you do not. In respect of SARC, I cannot think of any examples, but there are a couple of other examples that I do just want to draw your attention to. Mr Davis, you were here in this place when the vote occurred to revoke approval for the Markham estate social housing development. The damage of disallowance, Mr Davis, should not be underestimated. There was West Gate Tunnel strengthening work as well. The West Gate revocation occurred, again, when you were here, Mr Davis. Again, when we are talking about large-scale delivery of large-scale reform, disallowance can have an extraordinary and immediate impact. In aligning revocation with other subordinate legislation and in supporting the Greens amendment we are reflecting the will of this place in not supporting the reform and indicating that we do accept the position proposed by the Greens and supported by Legalise Cannabis Victoria in respect of the amendment that they have tabled. You have tabled that, haven't you, Dr Mansfield?

Sarah Mansfield interjected.

Harriet SHING: Yes, you have.

David DAVIS: I think from the discussions across this chamber in the second-reading debate it is very clear that we strongly support the retention of the current revocation arrangements. But I think to my earlier question – and I saw the officer shaking his head – no is the answer.

Harriet SHING: Do not refer to the advisers.

David DAVIS: There is not a single occasion where, under the SARC mechanism, SARC has recommended a disallowance that has actually been implemented in the chamber ever – just let that sit with people – and that is the mechanism the government has proposed. I am pleased, and I am just going to put on record that it is a positive step, that the government has stepped back from that particular position and is now prepared to accept that the revocation arrangements will remain in place under amendment by the other two parties, which we will strongly support.

The DEPUTY PRESIDENT: I think it would help and assist the committee if we stuck to questions from members and answers from the minister. It might just assist the committee to progress a bit faster.

David DAVIS: I will ask a different question, and that is on automatic approvals. There is a risk where there are automatic approvals of high-risk applications under a low-risk pathway due to the impossible-to-meet short timeframe for application checks. I ask therefore: what safety nets has the government proposed to ensure responsible authorities do not experience inappropriate and risky applications bypassing the system, jumping the system and moving into the wrong category?

Harriet SHING: For low-impact amendments the bill requires the planning authority to firstly consult with affected landowners, occupiers and prescribed authorities, including traditional owner groups, and then to deliver a report to the Minister for Planning to inform the minister's decision-making on the amendment. For medium-impact amendments, public notice and exhibition will take place, but there will not be an independent review by a planning panel or a public hearing unless the minister determines that independent review and advice from a panel is needed. The minister would make this decision when the proposed amendment is adopted by the planning authority and provided to the minister for approval. For high-impact amendments there will be public notice and exhibition and independent review by a planning panel, but this does not necessarily mean that a public hearing will be conducted. Parliament has already provided Planning Panels Victoria with discretion to undertake their review functions on the papers, either in full or in part, using public hearings to supplement and support their considerations as the panels see fit.

The bill also makes multiple associated reforms to the planning scheme amendment process, which will reduce the cost and time taken to amend a planning scheme and add to the certainty and the benefits associated with establishing the three new assessment processes. The impact category of an amendment will be prescribed by the regulations, which will set the relevant thresholds and considerations based on all the possible amendments that can be made to a planning scheme. A local council or other planning authority would propose the impact category to the minister when seeking authorisation to prepare an amendment, and the minister will be required to confirm or alter the impact category when deciding to authorise the amendment. The minister will be empowered to change a proposed high-impact amendment to a medium-impact amendment if the minister determines that the amendment does not warrant independent review.

Mr Davis, I also perhaps might be able to assist you, to your point in a scenario that you have alluded to, around an application being incorrectly allocated to type 1 but being outside the timeframes the minister has outlined. You talked about a tight turnaround, whether an application can be reallocated to type 2 or 3 – just to perhaps pre-empt a question you might have – and whether that has to be cancelled and the application has to start over or whether there is a way to reallocate so that the application is not unduly delayed. It is really important to make a distinction and clarification that the five business day period for the completeness check and the five business day period to correct an application type operate independently, so they are two different timeframes. This means that if a council were to issue a notice to an applicant regarding an application being incomplete, the application would be taken to have been received on the day the information required was received. In other words the five business day period to correct the application type would operate from that day rather than the day the application was initially submitted to the responsible authority.

It is also really important to note that the bill provides the ability for a period longer than five business days to be prescribed in the regulations. Where it is identified outside the initial timeframe that the nominated application type is incorrect, there are two additional opportunities and mechanisms for this to be corrected, which would enable the application to be reallocated by the responsible authority to a different stream without the need to resubmit or make a new application. These are, firstly, at any point before making a decision with the consent of the permit applicant – specifically, clause 85(2), which inserts new subsection (1AA) into section 50A. Where further information has been requested, the responsible authority can change the permit application type after the receipt of a response to a further

information request without the consent of the applicant. That is clause 91, which inserts new section 54F. In the event that before making a decision the responsible authority determines that the application has been incorrectly made as a type 1 application and the applicant does not consent to changing the type, the application could be refused on the basis that the act requires that the planning scheme is considered in making a decision and the planning scheme specifies that the application should have been made as another type.

David DAVIS: Another question I have is: what mechanisms are being proposed to support social and affordable housing, if any?

Harriet SHING: Mr Davis, I want to take you to the Greens amendments, which government has indicated we are supporting. They include a head of power for mandating affordable housing. That is also about making sure that we are balancing a mix of typologies in the delivery of more housing across the state. I am not going to go into the detail of transport and activity centres. They are not within the scope of this bill in terms of the work that is already being undertaken, so let me just put that there. But we have updated the objectives to include social and affordable housing. The objectives are part of the determining landscape for the way in which we deliver on the reforms in this bill. Mr Davis, there are a range of mechanisms within the development facilitation program – again, not within the scope of this particular bill – and that also sits alongside the work that we are doing within social and affordable housing across the state. Within the social housing space we are delivering between 16,000 and 17,000 additional new social housing homes, and that comes as a consequence of the allocation of $5.3 billion in the Big Housing Build and an additional $1 billion in the regional housing package. There are also other programs, including partnerships with the Commonwealth, that take our total investment to between $8 billion and $9 billion. We do want to make sure that when we develop and deliver additional housing we are doing so in a way, to Mr Welch's contribution earlier in the procedural debate, that does not confine people on very low, low or moderate incomes to living in specific geographic areas. Tenure blindness is really important in making sure that we are addressing that question of equity, of fairness, and when we balance a range of considerations we do want to make sure that we are delivering those outcomes through the objectives that are set out there.

David Ettershank interjected.

Harriet SHING: Mr Ettershank, I note you found some humour in that. Again, this is about how we deliver on fairness, notwithstanding that it has a very subjective meaning. It is based in individual circumstances, and this is where, again, when we take into consideration the aspirations and the needs of people – including those with very low, low or moderate incomes – who fall within the scope of the social or affordable housing framework, we are doing so in a way that means that those objectives are reflected in the bill.

David DAVIS: Forgive me for being a little amused, but essentially what the minister confirmed is that the social and affordable housing material is not in the bill but that they are thankful to the Greens for implementing it. The minister does not want to talk beyond the bill, but let me ask, in a related way, about the development facilitation program. Once the bill comes into effect, the development facilitation program will duplicate the new system. What is being proposed for the development facilitation program, and will it be retired or altered in some way?

Harriet SHING: The development facilitation program will continue.

David DAVIS: Let me ask you another question. Is there any possibility of fees collected under part 9 of the bill finding their way into consolidated state revenue?

Harriet SHING: No.

David DAVIS: Let me ask about those fees that have been talked about – the $11,350, unless I am wrong, which goes I think to LGAs and the state government. This is money collected. What percentage

of that $11,350 that the government has talked about which they are going to collect in new fees will go to LGAs, and what proportion will go to the state government?

Harriet SHING: That is well outside the scope of the bill.

David DAVIS: What is the fee that is to be collected under part 9 of the bill? How much is that and how much will go to different sources?

Harriet SHING: Mr Davis, can I just clarify: are you referring to activity centres here? It seems to me that you are referring to activity centres.

David DAVIS: This bill links across to the activity centres very strongly, as the minister herself has indicated, and I am trying to understand whether any of these fees can leach across to state revenue or where they will end up.

Harriet SHING: I have answered the first question. The bill sets up the framework, but again, activity centres are not within the scope of this bill. I have been pretty clear about that. I have been very clear about not wanting to set any precedent on going beyond the scope of this bill in referring to transport and activity centres here.

David DAVIS: In an effort to move things along, I want to ask about covenants, and I want the minister to explain what impact this bill will have on existing covenants.

Harriet SHING: In terms of the legislative change to covenants, this is about rebalancing the decision criteria for planning permit applications to remove or vary a covenant by enabling consideration of broader planning objectives and removing the obligation on responsible authorities to refuse a planning permit application if the use or development proposed would breach a restrictive covenant. Proposed changes to decision criteria would make the removal or variation of a covenant a more certain outcome and would enable the removal of covenants that interfere with the delivery of state planning priorities, such as housing targets. Removing the obligation on responsible authorities to refuse applications that do not comply with a covenant recognises that covenants are private agreements that council should not be involved in enforcing. Covenants will still be enforceable by the parties to those covenants, however. I assume that everybody is aware of what a restrictive covenant is. Mr Davis, I am happy to take you through that, if you would like any of that put onto the record.

David DAVIS: I am very well aware of that.

Harriet SHING: You are well aware of what a restrictive covenant is. Excellent.

David DAVIS: I have had hundreds of people contact me.

Harriet SHING: Since 2000, local councils have been prohibited from issuing planning permits that would result in a breach of a restrictive covenant. This requires councils to interpret covenants and ensure that a proposal complies with any covenant. Victoria is the only state or territory in Australia that requires compliance with a restrictive covenant to obtain a planning permit, and they can be over a century old. They can be written in really complex legal language and subject to really complex principles of interpretation. I am sure that those of us who have suffered the indignity of property law assessments on restrictive covenants will understand the intricacies of their existence and any challenge to or interpretation of the law around them.

We also know that when councils engage in that difficult process of interpreting covenants, planning permit applications can get really mired in disputes about the interpretation and effect of a restrictive covenant, and that can be really costly for councils and for permit applicants – there are often thousands of dollars involved in legal fees to obtain advice on the effect of a covenant. The bill removes the obligation to refuse a planning permit application that would breach a registered covenant, so that recognises that a local council should not have a role in the enforcement of what is a private agreement. Again, it is about aligning it more closely with what is happening in other states and territories.

David DAVIS: I am just going to put on record our objection to the removal of covenants and the control of covenants in this way. People have in good faith moved into a particular area. There are covenants on the properties. This has actually protected people's lifestyle and position. Now the government seeks to remove this requirement that a planning permit look at these impacts, and we think that actually what is going to occur here is that many people, many families, many households will be disadvantaged by this step. The government seeks to suggest that all covenants are old and backward looking and from the past. Inherently their nature is they are from the past. They have been signed on to properties. They are attached to the title of those properties. The government is seeking through this to sweep away the rights of many property owners. I am not going to have a long argument about it. We will just have to agree to disagree. But it is I think a considerable concern.

Harriet SHING: Can I respond to that?

David DAVIS: Yes, you can, of course. I am not wanting to prolong it.

Harriet SHING: Again, Mr Davis, restrictive covenants are not being removed. It is just wrong. Your assertion is just wrong. Planning permits can already remove restrictive covenants, so if a permit is issued for a use or a development that would breach a restrictive covenant the obligations of that covenant would still apply. It is the responsibility of the party burdened by the covenant to ensure that the covenant is complied with, so if there is a breach of that covenant, that is a civil matter between the parties to the covenant.

Restrictive covenants have been intermingled into the planning system for the last 25 years in Victoria, and an expectation has been built that through assessing permit applications decision-makers will enforce compliance with covenants. That has been an exceptionally burdensome obligation for, amongst others, councils, and with the act being changed to remove this requirement it is necessary to make it clear that decision-makers are not liable for a loss to any party either benefiting from or burdened by a covenant because of a breach occurring following a planning permit being issued. Again, we want to make sure that councils are not impeded in achieving their objectives in the planning schemes and in the delivery of housing targets for Victoria as a consequence of the existence and operation of a covenant. Areas that are locked away from additional housing push the burden of increasing housing supply to other areas that are not subject to covenants. You have referred to history; when we are talking about the newer areas, as a consequence it follows that that then would saddle those areas with newer development with the additional burden of further density. That is a question of equity again.

David DAVIS: I would make the point there are actually many newer areas that have got covenants as well, so do not think it is just older areas; that is just not correct. I understand your point that there is a private treaty arrangement here and that it has been enforced by councils, in effect, where planning scheme amendments have been issued and that that has taken account of existing covenant arrangements. But, actually, isn't it the truth, Minister, that sometimes that is the more efficient way? Sometimes councils are able, in that position, to prevent very costly disputes by simply recognising an existing covenant there, thereby actually streamlining processes.

Harriet SHING: I am not sure what you are meaning by 'sometimes', Mr Davis. If you have got specific examples, then perhaps that might be a question for a conversation outside this bill. I have gone through pretty clearly what the impact of these changes will be around restrictive covenants and the way in which it will align them more closely with the frameworks that operate in other states and territories where covenants are not considered when assessing planning permit applications and there is no means to remove them via a planning permit or planning scheme amendment process.

David DAVIS: I well understand how this works, and the arrangements between different people in a covenant area and the new arrangements that are proposed in this bill are that councils will not consider that covenant when issuing planning arrangements – issuing planning overlays or other planning scheme amendments. I get that point. But actually you are now pushing back the decision-

making and the cost onto individual landholders who previously would have had the assistance of their council, so now you are actually going to make it more costly for those landholders because you have taken the council out of that role.

Harriet SHING: We will have to agree to disagree on that one.

David DAVIS: Again, I will just make the point that there will be additional costs here. Let me just move to another area: unsold apartments. Let me ask about some points here. There are many unsold apartments in metro Melbourne that are concentrated in certain areas – the CBD, Southbank, Footscray, Box Hill. Is the government intending, through this bill or through its activity centre projects and the related matters, to force greater density into these areas and to produce more properties given there is already difficulty selling apartments?

Harriet SHING: Transport and activity centres are not within the scope of this bill, Mr Davis.

Sarah MANSFIELD: Minister, I have got a number of questions just about the objectives of the act. You covered off some of this in your summing-up when you explained, I think, the reasons for the word 'fair' being removed. But I guess I am interested in how the concept of fairness, which has been a longstanding part of the Planning and Environment Act 1987, is now captured in the new objectives.

Harriet SHING: As I said in the sum-up, 'fair' is again one of those concepts which at law has required the consideration of a range of factors in balancing and counterbalancing outcomes by reference to a range of interests and/or parties. In clause 5 the word 'fair' is removed from section 4(1)(a) on the basis that what is 'fair' is fair – I am going to put that in inverted commas, if I may, for the purposes of *Hansard*. What is fair is inherently subjective, so even if what is fair is clearly understood and defined in each and every context, which is not the case, the role of the planning framework in achieving this outcome is largely limited to providing for intergenerational equity – and again, that is a term I used earlier when I was talking about fairness – by balancing the interests of present and future Victorians and ensuring that there is compensation due to the impacts of planning reservations, which is a matter that the act explicitly provides for. The objectives of planning are very clearly set out in section 60 of the act as mandatory considerations that should guide decision-making when determining whether a planning permit should be issued. In making those decisions, statutory planning officers are required to be dispassionate, impartial, objective and unbiased in order to provide procedural fairness. Procedural fairness, as distinct from fair, has a very specific legal meaning within administrative law – again, I just want to make sure that we are clear on the distinction between the two there – including that a consideration of what is fair in and of itself makes what should be, as far as possible, an objective decision-making process more open to subjective judgement.

Ultimately our position on the bill is that it provides for the need to balance all of those objectives against each other, as I said, including – and this came out really clearly in the consultation and discussion on *Plan for Victoria* – economic, social and environmental impacts. In doing that the objectives will collectively in and of themselves deliver fair outcomes because the underpinning considerations themselves are geared toward that balancing process. That is about making sure that the planning system delivers for all Victorians and delivers in a way that has that broader consideration of a range of specified factors.

Sarah MANSFIELD: Moving on to another change to the objectives, new objective (f) only addresses safety in the context of well-designed and high-amenity places, not living and working environments generally. In the existing act, from the feedback we have received about this bill, that concept is interpreted by planners to encompass more than just the safety of places that have been designed, because not all places are designed, but the safety of people's general living and working environments, so the safety of people. I do not want to pre-empt it, but I think Mr Ettershank has got an amendment that speaks to this issue as well. From at least some readings of this change to the objectives, there has been a narrowing of the interpretation of the term 'safety'. I just want to

understand if that is the case, and if not, how is that broader sense of safety of people being captured by the objectives?

Harriet SHING: Yes, you are right in that the bill provides for an objective of planning to facilitate well-designed and high-amenity places that are safe and accessible and that enhance the health and wellbeing of Victorians and visitors to Victoria. The safety of places includes the design of safe living and work environments, and importantly, that new drafting makes it clear that it is an objective of the planning system to enhance the health and wellbeing of Victorians and visitors to Victoria. Drafting the objective in the way that it has been set out in the bill avoids any suggestion that the planning system duplicates the role and function of, for example, WorkSafe Victoria in relation to the regulation of safety. Again, we do not want to create an unintended consequence of duplication or overlap, which, when attended by any ambiguity, can lead to all sorts of perverse outcomes. Planning's role revolves around the design of places, and it is appropriate to delineate between what can be done to achieve safe places by design and how the safe use of those places, or the use of those places in order to ensure safety, is regulated over time; use versus design I think might be a useful way to consider that distinction. Comments on this objective construe the objective as being only to provide for safety in well-designed and high-amenity places rather than recognising that the purpose of the statement is to make it an objective to make all places across Victoria well designed and high amenity, safe and accessible, and to do so in a way that enhances health and wellbeing, if that assists.

Sarah MANSFIELD: Just to clarify, I suppose, I understand what you are talking about with planning's role in designing places, but there are also planning decisions made about where development happens, for example. The thing that is being designed, the development itself, might not necessarily be technically unsafe, but where that is happening might create safety hazards – for example, building in a flood-prone area or taking into account natural hazards that exist as a result of planning decisions. Some of those other things around planning decisions that impact safety that are not necessarily about the design of a place, if that makes sense – those broader considerations about land use that relate to some consideration of some of those natural hazards that might exist.

Harriet SHING: You are right in terms of the natural occurrence of risk in the landscape and the environment. Particularly where we have changes to the environment as a consequence of large-scale built form, that will see changes over time. Where risks are known, priority should be given to ensuring that this is adequately and appropriately identified in the planning scheme. This is something that we have canvassed in great detail around flood recovery and response and the assessment and modelling of risk, for example. The bill provides for really simplified and efficient processes for planning scheme amendments to ensure that where there is a need for environmental and safety risks to be identified in a planning scheme, those schemes can be updated without unnecessary delay. In cases, though, where planning schemes have not been updated to reflect the latest understanding of risks, the provisions of section 60 that are relied upon by local government statutory planners to support decision-making in such circumstances are retained in the act, and they will remain applicable to types 2 and 3 applications.

Sarah MANSFIELD: That is probably a good segue into my next line of questioning, which is around section 60 considerations. I know that the act retains those. However, you would be aware – and I think this came through in the select committee process – that there is considerable concern about some of the new codes that have been developed switching off those section 60 provisions. The concerns that come up are issues around flood risk, which you have touched on a little bit, but there are also things like contaminated land, which is something overlays cannot capture. When it comes to things like flood risk, the government has said it is committed to improving the process of getting flood modelling into an overlay to minimise the lag time, and that is great. We are not there yet, though, and even if this happens and we have the best processes, there is still going to be a lag. We understand that the best case scenario is likely to be about a three-month time difference between the flood risk being identified and an overlay coming in, which is great if it can be that fast but is still a lag. How

will this risk be managed if those section 60 provisions are able to be switched off by specific codes or planning scheme amendments in relation to types 2 and 3 assessments?

Harriet SHING: As you have correctly identified, the bill does not turn off the decision-making criteria of section 60 for types 2 and 3 applications. But noting this, as part of the implementation there will be an opportunity for the codes to be reviewed in recognition that the specification of application types that will apply to any use or development will be done through the planning scheme. It is also really important to note that where risks are known, priority should be given to ensuring that this is adequately and appropriately identified in the planning scheme. The bill provides for simplified and efficient processes for planning scheme amendments that will ensure that where there is a need for environmental and safety risks to be identified in a planning scheme, those schemes can be updated without unnecessary delay, as you have flagged, and the remaking of regulations and codes will be considered by the advisory committee. That is a matter that can be considered by the PRAC in reviewing the codes so that permit applications are made in compliance with the type 2 process and any necessity to switch off decision-making considerations. As part of implementation, there will be an opportunity for that review and amendment process. Again, this is part of reflecting the priorities that have been identified in the concerns raised around types 2 and 3 applications.

Sarah MANSFIELD: It is very welcome that there is, I guess, openness to reviewing some of those codes and taking on board some of the feedback that has been received about them. With respect to contaminated land, I guess it would be useful just to get a little bit more information about how that issue is going to be dealt with in situations where, again, you have got switching off of consideration of section 60.

Harriet SHING: As I flagged earlier, priority should be given to making sure that we have got the adequate identification and management of risks – that that is a priority that is recognised in the planning scheme. We do want to make sure that where there is a need for those risks to be identified, we can see that update without delay. This is something which any built-up environment, any city, around the world that has got any history of industrial or commercial or agricultural interface use has had to deal with. But yes, where those planning schemes have not been updated, section 60 would apply to statutory planners to support that decision-making, and that would be retained in the act and remain applicable to those types 2 and 3 applications.

Sarah MANSFIELD: Just moving on to the issue of referral authorities, there have been concerns raised about changes to the timeframes for response by a referral authority. Which referral authorities are comfortable that they can facilitate the new provisions, especially the fire, water and road safety authorities, and were they consulted about these changes?

Harriet SHING: Yes, referral authorities and managing departments raised some initial issues about any proposal to provide for deemed consents without scope to seek an extension of time. Since additional scopes were added in response, referral authorities have indicated that they are comfortable with the arrangements in the bill. Several referral authorities were consulted directly. The largest are the head of Transport for Victoria, water companies, catchment management authorities – CMAs – the Environment Protection Authority Victoria and the fire authorities. The managing departments from these authorities also coordinated input and advice around offsetting concerns relating to the risk of a responsible authority moving on to a decision where a referral authority is required to make those complex considerations and cannot respond within the normal statutory timeframe.

Sarah MANSFIELD: I just want to move on to donations reform. I have got a few questions about this. I think, as I indicated in my second-reading contribution, we have got a lot of concerns about the way that this has all been put together. I think we understand the intent of it, but we feel that there are some problems with how this speaks to the Local Government Act, how it is going to be used in practice and how easy it is going to be for people to follow. Just with respect to the idea of lobbyists, we feel that there may be a loophole in clause 172 of the bill whereby an applicant's associates only include those with a financial interest in the outcome but lobbyists are not mentioned. So the concern

is that lobbyists engaged to influence decision-makers would not need to disclose their donations to a minister or councillor. Is that your intention or understanding?

Harriet SHING: The obligation to disclose a gift or donation only applies to the people formally interacting with the planning process – so that is an applicant or an objector or a submitter. The person required to disclose that gift or donation is required to disclose gifts or donations given by associates or people with financial interests. The intention is that a lobbyist would fall under draft section 113B(5)(d), namely:

> … the person is an associate of a person specified in paragraph (a), (b) or (c) and is likely to obtain a financial gain if the development that would be approved or enabled by the application is approved or enabled …

So the bill provides a capacity to prescribe in regulations who is an associate, should there be an uncertainty. In terms of that work, that is a very clear reference to acquitting the obligations set out in the Sandon report, as I flagged in response to questions from Mr Davis.

Sarah MANSFIELD: This is something that has been I think touched on briefly by Mr Davis, but we have had significant feedback from the local government sector that there are problems with the new donations disclosure requirements in that there is a mismatch between the thresholds that have been prescribed in this bill. This bill uses the Electoral Act 2002 threshold. That threshold is $1240 across one financial year. The Local Government Act has a conflict-of-interest threshold of $500 over the previous five years. I have to say it is hard enough getting councillors to comply with and understand those conflict-of-interest requirements. Having been a councillor, I can say it can be very confusing, and even with good intentions you can find that challenging. So now we have added into the mix another threshold for another set of interests that does not match. There are a range of different issues that arise as a result of that. I am just wondering why the Electoral Act threshold was chosen and what consultation was undertaken with local government in arriving at that threshold?

Harriet SHING: Dr Mansfield, that threshold was chosen because the decision-making functions of the act actually go beyond local councils and they include various authorities and also the minister. It would not have been a one-size-fits-all application through that mechanism that you have referred to in your question. In addition to that, the obligation to disclose a gift or donation rests on the applicant, objector or submitter, and any disclosures will be publicly accessible. The process provides the potential for a really high number of disclosures, including those outside of council. That is again achieving one of the objectives of the change, which meant that it was important to narrow the scope of the gifts and donations regime to ensure that disclosure requirements are proportionate and also manageable.

You have also asked about consultation. There were really clear recommendations given by IBAC in the Sandon report to require the reporting of donations made to decision-makers, and the IBAC recommendation provided the government with clear direction and a structure to follow by referencing similar requirements that exist in New South Wales. That is a recommendation that the government supported. As these changes implement a recommendation of IBAC, extensive consultation was considered unnecessary, and peak bodies, including the MAV, were given the opportunity to review the final details of the bill, as I have indicated in response to earlier questions, ahead of its introduction.

Sarah MANSFIELD: It is useful to understand the reasoning behind the changes. It is entirely possible that in practice this will not necessarily be a smooth rollout. There could be difficulties encountered. Will the government commit to at least reviewing these thresholds and amending them if required to create some consistency and simplicity, at least within the local government sector?

Harriet SHING: We will work with the local government sector to ensure that councillors are aware of the differing gifts and donations disclosure thresholds in legislation and that councillors also remain aware of their obligations, as you quite rightly pointed out, under the Local Government Act. As with any legislation, government will make necessary adjustments if things do not function in practice in accordance with the objectives or the intentions. But it is also really important to stress that

the gifts and donations disclosure requirements do not create any additional obligations on councillors, so they can comply with those new requirements under the Planning and Environment Act by continuing to comply with existing requirements under the Local Government Act 2020.

Sarah MANSFIELD: When it comes to the provisions in this clause around political party disclosure, this was another area where we had some concerns because the bill requires donations made to the political party of a councillor where the political party of the councillor is known. Again, anyone who has spent any time in local government will know that there are lots of councillors who are members of a political party but that is not something that is necessarily publicly known. There are others who routinely will disclose that and are very transparent about it. So we have got this situation where we are relying on the honesty and the transparency of the individual councillor to disclose that, because at the moment there are no requirements in Victorian law or in the local government regulations for a councillor to disclose political party membership; it is voluntary. Why was this approach taken?

Harriet SHING: This requirement works within the existing requirements around the disclosure of political affiliations. Within the existing framework of the Local Government Act, the alternative option was in fact to remove the requirement for donations to political parties of councillors altogether. This would leave an avenue available to exert undue influence through gifts and donations, so the best option was in fact to require disclosure where affiliations are known.

Sarah MANSFIELD: That makes a lot of sense. I guess the follow-up question, though, is: are the government considering or will the government consider, if they did not, amending the Local Government Act or relevant regulations to require councillors to disclose their political affiliations?

Harriet SHING: It would be a brave minister indeed who would speak for the Minister for Local Government on a bill and future intentions on a matter that does not have anything to do with that legislative framework that he oversights. That is a matter for the local government minister to consider.

Sarah MANSFIELD: I think this will just end up being one of those issues where we do not necessarily see eye to eye. You have gone through some of the questions I had about streaming and the different assessment types, but there are a few questions or a few issues that have been raised that did not quite get covered off. You have provided some detail about timeframes and what happens if there is a misallocation or the identification of a misallocation. But as I think you would I suspect be quite well aware, there are councils which have fewer resources, especially small rural councils. They might only have one planner. Their ability to comply with these timeframes may be challenged, and it is easy to think up scenarios where that might happen. Conversely, there are large councils that might be in a growth area, and they could receive a huge dump of applications on one day. Even if they have got a much better resourced planning department, just the sheer volume that they have received on that day might make it difficult for them to comply with the timeframe. So I guess what I am wanting to understand is: will there be some sort of flexibility built into the system to acknowledge some of those practical challenges that councils may face?

Harriet SHING: I am well aware of the often very limited resources, particularly for rural and regional councils, in the scenarios you have outlined. We have already got in place the regional planning hub program, and that exists for exactly the reason that you have outlined in your question. That is about strategic planning and strategic planning resources, and subject to meeting the eligibility requirements, these are resources that can assist councils with those peak workloads in the sort of scenario, albeit in a regional setting, of that dump of applications – so peak workloads and priority developments, building that land use planning capacity and capability within councils, improving planning schemes to simplify processes and approvals and helping with significant regional planning projects. As part of the implementation of the reforms outlined in this bill, consideration will actually be given to the extension of support services provided to those small rural councils under this existing program. Again, this is why the ongoing engagement with the MAV is a big part of that discussion, to understand what implementation and operationalisation look like.

Sarah MANSFIELD: I appreciate that response. One of the concerns around those timeframes and the importance of doing these assessments properly is that there is the risk that mistakes could be made. You could have an unsafe or poor development outcome as a result of that really restrictive time pressure to make decisions or where it is deemed to be approved without having gone through all the appropriate checks. What steps or what measures are being put in place to avoid unsafe or poor development outcomes as a result of these changes to timeframes? We understand the intention is to get things to happen more consistently and faster, but how do we, in the process of speeding things up, avoid unsafe or poor development outcomes?

Harriet SHING: It is not anticipated that we would see any change, because the timelines are modelled on the existing statutory responsibilities and those timeframes that responsible authorities have to make decisions within are the basis upon which these timeframes are set. The expiry of statutory timeframes for those types 2 and 3 assessments do not automatically lead to approvals, such as the scenario you were talking about with an unsafe or undesired outcome. The expiry of those prescribed time periods then enliven a right for the applicant to seek a review by VCAT, in essence, on the failure to make a decision. So in practice those review rights are not triggered by applicants. If the responsible authority continues to communicate effectively with the applicant, the applicant is usually willing to wait until the responsible authority completes its assessment, and that then avoids delays and the expensive proceeding with VCAT for the purpose of a review.

Sarah MANSFIELD: I thank the minister for that response. I think a lot of those concerns have really been around that type 1 application, where there is that very compressed timeframe. Particularly in the event that a misallocation to type 1 occurs, it may not be picked up, and then a permit may be automatically issued and development may proceed where there are potentially unsafe or poor development outcomes. In that scenario, how are the risks that arise from those changes being mitigated?

Harriet SHING: I think I took Mr Davis through the issue of incorrect triage as a type 1, but being outside the timeframes was one of the matters that I canvassed around an application being reallocated to types 2 or 3. Type 1 actually already exists as a VicSmart process. The bill, though, provides the ability for a period longer than five business days to be prescribed in the regulations, and in the event that before making a decision the responsible authority determines that the application has been incorrectly made as a type 1 application and the applicant does not consent to changing the type, the application could be refused on the basis that the act requires that the planning scheme is considered in making a decision and the planning scheme specifies that the application should have been made as another type.

Sarah MANSFIELD: Just moving on to implementation, you indicated earlier that there will be funding and other support given to councils to help with the transition to new systems, and that is welcome. Another thing that we have had feedback about is that, given a lot of the changes in this bill, a statewide permit application lodgement system would be welcome. Is that something that the government is entertaining to support the changes that are being made in this bill?

Harriet SHING: We do acknowledge that a statewide ICT system does have merit, and it could be offset against the $12 million paid in annual grants to local governments to update and maintain existing ICT systems for planning permits so that when there is an increase in volume they can remain operational. Accordingly, to implement reforms and to lower the annual operation cost there is potentially a strong case for investing in a new system, but consideration of this process would be subject to ordinary budget processes. Again, it would be a very brave person at this committee table indeed who would seek to stand in the shoes of the Treasurer. We can commit, though, to development and consideration of a potential business case in consultation with local government, if it proceeds. Again, just to come back to that process of ongoing engagement with the MAV and with local government peak representatives, that is again the subject of further discussion not just on this but on the application and implementation of the broader planning reforms and the housing statement overall.

Sarah MANSFIELD: Just one final question, and this is an issue where I did have some clarity provided by the department but want to get it on record: do changes to restrictive covenants apply to nature covenants – for example, the Trust for Nature?

Harriet SHING: No, they do not.

David DAVIS: I have got a question here. The government is expecting Parliament to vote on a bill which allocates land uses from existing zones to three new permit and amendment types without actually showing the allocations, as it were. Why does the government expect that Parliament approve such an allocation on trust?

Harriet SHING: Can you be a bit clearer about your question? I cannot for the life of me work out what you are asking.

David DAVIS: The government is expecting Parliament to vote on a bill which allocates land uses from existing zones to three new permit and amendment types without showing the allocations. Why does the government expect the Parliament to approve such an allocation on trust?

Harriet SHING: It is a little bit clearer to me now. This bill actually just sets up the framework by which decisions can be made. Regulations are the mechanism by which these matters will be prescribed.

David DAVIS: So essentially what you are saying is that we just take it on trust and off we go; we can vote for it now and suck up the results later.

Harriet SHING: No, that is not what I am saying at all, Mr Davis. The regulation-making power is not a new thing. In addition to that, the work that we are doing through the process of developing regulations and their implementation is the subject of consideration across a range of stakeholder engagement processes. The PRAC and the other work that happens will ensure that there is ongoing discussion about a range of matters. I have taken you to them in the sum-up of the second-reading debate and also in responses to your earlier questions.

David DAVIS: Again, I think we will just have to indicate that we are concerned about taking this on trust. I have a different question. Car park dispensation is a part of this approach in this bill, and there is a likelihood that a number of areas will not have any car parks applied. This is part of the government's broad framework at the moment. Does the government have any plans with this bill to introduce dispensation so that new developments will have no car parks?

Harriet SHING: I think you are referring to an announcement that was made last week by the planning minister. That is categorically not within the scope of this bill.

David DAVIS: Despite the consultation and the general approach – I will move on. I want to talk about a section in the objectives, and this has been discussed by the Greens, by Dr Mansfield. The objective in new paragraph (1)(f) is:

> to facilitate well-designed and high amenity places that are safe and accessible and that enhance the health and wellbeing …

I understand many of the points made by Dr Mansfield about the safety aspects, but, Minister, we are actually in the middle of a crime crisis at the moment. We have got surging crime in various suburbs. I was in Monash the other day, and looking at the figures there, they are surging massively. One of the principles around designing safe, secure places for people – workplaces but also homes – is to actually have a focus on crime prevention. Where will the crime prevention objective be recognised in the new set of objectives?

Harriet SHING: There is a lot of what you have said, Mr Davis, that does not fall directly within the scope of this bill. But I do want to touch –

David DAVIS: It does, actually.

Harriet SHING: I am trying to help you here, Mr Davis. It is in the safety objective of the bill. You actually read that out at the start of your question. An objective of planning is:

> to facilitate well-designed and high amenity places that are safe and accessible and that enhance the health and wellbeing of Victorians and visitors to Victoria …

The safety of places does include the design of safe living and working environments, and importantly, that new drafting makes it clear that it is an objective of the planning system to enhance the health and wellbeing of Victorians and visitors. So drafting the objective in the way that it has been in the bill avoids any suggestion that planning duplicates the role, again, of that WorkSafe responsibility on the regulation of safety. Planning's role revolves around the design of places, and it is appropriate to delineate between what can be done to achieve safe places by design versus how the safety of the use of those places is regulated over time, which goes directly to your question, Mr Davis, including about matters beyond the scope of this bill.

There are some amendments being proposed by Legalise Cannabis Vic. I am happy to perhaps contemplate some of those in this answer, Mr Ettershank, which might assist you. There appears to be a misinterpretation of the objective relating to design, amenity, safety, accessibility and health and wellbeing. So, as has been explained in the material provided to the government, there appears to be a construction of the objective as being to only provide for safety in 'well-designed and high amenity places', rather than recognising that the purpose of the statement is to make it an objective to make all places across Victoria well designed, high amenity, safe, accessible and enhancing of health and wellbeing. Again, I do not mean to rope you into this part of the conversation, and I am happy to take further questions from you, but the proposal in this amendment does not materially change the objective, putting it beyond doubt that it is an objective to protect human life. But the government's position is that it is not in fact needed to achieve those shared intentions in relation to safety.

David DAVIS: I understand the government may not think it is needed, but others certainly do, and the MAV certainly does. I read their documentation. It deletes 'safe living and working environment' from objectives of planning in Victoria. Again, Dr Mansfield referred to this, and I think there is every reason to believe that the government should not have changed this in this way, and indeed the MAV makes recommendations as to how this could be strengthened. So given the crime crisis when the government was looking at this bill and the surging crime rate all around, you may wish to explain why the government thought that you would weaken this clause in the way you have and why you would reject the recommendation that came from the MAV in their documentation, which was to strengthen the clause.

Harriet SHING: Again, I want to be quite clear in my desire not to be verballed in this. I would hope that it is unintentional. Nobody is suggesting for a moment that it is not important to achieve shared intentions in relation to safety. Government takes the view that the proposed amendment does not materially change the objective, and therefore that amendment is not needed in order to achieve that shared intention. I am not going to comment on the matters that you have talked about, which are far beyond the scope of this bill. What I will say, however, is that safety includes a range of considerations, the themes of which have been explored in your question. But please do not for a second take from this exchange that safety is not a matter that has included considerations around places that are safe and accessible, and making sure that we delineate between what can be done to achieve safe places by design, versus how the safety of the use of those places is regulated over time.

David DAVIS: Again, I am not going to labour the point, but the truth of the matter is the crime prevention opportunities are significant and the government appears to have weakened this section. In doing so, I think it does point to its priorities. Whatever the minister may say now, this is a set of decisions that the government has made. We just do not agree.

David ETTERSHANK: I do have a number of issues. I appreciate the minister seeking to pre-emptively clarify my questions, but I think it might be easier to deal with those when we get to clause 5. Maybe we will deal with the postponement first, if that is agreeable.

Clause agreed to.

Clause 2 (16:49)

The DEPUTY PRESIDENT: Dr Mansfield and Mr Ettershank each have certain amendments that, if agreed to, will consequently affect the commencement provisions of the bill. The proposed amendments to clause 2 may need to be moved in an amended form to accurately reflect what, if any, combination of linked amendments is agreed to. Given this, I propose that consideration of clause 2 be postponed until after the substantive amendments are dealt with on later clauses.

Clause postponed.

The DEPUTY PRESIDENT: Amendments have been prepared to cover each of the six different scenarios of consequential amendment combinations that are possible on clause 2. I ask that these be circulated to assist the committee.

Clauses 3 and 4 agreed to.

Clause 5 (16:52)

David ETTERSHANK: Just to be clear, Minister, could you clarify for me – I know there has been some discussion of this – why exactly you are seeking to delete the concepts of 'fair' and 'efficient'?

Harriet SHING: 'Efficient' is not defined in the act, so the ordinary meaning of the word applies. In the context of a system this means achieving the maximum productivity with minimum wasted effort. For an individual, being efficient implies working in a well organised and competent way. The definition in the context of a system is the definition that is relevant, so it implies that the planning system should minimise energy use and waste in any form when planning for residential, commercial, rural, industrial and public land uses. The government's position is that the objective in new paragraph (1)(f) should remain focused on amenity, safety, accessibility, health and wellbeing and that it is not necessary to add a reference to 'efficient' in this objective. The objectives of planning that the bill provides for specifically require that the planning system ensures economic, environmental and social sustainability, protects natural resources and ensures use and developments respond and adapt to climate change. These objectives require consideration of how energy-efficient and effective waste management outcomes will be achieved when changes to land use and development are approved by responsible authorities. I hope that provides some assistance in relation to efficiency. I have already addressed the question of fairness, as you quite rightly pointed out in the preamble to your question.

David ETTERSHANK: I will just go back to fairness first, because the efficiency I think we will pick up with one of the amendments there. But if I look at the objectives in the act – and you raise this question of it being subjective or vague or what have you – I am looking at other terms that are in that objective. So perhaps you could help me out here: 'livability' is one, 'prosperity' is another, 'sustainable' is a third, 'attractive place' is a fourth and 'wellbeing' is a fifth. I guess they are all subjective, aren't they? Why pick on 'fair'?

Harriet SHING: The intention is to achieve outcomes that are fair by reference to a process of balancing various considerations to achieve an outcome that has taken account of those considerations. This is where, again, even if what we have within the concept of 'fair' is clearly understood and defined, the role of the planning framework in achieving this outcome is largely limited to providing for intergenerational equity by balancing the interests of present and future Victorians and including a mechanism by which we can ensure that there is compensation due to the impacts of planning reservations. That is a matter that the act specifically and explicitly provides. The objectives are set out in section 60 of the act as mandatory considerations, and they guide the decision-making when determining whether a planning permit should be issued. When we talk about the conditions by which that issuing takes place, statutory planning officers need to be dispassionate, impartial, objective and unbiased. This comes back to the affording of procedural fairness. Again, in answer to a question earlier, that has a very distinct legal meaning. That is about the way in which a process applies and the

way in which there is access to information – relevant considerations are taken into consideration; irrelevant considerations are not – and there being opportunities for people to understand information and to provide a response. Including the consideration of fairness makes what should be, as far as possible, an objectified decision-making process more subjective and more open to that subjective judgement. So ultimately, as I said at the outset, we need to be able to balance a range of considerations and objectives against each other, and ultimately the balancing of those objectives will deliver fair outcomes in and of themselves.

David ETTERSHANK: Thank you, Minister, for that comprehensive response. Can I just clarify, first of all, that we are not seeking to have words added. 'Fair' is being deleted from the objective in new paragraph (1)(a) and 'efficient' is being deleted under the bill in the objective in new paragraph (1)(f), so I guess I am just trying to understand in that context why you feel that 'fairness' should be deleted, given it has been in the act since 1987. It is coming up to its 40th birthday, almost as old as myself. Surely when you say, 'Oh, it hasn't been tested. It's too vague or it's too subjective –

Harriet Shing interjected.

David ETTERSHANK: I am not intending to verbal you, but I am trying to get a character of it, because I am conscious that you have answered this question several times but I am just not quite hearing an answer that strikes to that. I am just wondering, given it has been there for 40 years, how you would argue that it is not well understood. Are you saying that it has never been the subject of litigation?

Harriet SHING: When we talk about the delivery of outcomes that satisfy various objectives, it is incumbent upon us to make sure that in the delivery of procedural fairness, in the meeting of those objectives, we have a balancing of interests and a measure of certainty about the way in which those factors are taken into consideration and a conclusion is reached about how they interrelate. That is ultimately something which will achieve the objective of fairness, where those decision-makers have exercised their obligations in a dispassionate, impartial, objective and unbiased way. It is, to my mind, not open reasonably to conclude that the removal of the word 'fair' will lead to unfair outcomes, because those other objectives are in and of themselves geared toward a balancing process that will deliver fairness. In terms of the removal of that word, I think again you have probably answered the question in your own question. We are talking about law which is 40 years old, that can and should, wherever possible, be improved and be clarified to remove ambiguity. This is something which has guided the work around planning reforms across the state. The accessibility of good decision-making is as much about how the parameters and the objectives of that decision-making are set out.

David ETTERSHANK: Okay, I will move on to another section here. Minister, I note that the Victorian planning objectives at section 4(1) are being amended – obviously, that is what we are discussing – but that the objectives of the planning framework at subsection (2) are untouched by this bill. Will the government be returning to review those at a later stage?

Harriet SHING: Matters like this have been contemplated in various other matters, including the work around renewable energy and sustainability, environmental responsibility and recent reforms in that space. This is not something that we are closed to. However, it is not something that is going to be the subject of an announcement or a confirmation from me here at this committee bench.

David ETTERSHANK: Well, can I ask then: is there a reason that they were not reviewed together? Obviously, they are essential to the planning framework overall, so I am just wondering why one is dealt with in isolation to another.

Harriet SHING: It was a decision of the government not to proceed with both at this time.

David ETTERSHANK: I move:

3. Clause 5, line 11, after "the" insert "fair,".

My amendment simply reinstates the term 'fair', which we have talked about quite a lot, into the first of the Victorian planning objectives. That little word has been there since 1987. It has been addressed in courts on multiple occasions, and I just do not know why the government wants to delete it. I appreciate what the minister said, but I do not think it really addresses that. Fairness in planning is ultimately about equitable development and balancing trade-offs in ways that do not unfairly punish some parties. I think that is the nub issue, and I do not think the minister has addressed that. That is why we wish to pursue this amendment.

David DAVIS: The Liberals and Nationals will support Mr Ettershank's amendment. The minister's deeply unimpressive response is that it has been there for 40 years; there is no real reason being presented as to why it needs to go.

Sarah MANSFIELD: The Greens have a lot of sympathy for this and obviously had some questions about this issue as well. We will not be supporting the amendment. We recognise that at least the government's interpretation of this bill that they have presented captures a lot of the issues that were identified as being covered by the term 'fair' in other ways. Although I think, yes, at some level, we certainly feel that that concept did bring value to the original act, we understand the reasons for changing it and therefore will not be supporting this amendment.

The DEPUTY PRESIDENT: Just before I call the minister, I note that we have a former member in the gallery. We welcome former minister Pulford to the chamber.

Harriet SHING: We will not be supporting Mr Ettershank's amendment for the reasons that I have already outlined.

Amendment negatived.

Sarah MANSFIELD: I move:

3. Clause 5, line 26, after "ecological" insert "processes, and ecological".

This is something I canvassed in the second-reading debate. Amendment 3 reinstates the term 'ecological processes' in the objective of the act. Unlike I think some of the other terms we have been discussing, where there is I guess greater subjectivity, different interpretations around what this means, 'ecological processes' is a very important planning concept from the feedback we have received from planners, and its removal has taken away that concept. Something like the natural flow of water over land, for example, and therefore potential flooding risk, is something that is understood to be covered by ecological processes, and ecological and genetic diversity in and of itself does not adequately address that. This is in addition to the bill. It does not take any of the new language away, it just reinstates the term 'ecological processes'.

David DAVIS: The Liberals and Nationals will support this amendment. It makes sense. We are not quite clear what the government's approach is here. Somebody has dreamed up these changes inside government. Again, the depth of consultation has been poor, and the weaknesses are clear when you start to look at these.

David ETTERSHANK: This is the same as the Legalise Cannabis amendment 4, so we will support it. Ecological processes like water flows are distinct from ecological diversity. If we want our planning system to facilitate, for example, flood-resilient developments, it will have to consider ecological processes. So we will support that.

Harriet SHING: I think we have a unity ticket here. Thanks, Dr Mansfield, for that amendment. We will be supporting it.

Amendment agreed to.

David ETTERSHANK: I move:

5. Clause 5, page 4, lines 5 and 6, omit "facilitate well-designed and high amenity places that are" and insert "protect human life and to facilitate well-designed and high amenity places that are efficient,".

We got rid of 'fairness'; let us have a punt at a couple of other concepts like 'efficiency' and 'safety'. Amendment 5 seeks to make another similar correction to the objectives. It reinstates, firstly, the concept of 'efficient'. Efficiency in planning is about minimising waste and maximising productivity. It is about energy and cost efficiency in new homes, for example. Again, I do not know why the government would want to delete that from the objectives. Amendment 5 also makes it clear that is an objective of planning in Victoria to protect human life. The reason I have included this is because the objective in the current act talks about securing safe working, living and recreational environments, and that covers both land use and development planning, whereas the bill rewrites that this is facilitating 'well-designed and high-amenity places that are safe'. That covers development planning, but it does not cover land use planning. Not all places are designed; not all places are built. I think the bill narrows the safety objective, and this amendment broadens it out again. I hope we can all agree that the reason we have planning laws in the first place is to keep Victorians safe.

David DAVIS: The Liberals and Nationals will support this amendment too. It makes sense. The government – I do not know where they have dreamed up a lot of their changes from, but these amendments are sensible and retain some good sense that is already there.

Sarah MANSFIELD: Once again, while we very much understand the sentiment of this amendment and thank Mr Ettershank for putting it forward, we will not be supporting it. I interrogated this issue with the minister during the clause 1 discussion, and I think we are satisfied that, in the objective that covers off enhancing the health and wellbeing of Victorians and visitors to Victoria, that concept of protecting human life is encompassed.

Harriet SHING: I have canvassed this pretty extensively, so I am just going to confirm that the government will not be supporting this amendment.

Council divided on amendment:

Ayes (18): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Amended clause agreed to.

Clause 6 (17:20)

David ETTERSHANK: Clause 6 of the bill, as I understand it, provides that there will be state planning strategies and regional planning strategies, that they will be separate instruments and that they will sit outside of the Victoria Planning Provisions. I have a couple of questions about this. Firstly, we all know that the state planning strategy is *Plan for Victoria*, but I do not believe there are any regional planning strategies in place anymore. I think the old regional growth plans and the old *Plan Melbourne* were all deleted when *Plan for Victoria* was incorporated into planning schemes. Does clause 6 of the bill imply that the government now intends on creating new regional planning strategies?

Harriet SHING: State and regional planning strategies are instruments that may be prepared by the Minister for Planning, setting out the state's overarching goals and directions for future land use

and development in Victoria or the relevant region. They have to include a statement of the purpose of the strategy, a vision statement setting out the long-term vision for the state or relevant region over the next 30 years, strategic directions to give effect to that vision and directions for how the strategy is to be implemented through lower level planning strategies and planning schemes and any prescribed matters. State and regional planning strategies must be consistent with and further the objectives of planning in Victoria. Any regional planning strategy must also be consistent with and give effect to a state planning strategy. It is not correct to say that state and regional planning strategies will replace policy zones, overlays and other controls –

David Ettershank interjected.

Harriet SHING: I am just trying to help – in planning schemes, nor will they restrict the use of the planning policy framework to express state, regional and local planning policies. The role will be to express goals and directions for future land use and development at the state and regional levels, which will then be implemented through policies in the planning policy framework and controls such as zones or overlays in planning schemes. Essentially this sets up the framework for that to occur.

David ETTERSHANK: Minister, could I just clarify – this might seem obvious based on your question, but I am not sure: does clause 6 of the bill imply that the government now intends on creating new regional planning strategies?

Harriet SHING: *Plan for Victoria* replaced *Plan Melbourne* and regional plans, so that is to go back to –

David Davis interjected.

The DEPUTY PRESIDENT: Mr Davis, the minister has the call.

Harriet SHING: So in setting up the framework for future governments, it comes as a consequence of the framework established now, and *Plan for Victoria* again was about making sure that we could move beyond *Plan Melbourne* and move into the entire state, which is where that 110,000 consultation came in.

David ETTERSHANK: Perhaps we are not communicating here or connecting here. I get all of the stuff about *Plan for Victoria*, and I understand about the history of *Plan Melbourne*. I accept that this sets up a potential framework, so I am just seeking to get confirmation that clause 6 of the bill implies that the government now intends on creating new regional planning strategies.

Harriet SHING: I do not intend to create any anticipation that there has been a change here. This is simply setting up the framework for future governments' work.

David ETTERSHANK: Okay, let us say that there are new regional planning strategies created in future. The new section 4AJ, if it is agreed, will require that any planning authority, including any council, must ensure that:

> … an amendment to a planning scheme … is consistent with a regional planning strategy …

So the council has to comply, but there is no guarantee that anyone will be consulted on the regional planning strategy before it is imposed by the minister. Can I seek some sort of assurance, Minister, that any new regional planning strategies will, as a matter of course, undergo meaningful consultation with the public and with the councils in the region who will have to implement them and with the traditional owners?

Harriet SHING: The government believes that there is a need to consult broadly in relation to the establishment and review of state and regional planning strategies. I have been pretty clear on that in the course of earlier discussion on this bill, and I have referred extensively to *Plan for Victoria* and the process that saw more than 110,000 Victorians engage through that framework on a strategic plan in Victoria. We did that without any legislative obligation to do so, Mr Ettershank. Again, we are making

sure that we are clear about the importance of those state and regional planning strategies needing to be consistent with the work across those goals and directions as I have articulated them around planning in Victoria and consistent with and giving effect to a state planning strategy as it relates to regional planning.

David ETTERSHANK: I am just trying to come to a particular point here, and then this amendment may become entirely redundant. Minister, all I am seeking here is an assurance that in the development of new regional planning strategies there will be meaningful consultation that will include the public, councils in the region that fall within that regional plan and the traditional owners. That is all I am seeking clarity on.

Harriet SHING: Yes.

David ETTERSHANK: Based on the minister's answer, I do not need to move amendments 6 and 7, and I thank the minister for her express commitment that any new regional planning strategies will be the subject of meaningful consultation.

Clause agreed to; clauses 7 and 8 agreed to.

Clause 9 (17:29)

The DEPUTY PRESIDENT: Dr Mansfield, I invite you to move your amendment 4, which tests your amendments 7, 8, 9, 13 and 28, and the amendment is to omit the clause.

Sarah MANSFIELD: I invite members to vote against this clause. These amendments all reinstate the power of the Parliament to disallow planning schemes. I think that is an issue that has been well canvassed in this place, so I do not think they require much more explanation, but I am happy to answer any questions.

David ETTERSHANK: This is obviously the same amendment as found in the Legalise Cannabis amendment sheet, so of course we will support it. As I said in the second-reading debate, the government should be I think embarrassed for having even considered the repeal of the disallowance powers. They are the only check and balance this Parliament has over the government of the day when it comes to sweeping statewide planning reforms. In an ideal world disallowance powers would never be invoked because there would be no need to do so. It is the presence, however, of these powers that keeps pressure on the government to ensure that its policy decisions conform with the act. Legalise Cannabis will not be complicit in removing those checks and balances, so we will be supporting the amendment.

David DAVIS: It is to omit the clause, and the Liberals and Nationals will support that.

Harriet SHING: As flagged earlier, the government will be supporting this amendment.

Clause negatived.

Clause 10 (17:31)

David ETTERSHANK: In looking at clause 10, can I firstly congratulate the government on including this clause in the bill. This is the only recommendation of the select committee that I chaired, which reported in May of this year, that has been implemented in the bill. The clause imposes a requirement on the minister to give at least 30 days notice of an amendment to the Victoria Planning Provisions to each municipal council that is so affected. That is excellent. My question is this, however: why wait until commencement, which will be anywhere up until October 2027? Why not commit to applying this policy immediately? You do not need a statute to require you to give notice, and surely you can just do this.

Harriet SHING: I am assured that, as a matter of good practice, the planning minister is already providing that 30-day notice period and doing so before royal assent, but we do need transitional

processes to be in place as part of that commencement and upscale. The PRAC will be an essential part of this work as well.

David ETTERSHANK: Again, I guess I am looking for some assurances specifically with regard to practice.

Harriet SHING: This will be a consideration of the PRAC.

David ETTERSHANK: I think we are very close here, but at the moment it is probably not practice. I could give by way of an example VC289 about tree canopies. That was introduced without warning in September – literally no warning, no notification, bammo. So I guess the assurance that I am seeking, Minister, is a commitment that the government will voluntarily, if you like, impose a policy of giving 30 days warning of all new major statewide Victoria Planning Provisions amendments. We are looking at the big picture here. We are looking at statewide Victoria Planning Provisions amendments. Can we just have that assurance of 30 days notice from the minister?

Harriet SHING: The reference that you have made, that specific example, was actually to protect trees. As I said, this will be a consideration of the PRAC. It will be brought in as soon as it can be by proclamation, and we are already doing it.

David ETTERSHANK: I get that, and obviously we have got an amendment later on that we will be putting up, but I am trying to expedite the process here. I guess my question is just literally: can that assurance of 30 days notice of planning provision amendments be given rather than just the more generic one? Because otherwise, if we look at what is on paper, clearly it is not coming in until late 2027. And just for clarity, that tree canopy is statewide; it is not limited. That is why we are looking for that 30-day warning on all new major statewide planning provision amendments.

Harriet SHING: Firstly, we are already doing it, and we can bring it forward by proclamation.

Clause 10 agreed to.

Clause 11 (17:38)

The DEPUTY PRESIDENT: Dr Mansfield, if you could move your amendments 5 and 6, which test your amendments 1 and 2 to clause 2.

Sarah MANSFIELD: I move:

5. Clause 11, line 20, before "After" insert "(1)".
6. Clause 11, after line 22, insert –

'(2) After section 6(2)(j) of the Principal Act **insert** –

"(ja) provide that any use or development of land is conditional on the provision of an affordable housing contribution;".

(3) After section 6(2) of the Principal Act **insert** –

"(2AA) For the purposes of section 6(2)(ja), an affordable housing contribution may be imposed as a condition on a permit if –

(a) the relevant planning scheme identifies a need for affordable housing in the area; and

(b) the application exceeds a threshold prescribed in the regulations that is expressed in terms of number of dwellings or value of development.

(2AAB) An affordable housing contribution is to be in the prescribed form, including a monetary contribution in lieu of the provision of affordable housing.

(2AAC) The regulations may prescribe the maximum affordable housing contributions that can be required under a planning scheme, including the application of differing maximums by reference to different zones and overlays.

(2AAD) If a monetary contribution is made to acquit a requirement specified in a planning scheme for the provision of an affordable housing contribution, the monetary

contribution must be collected by the responsible authority for the proposed use or development of land.

(2AAE) Despite anything to the contrary in any other Act (other than the **Charter of Human Rights and Responsibilities Act 2006**), any monetary contribution collected by a responsible authority under subsection (2AAD) must be spent on a project to construct new affordable housing in the municipal district in which it is collected.

(2AAF) A responsible authority must keep proper and separate accounts and records of any monetary contribution collected under subsection (2AAD) and how that monetary contribution was spent on the provision of affordable housing in the municipal district.

(2AAG) The accounts and records required under subsection (2AAF) must be kept in accordance with the **Local Government Act 2020**.".'.

Again, this is something that I spoke about during the second-reading debate, but for the benefit of the chamber these amendments establish an affordable housing head of power. This enables a planning authority, which includes the minister or a council, to require a proportion of affordable housing, as defined in section 3AA of the Planning and Environment Act, in any new development. For clarity, this definition expressly includes social housing, so this is for affordable and social housing. This can occur where the relevant planning scheme identifies a need for affordable housing in the area and the application exceeds a threshold prescribed in regulations that is expressed in terms of number of dwellings or value of development. I note that I have received some feedback that it is also common to express thresholds in terms of gross floor area. I can confirm that the term 'value of development' as used in the new section 6(2AA)(b) in this amendment is not prescriptive about how value is expressed and therefore not restricted to a dollar value and can account for calculations based on gross floor area under the regulations. In lieu of an affordable housing contribution, a planning authority can require a cash payment that contributes to new affordable housing in the municipality from which it is collected – and just again for clarity, that is for new affordable housing. I received some feedback from different members of the community concerned about how that funding would be used. It is for new housing. Note that this amendment only creates the power for this to occur. It does not come into effect unless the planning authority chooses to use this power. The planning authority will also be able to determine the details of any such requirements subject to the parameters outlined in these amendments, and a combination of planning scheme and regulations provisions provide for the affordable housing contribution to be required and enforceable as a condition of permit.

David DAVIS: The Liberals and Nationals will not oppose the changes proposed by Dr Mansfield. We see some sense in them, and we will not oppose them.

David ETTERSHANK: Deputy President, I seek your assistance here. I have a question I would like to ask the minister with regard to the implementation of that, if the government is indeed supporting this. Is this an appropriate time to ask it, or should I wait till after the minister has spoken?

The DEPUTY PRESIDENT: We need to wait till the amendment is agreed to for you to ask that question. Do you want to make a statement on whether you are supporting it or not?

David ETTERSHANK: I might as well, but then I will ask a question later. We will support these amendments, and if they succeed, we will withdraw our amendments 9 and 10, obviously. These amendments are not identical, so let me see if I can explain the differences.

Both amendments create a new affordable housing head of power to create circumstances in which affordable housing contributions can be required as a condition of a planning permit. Dr Mansfield's amendments allow cash collected in lieu of a physical affordable housing contribution to go to the responsible authority, usually the council, and they can then spend that on affordable housing within the same municipality. My amendments allow cash collected in lieu of a physical affordable housing contribution to go to Homes Victoria to spend on new affordable housing. In practice that will usually mean public housing but not necessarily in the same municipality.

Each option has its advantages and disadvantages. What I hope we do not see is, if Dr Mansfield's amendment succeeds, the government sitting back and saying, 'Okay, now affordable housing is a local government responsibility.' If councils want affordable homes, they have to go through tortured planning scheme amendment processes precinct by precinct, and that would defeat the purpose of this exercise entirely. Affordable housing contributions will succeed if they are applied broadly, and that will need the planning minister's leadership and coordination. So I support this amendment, and I expect to see the affordable housing regulations created as quickly as possible so that the head of power can actually be used.

Harriet SHING: We will be supporting the Greens amendment in this regard. Again, action in *Plan for Victoria* lines up entirely with this particular matter. That item and that action is about increasing social and affordable housing, including through legislative reform, which is precisely what this amendment will do.

Amendments agreed to.

David ETTERSHANK: I have a question about these amendments. It is proposed in new subsections (2AA) and (2AAB) that there are certain matters to be prescribed in the regulations, like the threshold for where an affordable housing requirement kicks in and the form of the affordable housing contribution. How quickly will the government be developing these regulations?

Harriet SHING: It is not government's intention to drag our heels on this at all but in fact to act as soon as is practicable, noting of course that the PRAC and the regulations process will be a big part of this and noting also that there are affordable housing mechanisms already within the legislative framework and *Plan for Victoria*.

David ETTERSHANK: Taking all that on board, can I ask a very specific question: will those regulations be available in time for the rezoning of the remaining 60 activity centres so that those activity centres can be rezoned with affordable housing contributions built in?

Harriet SHING: This bill is not about activity centres, so I just want to be really clear that it is beyond the scope of what we have been talking about this afternoon.

David ETTERSHANK: I beg to disagree. This is not a question that is seeking to elicit your views with regard to out-of-scope areas. What I am specifically asking about here is an amendment that has just gone through. It facilitates affordable housing, and we have a situation where there are 60 activity centres that need to be rezoned if this is going to be anything more than cotton candy. Unless it is going to be just fluff, this needs to be captured in those 60 activity centres. Otherwise its practical application on the ground will be negligible.

David DAVIS: Mr Ettershank is of course exactly right. This amendment has now gone through. It will carry through into the act if supported in the Assembly when the lower house lords decide to return on 3 February, so this is now a practical matter which will have an impact right across planning in the whole state. Will it be applied to these activity centres? It is an absolutely realistic and fair question. The minister may choose not to answer it, but let us call out that failure to answer as an outrage.

Amended clause agreed to; clauses 12 to 38 agreed to.

Clause 39 (17:50)

Sarah MANSFIELD: I invite members to vote against this clause.

David DAVIS: I will just indicate to the house and the community that, like with clause 9, which was Dr Mansfield's amendment 4 on the revocations, we will be supporting this step. It is an outrage that the government would strip out these powers, and we certainly support their retention.

David ETTERSHANK: Likewise, we will be supporting this change to the disallowance powers amendment.

Harriet SHING: As indicated, the government will be supporting the Greens amendment.

Clause negatived.

New clause 39A (17:51)

David ETTERSHANK: I move:

12. Insert the following New Clause before clause 40 –

"**39A Parliament may revoke an amendment**

Section 38(6) of the Principal Act is **repealed**.".

In moving amendment 12, this amendment removes the exemption from the power of either house of Parliament to disallow planning scheme amendments. That exemption is amendments prepared by the Suburban Rail Loop Authority. So this amendment returns the disallowance powers to the state they were in prior to the passage of the Suburban Rail Loop Act 2021. This amendment is not about the Suburban Rail Loop (SRL) per se, it is about the fact that there is an exemption at all. What is stopping future governments from building off this exemption and adding their own projects? The act is clearest when the disallowance powers are general. As I said earlier, hopefully the disallowance powers are never called upon. It is the existence of the disallowance powers that creates pressure on the government to make planning scheme amendments that conform with the act. It is actually in the government's interest to agree to this. Projects that have been specifically picked out and made exempt from the standard democratic checks and balances can start to smell a bit off. Victorians start to wonder why some projects are allowed to evade scrutiny. It is better for public trust in government if there are not any special exemptions, and on that basis I commend the amendment to the chamber.

David DAVIS: There is a long history to this, I might add, and we will support Mr Ettershank's proposal to reintroduce a revocation power with the SRL. I indicate that when the SRL bill went through Parliament the government put into it an extraordinary clause that removed revocation powers. We opposed it at the time. It was almost successful, and I might say my strong recollection is that Dr Ratnam supported that at the time, and rightfully so. The huge powers that were granted to government, to the department of planning and to the minister saw the ability to do huge impacts onto massive areas of municipalities. As some people will remember, these large zones were declared. I think 1.6 k's is the distance, and if you do your old pi R squared you will get about 8 square kilometres as the zone that is excised from the municipality and the municipal control and excised from the normal processes that you would see with revocation. This seeks to reintroduce the normal powers that have been there since the act was put in place in 1987, bar the change that was made in the SRL bill in 2021, so it is a reprise, in a sense, of an old amendment that we put in at that time. As I said, Dr Mansfield and her team of Greens may want to take into account that it is my strong recollection that Dr Ratnam supported that planning scheme change as proposed by the Liberals and Nationals at the time, and we were very grateful for that support that was offered.

Mr Ettershank is also quite right that where there are not these checks and oversights and balances, corruption starts – very bad outcomes happen for the community. It probably ultimately is in the government's own interest to have these checks and balances and oversights in place. Why would they not want to go through the normal processes? Why would they want a special arrangement for this government on their special project with the SRL? It is the biggest project in the state's history, a project that now the minister well knows needs an updated business case, given the business case goes back to that time around 2021. It is now years later; everything has become more costly. These are real issues for this project, and the checks and balances on planning controls that are proposed here are supported.

Richard WELCH: I agree with Mr Davis, and I am in furious agreement with you today, Mr Ettershank. The revocation – the SRL is actually a textbook case of why one would be necessary. There have been a series of mistiming issues between periods of consultation and then subsequent information being released. In the case of Box Hill, they were consulted on 20-storey towers. Then,

without further consultation, between December and March it became 40-storey towers, and between March and April it became 50-storey towers. We know that in the entire period of all consultation the Box Hill brickworks site was either designated as nothing or a special interest but certainly not for development. Had the community had the opportunity to know that it would be ultimately developed, they would have provided their information separately. In effect revocation becomes the last democratic mechanism the community have for this kind of weaponisation of information and poor consultation practices.

Sarah MANSFIELD: While I appreciate the sentiments and some of the comments that have been made, as has been understood, the purpose of the amendments we have moved around the restoration of the Parliament's power to disallow planning scheme amendments really just seeks to restore the status quo. I think that was something everyone could agree on. So we will not be supporting this amendment in this instance.

Harriet SHING: The government will not be supporting this amendment.

Council divided on new clause:

Ayes (19): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

New clause negatived.

Clause 40 agreed to.

Clause 41 (18:05)

David ETTERSHANK: I understand that this clause requires the minister to create a performance reporting framework for planning scheme amendments, and that is a very welcome idea. New section 42A(3) requires:

> … all planning authorities other than the Minister to report information to the Minister about the operation of the planning scheme amendment process for which they have responsibility.

New section 42B(1) requires that the minister must cause a report about the operation of the planning scheme amendment process to be made available. That suggests to me that the performance reporting might exclude planning scheme amendments that are actually initiated by the minister herself. Is that right, and if so, why the exclusion?

Harriet SHING: The bill requires performance reporting by all planning authorities, which includes the minister when acting in that capacity. The bill does not exclude minister-initiated planning scheme amendments from that performance reporting scheme. The government's position is that this amendment is not needed, because the minister is already covered by the performance reporting and monitoring scheme.

David ETTERSHANK: That is a fabulous response given that we have now confirmed that this new performance reporting framework will include planning scheme amendments for which the minister herself is the planning authority. I thank you on that one. Accordingly, I seek to withdraw our amendment.

Clause agreed to; clauses 42 to 47 agreed to.

Clause 48 (18:07)

Sarah MANSFIELD: I invite members to vote against this clause.

David DAVIS: These two amendments here omitting clauses 48 and 49, Dr Mansfield's amendments 8 and 9, are again in the revocation mode, and we support those positions.

David ETTERSHANK: We will be supporting these amendments on the basis that they are consistent with the revocation power changes.

Harriet SHING: The government will be supporting these amendments.

Clause negatived.

Clause 49 (18:09)

Sarah MANSFIELD: I invite members to vote against this clause.

Clause negatived.

Clauses 50 to 73 agreed to.

David DAVIS: I move:

That the Deputy President report progress and ask leave to sit again.

The lower house has left. They have left the Parliament. They will not return until 3 February. There is no reason why there now ought not to be a proper inquiry over two months to look at these matters. This bill has enormous problems with it. It has enormous deficiencies and they are very, very clear. But there is every opportunity at a parliamentary committee, a select committee, to examine these matters with the bill. A two-month period is sufficient to do that. And there is no delay with this bill. It is not possible to argue that the bill could be delayed, given that the lower house has already gone home, and the opportunity is there for the scrutiny of this bill. A select committee in the form similar to what was outlined before but to report by 3 February would be the straightforward way to do it.

If this motion were carried, I would move by leave that that inquiry be established and that the committee would meet and report on 3 February. That would see the Parliament coming back and the opportunity for all to have their say – the Victorian community, all of those groups whose communities will be damaged by these changes and all of those interest groups that have got something to say. The groups that the minister talked about before – of course they have got important contributions to make, but the one group that has not been properly consulted on this bill is the Victorian community. That is why I am moving that progress be reported here and that we then would seek to sit again on 3 February with the material from an inquiry to support us.

Harriet SHING: Mr Davis, we have already contemplated a proposal by you this evening after your implacable opposition to planning reforms that will deliver more housing, whereby it is a foregone conclusion from you and from your colleagues that you do not support any reforms under the housing statement or the planning reforms in order to deliver said housing. On the one hand, you are very, very happy to talk about the lack of housing, the challenges of availability and affordability. On the other hand, you are very, very happy to countenance any process in this place to circumnavigate or to stymie the carriage of legislation that will enable changes to be made to a legislative framework which in good faith we have approached and applied by reference to discussion and engagement and collaboration with colleagues on the crossbench, including by reference to numerous amendments from the Greens, which we have discussed and in fact endorsed this evening.

Mr Davis, you have had an opportunity to seek the will of this chamber for the purpose of a referral. You are now seeking to reprosecute that process. To our mind, you are not doing that for a proper purpose or in good faith, because, Mr Davis, in essence, you are saying that 110,000 people who have had their say in the consultation process around *Plan for Victoria* do not matter as much as the work

of a parliamentary committee that would delay the passage of this legislation, including by reference to a committee process, which, again, you are saying would constitute a proper opportunity for Victorians to have their say. Mr Davis, in not passing the bill in the Legislative Council today, we are not providing any certainty to the sector. Committee referral has been defeated already. We are going to be opposing this motion on the basis that it has not changed in substance since the last time you moved it. We are continuing to do the work here. Mr Davis, I would imagine that when you first came to this place, you had a commitment to stay here for as long as it takes. You have done that in the past in relation to a number of other pieces of legislation, irrespective of what our colleagues in the other place have or have not been doing. I would encourage you to continue in the vein of that commitment to the work of this chamber, and the government will not be supporting this further attempt to stymie the progress of this bill and its passage through the Council.

David ETTERSHANK: I think, given the earlier discussion around an inquiry, the fact that the LA has departed changes the picture somewhat – I mean manifestly. Even if we stuck with the original delay, we are talking about six weeks, and it is not going to affect anything that is within the purview of this bill. Also, can I say that in terms of saying that this somehow insults the consultation around *Plan for Victoria*, I think that is poppycock. *Plan for Victoria* is a large, global proposition; it is the statewide plan. This is absolutely a very, very specific piece of legislation that will look at how to address some of those issues but in much greater detail. Your analogy, if I may say so, Minister, is a bit like comparing a globe of the world with a street directory, and this is about the street directory.

That said, I think we have already had an experience, when we were looking at the WorkCover inquiry, of trying to do inquiries over the Christmas period. I think in the case of that WorkCover one it was a nightmare. No-one is around; it puts an incredible stress upon the secretariat, and I just do not think that if it had a report back on 3 February it would achieve the goals that we would aspire to. Accordingly, we will not be supporting the referral proposal.

Sarah MANSFIELD: I think our sentiments are very similar to those of Mr Ettershank. I think just the logistics of the time period that this would have to occur in just do not really support a proper analysis of the bill, which is what the intention that Mr Davis expressed is. I think even just on those grounds we will not be supporting it.

Motion negatived.

Clause 74 (18:17)

David ETTERSHANK: Now that we are on to part 5 of the bill, let me ask about the application streams. This clause introduces three new defined terms to the act: the type 1, the type 2 and the type 3 applications. Elsewhere in the bill it is made clear that the assessment timeframes for types 1, 2 and 3 are to be prescribed in the regulations. The second-reading speech says, for example:

> The statutory time period for making a decision –

in that case on a type 2 application –

> will be prescribed in regulations and is intended to be less than the 60 day period that is currently specified.

But if we compare that to the government's media release accompanying the introduction of this bill, we can see that the minister has already announced that type 1 applications will be subject to a 10-day deadline, type 2 applications to a 30-day deadline and type 3 applications to a 60-day deadline. Could I ask why the government has pre-empted the regulation-making process?

Harriet SHING: We have not pre-empted anything. Ten days already applies, and this is something that creates the framework in terms of 60 and 30. This is the basis upon which that further engagement and the regulation process will occur with the PRAC and through other processes.

David ETTERSHANK: Minister, I am a little unclear on exactly what you are saying there. You are saying that timeframes are only indications in terms of what has been put in the media release. Am I understanding that correctly?

Harriet SHING: Do you want to just put your question?

David ETTERSHANK: Sorry, just for clarity's purpose, are you saying that these timeframes have now been set as government policy?

Harriet SHING: The timeframes that have been indicated by the government are modelled on timeframes that have existed for many years. For example, a 10-day business period for type 1 is exactly the same as the decision timeframe for VicSmart applications and is a timeframe that has been in place since 2014. A 60-day period for type 3 applications is exactly the same as the standard permit process that has been in place for many years. A 30-day period for type 2 applications has been determined on the basis that these applications will be those that do not require referral and would only require notice in certain circumstances. It should also be noted that the timeframes will be prescribed in the regulations and as such will be subject to the requirements of the Subordinate Legislation Act 1994, which requires that for any new instrument, which I went through in the summing-up and in questions on clause 1, or for any amendment to an existing instrument there must be consultation with representatives of individuals or groups that are likely to be impacted. This engagement on timeframes may result in changes.

David ETTERSHANK: If that is a given, can I ask: has the government started doing any modelling about how long it expects it will take to assess different types of applications within those streams?

Harriet SHING: What do you mean by 'modelling', Mr Ettershank?

David ETTERSHANK: I guess I am referring to the fact that there is a fairly complicated process. I think there was perhaps an expectation that those 10, 30 and 60 days would be done through regulation and, hopefully, consultation. So I am asking: is there a logic – is there some modelling or other research – that has underpinned the decision to go with 10, 30 and 60 days? I take on board what you say about the 10 days; I am not so sure about the 30 and the 60.

Harriet SHING: Mr Ettershank, as I have already indicated, a 60-day-type period for type 3 applications is exactly the same as the standard permit process that has been in place for many years, and a 30-day period for type 2 applications has been determined on the basis that these applications will be those that do not require referral and would only require notice in certain circumstances. I would refer you to my previous answer.

David ETTERSHANK: Moving on then – I am also asking because I am interested in the consultation with local government and industry that will be needed if the bill is agreed to – there are 126 instances of matters to be prescribed in the regulations. That is a lot of moving parts. I would like to know if the government plans to undertake meaningful consultation in relation to those regulations in order to make this three-speed planning system work or if those regulations are just going to be predetermined by media release.

Harriet SHING: I have answered the question around the process for consultation and engagement. The supposition in your question invites a conclusion that this is not genuine consultation. Again I would refer you to my previous answers in relation to the work of PRAC and the work around the regulation that is enabled through the framework of this bill. So we do want to make sure we are recognising the importance of local government planners in the development of regulations that will impact on their day-to-day operations. We have continued to commit to working with local government planners across city, middle Melbourne, outer Melbourne, peri-urban, regional and rural councils.

The government, as I said, has to comply with the Subordinate Legislation Act 1994. That requires, as I said, for any new instrument or any amendment to an existing instrument, consultation with

representatives of individuals or groups that are likely to be impacted. At minimum, there must be initial discussions about the need for and proposed content of proposed regulations and legislative instruments. There must also be consultation on the draft of regulations, regulation amendment or legislative instrument. In circumstances where new regulation, regulation amendments or a legislative instrument is likely to impose a significant burden on a sector of the public, then a regulatory impact statement (RIS) and public consultation are required. For each of the main sets of regulation changes, the remake of the Planning and Environment Regulations 2015 and the Planning and Environment (Fees) Regulations 2016, a regulatory impact statement and public consultation will be required.

David ETTERSHANK: I appreciate that clarification. Can I ask about the window within which the responsible authority can disagree with an application type specified by the applicant? This appears to be five days or a longer period if prescribed. Can I ask how genuine the government is in considering a longer period for the application completeness checks?

Harriet SHING: The government is genuine.

David ETTERSHANK: So, Minister, without pre-empting the process, could you indicate what that longer period for application completeness checks might look like, given what we have already discussed about the 10, 30 and 60 days?

Harriet SHING: That would depend upon the processes and the matters at hand in any individual circumstance.

David ETTERSHANK: I am a little confused here. So if we take the existing 10-day VicSmart provision, my question would be: as it is written in the bill, it is expected that there will be a completeness check completed within five days, so is that potentially subject to a longer period?

Harriet SHING: I would just refer you to my previous answer.

Sitting suspended 6:28 pm until 7:33 pm.

David ETTERSHANK: I move:

16. Clause 74, after line 3 insert –

'(aa) in the definition of ***business day*** –

(i) in paragraph (b), after "half-holiday;" **insert** "or";

(ii) after paragraph (b) **insert** –

"(c) in Part 4, a day between 23 December in a calendar year and 2 January in the following calendar year, including those days;".'.

As we have been discussing, the bill creates a new three-speed permit system based on risk and complexity, and as I said in the second-reading debate, that is a great idea. It is the mechanisms that allocate applications to the streams that I want to scrutinise as well as some of the automatic approval provisions.

As I understand it, the bill provides that the applicant specifies the application type in the first instance and the responsible authority, usually a council planner, will then need to undertake an accuracy check within five days following lodgement of the application to make sure it is in the correct stream. If they miss that window, it looks very difficult to move an application that is locked into a type 1 stream in error into a type 2 or type 3 stream where it is meant to be. And a type 1 stream, which the government has predetermined will be 10 days based on the smart app, ends in an automatic approval process. This is already pretty extraordinary: the applicant chooses the assessment pathway and the regulator has to argue with the applicant if the choice is incorrect. If that window is missed, the application barrels on towards automatic approval after 10 days.

Councils have written to all MPs to say that the government has not consulted on any of these mechanisms. They have said that they are most concerned about how small councils – for example,

regional councils that may only employ a single planner – will be able to handle this if they only have one planner on staff. They cannot see how this bill can be made to work unless they have a planner on duty every business day of the year so that statutory deadlines are not missed.

David DAVIS: Will he be in a red suit?

David ETTERSHANK: Possibly. But that will require significant additional resources that have not been offered. There are a few ways to reduce the risk of type 2 or 3 higher risk applications being locked into a type 1 pathway in error. This amendment is one of them. It pauses the statutory clock over the Christmas and New Year period so that application completeness checks do not have to be completed between Christmas and New Year, when it is hardest to find resources, both human and material. That does not stop decisions from being made; it just removes the risk of unachievable deadlines falling between Christmas and New Year. I would just note that the Queensland act does exactly this in its provisions. I would also note, in terms of talking to some of the councils in Western Metro Region, they all get a huge influx of planning applications on the eve of Christmas, and they simply do not have the staff to process them. This is just a pragmatic approach to trying to address those concerns about missing the boat over the Christmas–New Year period.

Harriet SHING: The government will not be supporting this amendment.

Amendment negatived.

The DEPUTY PRESIDENT: Mr Ettershank, I invite you to move your amendment 17, which is a test for your amendments 18 and 19.

David ETTERSHANK: Before I get into that amendment, if I may, I would just like to ask a couple of questions of the minister as to how we understand this clause.

The DEPUTY PRESIDENT: It is still on the same clause.

David ETTERSHANK: I move:

17. Clause 74, lines 25 and 26, omit "of a class specified under section 50B;" and insert "–
    (a) of a class specified under section 50B; or
    (b) for the development of a dwelling;".

Can I ask about public notice requirements for type 2 applications, please. This clause creates a definition for specified type 2 applications. As I understand it, the act currently provides that all applications are subject to the notice requirements unless the planning scheme provides an exemption. But under this bill the default will be that type 2 applications will only be subject to public notice requirements if a planning scheme specifies it, so the standard is reversed. The notice is off by default for type 2 applications unless switched on by the planning scheme. Can I ask the minister, please: what sorts of type 2 applications does the government have in mind as qualifying for public notice?

Harriet SHING: There is one example that already enables and requires notice, and that is the Townhouse and Low-rise Code, which enables notice for development.

David ETTERSHANK: On the basis of that, it is very clear. I will withdraw my amendment 17.

Clause agreed to; clauses 75 to 77 agreed to.

Clause 78 (19:43)

David ETTERSHANK: I move:

20. Clause 78, line 2, before "In" insert "(1)".
21. Clause 78, after line 24 insert –

'(2) After section 47(2) of the Principal Act **insert** –

"(3) If more than a prescribed number of applications are received by a responsible authority on a single day, the responsible authority may determine that any one or more of those applications are taken to have been received on the next business day or the business day following the next business day.".'.

Back to the issue of the three-speed permit system and the mechanisms that allocate applications, applications in any one of the three streams will require an initial five-day accuracy check, meaning the pressure on councils to check for errors in the first five days will be very high. If there is a very high volume of applications, the councils are telling us that there might be some significant risks. This particularly comes from those councils that experience very high volumes of applications and spikes in application numbers from time to time, and this includes most of the councils in the Western Metro Region. These amendments provide that an application can be taken to have been lodged on the day after it was actually lodged or on the day after that, but only if there are a very high number of applications received on a single day. The threshold to allow this is proposed to be prescribed in the regulations so that a reasonable threshold can be chosen after the performance of the new system can begin to be measured, one that is fair for councils and fair for applicants. The threshold may need to be different for different classes of council, but to be clear, the minister will get to choose that threshold or choose not to apply a threshold at all; it is all left to the regulations. There is a contingency plan if it is needed, so I can see no reason why the government would want to vote against this very simple amendment.

Sarah MANSFIELD: I think this is something I raised in my questions during the committee stage to the minister. As was indicated, there will be scope to work through the actual detail of the regulations, including how different council circumstances can be accommodated through the work of the PRAC. Given that – and we hope that that will be the case – we will not be supporting these amendments.

Harriet SHING: This is a legislative approach to dealing with an operational resourcing issue. Government will not be supporting it on that basis. The amendment would not guarantee the intended outcome sought, as the timeframe for a decision is set in the regulations and is currently set to calendar days. Implementation of the bill, including impacts on resourcing, will be considered by the PRAC.

Amendments negatived; clause agreed to; clauses 79 to 82 agreed to.

Clause 83 (19:47)

David ETTERSHANK: I move:

22. Clause 83, line 13, after "until" insert "10 business days have passed after".

Clause 83 provides that applications should be made publicly available until the decision is made to refuse or approve a permit one way or another. This is a very simple amendment to that provision. It requires that applications should be made publicly available for 10 days after the permit decision is made. The purpose of the amendment is to ensure that interested parties can make sense of the decision. This is especially important when we consider that this bill generally reduces the right to know about applications and the right to have a say about those applications. The amendment does this by guaranteeing that there is, at a very minimum, a 10-day period where both a decision and an application are publicly available so that they can at least be read together. It is very simple, and it is very minimalist.

David DAVIS: The Liberals and Nationals will support this amendment.

Harriet SHING: The government will not be supporting this amendment.

Amendment negatived.

David ETTERSHANK: I move:

23. Clause 83, page 85, after line 21 insert –

"(4) Despite subsection (3), a notice under subsection (2) may be given before the time prescribed under section 66A(1).".

Back on to the issue of three-speed permit systems and how applications are allocated to streams, the bill provides that the applicant must specify the application type when they lodge an application. That was clause 78, which we have dealt with. If an application type is incorrect, then this clause, clause 83, says that the responsible authority has five days to correct any error, or a longer period to be prescribed. After that the application is locked into the specified stream. If an error is spotted after five days, there is no obvious mechanism to move an application out of a type 1 stream unless the applicant initiates it or consents to a request, which manifestly they are probably not going to do. This amendment applies a simple remedy. It allows the responsible authority to move an incorrectly allocated application out of a type 1 stream into a type 2 or 3 stream between day 5 and day 10 of the assessment process. This will not impede the applicant, because it is a mechanism that can only be used to move an application to the correct stream. It is a fairer and faster solution than having to refuse an application between days 5 and 10 and force the applicant to lodge a new application. It is just procedural common sense.

Harriet SHING: There are four opportunities to switch streams. There are already some pretty significant safeguards in place, including transparency measures. We want to make sure that we are providing a legislative framework without any amendments such as this, which is unnecessary and does not have the government's support.

David ETTERSHANK: I would actually like to pick you up on the four streams, because this is being said a lot and I do not think it is right, but I would welcome your thoughts on this. Section 50 is the first of the four that are regularly touted, which says:

Amendment to application at request of applicant …

So the applicant has to initiate the change in an application type, not the council. Section 50A is titled:

Amendment of application by responsible authority …

But that section also requires the agreement of the applicant. Section 54F is the other one that is regularly cited, and it is entitled:

Amendment of application type following response to requirement for more information or concerns notice

But a concerns notice process is only available for a type 2 or 3 application, and I cannot see how such a request for more information process can work for a type 1 application if the whole process has to be handled in between five and 10 days. Section 57A, which is the last of the legendary four 'you don't need to worry about it' clauses, is about type 3 applications only. I cannot see how any of these address the risk I am trying to mitigate here, which is what happens when a higher risk type 2 or 3 application is locked into a low-risk type 1 assessment pathway by mistake after five days have passed. Could I ask you, Minister, to comment on this, please?

Harriet SHING: I think the comment from me is not going to be nearly as good as the answer that you gave to your own question while you were putting it. You do a request for information for type 1. In terms of a permit being issued under the incorrect application type, the responsible authority is responsible for ensuring that permits are not issued under the incorrect application type. I also just want to be clear, Mr Ettershank: the applicant does not choose the pathway, so planning schemes and regulations will dictate which stream those permits go under.

Amendment negatived; clause agreed to; clauses 84 and 85 agreed to.

Clause 86 (19:53)

The DEPUTY PRESIDENT: Dr Mansfield, I invite you to move your amendments 10 to 16, which test your amendments 17 to 19.

Sarah MANSFIELD: I move:

10. Clause 86, line 14, before "A planning scheme" insert "(1)".
11. Clause 86, after line 16 insert –
    "(2) A responsible authority must give notice of a specified type 2 application in compliance with this Division.".
12. Clause 86, page 89, lines 2 and 3, omit all words and expressions on these lines.
13. Clause 86, page 89, line 16, omit "50D" and insert "50B(2)".
14. Clause 86, page 89, line 22, omit "50D(1)" and insert "50B(2)".
15. Clause 86, page 89, line 30, omit "50D(1)" and insert "50B(2)".
16. Clause 86, page 90, line 11, omit "50D" and insert "50B(2)".

These amendments make quite minor changes to type 2 assessments, effectively by moving 50D(1) to 50B(2). This is providing clarity that there is no presumption of there being no notice, which was the implication I think in the previous construction of this section of the bill, so this is really just a clarifying amendment. So there is no presumption of no notice, a planning scheme may provide for notice, and we have heard examples of where that is the case. Where it does, the responsible authority must give notice in compliance with the division. We note that much of the operation of this section of the bill, even if amended, will be determined by regulations, planning scheme amendments and codes. Again, this is where it really comes down to the work of the PRAC and meaningful engagement being very important. Once again I really implore the government and all stakeholders to come to the table and work on this to ensure a workable and fair outcome for the community.

David DAVIS: The Liberals and Nationals will support this.

Harriet SHING: Another unity ticket for the last day of the sitting year. Dr Mansfield, we will be supporting this amendment.

Amendments agreed to; amended clause agreed to; clauses 87 to 101 agreed to.

Clause 102 (19:56)

Sarah MANSFIELD: I move:

17. Clause 102, line 4, omit "50D(1)" and insert "50B(2)".
18. Clause 102, line 19, omit "50D(1)" and insert "50B(2)".

Amendments agreed to; amended clause agreed to; clauses 103 to 114 agreed to.

Clause 115 (19:56)

David ETTERSHANK: I move:

24. Clause 115, lines 30 and 31, omit "grant and issue the permit with or without conditions." and insert " –
    (a) grant and issue the permit with or without conditions; or
    (b) amend the application to specify a different application type if the responsible authority considers the application to have been incorrectly specified as a type 1 application.".
25. Clause 115, page 120, after line 6 insert –
    "(3A) The responsible authority must give the applicant notice of an amendment under subsection (2)(b) that includes –
    (a) the reasons for the amendment in application type; and
    (b) the new application type to apply to the application.".

26. Clause 115, page 120, line 8, after "the applicant" insert "or amend the application".

This is back to the dreaded automatic approval of a permit after 10 days. I have moved these amendments in my name to clause 115. It is back again on to the issue of the three-speed permit system and how applications are allocated to streams. These are the last of my amendments on this theme, as I am sure the minister will be delighted to hear. I certainly am.

Clause 115 allows for the automatic approval of type 1 applications. The minister has said that this will occur after 10 days have passed following the lodgement of a type 1 application. The way the bill handles this is to allow the applicant to issue a conditional permit notice on the responsible authority, to which the responsible authority may only approve the permit with conditions or approve the permit without conditions. If the responsible authority does neither, the permit is deemed to have been issued. If the application is found at the point of the conditional permit notice to have been incorrectly allocated to a type 1 stream, the responsible authority has no option but to actively approve the permit or allow the permit to be deemed to be approved, no matter how inappropriate that permit may be.

These amendments seek to get around that by providing one final opportunity for the responsible authority to simply amend an application to become a type 2 or 3 application but only where the application is found to have been incorrectly specified as a type 1 application at the outset – that is, there is no deficit to the applicant. This is a matter of moving an application to the correct stream rather than having to take an applicant through the administratively burdensome process of seeking to cancel the permit via VCAT. Ultimately, these amendments provide for the efficient correction of errors and the continuation of the proper assessment of a planning application. Councils have told MPs that the risks of not amending this clause are unacceptably high, especially where small rural councils typically have only one planner on staff.

Harriet SHING: Government will not be supporting these amendments. Stream 1 applications are for small-scale development, in line with the existing VicSmart 10-day pathways. We have already discussed the streaming process in the course of multiple engagements over the committee stage and in my sum-up to the second-reading debate. The proposed amendments are not considered necessary because the responsible authority would have had, as I just indicated, four opportunities to correct the application type before the applicant is able to issue a deemed approval notice. Providing this mechanism would result in a high level of uncertainty for applicants, which is not warranted for low-risk applications of the type considered under assessment type 1. So the way that the bill is currently drafted means that if the responsible authority determines that the application has been incorrectly made as the incorrect type after the issuing of a notice by the applicant, the available remedy would be for the responsible authority to seek cancellation of the permit. On that basis the government will not be supporting the amendments.

Amendments negatived; clause agreed to; clauses 116 to 144 agreed to.

Clause 145 (20:00)

The DEPUTY PRESIDENT: Dr Mansfield, I invite you to move your amendment 19, which has already been tested by your previous amendments.

Sarah MANSFIELD: I move:

19. Clause 145, page 140, line 32, omit "50D" and insert "50B(2)".

Amendment agreed to; amended clause agreed to; clauses 146 to 154 agreed to.

Clause 155 (20:01)

David ETTERSHANK: I move:

27. Clause 155, lines 10 to 12, omit "in section 216(1) of the **Electoral Act 2002** and indexed annually in accordance with the formula in section 217Q of that Act" and insert "under section 128(4) of the **Local Government Act 2020**".

I would like to ask a couple of questions of the minister about clause 155 if I may. I have a few questions about part 6 of the bill, and I want to refer to the minister's second-reading speech to set the context for my questions. The second-reading speech says that this bill:

> Requires amendment proponents and persons who make submissions to declare financial interests. This reform would acquit the IBAC's Operation Sandon Inquiry recommendation to require every applicant and person making submissions to a council, the Minister for Planning or Planning Panels Victoria to disclose reportable donations and other financial arrangements.

So let us look at the IBAC Operation Sandon report. On page 177 it says:

> Although the –

Local Government Act –

> … already requires councillors to declare gifts, political donations, primary interests and conflicts about particular matters, these requirements should be strengthened for planning matters by requiring that an applicant, when seeking a particular council decision, fully discloses any gifts, political donations, primary interests or any other arrangements with councillors that would give rise to a councillor having a conflict of interest.
>
> …
>
> It would also encourage councillors to make a full declaration on such matters, knowing that the applicant must also do so.

It goes on to say later:

> This would make all decision-makers aware of the details of donations and other benefits at the time of making their decision. It would also prevent them from later denying knowledge of declared donations or other benefits.

Minister, I have heard your response to Dr Mansfield's questions in clause 2, so I am cognisant of that and I am not seeking to reheat the soufflé here, but IBAC's advice is pretty clear here. IBAC clearly wanted this donation disclosure scheme tied to the local government conflict-of-interest test. The bill does not base the disclosure requirement on the local government conflict-of-interest provisions, which I understand is a gift of $500 over the previous five years. It bases the disclosure requirements on the state election donation laws, which have a disclosure threshold of $1240. So if you donate $1000 to a councillor, you would be creating a conflict of interest, but under this bill you would not have to disclose it. I do not think this acquits the IBAC recommendations at all. Minister, why is the government not implementing IBAC's recommendation in the manner that IBAC requested?

Harriet SHING: Mr Ettershank, we are. Recommendation 7 of the Independent Broad-based Anti-corruption Commission's Operation Sandon special report outlines a suggested change to the Planning and Environment Act 1987 to require disclosures to be made regarding donations to decision-makers under the act. The Sandon report notes that lobbying and donations are essential in planning matters. However, there is a clear need to ensure transparency in decision-making processes as they relate to planning matters in the context of gifts and donations. The Sandon report notes that, relevantly to your point, where the Local Government Act 2020 requires disclosures to be made by councillors about certain matters, there are currently no requirements for disclosures regarding gifts or donations made to decision-makers fulfilling a function under the P and E act 1987. The gifts and donations legislation set out in the bill addresses this issue. The Sandon report also makes clear that any reportable gift or donation should be disclosed and reported on before a decision is made on a planning matter. This forms part of the gifts and donations regime in the Planning and Environment Act 1987, and as recommended by the Sandon report, the disclosure regime has been designed with reference to the gifts and donations provisions that exist in the New South Wales Environmental Planning and Assessment Act 1979.

Amendment negatived; clause agreed to; clauses 156 to 231 agreed to.

New clause 231A and part heading preceding clause 232 (20:06)

David ETTERSHANK: I move:

28. Part heading preceding clause 232, omit "**Transitional**" and insert "**General and transitional**".

29. Insert the following New Clause before clause 232 –

'**231A New sections 152A to 152C inserted**

After section 152 of the Principal Act **insert** –

"**152A Planning Regulations Advisory Committee**

A committee named the Planning Regulations Advisory Committee is established.

152B Purpose and functions of Planning Regulations Advisory Committee

(1) The purpose of the Planning Regulations Advisory Committee is to oversee the continuous review and improvement of the Victoria Planning Provisions and other subordinate instruments and to maintain a structured approach to planning system user feedback and engagement.

(2) The Planning Regulations Advisory Committee has the following functions –

(a) to oversee the establishment and monitoring of a framework for measuring the performance of the Victorian planning system and decisions made under it;

(b) to oversee the establishment and monitoring of a program for obtaining planning system user feedback about the operation of the Victorian planning system, so that –

(i) opportunities for improvement can be identified and pursued; and

(ii) emerging issues requiring attention can be identified;

(c) to advise the Minister on the strategy for reviewing the Victoria Planning Provisions;

(d) to advise the Minister on the efficiency and effectiveness of proposals to amend the Victoria Planning Provisions;

(e) to advise the Minister on the administration of this Act and the regulations;

(f) to advise the Minister on any matter referred to the Committee by the Minister.

(3) In addition to subsection (2), the Planning Regulations Advisory Committee has the following functions –

(a) to advise the Minister on any new subordinate instruments, or any amendments to subordinate instruments, that will be needed to implement the amendments made by the **Planning Amendment (Better Decisions Made Faster) Act 2025**;

(b) to advise the Minister on a program of consultation in relation to subordinate instruments and amendments referred to in paragraph (a);

(c) to advise the Minister on options to develop a single system for permit applications in Victoria.

(4) In performing its functions, the Planning Regulations Advisory Committee must comply with any reasonable procedures and protocols specified by the Secretary to the Department.

(5) The Secretary to the Department must ensure that the Planning Regulations Advisory Committee has the administrative support it needs to perform its functions.

152C Membership and procedure of Planning Regulations Advisory Committee

(1) The Planning Regulations Advisory Committee consists of 10 members appointed by the Secretary to the Department, of whom –

(a) 4 are to be persons employed under Part 3 of the **Public Administration Act 2004** in the Department; and

(b) 4 are to be nominated by the Municipal Association of Victoria from among persons employed in municipal councils in Victoria; and

(c) 2 are to be nominated by the Planning Institute of Australia (Victoria) from among its members who are neither employed under Part 3 of the **Public Administration Act 2004** in the Department nor employed in a municipal council in Victoria.

(2) The Secretary to the Department must appoint one of the members as chairperson.

(3) If there is a vacancy in the members referred to in subsection (1)(b) or (c), the Secretary to the Department must request the Municipal Association of Victoria or the Planning Institute of Australia (Victoria) (as the case requires) to nominate a person to fill the vacancy.

(4) If the Municipal Association of Victoria or the Planning Institute of Australia (Victoria) does not nominate a person on request under subsection (3) within a reasonable time, the Secretary may appoint a person who is eligible for nomination under subsection (1)(b) or (c) (as the case requires) to fill the vacancy.

(5) A quorum for a meeting of the Planning Regulations Advisory Committee is half the members of the Committee for the time being.

(6) Subject to subsection (5) and section 152B(4), the Planning Regulations Advisory Committee may regulate its own procedure.

(7) Nothing in section 151 or 152 applies to or in relation to the Planning Regulations Advisory Committee.".'.

These amendments create a new planning regulations advisory committee in part 7 of the act, made up of a balance of planning system regulatory designers – that is, the state government – and planning system regulatory administrators, primarily in local government, for the purpose of overseeing the continuous review and improvement of the Victoria Planning Provisions and other subordinate instruments and to maintain a structured approach to planning system users' feedback and engagement. The Victorian Auditor-General recommended the creation of a performance and continuous improvement mechanism for the Victoria Planning Provisions in 2008 and then again in 2017. The select committee I chaired earlier this year found that:

> The Victorian Government failed to implement the recommendations of the Victorian Auditor-General in 2008 and 2017 to create a performance and continuous improvement mechanism for the Victoria Planning Provisions. This has contributed, in part, to the problems with the planning system that the amendments are trying to solve.

This bill creates 126 new matters to be prescribed in the regulations, and just by way of coincidence or by way of information, that is more than double the number that are in the current act – so much for fast-tracking and deregulating. It is essential that the regulations are co-designed with local government, who will have to administer them to ensure that they are feasible and will not create unintended consequences and inefficiency. We have seen more than enough of that.

This new committee has two functions. One is the ongoing performance and continuous improvement framework that VAGO recommended, and the other is to advise the minister on the many regulations and other subordinate instruments that this bill will require. This new committee is not a generalist stakeholder consultative committee, as the minister has discussed previously. That sort of committee can be created by the minister under part 7 of the act without amendments to the act, and I would encourage her to do so; if she wants everyone in the room, that is terrific. What we are talking about here is a forum for state and local government to come together. It is an opportunity for the planning system designers and administrators to forge a shared understanding about how to reform the planning system in ways that will produce greater efficiencies rather than the sorts of unintended consequences you get when you fail to consult –

Members interjecting.

The DEPUTY PRESIDENT: Mr Ettershank, I am just going to stop you there. The conversation that is going on is very distracting to Mr Ettershank. Could we take the conversation outside, please.

David ETTERSHANK: I will just conclude with this: like so many other amendments I have moved today, it is in the government's interest to support these ones. Let us bring together the people

that have got to drive the vehicle in a forum that is not the full circus of all the potential stakeholders. It is the administrators and the designers – that is who we want in the room. That is how we will get the best results in terms of quality regulations.

Sarah MANSFIELD: I actually agree with a lot of what Mr Ettershank has said, which is why it was really important I think to get some commitments around what the make-up of the PRAC would be. In terms of the composition, we understand that there will be a mix of council and planning experts who will make up the vast majority of the positions on the PRAC. There are a number of functions of that committee that have been outlined and commitments around the sort of work that they will be undertaking, including the potential for ongoing oversight of the administration of the planning system. In order for this body to work, whether it is statutory or otherwise, and in order for it to be functional it has to have government support, because ultimately they are going to be the ones who have to work with the stakeholders. For that reason, given that the government is willing and amenable to establishing the PRAC, as has been outlined previously, I think that gives us the best chance of having a functional group where there is, at least from what we have heard here today, a commitment to working together. For that reason we will be supporting it. As I have said before, I think it is in the interests of everyone that there is a collaborative approach to developing these regulations and that the views particularly of local government, who are on the front line when it comes to implementing a lot of these planning changes, will be taken seriously and that changes to different codes, regulations and planning scheme amendments will be made incorporating their feedback.

Harriet SHING: In establishing the PRAC under section 151 of the act, we have got that demonstrated preparedness to engage, as you quite rightly pointed out, Dr Mansfield. The bill also includes new performance reporting requirements on planning schemes and amendments. This is really demonstrative of the work that is being done to bring people together. The way in which that work occurs will assist with the end or the purpose of oversighting and advising on the implementation of subordinate instruments or amendments to subordinate instruments that will be needed to implement the amendments made by this particular bill as passed. On that basis we will not be supporting the amendments.

New clause and part heading negatived.

Clause 232 (20:14)

Sarah MANSFIELD: We are about to enter into a series of amendments that are all related to restoration of the Parliament's power to disallow planning scheme amendments, and I have already spoken to those. I move:

20. Clause 232, page 216, lines 1 to 7, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to.

Clauses 233 to 235 and part heading preceding clause 233 (20:15)

Sarah MANSFIELD: I move:

21. Part heading preceding clause 233, omit this heading.
22. Clause 233, omit this clause.
23. Clause 234, omit this clause.
24. Clause 235, omit this clause.

Clauses and part heading negatived.

Clauses 236 to 248 agreed to.

Clause 249 and division heading preceding clause 249 (20:16)

Sarah MANSFIELD: I move:

25. Division heading preceding clause 249, omit this heading.
26. Clause 249, omit this clause.

Clause and division heading negatived.

Clauses 250 to 254 agreed to.

Clause 255 and division heading preceding clause 255 (20:16)

Sarah MANSFIELD: I move:

27. Division heading preceding clause 255, omit this heading.
28. Clause 255, omit this clause.

Clause and division heading negatived.

Clause 256 (20:17)

Sarah MANSFIELD: I move:

29. Clause 256, lines 8 to 10, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to.

Clause 257 (20:17)

Sarah MANSFIELD: I move:

30. Clause 257, lines 16 to 18, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to.

Clause 258 (20:18)

Sarah MANSFIELD: I move:

31. Clause 258, lines 23 to 25, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to.

Clause 259 (20:18)

Sarah MANSFIELD: I move:

32. Clause 259, lines 31 and 32, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to; clause 260 agreed to.

Clause 261 (20:19)

Sarah MANSFIELD: I move:

33. Clause 261, line 9, omit '1AA";' and insert '1AA".'.
34. Clause 261, lines 10 and 11, omit all words and expressions on these lines.

Amendments agreed to; amended clause agreed to.

Clause 262 (20:19)

Sarah MANSFIELD: I move:

35. Clauses 262, lines 18 and 19, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to; clauses 263 to 264 agreed to.

Postponed clause 2 (20:20)

The DEPUTY PRESIDENT: Now we have to run through the five scenarios, so we return to postponed clause 2. In relation to scenario 1, Dr Mansfield's affordable housing contribution was agreed to and all relevant Ettershank groups were defeated. We first test Mr Ettershank's group Q, incorporating consequential Mansfield amendments.

David ETTERSHANK: In the spirit of promptness at Christmas, given the undertakings the minister provided on clause 10, we will not be proceeding with our amendments 1 or 2.

Sarah MANSFIELD: I move:

1. Clause 2, lines 2 and 3, omit all words and expressions on these lines and insert –

   "(1) This Part and section 11(2) and (3) come into operation on the day after the day on which this Act receives the Royal Assent.

   (1A) The remaining provisions of this Act come into operation on a day or days to be proclaimed.".

2. Clause 2, line 4, omit "of this Act" and insert "referred to in subsection (1A)".

These have been tested by our previous amendments, which have passed. These relate to the affordable housing head of power, so this has already been discussed. I am happy to answer questions, though, if anyone has them.

Amendments agreed to; amended clause agreed to.

Reported to house with amendments.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (20:25): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (20:25): I move:

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

In doing so, I want to thank everybody who has worked so assiduously in a process of very careful and diligent and detailed consultation and discussion, including those people from the department and from the minister's office in the other place.

David DAVIS (Southern Metropolitan) (20:26): I just want to make a very quick point on this third reading. I do not want to delay anything; I just want to say this is a devastating bill. It is a very damaging bill. It is unfortunate that it has not been properly examined and that it has been rammed through in the way it has, and I think the community should have every feeling that they have not been treated properly with this bill. Dr Mansfield has achieved some significant amendments, and I do not diminish some of those. Notwithstanding that, there are serious problems with this bill and the community should have every right to be angry.

Council divided on motion:

Ayes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

Noes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, David Ettershank, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Richard Welch

Motion agreed to.

Read third time.

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

While I have got everyone, on behalf of all of us, I am sure that we would like to express our appreciation for all of the parliamentary staff that make our work available. Great work during this year – the clerks, the attendants, the papers office, Hansard, broadcasting, buildings and grounds, maintenance and all of the Department of Parliamentary Services people that assist us. We thank them very much. It is a little bit sad, because this is probably the last time – it is probably sad for everyone – I will officially get to wish everyone merry Christmas and happy new year. Like every other MP, everything is about me. But in all seriousness, I really want to thank all the members of this chamber for their cooperation and patience with me. I think it has been a very great year as far as the way this chamber has operated goes, so thank you very much. I want to wish all the members a great Christmas, a great new year and a great break.

Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025

Council's amendments

The PRESIDENT (20:35): I have got a message from the Legislative Assembly in respect of the Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Bill 2025:

> The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Child Wellbeing and Safety Act 2005**, the **Worker Screening Act 2020**, the **Social Services Regulation Act 2021**, the **Residential Tenancies Act 1997** and other Acts and for other purposes' the amendments made by the Council have been agreed to.

Labour Hire Legislation Amendment (Licensing) Bill 2025

Second reading

Debate resumed on motion of Jaclyn Symes:

> That the bill be now read a second time.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (20:36): Tonight's bill, which we will hopefully complete, brings us a significant step closer towards acquitting our response to the recommendations contained in the Wilson review, which recommended strengthening the Labour Hire Authority's ability to respond to criminal and unlawful conduct within the labour hire sector. In line with the government's response to the review, the bill makes a series of changes to the Labour Hire Licensing Act 2018, each of which are targeted towards ensuring the Labour Hire Authority is better equipped to ensure providers are doing the right thing.

One thing I would particularly like to point out is that the final report of the Wilson review clearly identified that labour hire and its regulation was a particular issue in respect to behaviour that had come to light in relation to the CFMEU. Wilson cited numerous examples of labour hire being used to allow otherwise unauthorised persons on or to work on sites. The report directly stated labour hire firms have been identified as 'opening a path for corruption'. That is why half of the recommendations contained in the final report are aimed at strengthening Victoria's labour hire regulatory scheme and the Labour Hire Authority's ability to address identified issues in the sector.

The specific amendments a lot of people have canvassed, so I will not have to go over them in detail. But the most notable changes are amendments to the fit and proper person test, the definition of 'labour hire', the expansion of powers to request documents, the expansion of publication powers and, related but more connected to some previous amendments, ensuring that there is a new offence of causing detriment or threatening to cause detriment to a person for making a complaint or providing information to the Workforce Inspectorate as part of its new complaints referral function. I want to thank the members who have engaged in the bill. There are a number of amendments, and I think it would be prudent to get to them.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (20:39)

Jeff BOURMAN: My question is about the proposed changes to the definition of 'labour hire'. There are several arrangements that may provide services but do not and should not be considered labour hire arrangements. For example, it is quite common for practices such as architectural practices to engage in what can loosely be described as secondments to allow for peaks and troughs in demand without employee entitlements and employment coming to an end. This has the benefit of the employee retaining their employment and allows for continuity of employment where people would otherwise be made redundant and likely lose their accrued leave and service credits. Similarly, there may be arrangements where workers are provided to a business to provide specialist advice or services, such as consultants, but do not purport to provide labour hire, like consulting engineers and people like that who will be embedded in another business for quite some number of years. My question is: how will the government ensure that arrangements such as bona fide secondment and secondment-type arrangements, including the provision of workers to provide specialist services or advice, are not captured by the new definition proposed in the bill?

Jaclyn SYMES: I really want to provide some comfort around this. There is a specific exclusion by prescription in recommendation 4 for secondees. There are options to further clarify that secondment and secondment-like arrangements are not intended to be captured by the regulatory scheme, but they have in fact been specifically excluded by prescription. However, as I said, further clarity could be provided for the definition of 'secondee' in the regulations for avoidance of doubt. It is something that the department have taken my request to have a look at to avoid any of the confusion that you may have identified. We do not think they are captured, they are not expected to be captured. As I said, they have been specifically excluded. The arrangements do not have the character of labour supply, and the amendments to the definition that we will discuss further in this bill should make that even more clear.

David LIMBRICK: I have a couple of questions for the minister. One thing that I have brought up in Parliament before that is a bit of a concern is around the timeliness of investigations over applications. It is not possible through the annual report to tell how long either these new applications or reapplications are taking. In fact I have had one constituent contact me saying that his reapplication was taking years. I was wondering if the minister could provide some advice on what is happening with regard to reporting on application timeframes and how the Labour Hire Authority (LHA) is actually meeting those obligations and jobs that they have got.

Jaclyn SYMES: I will start just with not too many specifics, but obviously you brought to my attention a particular issue that a constituent of yours had in relation to timing. I certainly took that directly to the LHA and asked them to look at that. I committed to you at the time to ensure that I was asking for advice and to see if there was any specific action they could take in relation to that in a

general sense without going into the details of the specific matter. What I can confirm is that the LHA have taken our collective feedback seriously and they have committed to publish annually on their website information about the assessment times for renewal and applications by compliant businesses. Your constituent and the timing that you referred to is not reflective of over 90 per cent of the renewals and the applications that they receive. The advice I have is that for the year to date the LHA have renewed the licences of over 90 per cent within 14 days.

David LIMBRICK: That sounds like it might be a small improvement to their reporting, so that is a good thing. I have another issue similar to Mr Bourman's question around who is going to be swept up in the scope of these changes. I was contacted by another company that basically is like a matchmaking service for clients and service providers. This is specifically for things like NDIS clients; they might have a need for a service. They are concerned that their platform might be scooped up in this even though they do not provide any labour services themselves – they simply match providers with clients. I was wondering if the minister could provide some clarity on the intent of whether that type of business would be swept up under the regulator or not.

Jaclyn SYMES: I want to come back to the changes as opposed to answering on a case-by-case basis in relation to who would be captured and who would not, but from the outset, starting with the amendments proposed to the definition of 'labour hire', they are there to clarify the current scope of the scheme rather than seeking to expand it necessarily. The definition will hopefully be focused on the character of the arrangement itself, which is consistent with Queensland in particular but also some other states, and allows the LHA to look at a range of factors to determine whether the arrangement has the character of labour supply. It reflects changes in industry practice where the strict triangular labour hire arrangement may not always be present. For the most part, those businesses that are already regulated under the current act will continue to be covered. However, those businesses which have seen fit to structure themselves often to try and avoid these types of scrutiny could be captured and now be brought within the remit of the LHA. I think we will have some fairly detailed conversations about the labour hire definitions, because the Liberal amendments go to a lot of this, so we can explore this in quite a bit more detail, but I would come back to this not being about scooping up additional people necessarily; it is about making sure that those that should be captured by labour hire are.

David LIMBRICK: I accept the statements by the minister, but certainly there are some businesses out there that are concerned that they may end up coming under this new definition.

Jaclyn SYMES: But what are they worried about?

David LIMBRICK: Well, it is severely affecting the way their business operates is what they are concerned about.

Jaclyn SYMES: Because someone might look and make sure they are not doing anything dodgy?

David LIMBRICK: I do not think it is that simple actually. I do not think it is that simple for many of these businesses. In my view, some of these businesses are not actually providing labour.

Jaclyn SYMES: I am not sure what they are worried about.

David LIMBRICK: So they are probably okay, but I am sure we will get back to that in the definitions anyway. When the Labour Hire Authority scheme first came in back in 2019 we spoke to a business at the time that was primarily an engineering company but they used to have some parts of their business that were labour hire, and they stopped doing this when this authority came into effect. Has been any consideration by the government on the disincentives that have been set up by having the Labour Hire Authority and potentially the changes in this bill, because some of these businesses just simply ceased to operate or ceased that part of their business?

Jaclyn SYMES: Nothing has been brought to my attention in the way that you have articulated it, because this is about making sure that there is the ability for the Labour Hire Authority to check practices. We want to encourage business participation. This is about making sure that everybody

knows how they should be operating. It is about making sure that we are identifying corruption, responding to corruption, and we think the balance is right here. As I said, it is not intended to capture every employment relationship. Mr Bourman was concerned about secondees, interns and the like; this is about ensuring that there is, within the purview of the Labour Hire Authority, the ability to respond to some of the concerns that we have had. Also, there are a lot of workplaces that we have seen over the journey that often use labour hire arrangements and have really vulnerable workers that need protection. I point to the horticultural industry, the cleaning industry, meatworks and the like. There are really good reasons to have a close look at these workplaces, because some of them are good and some of them are not. We have heard some pretty horrible stories about the way that some people can be treated. I am pretty supportive of the fact that we are responding to not only the Wilson report in relation to the construction industry in particular but the broader areas where sometimes things we know have not been particularly operated in the best interests of the industry but, more particularly for me, of vulnerable workers.

David LIMBRICK: My final question is around procedural fairness for rejected applications. The authority has quite extensive discretionary powers. How do we ensure procedural fairness for businesses that have applications rejected?

Jaclyn SYMES: My experience with the Labour Hire Authority – listening to the way that they engage with organisations that fall within their remit, whether proactively or they have asked them to provide information, perhaps because they should be within their system – is there is backwards and forwards, exchange of documents and that kind of thing. There is provision for applicants to put forward supporting information in terms of an application where it might look as though there are concerns, but at the end of the day, if an application is rejected, there is the opportunity to go to VCAT.

Richard WELCH: I will start with the definitions of 'labour hire'.

Jaclyn SYMES: If I may, Mr Welch – I might be guided a bit by the Acting President – I am kind of relaxed in doing that, but you literally have amendments that go to this exact point. So wouldn't we be better off dealing with this in the relevant clauses?

Richard WELCH: We can, if you have got a preference to do that. I would just do a tiny preamble to the amendment when it comes. I am not going to do a long speech at the amendment or anything like that.

Jaclyn SYMES: I just feel as though, through the Chair, I am going to be literally responding to your amendments through these questions, and I would prefer to do it amendment by amendment.

Richard WELCH: Okay. Just give me a second while I move forward then. A couple of questions have just gone through as well in that area. In terms of the compliance with legal obligations – I have got an amendment there, so, fine, I will move on. I think most of them or all of them go to an amendment, so I think we will maybe just go on.

Jaclyn SYMES: That is what I was thinking would happen.

Clause agreed to; clauses 2 and 3 agreed to.

New clause 3A (20:55)

Richard WELCH: I move:

1. Insert the following New Clause to follow clause 3 –

'**3A New section 3A inserted**

After section 3 of the **Labour Hire Licensing Act 2018 insert** –

"**3A Interpretation – subcontracting**

To avoid doubt, nothing in this Act is intended to apply to a genuine subcontracting arrangement the character of which is not the supply of labour or the placement of a person to perform labour.".'.

I do note that in the second-reading speech and in the preamble that exclusion of subcontracting is identified there, but it is not explicitly in the bill. This amendment is simply to make it unambiguous that subcontracting is not captured by this bill.

Jaclyn SYMES: At the outset, I am not too concerned about what Mr Welch is trying to do, but with the way that the amendment is structured we have some concerns about how that would play out. We believe that the proposed amendment is unnecessary and could be, in fact, problematic. There is a reason that there is no explicit definition – nor are there any in any comparable laws. The reason is that the concept of 'subcontractor' can mean vastly different things in different contexts. For example, when people in the community talk about genuine subcontractors, it can often mean labour hire providers, and this is also true within industries such as horticulture. By contrast, in construction it might mean an individual specialist tradesperson or an entity providing a combination of labour and services to another contractor – for example, some traffic management contractors who provide personal labour as well as traffic plans and permits. To the extent that it means an individual tradesperson with an ABN who is contracted to perform a particular trade on a construction site, then those are not covered by the scheme now and they will not be covered under the amended section 7. An individual tradie with an incorporated business providing themselves to work is already excluded by operation of section 11 of the act and also under the regulations. So the proposed new scope in the act that is proposed by our bill will reduce complexity for business and the Labour Hire Authority and ensure focus on the true nature of arrangements. With this focus, entities who are genuinely providing a service rather than labour will not be covered and a subcontractor who is genuinely not supplying labour will not be covered by the scheme. Therefore there is no need for this amendment. If there was the amendment, it may cause confusion in the operation.

Aiv PUGLIELLI: My Greens colleagues and I are supportive of the bill as it stands. Further to the comments provided by the Treasurer, we concur and will not be supporting the amendment.

New clause negatived.

New clause 3B (20:58)

Richard WELCH: I move:

2. Insert the following New Clause before clause 4 –

'**3B New section 3B inserted**

Before section 4 of the **Labour Hire Licensing Act 2018 insert** –

"**3B Authorised administrative users**

A nominated officer of a licence holder may authorise a person employed or engaged by the licence holder to submit forms and documents to the Authority on behalf of the licence holder.".'.

This amendment is simply an efficiency gain in that in other states there is not the requirement for the for the licence-holder to personally submit forms; an authorised administrative officer can do it on their behalf. It seems a bit anachronistic that someone has to personally handle the forms. The responsibility still lies with the licence-holder, no matter what the mechanism of submission is. So that is the intent of this amendment.

Jaclyn SYMES: I spent some time running this to ground with the department to understand what is happening, because I do not disagree with the way you have articulated that in terms of you wanting to make sure there is a free flow of information et cetera. But the advice is that the amendment as put would be problematic because what it proposes to do is unnecessary, because it can already occur but it is actually not considered best practice because it can dilute accountability. There is the ability for, say, the assistant to press send on the email et cetera or indeed put it in the post. That is already happening. Therefore in that sense it is potentially not necessary the way you have crafted your amendment. It is my advice that this can be managed operationally, because, as I said, it is already within the remit of labour hire to do this, so it does not require legislative amendment.

The Labour Hire Authority is already looking at ways to streamline administrative processes on the back of the proposed changes, including whether it might be appropriate for certain aspects of the application process to be delegated without diminishing the integrity of the scheme. In addition, the explicit language proposed in your amendment is likely to create unintended consequences, enabling avoidant behaviour which otherwise will be carefully managed by the authority. We do not want a situation where somebody can say 'We didn't intend for that to be sent to you; it was a subordinate' or something like that. You do not want the lines of authority to be diluted. So the answer, effectively, as to why we do not want to support this is that we think it is largely already permissible and if it is too prescriptive it might dilute authority, and we think this is an operational matter for the Labour Hire Authority to better handle.

Aiv PUGLIELLI: Noting the advice that has been provided to the Treasurer, the Greens will also not be supporting this amendment.

New clause negatived.

Clause 4 (21:01)

Richard WELCH: I move:

1. Clause 4, page 4, lines 13 to 16, omit all words and expressions on these lines.

I think this is the clause where the LHA can unilaterally determine if someone is a labour hire provider or not, not subject to a prescriptive list of the characteristics – in fact not subject to any of the other definitional elements. We do have some definition of the nature of the relationship, the totality of the relationship and other things, but at the end of all that there is a clause that just goes, 'Well, the LHA can make its own determination irrespective of all of the above,' which is a pretty substantial power. So I would like to excise that from it.

Jaclyn SYMES: At the outset, it is already within the LHA's capacity to be able to identify where things are appropriate. I think back to the earlier conversation that we had, that it is this power that has enabled them to broaden their remit to cover industries that have very similar arrangements quite often to labour hire – horticultural cleaning, for example. There is largely capacity already in the legislation, and the prescription is necessary and utilised now to cover those identified in the high-risk sectors that I referred to through the regulation power.

More broadly, on the clause 4 amendments, we will not be supporting this amendment or any of the amendments proposed on the definition changes because we think there will be further concerns about it being too prescriptive. I want to just respond to your concerns about the definition being too broad. The definition is targeted to cover varying business structures that are labour hire but do not fit the usual three-body structure as well as provide greater alignment with other jurisdictions, providing better clarity for businesses, particularly those multijurisdictional businesses, which was something that Wilson picked up in his report.

The current definition is limited by the requirement for workers to be integrated into a host business, meaning that not all intermediary businesses that are supplying labour are able to be captured, as well as by not allowing consideration of the character of the arrangements being labour supply. The amendments to the definition have been made specifically to address these exact concerns, and your amendment will mean that we are not addressing those concerns. The amendments are also necessary so that the proposed amendments to prescribe certain construction activities in the regulations are not similarly affected.

I guess I am a little perplexed that you would want to confine this when a lot of your speakers were concerned about activities in the construction sector and your amendment might actually prevent the LHA from being able to look at structures that provide workers to the construction sector that would be picked up through our definition, not your amended definition. I do not accept the claim that this will capture arrangements that are genuine subcontracting arrangements or other arrangements that

are not otherwise labour hire arrangements – similar conversations I was having with Mr Bourman. In fact providing for the consideration to look at the totality of the relationship means a more thorough examination of what the arrangement is, what services are provided and what the character of the arrangement is can be taken into consideration. It gives more opportunity for a provider to demonstrate to the authority that the totality and character of the relationship is not one of labour hire arrangements if that is not the case. Where the totality of the relationship does point to it being a labour hire arrangement, then this should be captured and the provider should be required to obtain a labour hire licence. A requirement to obtain a licence is not punitive, it is a necessary requirement to ensure that providers are complying with their obligations under the legislation. I do appreciate that providers will benefit from more clarity and guidance – and I think this is where you are trying to get to, Mr Welch – on the factors that are considered in assessing the relationship, and we have made this concern clear to the LHA, who have the ability to publish guidance materials that can capture this clarity. Obviously, with these changes, these are things that they are looking to do.

For the avoidance of doubt, the amendments we are making are important to ensure that we are covering the entire labour hire supply chain, including intermediaries. This is critical because there is compelling evidence of crime groups using intermediaries to infiltrate these sectors, which must be dealt with. I also need to be clear on the consequences of not supporting this change, because without changing the base definition as set out in clause 4, we would put at risk attempts to exclude entities related to outlaw motorcycle gangs by allowing them to operate companies and supply workers to sites through the intermediaries or by treating them as workers for service companies who are not integrated within a host business. That is why you will see the removal of the term 'host' in our proposal, but I also think it is very important to keep the opportunity to have that further broader examination of where things might be relevant so that we are not inadvertently missing the targets that we are hoping to pick up, Mr Welch.

Aiv PUGLIELLI: The Greens will not be supporting the amendment.

Richard WELCH: I will ask some questions around this. The first question is: if this definition is required, why is it that in the *Herald Sun* today it said the LHA had already cancelled 126 licences and denied another 44? Are you saying that there are arrangements in labour hire firms that were not captured under the existing definitions?

Jaclyn SYMES: As I attempted to explain, and as has been picked up by the Wilson review – I am not in a position to give you a number, Mr Welch, but there have been concerns about particularly intermediary companies that are set up in the middle of supply chains to basically evade the regulations and the requirements to comply under the Labour Hire Authority. These are both issues that have been picked up by Wilson, but also the Labour Hire Authority have taken me through some of their examinations of the supply chains and structures of different employment arrangements that they feel should be brought into their remit, because basically they can see that there is concerning behaviour. You might have what would ordinarily be the host and the provider, but at the moment we have got potential for intermediaries to pop up in the middle, which is potentially falling foul of the current definition, which is what we are trying to pick up. I guess that is a long way of answering your question. Yes, both the Wilson report and the Labour Hire Authority have seen that there are gaps that they would like us to address. It is a more nuanced definition, but it could mean that we will be able to identify more people that should be collected.

Richard WELCH: What work have you done on these new definitions, the totality of the relationship and the character of the arrangement? How will they work in practice? Have you given guidance to the LHA on how you expect these things to be implemented?

Jaclyn SYMES: At the outset, remembering that the LHA is an independent body, I obviously have conversations with them, but they have obviously been involved and have been consulted heavily in the development of this legislation. I would also point to other jurisdictions which have some of the

broader definitions that have been operating for some time; it might be eight years in Queensland. We have had the opportunity to reflect on other jurisdictions to inform these definitions.

Richard WELCH: How many additional licence-holders would be captured under the scheme? Has there been an estimate? I know that you have said that you do not expect there to be a material expansion, but how many more do you feel will come under it?

Jaclyn SYMES: I think, as I answered to Mr Limbrick, we are not anticipating a material increase. That is not the intention of these changes. We do think that there are bodies out there that will be picked up, but we do not think that is going to be significant.

Richard WELCH: I know we have touched on this broadly, but I just want to be very precise about this one. Has the government considered the impact of the bill on legitimate group training organisations that may wish to provide apprentices to work on construction sites?

Jaclyn SYMES: As I said, I do not want to get too into the specific examples, but this is really about clarifying for everyone so that it is much clearer who is to be covered by the legislation and who is not a labour hire provider. Of course we have considered the application, but again, it is intended to clarify, not broaden significantly, the remit of the Labour Hire Authority.

Richard WELCH: I would quibble with that, because when we go to thematic definitions of the totality of the relationship and there is not an objective definition of what that is, I do not think it clarifies at all. That is why organisations like this are going, 'Hey, are we in or out? Because we cannot tell from the law, as it is proposed, that we are or we aren't,' because it is going to be some sort of subjective ruling by the LHA as to whether they are or are not. It is not explicit.

Jaclyn SYMES: First of all, it is based on an objective assessment. That is what the considerations are about. You were asking about group training providers. Most of them are currently already captured. Who are you worried about? I do not want to get into specific examples, but if they do not think they are currently captured, I think there is no change in what we are doing today. Again, somebody might call themselves a group training provider and have some different characteristics, but at the moment group training providers are already captured under the existing laws, and there is no change to that in our mind. The fact that you have got people who are not currently captured and are now concerned they should be – perhaps they already should be captured.

Amendment negatived.

Richard WELCH: My amendment 3 is to omit clause 4. This will probably be quite quick, because my view and the feedback I have had from industries that I have consulted with is that the new definitions do not strengthen the arrangements; they actually weaken them, because the lack of prescription and the degree of subjective, interpretive qualities is not a step forward, it is a step backward. Therefore if we cannot improve it, I would rather we just kept it as it is, which would provide the industry with certainty. What this bill now introduces is uncertainty as to whether you are captured or not. It will lead to a lot of doubt and confusion. The purpose of this amendment is simply to say that the definitions have, as of today, allowed us to disqualify 126 labour hire businesses under the existing rules and prevent another 44 from getting their licence – unless there are hundreds more businesses who were not captured, corrupt businesses that we missed under the existing regulations – and that this does not necessarily improve it for anyone. It just makes things more confusing.

Jaclyn SYMES: At the outset, Wilson has specifically called for reform. To leave it as it is, his report finds, would create a risk of future corruption that could otherwise be avoided. More prescription will just allow dodgy businesses to find further workarounds; that is the advice that we have. As I said, I find it confusing that you had a range of speakers that were so concerned about corruption in the construction industry, but now you want to limit the remit of the Labour Hire Authority. As I was talking about before, the current definition is limited by the requirement for workers to be integrated into a host business, meaning that not all intermediary businesses that are

supplying labour are able to be captured, as well as not allowing for consideration of the character of the arrangement, being labour supply. The amendments to the definition have been made to specifically address these concerns. The amendments are also necessary so that the prescribed amendments to prescribe certain construction activities in the regulations are not similarly affected. I do not accept the claim that this will capture genuine subcontracting arrangements or other arrangements that are genuinely not labour hire arrangements. But the advice, which I can point to, is that other jurisdictions have the broader definition in relation to character. I have got jurisdictions that we have looked at that work. I have got the Labour Hire Authority saying, 'We think there are some structures that we should be capturing that it's unclear whether we can,' and we have got a report that looked at corruption that asked us to act. I do not quite get how you can argue that keeping it as it is, on the evidence that has been presented to you, actually stacks up. We think that this is a better way forward – and it is not just me saying it; it is what the review, jurisdictions and the experience of the labour authority are suggesting to us.

Richard WELCH: Which recommendation of the Wilson report does this change relate to?

Jaclyn SYMES: Four.

Richard WELCH: That says it should define certain actions, but the totality of the relationship does not define anything. It is a nebulous phrase.

Jaclyn SYMES: No, it is a statement. But that is a way to define and not be too prescriptive, because that would be too restrictive and would let some people off the hook that perhaps should not be. That is what I just do not understand – your commentary about wanting to pick up dodgy corruption and you wanting to confine it. It is illogical, Mr Welch. But we are going to go backwards and forwards all night if we stick to this kind of debate.

Richard WELCH: We will just see who gets the last word in. I think what recent history suggests is there was not a significant problem with the current definitions. There was a significant problem with the intent undertaken by the LHA to actually do their job. On these definitions, whilst I agree, if you want to liberalise laws and actually make them draconian in any walk of life, you can make them so, but that does not make it good law that you remove the rules and give ultimate and total discretion to a bureaucrat as to what is going to happen. Good law makes it clear and gives people certainty about what is and what is not, and that is what this does not do. You can always go to the authoritarian extreme and give unlimited power to someone. But you need checks and balances and you need certainty in law, and we are not providing that. That is all I intend to say.

Jaclyn SYMES: I think attacking an independent authority and being concerned about their level of authority – I look forward to the hypocrisy when we talk about IBAC's powers and the Ombudsman's powers. I am really not quite sure what position you find yourself in to make such an unwarranted attack on the independent body who has – literally you just quoted to me the amount of licences that they have linked to bikies and that they have taken action in. I am really not sure why you are attacking an organisation that has a job to do, has the support of government to do this job. There are checks and balances in place. As I said, I think a lot of your arguments today are going to come back and bite you. It is so contradictory to your attacks on the union movement, your calls for greater powers for a range of other organisations, but there is a bee in your bonnet over the Labour Hire Authority and the fact that you do not have trust in them to be able to apply some pretty clear definitions, which is exactly what other jurisdictions do.

Aiv PUGLIELLI: The Greens will not be supporting this amendment.

Clause agreed to; clauses 5 to 9 agreed to.

Clause 10 (21:23)

Richard WELCH: I move:

7. Clause 10, lines 5 to 34, omit all words and expressions on these lines and insert –

"(1) A person is not a fit and proper person if –

(a) the person has (within the preceding 10 years) engaged in, directed, encouraged or materially benefited from intimidation, coercion, extortion or other unlawful conduct carried out in connection with obtaining, supplying or controlling labour in the construction, contracting or labour hire sectors; or

(b) the person has (within the preceding 10 years) been the subject of an adverse finding by –

(i) a court, regulator or law enforcement agency; or

(ii) an anti-corruption authority or taskforce; or

(iii) the Australian Building and Construction Commission; or

(iv) Fair Work Australia or the Fair Work Ombudsman; or

(v) a royal commission –

that relates to –

(vii) intimidation, coercion, violence, corruption, or unlawful industrial conduct; or

(viii) criminal infiltration of the construction, contracting or labour hire sector; or

(c) the person –

(i) acts under the direction of or is significantly influenced by; or

(ii) has (within the preceding 3 years) received payments, goods, services or other benefits from –

another person who or body that –

(iii) operates in the construction, contracting, civil works or labour hire sectors; and

(iv) has a history of engaging in intimidation, coercion, extortion or other unlawful conduct; or

(d) the person has (within the preceding 10 years) acted in concert with, or for the benefit of, a person who or body that –

(i) is operating in the construction, contracting or labour-hire sectors; and

(ii) has been publicly identified by a law enforcement agency as being associated with coercion, extortion, serious violence, unlawful industrial conduct or other unlawful activity; or

(e) the person or a body corporate of which the person was an officer has (within the preceding 10 years) –

(i) been found by a court, tribunal or regulator to have contravened a workplace law, a labour hire industry law or a minimum accommodation standard; or

(ii) been entered into an enforceable undertaking (however described) in respect of an alleged contravention of a workplace law, a labour hire industry law or a minimum accommodation standard; or

(f) the person is a member or an affiliate of a Part 5C organisation.

(2) For the purposes of subsection (1), the Authority may have regard to –

(a) findings, intelligence assessments or public statements of –

(i) Victoria Police; or

(ii) the Australian Criminal Intelligence Commission; or

(iii) a prescribed law-enforcement body; and

(b) any other matter that the Authority considers relevant.".

8. Clause 10, page 9, lines 1 to 32, omit all words and expressions on these lines.

9. Clause 10, page 10, lines 1 to 7, omit all words and expressions on these lines.

Similar to the definitions, I am seeking something much more explicit. The Wilson review was principally about corruption on government worksites and was about very explicit behaviours, about intimidation, extortion, bullying et cetera. People who undertake those behaviours should not be fit and proper persons. But what has happened in this new bill is that a lot of those conditions have become provisional, and maybe the LHA will say, 'Well, even though you have exhibited those behaviours, even though you have been part of a corrupt business, we actually have the discretion to wave you through.' The existing law provides prescriptively that if you have been part of this behaviour or if you have breached this sort of regulation, it is very clear that you are out. My amendment would bolster that in explicit reference to the Wilson review and the specific behaviours of a specific organisation on building sites, simply to bolster it rather than to make it relative.

Jaclyn SYMES: Did we want to have a conversation about the fit and proper person test here?

Richard WELCH: Okay.

Jaclyn SYMES: I just think that might be better.

Richard WELCH: Why has the government removed every mandatory disqualification from the existing act and replaced them with discretionary factors that the authority can ignore?

Jaclyn SYMES: If we look at recommendation 3 of the Wilson report, it goes through a lot of the rationale here. Under the Labour Hire Licensing Act 2018 the Labour Hire Authority has the power to make licensing decisions: whether to grant a licence, refuse to grant a licence or grant a licence subject to specified conditions. In making licensing decisions, the Labour Hire Authority uses its legislative powers to undertake checks relating to a business and the key people who operate it to assess compliance with criteria including fit and proper person requirements. Currently, people are deemed to be fit and proper unless they fall into a prescriptive set of objectively determined categories which focus on past convictions for certain indictable offences, past contraventions of labour hire or workplace laws and past involvements in insolvent corporations or within specific timeframes. If the prescribed criteria do not apply to the person, the Labour Hire Authority has no discretion to consider more general issues relating to an applicant's character, such as honesty, integrity and professionalism or compliance or ability to comply with relevant laws and convictions for other types of offences, nor does the test empower the Labour Hire Authority to consider whether the person is under the control of or substantially influenced by others who themselves are not fit and proper. The Labour Hire Authority have stated that these limitations impact its ability to keep out and remove persons who are not suitable to operate a labour hire business. This can lead to unintended consequences that appear inconsistent with the act – for example, deeming a person fit and proper when they have been in prison for relevant serious offences that are not listed in the current test. Similarly, a person who has offered a bribe to an inspector does not fall foul of the current test either. These are some of the reasons that both the Labour Hire Authority and the Wilson review identified as not up to date, I would say.

On what we are proposing to do, again, we compared other jurisdictions, including the three other jurisdictions with labour hire licensing schemes. They have much broader tests at the moment. The Queensland test requires the decision-maker to consider character, convictions for offences under relevant laws and whether the person is under the control of or substantially influenced by another person who is not fit and proper. The decision-maker has broad discretion to consider any other matter they consider relevant. The ACT has a similar test, and the South Australian test combines non-exhaustive, discretionary and mandatory considerations that have regard to other matters not identified in legislation. So it is again based on the Wilson review, our consideration that we think that we can do much better in strengthening this test. Some of the matters that we will now be able to consider under the test, should the legislation pass in its current form, are a person's history and capacity to comply with specified laws; prior licensing, cancellation, suspensions or conditions; whether a person has been found guilty of an indictable offence in certain circumstances; matters to do with administration, receivership, controllership and insolvency; whether the person is under the control of

or substantially influenced by another person who is not a fit and proper person; and a person's character, including their honesty, integrity and professionalism.

That interaction between the Labour Hire Authority and applicants – it is an exploration of the issues. You can ask the questions. Just because somebody has got a 10-year-old conviction for something, that is not going to necessarily knock them out, but it is something that we think is a relevant factor for the consideration of being granted a licence. In addition to the list that I read out before, the Labour Hire Authority will also have broad discretion to consider any matter it considers relevant in deciding whether a person is fit and proper, giving them greater flexibility to consider a range of considerations in assessing fitness and proprietary, because it would be difficult to have an exhaustive list when you are looking to describe these things.

Richard WELCH: You might be able to clear up some confusion around this, because the existing fit and proper person test says:

> A person is a fit and proper person, at a particular time, unless …

and then it goes on to provide a prescriptive list, whereas the new section says:

> In determining if a person is a fit and proper person, the Authority must have regard to the following …

To me that means that is not unequivocal. That means you need to consider it, but it does not mean you have to deny on that basis. So that means that all subsequent conditions are not absolute. There is nothing absolute. So there is not a single clause in the new section 22 that automatically excludes an applicant, or is there?

Jaclyn SYMES: No, these are about guidance and factors that will be relevant. There will be obvious examples where people would be probably denied, particularly if they have contravened labour hire laws in the past or more in recent times. This enables a full examination of materially relevant matters, which we think the LHA are within their scope to do. It is also not currently the case. The LHA currently has discretion to grant a licence, even if an application does not satisfy the fit and proper person test.

Richard WELCH: But why should a person with multiple breaches of workplace laws or labour hire or other activities not be automatically disqualified? Why should it be conditional?

Jaclyn SYMES: I do not want to get into specifics, but that would be very unlikely to be approved.

Richard WELCH: Unlikely? They are not automatically disqualified, as they are now?

Jaclyn SYMES: They are not, currently, either.

Richard WELCH: Is it the government's position that individuals with a proven history of unlawful workplace conduct could now be able to run a labour hire business?

Jaclyn SYMES: The changes in this legislation do not change that hypothetical situation. There is nothing that has changed it. We now have a broader range of factors that can be considered than before. So again, I am not going to put myself in the position of the decision-maker, but the intention is to knock out people who are dodgy and have bad past practices.

Richard WELCH: Then why has enforceable undertaking for unlawful conduct been removed as a condition that would disqualify?

Jaclyn SYMES: Our definitions have been rewritten to be largely consistent with other states, but because of the broad ability to consider relevant factors, it has not knocked out anything.

Richard WELCH: I am not sure what that means. So specifically on enforceable undertakings, are they still relevant? How are they captured in the fit and proper person test?

Jaclyn SYMES: Because of the broad power for the LHA to consider relevant information.

Richard WELCH: Which is sort of my point. It is vague, so we are just delegating it all to the regulator to make it up and say, 'Well, this will be in, but that will be out,' because it is not actually defined in there. I guess in the same vein, why replace objective exclusion triggers with subjective judgements about honesty, integrity and professionalism and how would they be measured?

Jaclyn SYMES: As I said, these changes have been brought about by experience in the industry, looking at other jurisdictions and looking at the concerning conduct that we want to be able to respond to. This is about strengthening the fit and proper person test. The discretion that we are bringing in is critical to enabling the LHA to have flexibility in responding to evolving practices by labour hire providers that may be unlawful, criminal, coercive and/or systemic in the licensing decision stage. So such flexibility is needed, given the very serious risks that have been identified with the use of labour hire licensing, both generally and specifically, within the construction industry. Subjective criteria are all in the fit and proper person test in other jurisdictions within their labour hire licensing schemes.

Richard WELCH: For example, though, how would someone measure professionalism? What measurement is applied to that? How do you determine if someone displays professionalism?

Jaclyn SYMES: Well, maybe this is the question that I can put back to you in a couple of clauses where your amendment asks to bring in the good character test. So again you are about to contradict yourself. Mr Welch, as I said, we want the fit and proper person test to be broader. We want to make sure they can consider a range of things that pick up dodgy people, and that is what this is doing. I do not share your view that the Labour Hire Authority having this discretion is a problem; I think it will enable them to do their job better. I think the problem that we have with the conversation we are having about the merits of the definitions is that you have a fundamental view that the LHA is not going to do their job. I do not share that view, which is where we are combating in our views about how the test should be prescribed.

Richard WELCH: No, I am not even going that far. Right at the top level is: what does it mean? If someone reads this now and they want to go into labour hire and they need to meet a professionalism test, what does that mean?

Jaclyn SYMES: It is why we have prescribed the things that are relevant that can be considered by the Labour Hire Authority. It is why it is in here saying that past conduct is considered, past offences can be considered. As the Labour Hire Authority has explained to us, if you just have a set of tick-a-boxes that you do not tick, then somebody can pass the fit and proper person test.

Richard WELCH: I am not contesting that in this question. I am simply asking for the definition.

Jaclyn SYMES: The definition of –

Richard WELCH: Professionalism.

Jaclyn SYMES: The fit and proper person test is not a unique and brand new concept.

Richard WELCH: Then you should be able to answer.

Jaclyn SYMES: Mr Welch, I would ask you to read the legislation. The whole point of it not being a set definition is that you risk knocking people out who should not be knocked out. This is not a new concept in the creation of legal terms. This is about being broad to enable them to consider a range of factors. If someone has been picked up for disciplinary proceedings or they have been charged with an offence that is relevant – these are all things that can be considered by the Labour Hire Authority, whose job it is to determine who is appropriate to operate within this industry.

Richard WELCH: Well, no, because where we are heading with this is this is all about the vibe. There need to be objective tests. You are saying the regulator can judge on the vibe that they are not professional: 'We can't tell you what that is, but we don't like you, so you're out on the vibe of not being professional.'

Jaclyn SYMES: Mr Welch, if I may, you are attacking the professionalism of an independent body whose job it is to regulate this industry. I think they are going to be better placed than you and better placed than me to determine how to apply a fit and proper person test. The legislation gives them guidance. They work with the industry day in, day out. They have been working in this industry for some time. They confer with other jurisdictions. They kind of know the people they need to go after, so they want to make sure it is a broad definition so that they are not cut out from being able to ask people questions about relevant factors that determine whether they should be working in this industry and providing workers and looking after workers and working with industry and supporting different workplaces to get the labour that they need. This is an organisation whose whole remit is what you and I are discussing, and again, you have a reflection, without basis, I must say, about the inability of the Labour Hire Authority to do their job. I do not share your views of this authority.

Richard WELCH: No, you have completely mischaracterised what I am saying. It does not necessarily have to be an attack on the LHA. The fact is that the LHA have allowed corrupt practices to flourish on government worksites; that is not in dispute. So to say that they are so professional and they are able to execute their skills flawlessly and better than me – well, as things stand, no, that is not the case at all. To then say 'Well, rather than providing rigour, which is what they should have done all along, now we'll just throw open the gates and we'll go on the vibe of whether they think someone is professional or not' is not good law. So no, your premise is wrong, because they have not done a good job. Because you cannot provide the rigour, you go to the other extreme, where it is anything they think, anything that is subjective. They subjectively or unilaterally decide that you are not professional. What does that mean? You cannot explain it. So does it mean that someone who has got a history of unlawful behaviour but presents very professionally would be able to get a labour hire licence?

Jaclyn SYMES: These are relevant considerations for the Labour Hire Authority to consider, and I think that they would look quite seriously at those matters.

Richard Welch interjected.

Jaclyn SYMES: Do you have a conflict to declare?

Richard WELCH: No.

Jaclyn SYMES: Sure?

Richard WELCH: Yes. I do not have any labour hire businesses. So how is a regulator expected to prove dishonesty or a lack of integrity or a lack of professionalism that would withstand, say, a VCAT challenge or something of that nature?

Jaclyn SYMES: The Labour Hire Authority will have their role in assessing applications, obtaining information, considering the facts in their determination of whether someone is fit and proper. They do not necessarily have to prove that somebody has the components that go to the fit and proper person. So it is cumulative and they can consider a range of matters, and if that was challenged by VCAT, then VCAT would look at the evidence to determine whether what was relied on by the Labour Hire Authority was appropriate to determine that somebody was not fit and proper.

Richard WELCH: New section 22 completely omits any reference to coercion, extortion, intimidation or unlawful control of labour, which are the explicit behaviours that we are seeing on government worksites. Why is that?

Jaclyn SYMES: Well, it does not exclude those considerations.

Richard WELCH: Where are they explicitly mentioned?

Jaclyn SYMES: This is the issue that we were talking about before, right at the outset, when we were talking about section 22. The new test goes further than the Queensland test, retains some of the Victorian test and picks up Wilson's recommendations. Some of the matters that can be considered

under the new test include a person's history and capacity to comply with specified laws, which I think picks up and is basically the coverall for some of the examples that you gave.

Richard WELCH: But given that, as you said, this is in response to the Wilson report, which is in response to corruption on government worksites in which those behaviours were the explicit ones identified, why aren't they also then included in this test? Wouldn't that be the natural way to get rid of these behaviours?

Jaclyn SYMES: No, because they are covered – as I said, they are not excluded – so they do not need to be. Having a general discretion test enables all of these to be considered by the Labour Hire Authority. Wilson recommended that we have additional discretionary considerations, and as I said, this is important to ensure that we are picking up on any evolving behaviours that cannot be foreseen at this point in time. But there will be no restriction on the LHA from being able to consider things that are relevant for someone to be determined fit and proper.

Richard WELCH: Minister, can you name any law enforcement or regulatory agency – police, ASIC, WorkSafe, Wage Inspectorate Victoria – who asked for the government to remove the existing mandatory disqualifications?

Jaclyn SYMES: You are mischaracterising the amendment here. Nothing has been excluded. In fact it is now a broader test.

Aiv PUGLIELLI: My Greens colleagues and I, in the reading of the provisions before us and our interpretation of them, have a very different view to that of the Liberal Party this evening. We do not see a need for these amendments that are being put by Mr Welch, so we will not be supporting them.

Amendments negatived.

Richard WELCH: I move:

3. Clause 10, page 10, before line 5 insert –

"(1A) A person who is a member or an affiliate of a Part 5C organisation is not a fit and proper person.".

Jaclyn SYMES: We do not support the proposed amendment to the fit and proper test because it is inconsistent with Wilson, reduces discretion, moves away from other jurisdictions and would limit our aim to be more consistent with other jurisdictions.

Amendment negatived; clause agreed to.

Clause 11 (21:50)

Richard WELCH: There is just a question here. There is a bit of a loophole in that the licence-holder has to be of good character but they do not have to take any steps to ensure that the workers they place are of good character. As we have seen on worksites, that is actually where the problem arises, that the people placed actually become problematic, and it is the cause of some corruption. Would it not be reasonable that the licence-holder takes reasonable steps to ensure the people they are placing are of good character?

Jaclyn SYMES: We might just explore this a little more, because custom and practice would be that there are a range of recruitment activities that would be undertaken by the Labour Hire Authority or indeed the organisation that seek to engage the employment would have a range of conditions that they may wish them to meet. There are those types of arrangements that can already take place. I am just wondering, given you have got some amendments in this space, whether you are going on with your affiliate-type discussion, if it is that level, or if you are just asking why the Labour Hire Authority does not have a role in regulating the employees of labour hire authorities – if that is the angle you are going down.

Richard WELCH: No, not quite. It is simpler than that, really. Should the labour hire licence holder not have a duty of care, in a sense, that they are not placing people who themselves are members of proscribed organisations et cetera?

Jaclyn SYMES: Just to clarify, that is not within the scope of the today's bill. There are a range of other types of legislation in relation to affiliation and the like, but that is not within the scope of this bill.

Richard WELCH: I would make the case that it is in the sense that we would argue that would form part of the licence-holders – a good and proper person test is that they are taking responsibility for the people that they are placing, and that they are willing to do so. Elsewhere we say in this legislation they are going to comply with this past, present and future. We make other expansive statements about their compliance that are not immediate and obvious. This would really not be inconsistent with that.

Jaclyn SYMES: Again, I think it is outside the scope of the bill here. We just had a conversation about the onerous nature of someone trying to determine whether they should be covered by labour hire or not, and now you want those labour hire companies to be responsible for every employee that they place, to a standard –

Richard WELCH: That is reasonable, to take reasonable steps.

Jaclyn SYMES: As I said, I think in terms of in terms of the employment practices and custom and practice, they generally interview people and make sure they are suitable for the job, there can be police checks, but this legislation is not regulating that.

Richard WELCH: I move:

10. Clause 11, lines 24 to 26, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".

Amendment negatived.

Richard WELCH: I move:

11. Clause 11, after line 28 insert –

"(1AA) In addition, an application must also include a declaration that the applicant undertakes to take all reasonable steps and precautions to ensure that any individual supplied for labour is of good character and not a member or an affiliate of a Part 5C organisation within the meaning of the **Criminal Organisations Control Act 2012**.".

Amendment negatived; clause agreed to; clauses 12 to 19 agreed to.

Clause 20 (21:59)

Richard WELCH: The question around this and which speaks to the amendment is the matter of procedural fairness in the authority being able to publish the name of a business against whom the authority is merely considering whether to exercise action or not. With due process and fairness and damage to reputation that could occur merely by an action you are considering to undertake, but you may never undertake or reach the threshold where you do undertake –

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to 1 hour.

Richard WELCH: Just to repeat that, it is just a matter of procedural fairness whether someone who the authority is considering whether to take action against should have their identity published when nothing has been proven against them.

Jaclyn SYMES: There is nothing in this legislation that compels them to name, and certainly we would not expect this to happen where it is not appropriate to do so. I would point to the Fair Work Ombudsman, which has a mimicked power here, or a mimicked ability, to make these publications. This is not about naming and shaming a provider that is merely under investigation. It is a transparency measure to enable the Labour Hire Authority to be able to more openly communicate the action it is taking where concerns are raised about a provider – something that, given the context and the kind of behaviour that has been the subject that led us here, which obviously involved a lot of significant public reporting, I think is a measure in the legislation that the public would expect. As I said, not only is it similar to the Fair Work Ombudsman, it is similar to what happens with other state and federal regulators, who can publish information about active investigations that have not yet resulted in a licensing action. There are various safeguards relating to the exercise of this power, including that the provision does not affect the operation of any other act or law relating to information privacy or secrecy. It is about balance. It is not about destroying reputations, it is about transparency. Again pre-empting where you might go here, we have confidence in the independent authority, the Labour Hire Authority, to be able to make the decisions about when this is appropriate and when it may not be.

Richard WELCH: Will a business which might be subject to this disclosure without action be given advance notice of the intention to do so? By extension, will they have any mechanism by which to challenge it or dissuade it?

Jaclyn SYMES: As I indicated, there are various safeguards relating to the exercise of power, including that the provision does not affect the operation of any other act or law relating to information privacy or secrecy, and so we believe that the balance is struck.

Richard WELCH: I was being a bit more explicit than that. Will they be given notice in advance of the publication of their name?

Jaclyn SYMES: Not necessarily, because it is the disclosure of factual information.

Richard WELCH: I move:

18. Clause 20, page 16, lines 4 and 5, omit ", or is considering whether to exercise,".

Amendment negatived; clause agreed to; clauses 21 to 28 agreed to.

New clause 28A (22:04)

Richard WELCH: I move:

19. Insert the following New Clause to follow clause 28 –

'**28A Review of Act**

After section 113(3) of the **Labour Hire Licensing Act 2018 insert** –

"(4) The Minister must review the operation of the amendments made by the **Labour Hire Legislation Amendment (Licensing) Act 2025** to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

(5) The review is to be undertaken as soon as possible after the period of 2 years after the day on which **Labour Hire Legislation Amendment (Licensing) Act 2025** receives the Royal Assent.

(6) The Minister must cause a report on the outcome of the review to be laid before each House of Parliament as soon as practicable after the review is completed.".'.

Jaclyn SYMES: I feel bad, Mr Welch. I almost would be happy to support this amendment, because I am not worried about the impact of it. But first of all, it is not required. If we amend this bill, it does not become law until the Assembly comes back, so I would not be wanting to hold up the operation of some of these matters for a review clause that is not warranted. I will tell you why it is not warranted. First of all, the Wilson review already requires a review of the recommendations within two years of implementation. It is something that the government has already committed to in its

response to the review, and so it is already going to happen. Secondly, there is actually an outstanding review of the labour hire bill from when the legislation was initially introduced. So rather than prepare this report and the one immediately after, I am proposing the review now be conducted within the two-year period of the commencement of this bill so that we can get a comprehensive review of the act in its entirety. I agree with you, but I do not agree with your amendment.

Aiv PUGLIELLI: The Greens will not be supporting this amendment.

New clause negatived; clauses 29 to 31 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (22:06): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (22:06): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:07): I move:

That the house do now adjourn.

Retail workplace safety

Michael GALEA (South-Eastern Metropolitan) (22:07): (2227) My adjournment is for the Minister for Industrial Relations, and the action that I am seeking is for the minister to join me in calling on all Victorians to treat retail workers with respect this Christmas and new year period. Throughout the holidays, retail workers helped to make celebrating possible for families. And whilst other workers are winding down, they are ramping up. They are there to help, and it is vital that everyone treats them with dignity and the respect that they deserve. Survey data from the SDA – the union – shows that in the last 12 months, nine out of 10 workers have experienced abuse, with one in four reporting firsthand experiences of assault. This is unacceptable at any time of the year but especially so now. There is simply no excuse. That is why the government has introduced and passed new offences to crack down on violent abuse and assaults against hardworking customer-facing staff, including retail workers and fast-food, hospitality, transport and allied workers as well. I am so glad to hear that, with royal assent today, those laws will be in effect in just under 2 hours now, at midnight tonight, with new indictable offences with up to five years imprisonment for the more serious types of offending and doubling the summary offences up to six months for the lower end but still very serious offending as well. To enforce these laws and protect workers and customers, Operation Pulse will also be deploying PSOs to busy Melbourne shopping centres ahead of the festive period and throughout it as well. We will also be seeing the Allan Labor government introduce and legislate workplace

protection orders in the new year, and I am very excited to see a further measure to protect our hardworking essential service workers. To reiterate, the action that I am seeking is for the minister to join me in calling on all Victorians to treat retail and other service workers with the respect that they deserve this Christmas and new year period.

Gendered violence

Renee HEATH (Eastern Victoria) (22:09): (2228) Tonight once again I am standing as the last contribution that I make for this whole year to talk about Celeste Manno, and sadly, this is the third time that I have used this opportunity to speak about her tragic death. On 16 November 2020 Celeste was tragically stabbed to death in her own bed by a violent stalker. She had completely followed the rules. She had followed the law. She had done everything down to the detail of what she should have done. After her tragic death the Victorian Law Reform Commission handed down a report with 45 recommendations on how to strengthen stalking laws in this state. Sadly, years on – five years after her death and four years after this law reform commission document was tabled – still nothing has been done. On 30 November 2023 I raised this exact issue, and in my last adjournment for the year on 28 November 2024 I asked again. What has happened here is that after this occurred, Jill Hennessy, who was the Attorney-General at the time, and Daniel Andrews promised that they would strengthen stalking laws quickly. Then Jaclyn Symes took over as the AG not long after. She promised she would honour those commitments. Now the action that I seek is from Sonya Kilkenny – that she not just promise but deliver these 45 recommendations in order to make life safer for people that are victims of stalking.

Outdoor recreation

Georgie PURCELL (Northern Victoria) (22:11): (2229) My adjournment matter is for the Minister for Outdoor Recreation, and the action that I seek is urgent clarity regarding the government's plan to abolish the Game Management Authority and merge it with the Victorian Fisheries Authority. Last week the government announced it will cut 1000 public service and executive roles and merge several departments in line with the Silver review. Among these changes is a recommendation to dissolve the Game Management Authority and integrate it into a new outdoors agency with the Victorian Fisheries Authority. While I have no objection to the GMA being abolished, I am deeply concerned that this merger risks sweeping the agency's long-running failures and misconduct under a new name rather than fixing them. It is my understanding that the new body will not only retain the GMA's powers but expand them, empowering it to blatantly promote hunting and shooting while operating with even less scrutiny than ever before. That is not reform, that is concealment. Instead of addressing the GMA's issues, the government is now simply relabelling it, no longer even attempting to hide its obvious and indefensible loyalty to the shooting lobby. This move directly contradicts the 2017 Pegasus report, an independent review into the GMA that found noncompliance to be widespread and warned it was already at high risk of regulatory capture due to its too-comfortable relationship with hunters. The report recommended major structural overhaul to strengthen accountability. Instead the government is doing the opposite by embedding conflicts of interest and entrenching an agency culture shaped by the very industry it is supposed to be regulating.

We have seen the consequences of this broken model. Time and time again the GMA has failed to enforce game hunting laws, turning a blind eye to serious breaches while disproportionately targeting licensed duck rescuers. These are volunteers who enter wetlands for one purpose and one purpose only – to help wounded native waterbirds and perform a task that should fall to the government, not to the public and to volunteers. Yet they are the ones being penalised, fined and banned from wetlands while offenders walk away untouched. It is increasingly clear that this government is hell-bent on killing wildlife in any way that it possibly can, and with just months until Victoria's annual duck and quail shooting seasons begin, these changes will only make a failing system even worse. I therefore urge the minister to provide transparency on how this restructure will protect our wildlife, rather than the interests of shooters and hunters.

Machete amnesty

Jacinta ERMACORA (Western Victoria) (22:14): (2230) My adjournment matter is for the Minister for Police. With the machete amnesty ending and more than 14,000 knives surrendered to date, the action I seek is for the minister to provide an update on the final tally and advise how the prohibition of machetes will improve community safety.

Wodonga Primary School

Wendy LOVELL (Northern Victoria) (22:14): (2231) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to intervene to prevent the removal of two modular buildings housing four classrooms from the Wodonga Primary School. Wodonga Primary School has been informed by the Department of Education that early in 2026 two modular buildings housing four classrooms will be removed from the school campus. The principal as well as the school council president have written to the department to explain why the buildings should remain and asked them to reverse the decision. These classrooms are in full use by over 90 students and provide essential spaces for the delivery of the school's disability inclusion program. Removing them would reduce the school's capacity to provide equitable and inclusive education, contradicting the department's own policies, which mandate accessible facilities on the basis of inclusion principles. Taking away the rooms would also increase class sizes and disrupt the learning environment for students with special needs who require smaller class sizes, accessible spaces and focused attention in order to thrive. This in turn will place additional pressure on teachers and negatively affect staff wellbeing and morale. Removing the classrooms would also be financially irresponsible. Significant investment has been made in equipping the classrooms with desks, computers and electronic whiteboards as well as installing disability accessible ramps to make them safe and inclusive. Taking the classrooms back now means that the investment would be entirely wasted, which is a poor use of government and school resources and will incur further costs to the school when ramps have to be removed and the site rectified for safety.

I understand the government operates a relocatable capacity adjustment program, but I am concerned that there is no publicly available information outlining its criteria or methodology, and the lack of transparency has left parents in the local community uncertain and worried. Wodonga Primary School has a strong record of academic achievement and is a school of preference in the local area which families choose for its excellence. Forcing children to relocate because of zoning adjustments is unreasonable. The negative impact on a child and the upheaval to families in changing a child from one school to another because they do not meet zoning requirements is unreasonable and arbitrary. Restricting enrolment and removing classrooms also seem to be very short-sighted decisions, as the area surrounding the school is planned for significant housing development and the population is expected to increase, meaning the classrooms that are removed will need to be replaced in the near future. I urge the minister to intervene immediately, halt the planned removal, review the decision in full consultation with the school and ensure that these two relocatable buildings remain at the Wodonga Primary School beyond 2026.

Child sexual abuse

Rachel PAYNE (South-Eastern Metropolitan) (22:18): (2232) My adjournment matter is for the Attorney-General, and the action I seek is that they investigate banning good character references in child sexual abuse cases. The ACT became the first Australian jurisdiction to introduce a bill to ban good character references for sentencing perpetrators of child sexual abuse. This announcement follows the work of the Your Reference Ain't Relevant campaign, co-founded by survivors of child sexual abuse Harrison James and Jarad Grice. This announcement also follows the 2024 Queensland District Court case of convicted sex offender Ashley Griffith, where good character references were taken into account. Ashley Griffith had pleaded guilty to 307 child abuse offences. In introducing the bill the ACT's Attorney-General Tara Cheyne rightly described current laws as 'perverse'. In effect current laws allowing good character references in cases of sexual offences against children reward

the manipulative strategies perpetrators use. That is because predators do not just groom the people that they are trying to abuse, they groom their friends, their families and the community. Their good character helps them to facilitate child sexual abuse, yet it can currently act as a mitigating factor during sentencing. While judges can exercise discretion with regard to good character references, concerns remain that the current approach fails to consider the unique circumstances of child sexual abuse. Removing these kinds of references would deny predators the opportunity to be rewarded for these exploitative techniques.

I understand the issue of good character references was discussed earlier this year at the Standing Council of Attorneys-General and that there was interest in reforming the laws, particularly from Queensland and New South Wales. Since this time Queensland has limited the use of good character references during the sentencing of sex offenders to where it is relevant to the offender's prospects of rehabilitation or likelihood of reoffending. In New South Wales the sentencing council handed its final report on the use of good character to mitigate sentences to the Attorney-General earlier this year. It is not yet clear whether Victoria is interested in joining New South Wales and Queensland to change the law when it comes to the use of character references, but this government has repeatedly demonstrated the courage to act to protect victim-survivors of child abuse, most recently by introducing a bill to expand the laws of vicarious liability for child abuse. So I ask: will the Attorney-General investigate banning good character references in child sexual abuse cases?

Southern Metropolitan Region housing

John BERGER (Southern Metropolitan) (22:20): (2233) My adjournment matter is for my colleague the Minister for Housing and Building. Just this year the Allan Labor government invested $61 million over three years for critical homelessness services. The investment focused on delivering permanent housing for those at risk of or experiencing homelessness. It includes support for after-hours crisis services, Pride in Place, the rough sleeping action plan and the Wathaurong and Ngwala Aboriginal access points. The Allan Labor government is also ensuring that renters are supported to maintain stable housing, which will help prevent people from falling into homelessness. In recent years the Big Housing Build has delivered a major boost to the state's housing supply. This landmark initiative, announced in 2020, when combined with our Regional Housing Fund, is delivering 13,300 homes, with over 11,400 homes completed or underway. Over 6600 Victorians have already moved into or are getting ready to move into their new homes. Together, these investments mark a significant step towards tackling homelessness in Victoria. The action that I seek is for the minister for housing to update me on how much investment has been made in my community in Southern Metropolitan to help tackle homelessness and provide housing to those in need.

VicRoads, Maryborough

Joe McCRACKEN (Western Victoria) (22:21): (2234) My adjournment matter is to the Minister for Roads and Road Safety but concerns the nervous member for Ripon. Unfortunately, the member for Ripon made some ill-considered comments in the Assembly last week about me – comments which the Labor Deputy Speaker had to rebuke her for. These comments revolved around the future of Maryborough VicRoads. I make no apologies whatsoever for standing up for the people of Maryborough so they can retain their VicRoads, because it is likely that they were the next cut in Labor's savage cuts to regional Victoria. The member for Ripon said that VicRoads in Maryborough will be there for five years. If that is true, I welcome that. But locals want certainty and truth, and I can understand why they do not exactly trust her word.

We have to remember that this is the same member for Ripon who has been going around telling farmers that she supports them, but then on the other hand, when the time came to make a difference, she put her hand up in the air and voted for the VicGrid legislation, which literally fines farmers thousands of dollars if they refuse access to government-authorised officers on their land. This is the same member for Ripon who tries to attend CFA brigades – those that will actually have her – and feigns support for volunteers, but when the time came to make a difference the member for Ripon put

her hand up and supported the emergency services tax – the same tax that crushes brigades. She supposedly supports it and throws farmers under the bus. And do you know what her excuse was? 'I have no say over it. I have to go with the majority. I have to vote with my party.' That was the excuse that was given to locals. And which party is that? The government, the Labor Party, the party that hates regional Victoria – the same Labor Party that presided over the biggest housing crisis in this state, the same Labor Party which neglects rural roads and the same Labor Party that cut funding to the police. They think that the solution is machete bins. How is that one going? This is the same Labor Party that has created a health crisis, resulting in ramping and waiting lists ballooning out – the same tired old Labor Party that for 11 years has been driving the state's finances into the ground with $50 billion of cost overruns in projects. That is the Labor way. That is the Labor legacy.

The action I seek from the minister for roads is simple: release the Maryborough VicRoads agreement publicly so the community can actually see it. We on this side of the chamber will never, ever stop supporting regional Victoria, because we value our regional communities. It is in our DNA; that is who we are. I will never, ever apologise for holding the Labor member for Ripon to account, because she has been punching down on regional Victorians and treating them like second-class citizens. I will never stand for that.

Rail freight services

David LIMBRICK (South-Eastern Metropolitan) (22:24): (2235) My adjournment matter this evening is for the attention of the Minister for Ports and Freight. The Dandenong South rail freight terminal represents a significant opportunity for businesses in the south-east but also for anyone who imports or exports goods in Victoria. The government have supported this project, as moving more freight to rail aligns with their objectives to reduce the amount of trucks on the roads and make more efficient use of existing infrastructure. I had the pleasure of visiting the project recently and got a real feel for the potential that it has. The rail spur is already built, it looks like the signals are already turned on and the initial groundwork has already been done, ready for the construction of a modern freight terminal, but that work has not yet begun. I was told that there are three key reasons for this, two of which I have already raised in this place. One of the key reasons that construction has not begun is because, to date, the department have not been able to provide clarity and certainty about freight pathways. Without this certainty, investors are not going to invest in completing the terminal. I am sure this is a complex task to predict and plan for the movement of trains across the network, but with the completion of the Metro Tunnel, perhaps now is a good time for the department to turn their minds to completing the rail freight network. Therefore my request for the minister is to work with Salta Properties to provide the necessary information that would allow this project to progress.

Artificial intelligence

Richard WELCH (North-Eastern Metropolitan) (22:26): (2236) My adjournment matter is for the Minister for Industry and Advanced Manufacturing. Victoria is dipping further behind the rest of the nation in the race to implement and adopt artificial intelligence and create productivity and jobs and wealth for the next generation. At a time when the rest of the world and other Australian jurisdictions have invested heavily in preparing regulatory environments, investment environments and energy environments for AI, Victoria is falling further and further behind. The New South Wales government has released an innovation blueprint to 2035, which sets out an integrated and cohesive 20-year strategy to attract $27 billion in new investment and create nearly 100,000 high-value jobs. Its newly established Investment Delivery Authority is specifically designed to fast-track major tech and data centre proposals, cut red tape and give investors confidence in New South Wales that New South Wales is open for business, yet in Victoria AI was given only passing references in last December's *Economic Growth Statement* around the digitisation of government services and a recognition of a prior learning pilot. The *Victorian Industry Policy*, released in June this year, only briefly mentioned AI twice, with a vague statement about being a leader in AI but with no actual substance to it.

The Premier had her chance to put the government's stamp on the issue when she spoke about AI at the Committee for Economic Development of Australia, but all she announced was the ongoing development of the sustainable data centre action plan. I will make this very clear: if you want your state to adopt AI rapidly, you do not go from zero to 100. It takes years of layering up the ethical, regulatory and investment environments. Every other jurisdiction has been doing this for five years. We are at ground zero, and that puts us at a massive disadvantage to the rest of Australia and what is happening around the world. We will not develop the regulations overnight, we will not develop the guardrails overnight, we will not develop the skills overnight, we will not have the energy supply overnight, we will not have the skills – we will have nothing. We are so far behind it is frightening.

The action I seek from the minister is to recognise that the Victorian government is simply not doing enough in this area and commit to significant regulatory reform, regulatory preparation and investment preparation so that we can take advantage of the productivity growth and economic growth that AI will deliver over the next 10 to 15 years. We either participate in this revolution or we are going to be economically wiped out by our absence from it.

Road maintenance

Sonja TERPSTRA (North-Eastern Metropolitan) (22:29): (2237) My adjournment matter this evening is for the Minister for Roads and Road Safety in the other place, and the action I seek is for the minister to update me on our road network. Our roads are used each and every day by thousands of road users, whether it be for commuting to work, travelling on holidays, doing the local school and kinder run, doing the shopping or making deliveries. It includes a range of vehicles, like cars, trucks, buses – and motorcyclists like me. But because of this consistent usage on our roads every day, our roads often need repairs.

In the aftermath of the 2022 flood event the Allan Labor government invested an unprecedented amount of funding for our roads – around $2 billion to fund road repairs. 'And who is responsible for road repairs?' I hear you ask. Well, local councils are responsible for maintaining the vast majority of our road network – 90 per cent of it in fact, with many local roads being contained within municipal boundaries. Road repairs are funded through council rates and charges and government grants from the Victorian or Australian governments. The remaining 10 per cent of the road network is the responsibility of either the state or the federal governments. The Australian government provides funding for road infrastructure via programs such as the road safety program and the Local Roads and Community Infrastructure Program, which provide funds directly to local councils for local road projects. So how do you get a pothole fixed if you see one? For freeways and arterial roads, if it is an urgent hazard you can call VicRoads, Department of Transport and Planning, on 13 11 70. For non-urgent things like small potholes or faded line markings or problems with signage, use the VicRoads website. For the remaining 90 per cent of the road network you will need to contact your local council, as they are responsible. You can also use the Snap Send Solve app, which allows you to report the matter with a few simple clicks and even helpfully tells you who the responsible authority is. So rather than dining out on a steady diet of 3AW rage bait, take action not only for yourself but for your fellow road users, who will also benefit from having well-maintained roads.

Camping regulation

Gaelle BROAD (Northern Victoria) (22:31): (2238) My adjournment is to the Minister for Environment. In 2021 the government permitted camping on some Crown land next to Victorian rivers. At the time concerns were raised about the lack of transparency and farmers were left frustrated and angry about the potential damage to fences, gates being left open and the impact on their livestock. At Meadow Valley Dam, south of Lake Eppalock, up to 100 campers occupy Crown land waterfront at any one time. Since camping was allowed, adjoining landowners Karen West and Ian Ross of Mia Mia have faced illegal rubbish dumping. I have seen photos of piles of tyres, furniture and old equipment being left at the site. They have had trees cut down, campfires have been left burning and they have had repeated trespassing on their property. An irrigation pump has been damaged multiple

times, including the float being shot with a shotgun. They have attempted all avenues available to them. Their reports to the Department of Energy, Environment and Climate Action, Goulburn–Murray Water, the City of Greater Bendigo and Victoria Police are just handballed to someone else. The action I seek is for the minister to review the impact of riverfront Crown land camping and take action to protect these adjoining landowners, including restricting camping, enforcing compliance and preventing damage to private property.

Regional cricket

Melina BATH (Eastern Victoria) (22:32): (2239) My adjournment matter for this evening is for the Minister for Community Sport. We all know that Australians are cricket lovers, from the Boxing Day test to the Big Bash to one-day internationals – I could go on. But tonight my focus is around sustaining participation in regional Victoria, and I highlight the need for strategic planning in that space. Cricket Victoria itself reports a strong growth in our juniors, in our women and girls and in programs such as Woolworths Cricket Blast – all very good. These figures demonstrate there has been success in the game, but they reveal some underlying challenges, and these are youth retention, volunteer shortages and regional disparities that threaten the long-term viability of grassroots cricket in our regions. Speaking with a number of my cricket associations and cricket participants and volunteers, they will often tell you that from the ages of under-11s to under-15s clubs see good participation, but the senior grades often require even international recruitment to keep sides playing. Currently the government offers programs like the Regional Community Sports Infrastructure Fund and the Local Sports Infrastructure Fund. These initiatives are primarily focused on bricks-and-mortar projects, and this is fine and good. What is missing is targeted support for strategic planning, the kind of forward-looking work that ensures clubs and associations can remain sustainable and resilient. Many clubs in my electorate are struggling to manage compliance, governance and volunteer workloads. Volunteers are under immense pressure, juggling administration and fundraising as well as asset management, and indeed the fact that they often keep public assets in good order through volunteerism is something that the government and all Victorians should be quite proud of.

Without structured planning and resourcing these pressures will continue to erode participation and burn out the very people who keep grassroots cricket alive. The action I seek is for the minister to commit first of all to opening a new round of the local grants that I have just mentioned but also to consider expanding the program to include a dedicated stream for strategic planning grants for cricket associations that work in partnership with local government areas. These grants could support long-term sustainability and provide that this great institution of sport, this great activity, this great family fun and all-inclusive grassroots sporting movement can continue on long into the future in our rural communities.

Mental health services

Trung LUU (Western Metropolitan) (22:35): (2240) My matter tonight is for the Minister for Mental Health, Minister Stitt. A recent review of the Victorian mental health system has revealed alarming concerns that the $6 billion invested since 2018 and the mental health levy introduced in 2021 are failing to deliver the intended outcomes. Nine out of 10 service providers say the system cannot meet current demand, so the action I seek is for the minister to urgently review the implementation of the royal commission's recommendations and adapt reforms to meet the escalating mental health crisis in Victoria.

With half of Victorians needing help waiting more than a month for an appointment and often paying over $100 out of pocket, this is not just a funding issue, it is a systemic failure. Emergency department presentations for mental ill health have risen by almost a third over the past decade. Children and adolescents seeking services have surged 41 per cent since the pandemic, and suicide in Victoria has climbed 7 per cent, even as other states report a decline. These figures paint a grim picture of the system buckling under pressure. Experts warned that rigidly following the 65 recommendations from the 2021 royal commission without adapting to post-COVID reality risked leaving thousands behind.

Social isolation, family violence, financial stress and homelessness are all increasing, driving this tsunami of psychiatric ill health. Eating disorders and school refusal are rising, early signs of long-term impacts that demand early and urgent intervention. Mental Health Victoria CEO Phillipa Thomas has called for a rethink, using real-time data to adjust reform, prioritising early intervention and developing crisis assessment teams in every health service. These are practical steps that could save lives and restore confidence in our system, which is failing those who need it most.

I call on the minister to act now. Victoria cannot afford a mental health system that looks good on paper but fails in practice. We need reform that responds to today's challenges, not yesterday's assumptions. Our young people, families and communities deserve better than delays and disappointment. They deserve a system that works.

Kingston City Council

Bev McARTHUR (Western Victoria) (22:38): (2241) My adjournment matter is for the Minister for Local Government, and the action I seek is that he immediately withdraw his two monitors from Kingston council and rule out appointing administrators. Everyone knows the minister is using these monitors to seize control of Kingston council, discredit opponents and protect and reward factional allies. The monitors' terms of reference are deliberately broad and opaque, giving them wide discretion to intervene in the normal functions of a democratically elected council – and intervene they have. Rather than observing and supporting good governance, the monitors have inserted themselves into internal politics, interfered in council meetings and treated capable women councillors with disrespect. In one example they attempted to table their own report during a council meeting, something well outside their remit. When told this would be inappropriate, a monitor threatened that refusing to comply would not be viewed well and would be adversely reflected in their final report to the minister. Meanwhile the same monitors have conveniently ignored the behaviour of a factionally aligned Labor councillor who publicly abused both the mayor and the deputy mayor in front of witnesses. One monitor is now even subject to potential legal action after a female councillor sought a stop bullying order through the Fair Work Commission. These monitors are operating at the minister's direction to create the pretext he needs to justify his actions.

All of this comes at a significant financial cost to Kingston ratepayers, with each receiving $1335 per day plus out-of-pocket expenses. One monitor who lives in the country even stays in a serviced apartment near the council offices at ratepayers' expense. That is not to mention the reimbursement for travel, professional development and ICT. With the monitors' term concluding at the end of this month, the Kingston community fears the minister will either extend their appointment or sack the councillors altogether and install administrators unless principled councillors yield to his demands. Minister, these monitors were never needed. Governance is already properly executed by the four-term mayor and council officers who are well led by an experienced CEO. The only governance problems originate from one or two Labor councillors who are either frequently absent at ratepayer cost or causing disruption in the chamber. Minister, get your hands off Kingston.

State election

Ann-Marie HERMANS (South-Eastern Metropolitan) (22:41): (2242) My adjournment is for the Premier, and the action I seek is that the Premier reviews and adopts the Liberals and Nationals plan to secure Victoria's future. After more than 11 years of Jacinta Allan and Labor – 11 years of debt and deficit and 11 years of scandal and corruption – Victoria is in dire need of a fresh start. Next year Victorians will make one of the most important decisions that they could possibly make: the formation of the next government. According to the Resolve Political Monitor, Jacinta Allan started off her premiership with a positive net rating of 15 and she is ending the year underwater at negative 17. Jess Wilson is well ahead of Allan as preferred Premier, and we have an 11-point lead on Labor's primary vote and a 2-point lead on a two-party preferred basis.

While today's polls may not be reflected on election day, I am hopeful that Victorians will rally behind our vision to restore pride in our state. We have four clear priorities: (1) strengthening our economy

and easing cost-of-living pressures by repairing the budget, ending the war on gas, cutting at least five major taxes and reviewing stamp duty and land tax; (2) ending the crime crisis and keeping communities and families safe – we have already brought in the criminalising of coercive control, and we will be jailing sex offenders and implementing 'break bail, face jail' laws; (3) delivering a world-class health system for Victorians by cutting wait times, recruiting more frontline health workers and getting patients off elective surgery waitlists; (4) giving every Victorian the very best opportunity to own their own home by boosting supply and scrapping stamp duty on houses $1 million and below for first home buyers.

On my account we have already announced nearly 30 policies and put forward three private members bills. This year I made nearly 300 contributions in this chamber, moved several additional motions and participated in 10 or more committee meetings and seven inquiry hearings. Disgracefully the government continues to arrogantly refuse to implement our policies. They opposed our private members bills that were designed to properly ban machetes and face coverings and resisted the opportunity to create a permit system for protests and fix our working with children's check regime in a timely manner. To top it all off, I am still waiting for responses to at least 18 questions and adjournments from the Premier, the Treasurer, the Attorney-General and a plethora of other ministers. Labor is not interested in good policy. Rather, they are interested in playing politics with people's lives and livelihoods. But under the Liberals hope is on the way.

Maroondah Hospital

Nick McGOWAN (North-Eastern Metropolitan) (22:44): (2243) As the sun sets on yet another year I am drawn to reflect upon the year that was, and it is perhaps timely – and I say perhaps because it is always debatable – to quote some Shakespeare, and that is to say, Mrs McArthur, 'Expectation is the root of all heartache.' I think that probably is true in my case, because my heartache locally for the people of Ringwood East and for the people of Blackburn, Nunawading, Mitcham and Ringwood itself is of course that consistently throughout the course of history – Minister, welcome to the chamber –

Harriet Shing: I wouldn't want to be anywhere else.

Nick McGOWAN: Thank you, Minister. You have joined us at an appropriate time, because what I am lamenting is my heartache. My heartache is about this: that for many, many years now local constituents have been promised improvements to our healthcare system, and sadly – in fact tragically – they have failed to be delivered. We should never forget that in 2018 the then government issued a press release, and it was titled 'An emergency department Maroondah kids and their families can count on'. That was in 2018, and what that promise was –

Bev McArthur interjected.

Nick McGOWAN: That is an interesting question you asked, Mrs McArthur: how is it going? In 2018 the then government promised an emergency department for children that the children locally could count on. I will tell you what, not only did it not happen in 2018, it never happened. It was never delivered.

Bev McArthur: What a disgrace.

Nick McGOWAN: It is. There are many words for it, but I am going to say 'disappointment' because it is extreme disappointment. Your word is perhaps more appropriate, but nonetheless. Fast forward to 2022: at that stage we were promised a $1.05 billion hospital – a hospital that not only serviced my local constituents but also serviced constituents maybe even as far afield as your constituency too, Minister. I wish you a merry Christmas as you leave the chamber. Nonetheless, there was to be a $1.05 billion Maroondah Hospital. Of course they have renamed the hospital, which is a great disservice to Indigenous people because they renamed it from Maroondah Hospital to Queen Elizabeth II hospital, which is a ridiculous name. There was no consultation with Indigenous people,

and of course no-one uses that name to this day. Again, that hospital to this day, sadly – hence my heartache and hence the reference to Shakespeare at this late hour and on the last sitting day of the last month of this year, before we go into the last budget of this term of government next year – has still not had a shovel in the ground. In 2018 there was a broken promise to deliver an emergency department for the children, which we desperately needed and continue to need to this very day. In 2022 there was a promise to rebuild the hospital that has never eventuated – in fact we still do not have a commitment that the hospital will remain at the same site, much less in the same municipality. That brings us fast forward to next year, which is an election year. Premier, what I ask is that once and for all you commit in the final budget next year to the rebuilding of Maroondah Hospital. We desperately need it. Our locals deserve it. I implore you to do that.

Responses

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:47): In the last adjournment for 2025 there were 17 adjournment matters to 15 separate ministers, and written responses will be sought in accordance with the standing orders.

There was a matter from Mr Luu to me in my mental health portfolio, which I am happy to acquit now. I will try and be succinct, given that it is 10 to 11 on the last sitting day of the year. Mr Luu raised a matter in relation to Mental Health Victoria's report on the royal commission's work and the implementation of the royal commission recommendations by the government. I will say from the outset that there is no jurisdiction in the country that is investing more and doing more work to reform the mental health system than the work that we are doing here in Victoria. We have already delivered significant reform to grow our workforce, to deliver increases in the number of acute mental health beds in new services, to improve our infrastructure and, importantly, to embed lived experience into that reform work.

We are able to invest significantly in the mental health reforms that we are driving because of the fact that we have a dedicated levy. That levy continues to be dedicated solely to mental health services spending, and it has supported a large increase in investment in Victoria's mental health services. This is a complex 10-year reform journey, and we need to make sure that we are adapting to the changed landscape, and I think that is something I can agree with the Mental Health Victoria report on. It is not a static system that we are operating. Work is underway on the vast majority of recommendations, and many have already been delivered in full. It is important to note that each recommendation contains sub-recommendations, and many recommendations are interdependent with one another, so the order in which they are delivered is actually relevant here. My department reports every year on the delivery of key royal commission reforms through the chief officer for mental health and wellbeing in the annual report. In addition, the *Next Phase of Reform* plan, which I released in December last year, provides a detailed breakdown of the progress to date and the work that we plan to prioritise in the coming months and years.

In terms of some of the major investments and delivery of improved services our government have undertaken, we have invested more than $600 million to support, retain and grow the workforce and increase the workforce by 25 per cent. We have delivered more than 170 acute beds for adults, young people, women and older Victorians, and we have also increased the number of Hospital in the Home beds. We have established the Mental Health Capital Renewal Fund, which received another $10 million in the 2025–26 budget. We have delivered mental health and alcohol and other drug emergency department hubs. The commission asked us to deliver hubs in each region, but we have gone further than that – we have five AOD and mental health hubs that are already operational around the state, with another eight in the pipeline. That is all about addressing the pressure on our emergency departments from those that present in mental health crisis.

We have invested about $140 million to deliver initiatives to improve lived experience and put carers and consumers front and centre in developing a lived experience leadership strategy. We have delivered 22 local services in 24 locations, which is the missing middle in our system, which means

that almost 30,000 Victorians have been able to access free mental health supports in their own communities without the need to pay for those services through a private provider. We have expanded our multidisciplinary social and emotional wellbeing teams to our Aboriginal community controlled health organisations across Victoria to support First Nations people, and we have awarded 63 scholarships to Aboriginal and Torres Strait Islander students undertaking undergraduate and postgraduate qualifications in mental health.

In relation to children and young people, we have delivered three dedicated children's locals and youth prevention and recovery centres, one in each region in the state, and we are undertaking foundational reforms, including age streaming and improving Headspace integration. In terms of safety, we are progressing the mental health improvement program through Safer Care Victoria and delivering important infrastructure upgrades in intensive care areas. We are continuing to back our workforce when it comes to occupational violence and reducing those risks in the workplace.

I think it is always important – and I am sorry, it is late – to be accurate about the types of services that are being delivered through our government's reforms. I am proud to continue that work, and I look forward to those services being expanded even further right across the state so that people in Victoria, no matter where they live or their background or their postcode, can have access to the mental health services that they deserve and need.

The PRESIDENT: The house stands adjourned.

House adjourned 10:53 pm.