



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Thursday 22 February 2024**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

### Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

Georgie Crozier

### Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

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

<sup>1</sup> Resigned 7 December 2023

<sup>2</sup> Lib until 27 March 2023

<sup>3</sup> Appointed 14 November 2024

<sup>4</sup> LDP until 26 July 2023

<sup>5</sup> Resigned 8 November 2024

<sup>6</sup> Appointed 7 February 2024

### Party abbreviations

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

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

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

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



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**Thursday 22 February 2024**

**The PRESIDENT (Shaun Leane) took the chair at 9:34 am, read the prayer and made an acknowledgement of country.**

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

Family Violence Protection Act 2008 – Report on the implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework, 2022–23.

Victorian Curriculum and Assessment Authority – Report, 2022–23.

*Business of the house***Notices**

**Notices of motion given.**

**Adjournment**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:40): I move:

That the Council, at its rising, adjourn until Tuesday 5 March 2024.

**Motion agreed to.**

*Committees***Environment and Planning Committee***Membership*

**Georgie CROZIER** (Southern Metropolitan) (09:41): I move, by leave:

That Mr Welch be a participating member of the Environment and Planning Standing Committee.

**Motion agreed to.**

*Members statements***Bruce Manintveld**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:41): I rise today to pay tribute to Bruce Manintveld, who was killed in the storms that ripped through Victoria last week. Bruce and his wife Fiona were the hallmarks of community across regional Victoria in showcasing what could be done in farming best practice. He and Fiona were the lifeblood of Mirboo North's farming community, showing people how it could be done to move to dairy farming operations that were successful, that returned a good investment to the industry and to the sector and that paved the way for young leaders to make their own mark in dairying.

**Gippsland storms**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:42): The storms last week were truly devastating. Not only did they cut off more than half a million people, not only did they make any sort of task nigh impossible for people who were living in the dark for many, many days at a time, they also created enormous challenges for businesses, for schools, for communities and for people with particular needs, including those who are power dependent. I want to again acknowledge the efforts of councils, of community groups and of people who looked after their neighbours in times of greatest need. From South Gippsland Shire Council

through to Yarra Ranges, Kardinia, Knox and others, the work that was done to make and keep people safe was amplified through local government, including through our hardworking SES and other volunteers – people coming to the aid of others in their hours of greatest need. This was truly the worst of our circumstances but yielded the best of community responses.

### **Greenvale businesses**

**Evan MULHOLLAND** (Northern Metropolitan) (09:43): Last week I had the great opportunity to have the Shadow Treasurer Brad Rowswell out to the electorate of Greenvale for a business forum. It was great to meet with local businesses, to hear from them and hear their issues – local businesses and businesspeople such as Jemal Hasan from Musiad Melbourne; Damien Caputo from Real Estate City in Craigieburn; Brendon Vella from Precision Hydro Excavations; Anil and Jitin Mongia from Evaryde ice cream in Mickleham; Hasan Altunbas, a local accountant; and Massimo Raniolo, a local property agent. These local businesses are the lifeblood of our community, and it was really important to hear from them and to hear the challenges they are facing, such as increased land tax, which is putting a lot of pressure on those small, hardworking family businesses, particularly in our multicultural community. We know that about 74 per cent of new migrants start a small business, and it is great that they do. We were there to let them know that the Liberal Party is the party of small business. We are the party that wants to see their taxes lower, we are the party that wants to see their red tape cut and we are the party that wants to see payroll tax lower, but unfortunately this government cannot manage money. Jacinta Allan cannot manage money. They cannot manage their debt issue, so they are forcing it onto hardworking family businesses like those in the electorate of Greenvale.

### **Supermarket prices**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:44): Honey, \$5.70; dishwashing tabs, \$13.50; eggs, \$5.60; instant coffee, \$11.50; a block of cheese, \$13.90; Vegemite, \$9.40; toilet paper, \$8.60 – I could go on, but I think you all get the picture. These are the prices from one average bag of shopping. The total came to \$138.10 for one bag of basic items – not enough to feed a family or even a couple for a week, but just a bunch of everyday items that cost an extraordinary amount. Coles and Woolies are charging us all too much. Grocery price rises are out of control. They have got the market stitched up, and they are doing everything that they can to maximise their profits while so many in our community are struggling to make ends meet. We need to rein in Coles and Woolworths. They are making billions of dollars of profit off the backs of everyday Victorians. It is not acceptable that people in our state cannot afford food or are having to choose between buying groceries and paying their rent. The Labor government needs to step up and stop Coles and Woolies from ripping people off.

### **Lunar New Year**

**Richard WELCH** (North-Eastern Metropolitan) (09:46): Gōng xǐ fā cái. Today I rise to speak on the wonderful Lunar New Year celebrations happening across my electorate. 2024 is the Year of the Dragon, so happy Year of the Dragon to everyone. People born in the Year of the Dragon are said to be especially lucky and tend to be great leaders, so let us hope that is true. I was pleased to attend Lunar New Year celebrations across Box Hill and Glen Waverley this weekend where John Pesutto and I handed out the traditional red packets. It was wonderful to see so many smiling faces and happy people excited about the Lunar New Year. In particular I would like to say thank you to Bihong Wang and Richard Shi from the Asian Business Association of Whitehorse for organising such a great festival in Box Hill. There were double the attendees of last year, so nearly a hundred thousand people came. We had a great festival at the Lunar New Year in Glen Waverley as well. Happy Year of the Dragon.

### **Casey rainbow community picnic**

**Rachel PAYNE** (South-Eastern Metropolitan) (09:47): With all the sparkles and sequins that we have been seeing around Melbourne over the last few weeks, anyone would think that it is Pride. On Sunday I attended Casey rainbow community picnic at the Old Cheese Factory in Berwick. There



were not many Swifties there, but there were definitely many from the LGBTIQ+ community. My partner and I threw down a picnic rug and enjoyed some of the festivities on offer, including a food truck – it was incredible. But the thing that I love about rainbow community events is that they bring community members together. In particular for our young LGBTIQ+ people, events like these give them the opportunity to connect with elders within their community who make them feel loved and supported. This provides them with just that little bit of reassurance that they are brilliant, that they are as they are and that they have a sense of connection with our community. I spoke to the fabulous drag performer Freida Commitment, who performed an incredible Cher routine. Their experiences growing up in Casey were interesting to say the least, from what they reported, but it is so good to see that they could connect with community members and the young people of today in that area. I would love to give a huge shout-out to Pam and Chris from Casey Cardinia Pride. Thank you for having me.

### **St Kilda community housing**

**Ryan BATCHELOR** (Southern Metropolitan) (09:48): More housing for those experiencing homelessness is at the heart of a new project in St Kilda. On Monday I had the honour of attending the sod-turning of St Kilda Community Housing's new project in Wellington Street. I was there with Mr Berger, who had his foot on the spade, the member for Albert Park, the federal member for Macnamara and local council and community advocates. The project has demolished an old rooming house which had 12 rooms, and in its place will rise a three-storey brand new modern facility with 26 self-contained studio units designed for those in the St Kilda community who are experiencing chronic homelessness. We are doubling the capacity of housing on the site with funding from the Victorian government and the City of Port Phillip in partnership with St Kilda Community Housing, who will provide the tenancy management and onsite support services, including drug and alcohol counselling, mental health treatment and health care. St Kilda Community Housing do a great job in the local community providing support for more than 300 people across their various properties, many of whom have complex needs and challenges. Unlike some in this chamber who talk down community housing, who think that it is not good enough, the Labor government think our community housing sector does a great job looking after some of the most vulnerable Victorians. We are proud to be their partners and proud to be building more community housing.

### **Churchill Primary School**

**Renee HEATH** (Eastern Victoria) (09:50): On Monday I visited Churchill Primary School, a truly remarkable school that has proved that anything is possible. I met with Mrs Burrows, Mrs Harding and Mrs McColl. In 2018 the principal Jacquie Burrows overhauled the way literacy was taught. Like all other schools it had adhered to the balanced literacy approach, but as advised by the Grattan Institute's report this week, balanced literacy is ineffective because the phonics-based elements are too light touch. The school had achieved constantly poor results under this method, and the principal bravely abandoned the balanced literacy approach for an evidence-based approach. They saw a remarkable turnaround in the school's NAPLAN data for reading, writing, spelling and grammar. Before the overhaul in 2018 the NAPLAN results showed that 31 per cent of grade 3 students were in the bottom two NAPLAN bands for reading and only 17 per cent in the top two bands. After the overhaul, in the NAPLAN results from 2021 there were absolutely no students in the bottom two bands for reading and 75 per cent were in the top three bands. That is a remarkable achievement and that needs to be celebrated. This school is an amazing example of what difference changes in teaching methods can make to the lives of children. I commend their incredible work, and I commend particularly principal Jacquie Burrows and the amazing teaching staff. Your work is truly an inspiration.

### **Dederang**

**Rikkie-Lee TYRRELL** (Northern Victoria) (09:51): My members statement today is to highlight the beauty of a locality within my constituency. The township of Dederang and its surrounding area are nestled in the east of my seat amongst the pristine valleys of the Kiewa River valley. Although the

Dederang township has a humble population of only 422 residents, the population consists of some of the hardest working and most community-driven individuals in Victoria. And of course they are – they are Northern Victorians. Their homes are privy to the beautiful snowcapped mountains in winter and the rolling meadows during our warmer months. Unfortunately, this lifestyle comes at a risk of bushfires and flash flooding, but these are risks the community can withstand due to generations of hard-learned lessons. One thing they are not willing to withstand is the unwelcome introduction of a battery energy storage system to be constructed between two creeks that feed into the Kiewa River. This is one of many communities in my constituency that face unnecessary infrastructure within their community that will mainly benefit Melbourne and not those subjected to noise, heavy metal and visual pollutions. My constituents want to say this: ‘We are primary producers, not industrial wastelands.’

### **Recreational fishing**

**Jacinta ERMACORA** (Western Victoria) (09:52): The excitement from grade 6s at Warrnambool Primary School was absolutely palpable when I visited last week to deliver their little angler kits. These have been provided by the Allan government’s \$96 million package to further improve recreational fishing, boating, piers and aquaculture. I was definitely not the only one impressed by the quality of the fishing rods. The kits are cleverly designed and include the reel with fishing line, a tackle box, hooks, swivels and lure, all packaged in a lightweight case. When asked, the students spoke excitedly about getting out to fish, eating their own fish, the changes in the seasons and the personal pride of getting a catch. I was thrilled that every child in the room got their own kit, and I know principal Peter Lee thought it was a great way to get kids away from devices to learn a new activity. I can see that these kids will inspire a whole new generation to take up fishing with friends and family in Victoria’s great outdoors. Many thanks to Warrnambool Primary School grade 6s for their warm welcome, and congratulations to the new leaders of the school.

### **Berwick Church of Christ**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (09:54): I want to take a moment to speak about compassion, community care and doing what is right for our Victorian families, seniors and young people. On the weekend Berwick Church of Christ held their annual fundraiser, initiated and led by their youth group of approximately 200 young people from the local area. Congratulations on your continued support for our local community and for making a positive difference in the lives of our youth. Like many of our local churches in the south-east, Berwick Church of Christ provides a food pantry to the many people in need in the wider local community, and it provides several supportive daily playgroups for young families. Local charities throughout the south-east and surrounding areas provide support and care to senior citizens, single-parent families, disadvantaged families and families whose businesses have gone or are currently going or are under duress due to the heavy taxes and excessive WorkCover premiums imposed on them by this current government. Many of these charities operate from Christian churches, including the well-known Salvation Army. Threats of charitable land taxes and other taxes are hurting the caring Victorians who love and help others. I want to shout out to all of you and also to the Sikhs and Hindus, Buddhists, Muslims and other communities that are doing great work in our community. Please contact me if you would like me to come and visit you.

### **South Gippsland Landcare Network**

**Tom McINTOSH** (Eastern Victoria) (09:56): I was fortunate enough to join our Minister for Environment, Minister Dimopoulos, a couple of weeks ago. We were out on farms in Mirboo North and Arawata looking at Landcare projects. We joined Heather at her farm in Mirboo looking at the pasture crops she is putting in. There are 12 pastures going in there on a couple of hectares – no herbicide, no pesticide. Her neighbours are doing it. She has got a rotation of 50 head of steers coming through. It was great to see Landcare supporting local farmers trialling these sorts of initiatives. We also had a look on the farm at the landslips that have occurred and the work that has been done to

prevent further erosion and shore up the creek on the back of her farm. We were also at Arawata on Alex and Clare's beautiful property. There are stunning views across these properties, which, sadly, four days later were severely hit by the storms; I bumped into Heather and Alex a few days after the storms under much sadder circumstances.

The work that they are all doing across their farms is being supported by the South Gippsland Landcare Network, who are helping by taking these trialled initiatives and sharing them out with other farmers so that as they are all coming together, they are receiving education on best practice and emerging methods of farming and they are able to share that with their neighbours and with their communities, and communities are sharing with other communities in the broader Landcare network, getting the best results for their productivity, their livability and, as I mentioned before, the wildlife corridors. They are getting the best outcomes for all involved, so congratulations.

### **Bruce Manintveld**

**Melina BATH** (Eastern Victoria) (09:57): I am sure this house shares in our grief for the loss of Darlimurla farmer Bruce Manintveld, a 50-year-old farmer who was out actually protecting his herd when this terrible tragedy of a storm came through. Speaking with farmers in the area post that devastating incident, they are really feeling the loss of this very respected person. So can we all collectively join in passing on our condolences to his wife Fiona and his wider family.

### **Storm recovery**

**Melina BATH** (Eastern Victoria) (09:58): Also speaking on the Mirboo North clean-up, can I reiterate my thanks not only to the South Gippsland Shire Council but to the volunteer organisations, both organised and spontaneous, that are really pulling the heavy load for the clean-up. There are so many, but I think one deserves mention, Jessica Healy from the RSL. She is doing a power of work coordinating. There is increasing community concern and frustration with the lack of the state government's rollout of a clean-up package. I have seen photos today where council is attempting to clean up, on public land, infrastructure, overhanging trees and the like which should be the purview of the state government's clean-up. It needs large-scale equipment. It needs the proper contractors in there, and they should not be putting themselves into a position where – I am not saying they are at risk, but they should not be doing this. This should be the government's purview, and we are calling on them straightaway to get on to it nine days after.

### **Gippsland storms**

**Jeff BOURMAN** (Eastern Victoria) (09:59): I too want to talk about Mirboo North. That storm only lasted 5 minutes, but it is going to take months if not years to clean up. Roads in and out of town were blocked. Even football goalposts were pushed over, which is something I have not seen before. Farmers in the area lost lots of crops. It is potato season, so there are obviously going to be some downstream problems with that. As mentioned, Bruce Manintveld was tragically killed whilst working on his property during the storm. With wind gusts of up to 130 kilometres an hour, it was so serious. I think we all should thank all the emergency services and volunteers, and what I did notice was that the Sikh kitchen was out again. Every time there is a disaster, basically, in Gippsland, which seems to be all too frequently, I note their little van with free food is there. They travel from Melbourne. So well done to everyone that is pitching in and helping.

### **Nick Harvey**

**Jeff BOURMAN** (Eastern Victoria) (10:00): A couple of days ago Nick Harvey died at the age of 92. If you are not a shooter, you would not know who Nick was. If you are a shooter of any conviction, you will know him. Nick was the grandfather of Australian shooting. He published many books on the subject over the course of 70 years, but the books that I think were his greatest hit were his reloading manuals. Giants like Nick are few and far between, and he will be missed greatly. Vale Nick Harvey.

**Russia–Ukraine war**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:00): This Saturday will mark a dark milestone, the two-year anniversary since Russia launched its illegal and immoral full-scale invasion of Ukraine, an occasion that reminds us of the ongoing suffering endured by the people of Ukraine and the relentless violence and displacement inflicted upon innocent civilians and that underscores the imperative of seeking a peaceful resolution to this crisis. On Saturday we will again gather in Federation Square, and we will be joined in many other locations around Australia and the world, united in voicing our outrage and condemnation of Russia's continued aggression. We will again stand in unwavering solidarity with the people of Ukraine, including our Ukrainian Australian community, as they endure the devastating consequences of this conflict, and our thoughts will be with all those affected by this tragedy, acknowledging the incalculable losses that Ukraine has endured. War is never the solution. It brings only devastation and despair, tearing apart lives and communities.

As we mark this occasion we must commend the indomitable spirit and bravery of the Ukrainian people, whose courage, resilience and justified bold defiance serve as an inspiration to us all. On this occasion we pledge our unwavering support to Ukraine's continued fight for freedom, self-determination and human dignity as they strive to rebuild their nation and secure a brighter future for themselves and future generations. I would like to acknowledge all the Ukrainian organisations for their tireless efforts and continued advocacy and support for all Ukrainians, including those displaced around the world. I would like to acknowledge the Association of Ukrainians in Victoria, including the Noble Park branch in my electorate, and the Australian Federation of Ukrainian Organisations. It is only through their efforts and the continued support of Ukraine's international partners, including Australia, that Ukraine will be able to secure victory, peace and freedom. Slava Ukraini.

**Maroondah Hospital**

**Nick McGOWAN** (North-Eastern Metropolitan) (10:02): On 12 November 2018 the then Andrews Labor government put out a press release, and the headline was 'An emergency department Maroondah kids and their families can count on'. Well, what a craven thing to say. We know that in 2018 when they said that, they really had no intention of ever doing it. Fast forward to 2022, and there is no emergency department for those children. Despite allotting \$64 million to do exactly that, never did they do that. So they came out at the next election, 2022, and what did they say? They were going to have a whole new hospital. We are more than a year into this term of government, not a shovel has hit the ground and yet they are at it again. I see that they have got another press release out. Let none of us forget they also managed to rename the hospital with absolutely no community consultation.

**A member** interjected.

**Nick McGOWAN**: It is a shame; it is an absolute shame. I will take up that interjection because it is absolutely accurate. It is an Indigenous word. The government clearly at the time had absolutely no idea that that was the case. It should be a source of everlasting embarrassment for the Labor Party that the Premier of the time did not even know that the word 'Maroondah' was an Indigenous word. Then in another craven move they looked to rename it the Queen Elizabeth hospital. What a stupid idea. I mean, if they want to do that, then they can rename John Cain Arena. Get rid of that name. I am quite happy for that; you can call it what you like. But to come out into Maroondah and mess with it in that way was absolutely reprehensible.

***Business of the house*****Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:03): I move:

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

**Motion agreed to.**

*Bills***Regulatory Legislation Amendment (Reform) Bill 2023***Second reading***Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

**Melina BATH** (Eastern Victoria) (10:04): I am rising this morning to make my contribution on the Regulatory Legislation Amendment (Reform) Bill 2023, and in doing so I will cover off on a number of clauses and the changes within the bill but also touch more heavily on some than others, as is my opportunity. Certainly this is an omnibus bill that amends 14 acts across 10 portfolios. Some of them are fairly minor and technical in nature. But we heard a broad-ranging contribution on Tuesday, so I will take up where some left off. The bill has four objectives. One is to streamline requirements for businesses and social service providers. We all are in favour of streamlining businesses. We all just need our businesses to afford to stay in business. This is something that we have seen in Victoria under a Labor government: we have seen many businesses leave Victoria in their tenure. Also the bill will improve emergency preparedness, and I would like to do a little bit of a deeper dive into that; support technology-neutral legislation; and make simple and uncontroversial amendments to support an efficient regulatory system through amendments to a variety of acts.

In relation to the streamlining of businesses, unfortunately we have seen an inordinate amount of businesses leave Victoria – going elsewhere, exiting the state, finding it is just too hard to do business in a Labor government environment. We have seen, as we all know, over 50 new or increased taxes. We have seen the burden of that falling on small businesses. Indeed small businesses also make up about 95 per cent of the total business community in our state. We also know that 26 per cent of those small businesses are in our rural and regional towns. They are very much the heartbeat of our rural towns in our main streets. They do so much. They employ our local people, they give opportunities in a diversity of industry and commercial operations and of course they donate to our sporting clubs, charities and communities. We certainly always thank them for that. But unfortunately in 2023, 7600 of them thought that it was really not worth being in business or they were just not able to be in business, and I am sure those COVID lockdowns, which really put a strain on businesses, impacted very heavily.

The government claim that some of their regulatory changes will provide over \$2.6 million in annual savings to businesses in Victoria. These are removing licences and permits and making regulatory compliance much easier. If you do the maths on how many businesses are in this state, there are approximately 700,000. As I have heard my colleague Mr Mulholland speak about, if we do the maths across those businesses, they can have a thin smear of savings, of under \$4 per year. We are hearing from the Commonwealth Games inquiry – and I am not speaking out of turn; I am actually speaking in relation to the hearings that we had in Geelong and in Ballarat last week – that there is a lack of confidence in the ability of this government to deliver on its commitments and promises post that Comm Games cancellation. I do not believe that a smearing of under \$4 per year in annual savings is going to give much confidence to many of those businesses. We also heard that Victorian Chamber of Commerce and Industry's *Cost and Ease of Doing Business in Victoria* report perceived that we are of course the most expensive state to do business, hence some of this exodus and the fact that people are absolutely struggling to keep that flow, to make their profit, to pay their wages and to pay for their stock.

This bill certainly, as I said, looks at a range of things. It changes the Casino Control Act 1991, and it looks at the Child Wellbeing and Safety Act 2005 arrangements under the child information sharing scheme. It would be remiss of me to not be able to take this opportunity to say that the government has child safe standards in schools. I have been contacted by a number of concerned parents in my electorate over many years about how child safe standards cannot just be a statement. They have to be

enacted and lived through every level of the school organisation, from principals through to teachers and that school community. I call on the government and indeed the Minister for Education and Department of Education to have a fresh look at child safe standards and ensure that there is that commitment to protect our children, both normal children, if I can say that, in our state system and also those children in disability schools. It is highly important. I am sure there are many people who feel as passionately as I do about it, working in the government system, but I just want to put on record that there are many parents who are concerned that these child safe standards are not always being adhered to.

Part 5 looks at the Drugs, Poisons and Controlled Substances Act 1981, and while I am on a roll on the education system, part 6 amends the Education and Training Reform Act 2006 by removing ambiguities and inefficiencies with the Victorian Registration and Qualifications Authority and the VIT, the Victorian Institute of Teaching. Again, we have got an inquiry into teaching in the upper house, and if you are interested in going online and having a look at some of the public submissions made, some of those submissions actually highlight a frustration with both the VRQA and the VIT. But what we really see in some of those submissions is the impact of the lockdowns of our schools on teachers, on school principals and on students attending and their outcomes. What I would say to the government is that many of those submissions are very concerned about teacher vacancies and the fact that we do not have enough qualified staff in front of the required classes, and this is putting a huge burden not only on the teachers and the school community but on principals struggling to fill those classes. I have also heard of principals actually having to write lesson plans, give them to their CRTs, emergency teachers, and then correct that homework. That is not what a principal should be doing, and many of those submissions to that inquiry certainly pertain to that. So any slight efficiencies that can be created with this bill will be welcome, but again, a deep dive is needed into the VIT and VRQA and their overall efficiencies.

One thing that is really prevalent in the minds of the Mirboo North people at the moment could pertain to this part of the bill, which is part 7, which looks at the Environment Protection Act 2017 to grant authority to the EPA to authorise transportation of waste in an emergency, and it updates the EPA's response to this sort of emergency context by allowing the EPA to set proportionate regulatory requirements about waste transport when we have these dire circumstances. There are certainly dire circumstances in Pomonal, and I congratulate my western colleague Emma Kealy for doing a power of work supporting her community, standing up for their needs and drilling down and working with levels of government, council, response organisations and volunteers – also the same in Eastern Victoria Region, in Mirboo North and environs. What I do know is that the Mirboo North transfer station is full to overflowing, and I want to give my thanks to all the staff that are working incredibly hard there. There is green waste debris from the devastation of the storm coming there, and I understand that they need some industrial mulchers there, because they are absolutely full to brimming. We also need to see this clean-up contract from the government come into play today, if not last week.

I note Mr Batchelor spoke about asbestos in his contribution to this bill and the importance of dealing with asbestos in the most sensitive way to protect the health and safety of our public. I understand that with the storm that occurred on Tuesday last week, there were homes whose roofs blew off. Some of the homes in Mirboo North are new and fabulous, and some of them are old and fabulous, but some of those old homes do have asbestos in them. I put on record that governments need to expedite what they can do if there is any asbestos floating around on public land but also support those who are doing the professional clean-up on their own land to be able to dispose of it in a safe and environmentally understanding way.

I will hold my conversation about I Cook Foods, because Mr Mulholland went into that in great detail and I support his comments. It was a sad indictment on how government can reach honest people, loyal people and ethical businesses, shut them down and cause great distress and loss of income not only for them but for the people they employ.

Part 10 looks at gaming and part 11 the meat industry. Part 12 has my particular interest in relation to the Regional Development Victoria Act 2002. It increases the membership of the Regional Development Advisory Committee from nine to 10. It is a fairly perfunctory and minor change. But what we know from this government over time is that rather than calling it Regional Development Victoria they are turning this department into 'regional underdevelopment Victoria'. During the former 2010–14 Baillieu and Peter Ryan government they established an incredibly worthwhile funding stream. It was \$1 billion over a period of time for regional development. They equipped regional development to provide grants for councils in rural and regional Victoria to increase the capacity of the councils for infrastructure that benefits our community and benefits people living their lives so they have a better quality of life, really trying to bring up the standard to a more city-based standard. That \$1 billion also provided regional business with investment opportunities, but it was really specific about having to ensure that jobs were created. Those businesses could be involved and provide that important context around government grants but also leverage them to make that economy grow and sing in our regions. I congratulate former Deputy Premier Peter Ryan, who was an outstanding advocate, as were many of my colleagues in that space.

What we see with this government is that regional development is being gutted. It is becoming another back room in the department of meagreness. What we see is that they have a Tiny Towns grant. I feel like this Tiny Towns grant is about making larger towns into tiny towns, because this government is underdeveloping this whole regional development space. It is an indictment. We hear people all the time congratulate our regional Victorians on their work in dire times, on their volunteerism, which I endorse. But then we see this government is pulling funding out of this. The investment in our regions needs to stay. It needs to be increased, and it needs to be realised.

**Tom McIntosh** interjected.

**Melina BATH:** I hear Mr McIntosh is going to get up and have a little gad about. Well, Mr McIntosh needs to go to his Minister for Regional Development and call on her to reinstate proper funding to our regions, not to turn tiny towns into tinier towns but to provide and leverage that investment and that care. There are people in regional development departments in my region who are scratching their heads, saying, 'How can I actually provide that investment, that support?' For that matter, this bill can pass, but this government needs to focus on regional and rural Victoria.

**Sheena WATT** (Northern Metropolitan) (10:19): I am delighted to speak today on the Regulatory Legislation Amendment (Reform) Bill 2023, the second regulatory reform omnibus bill that this government has brought to the Parliament. At the heart of this bill is our government's determination to make it easier to do business in Victoria. Regulatory reform may not sound sexy, but it is beautiful to us on this side of the chamber. Through the reforms this bill introduces, Labor will make it easier for businesses to apply for, obtain and hold licences and registration. The changes proposed are what we describe as 'no regrets reform' – small, non-controversial regulatory changes from many portfolios. I will get into the detail shortly, but first I would like to remind members that this bill is just one part of the government's regulatory reform agenda, an agenda which includes the Business Acceleration Fund, rapid reviews of regulatory settings, better approval processes for regulators and businesses, and the establishment of an economic growth commissioner to undertake inquiries into impediments to economic growth.

This bill proposes 54 amendments over 14 acts and 10 ministerial portfolios to modernise and streamline regulatory requirements for a range of businesses and social services, to support emergency preparedness, to ensure technology neutrality and to make other simple and uncontroversial changes. These amendments have been developed in consultation with relevant agency regulators and of course stakeholders. They reflect the feedback and suggestions received from businesses and social services providers who are affected by current regulatory frameworks. Specifically this bill will improve outcomes for consumers and service users, enhance food safety and public health, and generally keep our legislation up to date. The Department of Treasury and Finance estimates that the bill and these reforms will provide over \$2.6 million in benefits to Victoria annually in time and cost savings.

To go to the first objective of the bill, it is to modernise and streamline requirements for businesses and social services providers without compromising the effective management of harms. The first matter in this omnibus bill allows the health secretary to authorise a health service or entity to obtain, possess or deal with medicines on a risk-assessment basis. As the minister noted in the second-reading speech in the other place, Victorian residential aged care facilities cannot currently be supplied or possess antiviral medicines from the national medicine stockpile unless they hold a permit. The bill amends the act to create a mechanism for the secretary to authorise a health service or entity to access medicines. This will reduce the regulatory burden on entities who need certain medicines and support safe and timely access to medications for Victorians more generally. A flow-on benefit from this change is that regulatory oversight can focus on really high-risk entities. That improvement in accessibility is tremendously important when you consider the ongoing risk of viral infection that people living in our residential aged care facilities face.

The Regulatory Legislation Amendment (Reform) Bill also makes a number of changes to streamline food safety assurance and licensing procedures. I read with interest that it is going to make life easier for those of us that enjoy the occasional beef jerky, and those members will be pleased to hear that the bill will reduce the regulatory burden for businesses to sell dried meat online. I must confess a trip to South Africa did enlighten me on the opportunities of the dried-meat markets. Stakeholders have drawn this to our attention, and we have certainly responded.

Refrigerated vehicles are essential to Victoria's fresh food producers in getting their products to the market. The bill will streamline licensing requirements to recognise that refrigerated vehicles are often used to transport a number of different commodities. Poultry and game processors have been required to provide information to PrimeSafe, the industry regulator for meat, poultry, seafood and pet food. As it turns out, some of that information PrimeSafe just does not need, and the bill will remove the requirement for the poultry and game processing facilities to provide that information. This bill will also remove a requirement for PrimeSafe to refuse a licence for vehicle-based meat processing facilities when an application is consistent with planning schemes. These reforms have been the subject of extensive industry and stakeholder consultation, certainly because Labor listens and acts with common sense for the common good. Crucially, the bill will ensure that the Secretary of the Department of Health and local councils can direct a business to undertake improvements to an inadequate food safety program. This is so important when you consider the enormous damage that food safety crises can cause across the horticultural and agricultural sectors, and certainly some examples are coming to mind.

Moving on now to occupational health and safety, a subject matter that members of this side of the chamber are deeply passionate about, I want to discuss confined space. Entry licences are a key requirement for workers in construction, cleaning and other sectors; however, confined space entry licence applicants have been providing evidence of former employment in their applications. It really is not relevant. For those who might not be aware, a confined space could be a vat, a tank, a pit, pipes, ducts, flues, chimneys, silos, containers, pressure vessels, underground sewers, wet or dry wells, shafts, trenches, tunnels or other similarly enclosed or partially enclosed structures. Thanks to WorkSafe for having made that available for me to understand exactly what a confined space is in our state. That is one that I am sure a number of workers in that sector particularly will be looking at with interest.

One that is of familiarity to me with my background in social services is changes to the streamlining of mandatory notifications to the social services regulator.

You will see the second objective of this bill is to improve emergency preparedness. It will do this by clearly enabling the EPA to authorise transportation of waste for the purposes of meeting a temporary emergency, providing for the temporary relief of a public nuisance or community hardship, and enabling the commissioning, repair, decommissioning or dismantling of any item of plant or equipment. My gosh, this is a bill with so much in it. I am going to keep going with the EPA and their changes. We know that this amendment will help the EPA in emergency response contexts – such as



in an emergency animal disease situation, floods or fires – and allow the EPA to set proportionate regulatory requirements relating to the transportation of waste in these circumstances.

I will go now to number 3, and that is about supporting technology-neutral legislation. There are amendments to three acts that intend to meet that objective. The first is keno. Keno licensees will be able to authorise remote access to keno systems, reflecting the advancements that are now available in technology that mean that access does not need to be physical. There you go, keno. The next one is a requirement that is clarified in this bill to modernise notice requirements to allow for electronic transmission and publication of closure orders. The third one makes simple and uncontroversial amendments to support the regulatory system through amendments to a variety of acts. There you go. I will just say there is a lot in it.

When we came to government in 2014 we inherited a regulatory system in crisis, frankly, and there were large numbers of amendments made to regulations that caused some hardships in the community, which were meant to protect Victorian citizens and businesses. We are very much committed to making regulation more efficient for everyday Victorians and businesses while guaranteeing the protection that these regulations offer. I did take some time to reflect on what other regulatory changes have been made since we on this side have been in government, and over the last 10 years we have reviewed reform regulations in liquor, environmental protection, essential services, electricity, building and construction, health, planning, consumer affairs, fee pricing and owners corporations. In fact I very much remember a contribution on the owners corporation regulatory reform. We have legislated regulatory improvements to automatic mutual recognition, cladding safety, wage theft, gender equality, casino and gambling laws, worker screening processes and green energy – my goodness, the list goes on – including greater energy market protections, to name just a few.

We have reduced Victoria's regulatory burden by 25 per cent. We invest in regulatory reform because we know that good reform needs a head start and a helping hand to get savings for the Victorian community both now and into the future. That includes an investment of over \$80 million in more than 60 regulatory reform projects across local and state government through the Treasurer's incentive fund, the Regulatory Reform Incentive Fund and the Business Acceleration Fund, which is estimated to grow Victoria's economy by over \$450 million per year and give back Victorians nearly 330,000 days per year in saved time. Someone very smart indeed did that calculation, and I am grateful to them for that because that is certainly worth knowing and worth celebrating.

We have simplified the food safety requirements, and that has had an incredible impact on businesses, with 25,000 businesses across the state saving nearly 40,000 days per year in preparing and managing their food safety programs. That is time back that they can use to grow their businesses and provide more goods and services to all Victorians.

We have streamlined Heritage Victoria permits for low- and no-harm applications, including removing the need for some permits altogether. That is saving 6000 businesses 91,000 days a year and speeding up approvals to get houses built quicker and cheaper, increasing housing supply. What an incredible change that will make in the next little while as we are on track to deliver our commitments with the housing statement. We have digitised applications – this is exciting – and approvals at the conservation regulator, making it quicker and easier to get protected wildlife management permits, saving 11,000 agricultural businesses and individuals over 600,000 days per year. We are digitising licensing and approvals for early childhood education and care providers, saving workers 120 days per year of time. This is quite incredible. We have streamlined screening checks for NDIS workers, saving 2800 days per year for applicants, and we are furthermore getting these workers into jobs faster so that they can get on with supporting Victorians with a disability to live with dignity and respect, something I know the minister responsible is very passionate about.

Can I now go to other efforts to make it easier to get more workers into jobs sooner, such as accelerating approvals for accredited taxis and rideshare services, making it four weeks sooner for you to get on the job. We have replaced labour-intensive, paper-based national police checks with digital

certificates through Service Victoria, reducing the time it takes for workers to start working by two weeks. I know what it is to have to wait for a police check, so this is going to be very welcome indeed. We are even digitising working with children checks to make it easier for workers to show their credentials to employers and get on with the job sooner. So many of us have had a working with children check in our professional or even personal capacities, and I have got mine on my desk.

I need to say that the government's regulatory reform agenda has helped make economic participation in Victoria more inclusive. We have streamlined the housing register process, reducing community housing registration by five weeks and allowing providers to get building and increase the supply of homes for low-income Victorians sooner. There is more on that. We have created the building consumer information service to help consumers navigate the building regulation system – it can be complex – and that is helping 2000 families per year in resolving building disputes.

The Allan Labor government knows that some of the most onerous regulation for Victorians is at the local government level. That is why we have partnered with local governments across the state to streamline and digitise their approval forms, making it simpler and easier for local Victorian businesses to have their applications processed faster as well as making it quicker and simpler for Victorians to apply and receive a permit from their local council. All of this is part of the Allan Labor government's focus on growing the economy for everyone. That is why we are boosting productivity with our nation-building infrastructure agenda.

**Renee HEATH** (Eastern Victoria) (10:34): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2023. This bill is a piece of omnibus legislation that amends 14 acts across 10 portfolios. The reforms contained in this bill are mostly minor, technical or clarifying in nature and do not represent substantive changes to the acts in question. The majority of the amendments are aimed at streamlining requirements or rectifying specific instances where current provisions are not working as intended or have become impractical. The coalition does not seek to oppose the passage of this bill through the Parliament, but we do note that the government's record on regulatory reform and red tape reduction is fairly thin, resulting in Victoria being perceived as the most expensive place in Australia to do business.

This bill is similar in composition to an omnibus bill passed by the Parliament in 2022. Like that bill, this one brings together a number of minor changes across a range of portfolios that were not significant enough to warrant their own standalone bill. This bill is the result of the government inviting departments to submit minor amendments to improve regulatory compliance or produce admin efficiency. This bill has four main objectives, which are to streamline requirements for business and social services providers, to improve emergency preparedness, to support technology-neutral legislation and to make simple and uncontroversial amendments to support an efficient regulatory system through amending a variety of acts.

I guess the one that would be most on our mind at the moment is number two, which is to improve emergency preparedness. I am just going to take this opportunity to say that we were faced with quite a few emergencies last week in this state, and I want to just put on record my thanks to the amazing emergency services that responded, and not only the emergency services but the communities, which pitch in to help out whenever they can. Our emergency services are just incredible. To our CFA volunteers, particularly today, I just want to say thank you. I caught up with so many around the Gippsland South and Monbulk state seat areas over the last week, and I took in a lot of what they said. I think they are really under-resourced in this state. A lot of our CFA stations need upgrading, and so does our machinery.

I also want to say that a huge group that have always contributed in this area have been the workers from the native timber industry. They bring their machinery. They help with the clean-up whenever there is an emergency, and this is something, after Labor's decision to close the native timber industry, we will not have in the years ahead. That is a huge concern and a huge worry.

This year this lot of events has really highlighted that we really do need to have better emergency preparedness. We sadly lost one life last week in the Mirboo North region, which was just absolutely devastating. We sustained a lot of damage to houses; some are uninhabitable. We know we lost in the fires some 44 houses. We had over 500 houses without power this year at the peak, and we still have some, so we need to see reform in this area. There would not be one person in this place, I do not think, that would not agree with that.

The government claims that it is reducing red tape, but there is no secret that this government loves red tape. This government claims these regulatory reforms will provide over \$2.6 million in annual savings to Victorian businesses. These savings are achieved by removing licensing and permit fees and making regulatory compliance easier. Specifically, the department identifies the amendments below as equating to \$2.6 million in savings. The bill amends the Essential Services Commission Act 2001 to remove the requirement to provide notice of price determinations to regulatory entities. It amends the Drugs, Poisons and Controlled Substances Act 1981 to create a mechanism for the secretary to authorise a specific class of entity to undertake an activity that would otherwise require a licence or a permit. But this government does still have a lot of red tape.

While any savings for Victorian small businesses are welcome, this certainly is just not enough. If you look, there are 710,000 small businesses in Victoria. If you divide this saving by that many businesses, it is a saving of \$3.66 per year. That is less than the price of a coffee. Victorian businesses took a hammering, particularly over the COVID-19 crisis. We were more locked down than anyone else. There were businesses that were shut down when it simply did not make sense; they could have done click and collect, yet they were shut down. I think it is almost a bit of a slap in the face to offer them a saving of \$3.66.

According to the ABS, Victoria is the only state that went backwards in the number of businesses in 2023, and it is understandable as to why. We lost 7600 businesses last year, and many were forced out due to unfavourable economic conditions and too many regulations which they just could not keep up with. I spoke to a business owner last week, and he said, 'I really get why people are leaving this state. It costs more in Victoria to grow and sell a tomato than it does in any other state.' That really highlighted to me how ridiculous that is. We need to get rid of all the strangling regulations around small businesses and let small businesses do what they need to do and thrive. The Liberals and Nationals are committed to regulatory reform and reducing red tape, and we want to see this happen across the state. If this bill is anything to go by, Labor has absolutely zero plans for real regulatory reform, leaving businesses to grapple with red tape and high costs.

Last year I sat on the housing inquiry. I learned a lot from that housing inquiry, but one of the things that really stuck out to me was the amount of rental providers that are leaving the state because it is so expensive to operate here. This is causing a huge gap in the rental market. As we all know, there is just not enough rental stock to sustain the market. Homelessness is going to become more and more of an issue, which is just devastating. I had a lady from Pakenham in my office just last week who said she had been a very good renter for 24 years, but when the landlord needed his house back, she and her son were left with absolutely nowhere to go. This is devastating, and this is the real-life impact that policies that are made in this place have on the lives of everyday Victorians. For us it might be a piece of paper, it might be something where we are just ticking a box and getting it out of the way, and I would warn against that, because every single bill that passes in this house has a real impact on the lives of Victorians. That has to be first and foremost what we think about when every single thing comes across our desks. We have to make sure that we are always making decisions based on practicality and putting people at the centre of those policies rather than based on ideology or what is easy for us.

There are a couple of areas in this bill that I would like to particularly talk about. The first one is part 5, which is the Drugs, Poisons and Controlled Substances Act 1981. It creates a new mechanism for the Department of Health to make authorisations for certain organisations to obtain, possess and store medicine. I think that is good, I think that is practical, but I also want to look back to why this is

happening. Our health system is under so much pressure in this state. Waiting lists are absolutely out of control. In my area the Pakenham hospital was promised. It was going to be started in 2022, and it was going to be finished by 2024. Well, here we are in 2024, and when you walk around that site, all you see is a derelict building that has broken windows, that has graffiti everywhere. A lot of people come into my office asking, 'What is that area there? What is happening to it? Why can't we access the health care that we need?' This is a huge area.

The government has not been able to manage the healthcare burden, and because of that we have seen some regulatory change in this place. I just want to note that when that pharmacy bill went through that allowed pharmacists to give some antibiotics for non-complicated urinary tract infections, to give the pill out without a prescription and to address non-complicated skin infections, that bill really concerned me, because what we were doing really was putting pharmacists in a position that they were not completely trained for. There was no thought really given to the difference in the insurance that these pharmacists would need, and I believe it is placing them at a risk because we have not got our act together and we have not got enough infrastructure and health infrastructure to deal with the growth areas in our region. So I think this is a good amendment and it is a needed amendment, but unless we go back and deal with the root cause as to why we needed an amendment like this, I think we are really fooling ourselves.

The next part I would like to talk about is part 6, education and training reform, which is to fix the drafting ambiguities and create efficiencies in the operation of the Victorian Registration and Qualifications Authority and the Victorian Institute of Teaching. One of the things that this does is simplify the process for reinstating retired teachers, and I think that is fantastic. There is a major teacher shortage; every single day we are thousands of teachers short in this state. I caught up with a teacher in Beaconsfield who said they were so short on teachers that they had one teacher just walking up and down the hallway trying to keep the students safe and in line. That is not acceptable. This should not be happening in a country like Australia and in a state like Victoria, which claims to be the most livable state in the world really.

**A member:** It's total chaos under this government.

**Renee HEATH:** Yes, it is total chaos. Not only that but we are also failing children when this happens. We saw with the Grattan Institute research that was released last week that around one-third of Australian students cannot read proficiently. This is something that I find absolutely devastating, because if children cannot learn to read in those early years of their primary education, when that flips and all of a sudden that teaching finishes and they are meant to read to learn, that is something they cannot do, and the research shows that they just never catch up. This is absolutely devastating, so I think it is very good that we are able to reinstate retired teachers that still have an amazing amount they can contribute. I think it is fantastic. What I would like to look at is what the research from the Grattan Institute and many other research papers highlighted, which is that our universities are not teaching teachers how to teach phonics, how to teach evidence-based practice methods and how to manage a classroom. This is something that is stressing teachers out, and it is damaging the next generation. So this is something we need to look at: how do we upskill these teachers so they have the ability to really do the job that they are passionate about, that they came into to make a difference, so they are able to do that.

I have spoken to a few schools lately that have moved to the phonics teaching and also science-based mathematics. One thing that I think has been fantastic is they have one teacher that has become a coach to other teachers, who has been able to go classroom to classroom, observe them and then help them upskill. I think that has just been absolutely fantastic. I spoke about Churchill Primary School in a members statement earlier on. What they did is they sent the whole teaching staff to go and do the OG training for phonics-based learning and science-based learning. Then what they did is – because everyone does this upskilling but then can find how to then implement it overwhelming – all the teachers did it, and then they have one teacher, Mrs McColl, who goes classroom to classroom and

helps them with strategies of how to implement that better. They have seen an outstanding turnaround. I think that is exemplary and should be celebrated, and I think that is a really wonderful thing.

I have got 30 seconds left, so I probably do not have time to go through the rest of it. I will just say I agree with Mr Mulholland and what he said about the whole I Cook saga. I am glad that that is being addressed, and I am glad that we will fully implement the recommendations from that inquiry. I will leave it there.

**David LIMBRICK** (South-Eastern Metropolitan) (10:49): I also rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2023. As has been stated, this bill affects a large number of acts. It makes mostly minor changes or ones that are technical in nature; however, overall it is a small improvement in removing red tape for businesses. The government claims there will be \$2.6 million in direct savings for businesses. On average that is going to be very small, but nevertheless I am committed to saying nice things about the government when they do nice things. In this case they are doing something smaller than I would like. I concur with the opposition in that I would like the government to go further, but I am not going to attack the government when they make a small step in the right direction. That is a good thing.

One of the things in this that I really like is the changes to the Meat Industry Act 1993. During the pandemic there was a business right near my office called Tony's meats run by a South African butcher. He makes a very delicious product called biltong, which is a dried meat. During the pandemic he was doing online sales, and it is my understanding he had lots of customers during the pandemic that wanted to eat meat snacks while they were at home. This bill makes it a little bit easier to sell dried meat online, so I hope businesses like Tony's meats that sell jerky, biltong and things like that will have a little bit of red tape removed. I also note that some of the requirements around the transportation of meat, which seemed pretty silly in the past, have now been simplified. That is a good thing as well – less licence applications and things like that.

Overall the Libertarian Party will not be opposing this bill. I concur with my colleague Dr Heath: let us keep going in the right direction, and maybe more things will come out of Better Regulation Victoria to help small businesses. It is my vision that Victoria will be a place that businesses clamour to come to. I want them to see us as a place where they really want to come, set up businesses and run businesses – an economic powerhouse. The more attractive we can make our state to businesses, the better. Let us keep removing unnecessary regulations, taxes and other things that stop small businesses thriving in this state. This is a small step in that direction, so I commend this bill to the house.

**Sonja TERPSTRA** (North-Eastern Metropolitan) (10:52): I also rise to make a contribution on this bill, the Regulatory Legislation Amendment (Reform) Bill 2023. Who would have thought on this day we would be having a discussion about beef jerky? I think Minister Shing referred to it as 'chewing gum meat' –

**Harriet Shing:** Meaty gum.

**Sonja TERPSTRA:** 'Meaty gum'. It might be delicious, but it is not something I am really looking forward to trying anytime soon. It is just not in my wheelhouse.

**David Limbrick:** You've got to try biltong.

**Sonja TERPSTRA:** I will take your word for it, Mr Limbrick – that it is something that you rate – and it is obviously a good thing for the business that you spoke about in your electorate to be able to sell it online if that is what they want to do. From a regulatory reform point of view, if it is something that this bill is enabling, that is great, but it is not something I am myself clamouring to try.

It is an important omnibus bill in terms of making a number of regulatory reforms. The bill proposes 54 amendments across 14 acts and 10 ministerial portfolios to modernise and streamline regulatory requirements for businesses and social services, support emergency preparedness, ensure technology neutrality and make other simple and uncontroversial changes. I think somebody might have referred

to this at some point as the ‘dots and commas’ bill – or maybe that is next week, when we are looking to reform language in some bills. Certainly when we get an opportunity to modernise language or other things in bills we should do that, but we should also streamline regulations where it makes good sense to do so. It is not a green light to completely repeal regulations. As we know, it is important to regulate industry and sectors for a whole variety of reasons.

The amendments that are contained in this bill have been developed in consultation with relevant departments, agencies, regulators and stakeholders. The changes that are proposed reflect the feedback and suggestions received from businesses and social service providers who are affected by the current regulatory frameworks. The bill will deliver substantial benefits to Victorians by reducing regulatory burden, improving outcomes for consumers and service users, enhancing food safety and public health and of course also keeping legislation up to date. The Department of Treasury and Finance estimates that the reforms will provide over \$2.6 million in benefits to Victorians annually in time and in cost savings, so that is always a good and positive thing.

The first objective of the bill will be to modernise and streamline requirements for social services providers without compromising the effective management of harms. For example, the bill will allow the Secretary of the Department of Health to authorise a class of entities for medicines. The bill will reduce the regulatory burden for businesses to sell dried meat online, and we just had that bit of banter with Mr Limbrick over the business in his electorate who want to sell beef jerky online. That is probably a business opportunity that did not exist before but potentially may flourish as a consequence of these changes, so that is a good thing.

The bill will streamline licensing requirements to recognise that refrigerated vehicles are often used to transport multiple commodities, and it will also remove a requirement for poultry and game processing facilities to provide information to PrimeSafe that PrimeSafe does not need. It will also remove a requirement for PrimeSafe to refuse a licence for vehicle-based meat processing facilities where an application is consistent with the planning scheme or schemes. It will make amendments to remove requirements for casino special employees licence applicants to provide evidence of former employment that is not relevant. And the bill will enable the streamlining of mandatory notifications by registered social services providers to the social services regulator. The bill also ensures that the Secretary of the Department of Health and local councils can direct a business to undertake improvements to an inadequate food safety program.

The second objective of the bill is to improve emergency preparedness. It will do this by clearly enabling the Environment Protection Authority Victoria, otherwise known as the EPA, to authorise transportation of waste for the purposes of meeting a temporary emergency, providing for the relief of public nuisance or community hardship and enabling the commissioning, repair, decommissioning or dismantling of any item of a plant or equipment. The amendment will help the EPA in emergency response contexts such as an emergency animal disease situation, floods or fires and will allow the EPA to set proportionate regulatory requirements relating to the transportation of waste in these circumstances.

The third objective of the bill is to support technology-neutral legislation, and it will amend three acts to do this. Keno licensees will be able to be authorised remote access to keno systems, reflecting the advancements in technology that mean that access is not required to be physical, and the bill will clarify and modernise notice requirements to allow for electronic transmission and publication of closure orders. Lastly and certainly not least, the bill seeks to make simple and uncontroversial amendments to support an effective and efficient regulatory system through amendments to a variety of acts.

Earlier in the week we were talking about the Service Victoria app and obviously the changes that are happening where more licences are able to be online or available through the Service Victoria app. As we can see, we are moving towards having things more accessible on digital platforms, which is good. I know this is not really germane to the bill, but I cannot wait to be able to have my licence available

digitally, and any other licence that I might have, rather than having to have a plastic card in my wallet or stowed somewhere else. To be able to access that digitally is a good thing. I note, for example, you can also access many things digitally. I was talking about going to the music festival the other day when I had Ticketek tickets delivered to me digitally. You turn up to events these days, and there is a scanner or a barcode reader or something like that there and these things can be scanned and looked at. It is the same thing with licences. I know you can have your Medicare card available on a digital platform as well. So we are just seeing lots of advances in that space, where you can have various documents or things or items available on a digital platform. If there needs to be regulatory reform across a range of bills or acts of Parliament to make that happen, that is definitely a good thing; it will make things easier. I know, like many other people, I often lose things – licences, cards and the like. When you lose your card or your licence it is a big palaver to get that replaced, so if you can have these things done digitally, that will save a lot of pain and heartache no doubt. These are good reforms, and I spoke about the one in the business context earlier as well. They are sensible reforms, but of course it is good to see. It might be a bit pedestrian for some in this chamber today, but nevertheless it is important.

This bill is the second regulatory reform omnibus bill that the government has brought forward, and it is a key part of our agenda of regulatory reform, which is designed to make it easier to do business in Victoria. The changes proposed in the bill, as I said earlier, are designed to make it easier for businesses to do business or for regulators to apply for, obtain and hold licences and registration, as well as to make other small non-controversial changes from many different portfolios, so it is a good opportunity to bring all those things together in one bill. As I said, it is an ongoing part of our reform agenda in this space. The bill is one part of the government's agenda, which also includes the Business Acceleration Fund, rapid reviews of regulatory settings, better approvals processes for regulators and establishing an economic growth commissioner to undertake inquiries into impediments to economic growth – and that is a good thing.

While the reforms may be a collection of what we are talking about today – they sound relatively simple and straightforward – continuous fine-tuning of legislation is essential to the Victorian government and the Allan Labor government's vision of a high-performing state and local regulatory system that supports increased productivity, because we know that that drives economic growth and it also makes it easy to do business in Victoria. We want to attract more businesses to Victoria when we can and where we can, and it also protects consumers, and that is an important aspect. It is about getting the balance right. We want to reform regulation to make sure that businesses can do business but we do not lessen any consumer protections, and that certainly does not happen with this bill. Consumer protection is upheld and also community health and safety and the environment. That is also very important.

Over the last 10 years we have reviewed and reformed regulations in a number of spaces, and notably that has been in the liquor space, the environmental protection space, essential services, electricity, building and construction, health, planning, consumer affairs, fee pricing, owners corporations and many, many more. We have legislated regulatory improvements to automatic mutual recognition, cladding safety, very importantly wage theft, equally importantly gender equality and casino and gambling laws, as well as worker screening processes, green energy and greater energy market protections, just to name a few.

I know there is a lot of debate around red tape and the like, and that seems to be the straw man argument. I think Mr Limbrick and the Libertarian Party would like to have no regulation at all. Referring to it as 'red tape' is really quite unfair, because we know that if we had no regulation at all, consumer protection would also evaporate. So it is a bit of an easy grab, perhaps a social media line, to talk about red tape. But it is not red tape, it is regulation to make sure that there are no market failures and that people who need protection from market failures get that protection.

We have actually got on with the job of reform despite what those opposite and others might say in this chamber, but the job of reform has meant that we have reduced Victoria's regulatory burden by 25 per cent without compromising on consumer protections, and that is a really good thing. We have

invested over \$80 million in more than 60 regulatory reform projects across local and state governments through the Treasurer's incentive fund and also the Regulation Reform Incentive Fund and the Business Acceleration Fund, and that is estimated to grow Victoria's economy by over \$450 million per year and to give back to Victorians nearly 330,000 days per year in saved time. So time savings also have an economic factor to them. Of course if you are working in a business or working for someone in a business, your time equals money and it is valuable, and that is a good thing. So that is a significant saving to businesses.

We have simplified Victoria's food safety requirements, saving 25,000 businesses nearly 40,000 days per year in preparing and managing their food safety programs. That is time back to that business that it can use to grow its business and provide more goods and services to all Victorians. So that is a good thing. We have also streamlined Heritage Victoria permits for low- and no-harm applications, including removing the need for some permits altogether, and that will save 6000 businesses over 9000 days a year, speeding up approvals to get houses built quicker and cheaper and increasing housing supply. As we know, that is a very good thing, because we know it is only this government that has a strong commitment to building more homes for more Victorians where they need them – and affordable housing, I might add as well. We have digitised applications and approvals as well – I just talked a little bit earlier about digitising all sorts of cards and licensing, but this is also a good thing – at the conservation regulator, which makes it quicker and easier to process wildlife management permits, saving 11,000 agricultural businesses and individuals at least 678 days per year. We have digitised licensing and approvals for early childhood education and care providers, saving workers collectively 120 days per year. We are also streamlining screening checks for NDIS workers, saving 2800 days per year for applicants. We are getting these workers into jobs faster so they can get on with supporting Victorians who live with disability in order that they can live their best lives and live lives with dignity and respect.

As you can see, there are important reforms, and there are more. We have accelerated approvals for accrediting taxis and rideshare services, meaning workers can get on the job four weeks sooner. We have replaced the labour-intensive paper-based national police check with digital certificates through Service Victoria, reducing the time it takes for workers to start by two weeks. We have digitised working with children checks to make it easier for workers to show their credentials to employers and get on the job sooner, and I spoke about this earlier. There are lots of cards and licences that one might have, and if they are all digitised and in one space in your phone or in your digital wallet, it gives a level of comfort – not worrying or stressing about losing those things and getting them out quickly when you need them. They are all good things for the individual. But I have outlined the benefits to individual workers and businesses who are saving time, and time equals money.

I might leave my contribution there. I have only got 20-odd seconds on the clock. But there is so much more I could talk about in regard to this omnibus bill. It is an important bill. As I said, it highlights how the Allan Labor government is getting on with its regulatory reform agenda. There is still much more to do, but as I said, this is the second omnibus bill that will make some important changes. I commend this bill to the house.

**Samantha RATNAM** (Northern Metropolitan) (11:07): I rise to speak today on the Regulatory Legislation Amendment (Reform) Bill 2023. This is an administrative omnibus bill that makes relatively minor changes to a large number of acts that are summarised in the second reading in a profusion of management objectives, like streamlining and modernising. I commend those members who have summarised the details of the 54 amendments across the 14 acts in their own contributions so I do not have to do so in mine. The Victorian Greens do not think there is anything too controversial included, so we will not oppose the bill. But as the Minister for Children stated in the second-reading speech, one of the objectives of these omnibus bills is to make improvements to regulation, and I think by extension this means to help not just businesses and regulators but also Victorian consumers who may benefit from better business and industry regulation.



Those who watched *Four Corners* this week will not be surprised that the Greens believe that better regulation is needed to stop the supermarket duopoly ripping off Victorian consumers. The Australian supermarket industry is one of the most concentrated in the world. At best, nearly all of us have to shop at one of four supermarket chains, but a substantial majority actually shop at only one of two: Coles and Woolworths. Inflation, much of it caused by global events, has of course been a factor in the recent increases in food and grocery prices, but given the unparalleled concentration of the retail grocery sector in Australia, an effective duopoly in terms of the big two's ability to act as price setters for suppliers and consumers, attention has rightly shifted to what Allan Fels recently observed as:

... an increase in margins in both Coles and Woolworths food and grocery segments driven by low competitive forces and an ability to not pass on immediate cost reductions.

Some describe this more simply as price gouging. I believe there is a case to answer when Woolworths's 2023 annual report shows that while the sales volumes of Australian food went up 5 per cent from the previous year, dollar earnings from that same food went up 19.1 per cent.

Across Australia the Greens have led the cause for a look at the industry practices of the supermarket duopoly by instigating inquiries at both state and federal levels. A separate ACTU-backed inquiry led by Professor Fels, from which I just quoted, also looked at price gouging more broadly across oligopolies in Australia's banking, supermarket, aviation and energy sectors. A recommendation from that report led to the federal Treasurer belatedly calling for an ACCC inquiry into pricing and competition in the supermarket sector, which the Greens also support. But the Greens too recognise the limitations of these inquiries, not least that good recommendations are not always acted upon by governments or, in the case of this Victorian Labor government, that whole inquiries are not even responded to.

The ACCC has looked at supermarkets before. In 2008 an almost identically named inquiry into the competitiveness of retail prices for standard groceries led to the introduction of standardised unit pricing but not much else. The Greens believe these sporadic supermarket inquiries are not enough by themselves in a market so concentrated and in an industry so essential as supermarkets. There is clearly a need for, at an absolute minimum, some ongoing monitoring and reporting on supermarket competition and prices and a need for regulators to be able to name and shame the companies that do things like price gouging. I am introducing amendments today to do just that, and I am happy for my amendments to be circulated, please.

#### **Amendments circulated pursuant to standing orders.**

**Samantha RATNAM:** Yesterday this chamber debated grocery price regulation, and we heard a number of arguments, some more lucid than others, opposing regulating prices to help people struggling with the cost of living. Today we are offering another choice to the government and the opposition: ongoing monitoring and reporting of competition and prices. Surely this is the very least this Parliament can offer Victorians struggling to put food on the table. The ACCC inquiry into the supermarkets was touted repeatedly by people in this chamber yesterday and the other place as the answer to the current crisis, but surely we too have a responsibility to the people of Victoria to do what we can too.

The amendments I am circulating now are based on two tenets that are indisputable: firstly, that the provision of food is the most essential of all essential services and that the cost of food is quite literally the cost of living, and secondly, that there is a lack of competition among supermarket retailers selling food and grocery staples in Victoria. The amendments seek to establish this reality in Victorian law by defining the retail grocery industry or supermarkets as an essential service under the Essential Services Commission Act 2001. But the amendments do more than simply recognising supermarkets as an essential service as a means unto itself. Proposed clause 23C will provide specific functions to the Essential Services Commission (ESC) in relation to the supermarket industry with the overall objective of deterring excessive price increases or price-gouging practices and reducing the escalating price of food and groceries for Victorians. It will do this by providing the commission with ongoing

powers to monitor and report on prices at supermarkets, whether retail prices paid by consumers or wholesale or supply chain prices, as well as to monitor and report on the competitiveness or lack thereof of the supermarket industry in Victoria.

I am not proposing any novel powers for the commission here. Current section 10AAB of the Essential Services Commission Act already provides the commission with analogous functions in terms of monitoring and reporting on Victoria's energy retailers – somewhat paradoxically, given there is far greater consumer choice and competition in that market than there is in supermarkets. In fact there are 34 separate retailers competing to provide Victorians electricity according to the Energy Compare website. Compare this to effectively four supermarket retailers, with two that are dominant. It is patently absurd that we currently have an Essential Services Commission Act that empowers the commission to monitor and report on competition in the competitive retail energy market but not the uncompetitive supermarket sector.

Should the amendments be supported, it is our expectation that the ESC will use these new powers to name and shame individual supermarket companies that do the wrong thing. By happy coincidence, in the last fortnight both Professor Fels at the National Press Club and Alan Kohler in an article in the *New Daily* have called for exactly the same name-and-shame powers regarding supermarkets that we are proposing with these amendments today. I heard numerous contributions from the government benches, especially yesterday, calling for more competition in the sector, yet to date the Victorian government has tried to wash its hands of any responsibility for reducing skyrocketing supermarket prices. These amendments show that this does not have to be the case. We have a choice. We can act. We can vote against these amendments and tell Victorians that the supermarkets are too powerful and profitable to be regulated on an ongoing basis and that we simply have to shrug and suck up the higher prices, or we can choose to support the amendments and in doing so recognise what is plainly evident – that supermarket goods are essential for Victorians and therefore, at an absolute minimum, they should be subject to ongoing independent monitoring and reporting as to their prices and competitive practices by the Essential Services Commission, just like energy retailers are.

To us it is an obvious choice: for Parliament to stand up for consumers and lower food prices and stand against the profiteering of the powerful supermarket duopoly. I commend these amendments to the house.

**Tom McINTOSH** (Eastern Victoria) (11:16): I am looking forward to my contribution here today. It is very interesting. We have got populism to the left, populism to the right – there is something about the colour green. There is immense populism. Sorry, I have just noticed that our contingent from Malaysia are here. Selamat pagi, and welcome again. I am a bit flustered, I must admit, after listening to that latest contribution and listening to the contribution from the Nationals – populism on either side. Anyway, I am going to speak to the bill, and I am going to address comments from either flank of the populist green-coloured parties.

This regulatory reform bill is the second regulatory reform omnibus bill that this government has brought. It is a key part of the regulatory reform agenda that the government has to make it easier to do business in Victoria. The changes proposed in the bill are reforms that make it easier for business or regulators to apply, obtain and hold licences and registrations as well as other small, non-controversial regulatory changes for many different portfolios. The bill is one part of the government's regulatory reform agenda, which also includes the Business Acceleration Fund, rapid reviews of regulatory settings, better approvals processes for regulators and businesses and establishing an economic growth commissioner to undertake inquiries into impediments to economic growth.

While the bill may be a collection of relatively simple and straightforward reforms, continuous fine-tuning of legislation is essential to the Victorian government's vision of high-performing state and local regulatory systems. It supports increased productivity, makes it easier to do business in Victoria and protects consumers, community health and the safety of the environment. It is important that on

this side we consider business but we also consider consumers, getting the balance right, unlike some of the comments we have just been hearing.

When we came to government in 2014 we inherited a regulatory system in crisis from those opposite. They had only had four years – four years of Nap Time and Dolittle. Not only were they a post in the ground, standing still while other states and nations were moving forward, they took us backwards. The previous government slashed indiscriminately at regulations to protect Victorian citizens and businesses. In their time, rather than taking the great privilege of being in government, as I say often, they had no plan, and incredibly, here we are over a decade later and they still have no plan – no goal, no overarching narrative. You can ask this side what we believe in; we can tell you. We can tell you home family what we believe in. I can even tell you in Bahasa Melayu: keluarga, rumah, transport – all these things we care about; we know it. We are going to bring them with us. I just realised ‘transportasi’ is the same thing. That is what we are going to do. Those opposite have no plan; they have no attempt. But this Labor government do have a plan – rencana besar. We came to government to make regulation more efficient and fair, and that is what we are doing.

**A member** interjected.

**Tom McINTOSH:** Well, I am going to come to the fact of a stimulated economy. As per Ms Bath’s comments – comments quite disconnected from reality – I will come to those comments, and I will come to the comments that you are making.

**Joe McCracken** interjected.

**Tom McINTOSH:** I will pop in between languages. Construction, health, planning, consumer affairs, fee pricing, owners corporations and more – we have legislated regulatory improvements to automatic mutual recognition, cladding safety, wage theft, gender equality and casino and gambling laws, as well as worker screening processes, green energy and greater energy market protections, to name a few things that are making it easier for business every day but at the same time ensuring we are protecting consumers every day. Whilst those opposite are sitting there heckling on, we have reduced Victoria’s regulatory burden by 25 per cent. That is a 25 per cent reduction on what you left us. We invest in regulatory reform because we know it is good for the economy.

**Ann-Marie Hermans:** There are no houses. People are becoming homeless.

**Tom McINTOSH:** I am going to come to that as well. If you can sit tight, I am going to come to that. That is why we have invested over \$80 million in more than 60 regulatory reform projects across local and state government through the Treasurer’s Regulation Reform Incentive Fund and the Business Acceleration Fund, which are estimated to grow Victoria’s economy by over \$450 million per year and give back to Victorians nearly 330,000 days per year in saved time. We have simplified Victoria’s food safety requirements, saving 25,000 businesses nearly 40,000 days per year in preparing and managing their food safety programs. That is time back they can use to grow their business and provide more goods and services to all Victorians. We have streamlined Heritage Victoria permits, which is an important thing to enable people to get on with, with no-harm applications, including removing the need for some permits altogether, saving 6000 businesses time and speeding up approvals to get houses built quicker and cheaper, increasing housing supply. We have digitised applications and approvals at the conservation regulator, making it quicker and easier to process wildlife management permits, saving 11,000 agriculture businesses and individuals at least 678 days per year.

My Bahasa was so good they have vacated the building.

We have digitised the licensing and approvals for early childhood education and care providers, saving workers collectively 120 days per year, and we have streamlined screening checks for NDIS workers, saving 2800 days per year for applicants. We are getting these workers into jobs faster so they can get on with supporting disabled Victorians with dignity and respect. But that is not all this does. We are

accelerating approvals for accredited taxis and rideshare services, and we are replacing the labour-intensive, paper-based national police check with a digital certificate through Service Victoria, reducing the time it takes for workers to start by two weeks. We are getting rid of red tape. We are not talking about it, we are doing it. We have digitised working with children checks to make it easier for workers to show their credentials to their employers and get on the job sooner. While those opposite might think making things easier is just getting rid of all this and not having workers checks, not ensuring that people working with children are fit to do so, we are making sure it can be done but streamlining the process – as we have done with the housing registers processes, reducing community housing registration times by five weeks, allowing providers to get building and increase the supply of housing for low-income Victorians sooner. We have created the building consumer information service to help consumers navigate the complex building regulation system, helping almost 2000 families per year resolve their building disputes. We have developed digital guides and training material for work and development permit sponsors so they can spend more time helping disadvantaged offenders to participate in work programs.

From a local government perspective, we have partnered with local governments across the state, streamlining and digitising their approval system and making it simpler and faster for local Victorian businesses to have their applications processed as well as making it quicker and simpler for Victorians to apply for and receive a building permit from their local council. We have instituted the Better Approvals for Business program, reduced the cost of approvals for telecom infrastructure, events and festivals in eight pilot councils and increased productivity and capability in the med tech sector. We have been working with local governments to pilot automatic approvals for low-risk permits, which has the potential to reduce some permit approval times from seven days to 10 minutes.

This is all part of the Allan Labor government's focus on growing the economy for everyone, and that is what we are focused on. Not like that side over there perhaps worried about a few of their key stakeholders, we are worried about everyone and ensuring that our children, our people working, our families and our retired, right the way through our economy, are benefiting from the investments that we are making, the regulatory framework that we are setting, so that everybody's quality of life continues to improve. When you have that as a goal – as a map, if you will – then you can ensure that the principles that underpin the changes that you are making will guide the delivery of the investments that you make.

I do need to touch on Ms Bath's comments. Coming back to those in green, the Greens' and the Nationals' comments do not seem to be connected to reality. Ms Bath is talking about regional towns and regional towns dying. I think I have mentioned in this place once or twice before that I remember growing up in regional towns that were dying – when services were gutted out, when trains were pulled out, when banks followed suit, years of drought, people moving out, homes left to rot into the ground, pubs closing, schools closing, often under the direction of those opposite. That is a very, very, very different reality to that of now, of historically low unemployment in our regions. Businesses are searching for workers to fill the jobs that they have, which is why we are focused on TAFE and ensuring our school leavers can get into TAFE and can get skilled up in the areas for which local employers need workers. We are making sure that those kids are coming through with a world-class education – whether that be through our investment in early learning – so kids both emotionally and academically from three- and four-year-old kinder are getting the most solid building blocks to their life. At the same time we are getting parents back to work, particularly mothers back to work, and continuing to grow their super fund – the super fund that those on the other side would probably rather see not exist or would have people raid for their current cost of living. We are investing in things that address cost of living in this period of time where inflation is high across the globe.

It is the investment that we have made in our infrastructure, whether that is our roads or whether that is our transport. I have got pages and pages of notes, because I do not think it is possible for any human to memorise all the investment that we are making in Eastern Victoria. I have had to limit it to a handful of seats just so I can get to it. But just on the bigger, broader investments: fairer fares so regional

Victorians can travel for the same price as metro Victorians. Those opposite were not interested in that, and not only is it getting people along the line, for those who go all the way into the city, it is getting people from the city out into the regions and getting them spending money in the regions. We are seeing this through the tourism numbers that are going into the regions, we are seeing this through the money that is being spent and we are seeing this in the businesses looking for more workers to staff their businesses because they are flat chat. That is what we are seeing. It is the infrastructure.

We are investing in housing. The \$2 billion regional package has \$1 billion for housing in it. We have got \$150 million to assist employers that are looking for workers to fill the demand of their businesses and to get worker accommodation in the places where it is needed.

**Michael Galea:** People in Geelong and Ballarat were very excited about it too.

**Tom McIntosh:** Indeed they were. From our conversations in the regions, we are constantly being told that there is excitement and there is anticipation about these funds that are open, and people are applying to take advantage of this. It is the investment in the infrastructure; it is the investment in the people. It is investment that is not only seeing our regions do well at the moment – we are doing well at the moment – but will see us do well into the future. Indeed Mr Davis likes to point out how many years we have been in government of the last 23, 24. You see that in the regions. We have had good Labor members. We have had good Labor Premiers: Jacinta Allan from Bendigo, Dan Andrews, who grew up bush. We have had Brumby, Bracks – Ballarat, Bendigo. We understand, we care and, as I said earlier, we have the underlying principles and value set to make these investments.

**A member:** We care about regional communities.

**Tom McIntosh:** That is right, we on this side absolutely do. So this negativity that we see from the populist extremes of politics, this fearmongering, this scaremongering and telling everyone it is all doom and gloom – the reality on the ground of the investment and the opportunity that is there is not reflected compared to when I grew up in regional towns that were crumbling. I have got pages of investment I cannot even get to. I will save that for my next contribution.

**Michael GALEA** (South-Eastern Metropolitan) (11:31): I am also very excited to be rising today to speak on the Regulatory Legislation Amendment (Reform) Bill 2023. I think it is fair to say that it has been a wideranging discussion this morning. We have had various different contributions, as Mr McIntosh said, from the far left and from the far right; I feel like everything is coming in from different angles. We even had some Bahasa spoken, I believe, as well, which I particularly enjoyed. I think everyone in this chamber enjoyed it, though I do perhaps feel for our friends in Hansard. But the rest of us here certainly enjoyed that contribution. It is wonderful to have the delegation popping in to see the cut and thrust of this chamber as well.

We did have a few interesting points raised, firstly by Dr Heath. There are some parts of this bill which are relevant to health. None, I think, are directly relevant to hospitals, but she did bring up some discussion around hospitals in the south-east of Melbourne in fact, just over the border in her region. But of course she and I both know that there is a huge amount of investment going into hospitals and health infrastructure right across the state, in the South-Eastern Metropolitan Region and in eastern Victoria too. We have the \$1.1 billion rebuild upgrade of Frankston Hospital, which I spoke about yesterday in this place. It is an amazing project on an enormous scale. We have got major upgrades coming to Monash Medical Centre and Dandenong Hospital. We have already upgraded Casey Hospital, and there are further upgrades on the way, including the recently announced women's health clinic at Casey Hospital, which is going to be absolutely outstanding for that community.

I am sure Dr Heath will also be very excited about the new West Gippsland Hospital, which in a growing part of her region will be a very exciting addition to see as well, as will of course the future stages of the Wonthaggi Hospital. I distinctly remember those opposite many years ago saying, 'It will never happen. You'll never even build stage 1.' Well, we did. It is there. It is no wonder those opposite said that, because if those opposite were in charge, it would not have been done. It would not have

been delivered, because as Mr McIntosh said, that is all they do – they pull things out of regional Victoria. There is still no train to Leongatha; they pulled that out. They pull things out, and they do not invest in the regions.

We do invest. We said that we would do it. The fantastic member for Bass Jordan Crugnale went out and made that commitment, and do you know what she did? She got it done. She delivered it. That is why she was re-elected in the last election when everyone else had written her off. She is an outstanding local member who has been advocating for her community right from Clyde down to the Bass Coast, and that fantastic hospital, which we will soon see even more additions to, is an absolute testament to her dedication to her community.

We also had some interesting commentary from Dr Ratnam with regard to her instruction motion, and I am looking forward to seeing how that goes. Dr Ratnam knows of course that this has already been tried by her Assembly colleagues just the other week and it was ruled out of scope. We know that they know that this is completely out of scope and irrelevant to the bill. We have been through this many times just this week, but powers to do with regulation for things such as supermarkets do fall within the ACCC, which is why it is good to see those inquiries already underway and the federal government undertaking a number of inquiries at a state level. Yes, I am very excited as a member of the Legal and Social Issues Committee to be looking into some of those aspects as well later this year, but at the end of the day we must remember that it is a federal responsibility.

I do have to say I have particularly enjoyed some of the various videos being put online by members from across this chamber in recent weeks. I do not think anyone can probably top Mrs McArthur's videos, but we did see, I will say, quite an entertaining video put forward by the Greens a few weeks ago with the 'We're the Greens'. I have got to say, for a political video it was actually pretty funny. I enjoyed it.

**Samantha Ratnam** interjected.

**Michael GALEA:** It was. The Liberals tried to do it too. It was a bit cringe-worthy, I am afraid. It was not as cringe-worthy as their Taylor Swift video, of course – and what a moment to touch on Taylor Swift again and talk about the amazing success that her three shows in Melbourne were over the weekend, an amazing success for the Eras Tour. It was a huge uplift to our local economy. There are so many people in and around Parliament with the Swiftie bracelets on this week. It is great to see everyone is getting into the spirit. What a time to be in the best, most livable city in the world, to have Taylor Swift having her biggest ever attendance – ever, worldwide – at any of her concerts. It is fantastic to see, and it is certainly up to Sydney to try and do its best to imitate Melbourne this weekend. I am sure they will do their best.

But back to those social media videos – I am sure we will see contributions from the Greens members on social media over the weekend about rallying the fight on grocery prices. It is just a pity they are doing it in a place that does not actually have the power to control that. I am looking forward to the sequel video next week when we see the Greens saying, 'We're the Greens; of course we bring up instruction motions that are completely irrelevant to what's being discussed on the bill.' I look forward to seeing that video next week as well.

**Samantha Ratnam** interjected.

**Michael GALEA:** Well, we will see how we go with that, Dr Ratnam. You always give me good ideas. But as I say, this instruction motion, well-intentioned though it is – we know the cost of living is a very important issue, and I have spoken countless times in this place this week and in previous weeks about the various cost-of-living measures that this government has already implemented, including free TAFE, cheaper regional fares, power saving bonuses, free three- and four-year-old kinder –

**Ann-Marie Hermans** interjected.

**Michael GALEA:** I see Mrs Hermans getting excited now too. She does not like us telling people that they can access free three- and four-year-old kinder, because she knows as well as I do that families in the south-east have been benefiting from that.

*Members interjecting.*

**Michael GALEA:** I hear my colleagues interjecting with all sorts of other free benefits too. There are simply far too many to mention.

**Enver Erdogan** interjected.

**Michael GALEA:** There is the power saving bonus, as I say, Mr Erdogan. We even had the great joy of some members opposite, the very sadly departed Dr Bach even, promoting the power saving bonus to their constituents. Our ideas are so good. You know what, that is probably one of the best things about this place – if you see a good idea, just take it. We have seen that with some of the social media videos that have not always gone to plan – like, as I say, when the Liberals did try and redo the ‘We’re the Greens’ videos. I will give the Greens credit: they did a much better job with that one. But at the end of the day Bev McArthur still is the reigning queen of parliamentary social media videos. I think it is fair to say we are all trying our best to get up to her level, even if we completely disagree with pretty much everything that she says.

There are many things that have been discussed. It is great to see Dr Heath in the chamber as well, as I did just mention all the huge investments in hospitals. I will reiterate for her benefit: the West Gippsland Hospital, the Wonthaggi Hospital – huge upgrades – and also Frankston, Casey, Monash Medical Centre and Dandenong, and that is just down our side of the world. Of course you have got huge new campuses being built, tying in with the Arden station precinct as part of the Metro Tunnel project, another fantastic project of this Labor government, which will be opening in the next year or so. The Arden train station, with the new hospital campuses that will also be built there, is going to transform the way people get around our city and our state, whether you are coming from my region, especially from the south-east, or whether you are coming from the regions, whether it is Gippsland, whether it is Western Victoria. Having access to the existing healthcare and academic facilities at that part of the city or even the fantastic new facilities that we will be building right near Arden station as well is yet another example of the benefits that that project will bring.

There are many other parts of this bill which will cover many different specific areas, and colleagues have talked about that – everything from the ability to sell dried meats online and health security authorisations right through to refrigerated vehicle licensing and various things regarding the EPA as well that are all very important. Whether it is an exciting piece of legislation or whether it is a relatively functional piece such as regulatory reform, the things that we do in this place are very important, and they are important because they facilitate the government doing things that make a difference for Victorians. At the end of the day that is what we are all here for, whether it is investing in schools, investing in free child care or investing in free TAFE.

In my region alone we have just opened a brand new primary school in Clyde North; Topirum Primary School opened a couple of weeks ago. It has accepted its first batch of students. It is really, really great to see. Along with the aforementioned member for Bass, Ms Crugnale, I also had the chance to visit another Clyde North primary school, Ramleigh Park Primary, just a few weeks ago to hand out prep bags, another initiative of this government. These prep bags are handed out to every single prep student in Victoria who attends a public school, and they have all sorts of educational, health and wellbeing resources, lots of books –

*Members interjecting.*

**Michael GALEA:** I don’t think there was a slingshot in there, Dr Heath, but we can run that past Mr Carroll’s office and see what he says for next year.

There are all sorts of fun educational books. There was a particular book about a sloth that Ms Crugnale and I enjoyed reading together to one of the prep classes at Ramleigh Park Primary School – very, very good engagement from the students on that one, which was very exciting to see. We had a great response to those prep bags. That is one of our booming schools. It is also a new school; it was opened in the last term of this government – one of the many that we have already invested in opening in the Clyde North suburb. We have gone from zero to now three opened with a further two in the construction pipeline – with one of them expected to be opening next year, which is fantastic – as well as Clyde North secondary college, which is also in the works.

Ramleigh Park is a very successful school in the Clyde North area. I want to give acknowledgement to the principal Linda Corcoran as well, who has been there from day dot. It has seen huge growth already, and there are now well over a thousand students in this growing suburb. The new schools that we will be building and opening next year, including the interim-named Thompsons West primary school, will really make a difference and will ease that pressure on our fantastic existing schools as we build more and more new schools to cater for the demand that is there. Providing our young Victorians with the foundational support they need – with a good education in a good classroom that is clean, safe and up to date – is one of the hallmarks of this government.

After four years of, frankly, absolutely nothing, four years of negligence, we hit the ground running, and we have been running ever since. Ten years later we are still investing in existing schools and building new schools. The good Dr Bach used to frequently accuse us of focusing our new build of schools in Labor seats, ignoring the fact that virtually all the growth area seats are in fact Labor seats, because people in these growing areas understand that it is a Labor government that actually delivers. I am quick to point out that the electorate of Berwick, which is a Liberal-held seat, is home to the suburb of Clyde North, where all these new schools are being opened. In fact I am quite confident that we are currently building more schools in the Berwick electorate than the previous Liberal government built in the entire state of Victoria. That says everything. They just want to shut them down. They do not want to invest. Education is the most important thing that we can do to set up our kids for their future.

*Members interjecting.*

**Michael GALEA:** I am enjoying the various interjections. I am not sure where we are up to with the interjections now. I am not sure what Pepsi has to do with it.

It really underscores the point that whatever regional town, inner-city suburb or, in a region like mine, growing outer suburban area you live in, this is a government that is investing in schools to provide the support that you need. We are providing support in every growth area of this state, with new schools, upgraded roads and new health services. We also opened an early parenting centre in Clyde North just a few weeks ago, a fantastic facility that is going to provide huge amounts of support for new and growing families, especially those that are going through some challenges and especially those who may not have had experience with raising kids; maybe it is their firstborn. For any sort of issues that they have, they can come along to this early parenting centre and get the expert support they need. It is being run by Monash Health. It is a fantastic site. It is also right around the corner from the new Clyde North ambulance station, which has opened and is providing a huge amount of support for that local community as well.

For so long governments not just in this state but across the nation were accused of not doing enough to keep up with the infrastructure. We actually hear those opposite complaining that we are doing too much, but this is a government that will not resile from acting to provide Victorians with the schools, the health services, the transport networks and the other social services that they need. The testament of that is in the economic progress that we have had as a state and, as Mr McIntosh referenced, the record low unemployment rates in regional Victoria. That does not happen by accident; that happens when you have a government that invests in people, that invests in communities, that invests in small



business, which some of these regulatory changes will support as well, and ultimately that invests in Victorians.

Those opposite like to claim that we have been in government for 20 of the last 24 years; they never stop to think there might be a reason for that. They never stop to look at themselves and say, ‘What are we doing wrong?’ It is all attack, attack, attack. It is all cut, cut, cut, and that is all it ever will be from them. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Instruction to committee*

**The PRESIDENT (11:46):** Under standing order 14.11 a member can move to put amendments during committee stage which are deemed by me to be out of scope, so I will now call Dr Ratnam.

**Samantha RATNAM (Northern Metropolitan) (11:46):** I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to amend the Essential Services Commission Act 2001 to provide for a new function in relation to the operation of supermarkets.

**Council divided on motion:**

*Ayes (22):* Melina Bath, Jeff Bourman, Gaelle Broad, Katherine Copsey, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell, Richard Welch

*Noes (13):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Enver Erdogan, Michael Galea, Shaun Leane, Tom McIntosh, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

**Motion agreed to.**

**Business interrupted pursuant to standing orders.**

*Questions without notice and ministers statements*

**Melbourne medically supervised injecting facility**

**Evan MULHOLLAND (Northern Metropolitan) (11:54):** (430) My question is to the Minister for Mental Health. Minister, in light of the recent Legislative Council documents motion, will you now release the Ken Lay report on the second injecting room as required by 6 March?

**Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (11:55):** I thank Mr Mulholland for his question and refer him to the procedures of the house. If he is not familiar with them, Mr Davis will I am sure coach him extensively on the way in which these procedures move through the house.

**Evan MULHOLLAND (Northern Metropolitan) (11:55):** Minister, did the government ask Mr Ken Lay to change his original draft of the report?

**Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (11:55):** I thank Mr Mulholland for his supplementary question. He is asking about a matter that predates my time as the Minister for Mental Health. What I can confirm is that when I took the portfolio of mental health I was shortly thereafter provided with a copy of the Ken Lay report, which I had asked my department for. I took the time to read the contents of that report, and as I am sure you are very well aware, as I have said in the house a number of times now and indeed the Premier has said in the other place, these are complex issues. The government makes no apology

for taking the time required to respond appropriately to the very extensive report that Mr Lay has provided the government – *(Time expired)*

### Community safety

**David DAVIS** (Southern Metropolitan) (11:56): (431) My question is to the Attorney-General. Minister, I refer to doxxing, the malicious release of personal information, including the recent publication of details of about 600 Jewish creative industries individuals, and I ask: what steps has the Allan Labor government taken to safeguard against this appalling, malicious, shameful and in this case antisemitic scourge in Victoria?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (11:57): I thank Mr Davis for his question. I agree with your characterisation of that behaviour, and it is indeed concerning to me and our government, and that is why it fits well with the work that we are doing in anti-vilification reforms. As you know, many, many members of our community feel that they are subjected to intolerance and, at its extreme, hate. We know that our laws are ineffective in dealing with such behaviour, and I have updated the house regularly on where we are headed with anti-vilification reforms. We are continuing those negotiations. It is really complex, because you are balancing freedom of speech versus protections for people that are vulnerable, and I want to get that right. So that legislation is on track and will be introduced into the house this week.

In relation to doxxing, you would have seen announcements that have been made by the federal government in relation to what they plan on looking at, and they are hoping to come up with some laws. I have the Standing Council of Attorneys-General tomorrow, and Victoria's agenda item is anti-vilification, because I want to hear from the other states in relation to their experiences, their laws, their programs and, importantly, how the federal legislation or their proposed responses can integrate with Victoria's laws. When it comes to issues that involve information dissemination across online mechanisms, that is very much the domain of the federal government, so I am very much hoping that the information that I receive from the federal Attorney-General Mark Dreyfus tomorrow complements the work that we are focused on here in Victoria.

**David DAVIS** (Southern Metropolitan) (11:59): I thank the minister for her response, and I welcome the fact that the attorneys-general nationally will be looking at this tomorrow, as I understand it. I just note that Paul Kelly wrote in the *Australian* recently, on Wednesday:

Labor should understand one thing – it has essentially left the Jewish community in Australia without cover during the most damaging and sustained outbreak of anti-Semitism since World War II, an outbreak only getting worse.

In that context I wish the minister well in convincing some of her national colleagues. But I ask: beyond putting it on the agenda nationally, what concrete action will you take against antisemitism in Victoria?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:00): Mr Davis, public safety and the protection of Victorians are at the heart of many portfolios in the Allan Labor government. I am on the record in relation to what we can do from a legislative sense, but I am also on the record saying I wish we did not have to have laws. I think education, tolerance and social cohesion are a much better approach to dealing with instances of disharmony, vilification, hate speech and all of the things I know that everyone in this chamber believes are not a part of Victorian society. It is a very tragic situation at the moment. It is deeply distressing that we have violence and harassment happening in our community, which is very much a direct result of conflicts overseas. I am focused on the community here – *(Time expired)*

### Ministers statements: QHub

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:01): I rise today in my capacity as Minister for Equality. On 14 February QHub Geelong

opened to increase access to health and mental health support services for LGBTIQ+ young people and their families across the region. It is the second of two physical hubs launched as part of the safe spaces initiative, providing outreach to Surf Coast as well as online support. QHub Ballarat is already successfully up and running after launching the service on 6 December last year, and the name was changed from Safe Spaces to QHub after it was chosen by 350 LGBTIQ+ young people in a co-design process. Both of the physical sites have facilitated holiday programs for young LGBTIQ+ people over the 2023 end-of-year school closure period. It is a critical and life-saving program that has the voices of local communities at its heart, supported by a \$3.2 million investment across the 2022–23 budget to trial LGBTIQ+ youth safe spaces for Western Victoria.

This is of vital importance to people in Geelong and the Surf Coast, and we know that social connection cannot be underestimated in combating feelings of isolation and loneliness and in improving what we all know to be poorer whole-of-life mental health outcomes and greater risks of suicidal ideation, self-harm and indeed suicide. We will continue to promote the health and wellbeing of all LGBTIQ+ people and to ensure that the right supports are provided to improve those outcomes. Thank you to Jack Khouri, Karen Field, Wendy Sturgess and local members Darren Cheeseman, Christine Couzens, Ella George, Alison Marchant and Gayle Tierney for their support of the services, and thank you to all supporters, advocates and leaders who contributed to QHub Geelong. Your efforts will leave an indelible and positive mark on LGBTIQ+ opportunities, wellbeing and allies for years to come.

### Regional Development Victoria

**Melina BATH** (Eastern Victoria) (12:03): (432) My question is to the Minister for Regional Development. Why hasn't the government been honest and told regional Victorians how many positions have been abolished from Regional Development Victoria this year?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:04): I am in a bit of a quandary as to exactly what is motivating Ms Bath in this question, because I can assure her that in terms of regional development there has never been such a committed, hardworking team as I have seen right across regional Victoria. Indeed right at this point in time everyone's entire families basically are affected by what has been happening in regional Victoria. Our regional development teams are actually part of the regional communities in which they live, so they are dealing with immediate problems. But they are also dealing with making sure that our regional Victorian communities are serviced well, that they have got the services they need and that they are gathering information we require in terms of coming up with the best possible place-based solutions to a range of issues that are confronting our regional communities at this particular time.

While I am on my feet, can I also indicate my support and my thanks to our frontline people, who have been absolutely working around the clock ensuring that we have got the best protections in our communities –

**Melina Bath:** On a point of order, President, I would like to ask the minister to actually answer the question I have asked about the number of positions abolished from regional Victoria.

**The PRESIDENT:** I will bring the minister back to the question.

**Gayle TIERNEY:** Again, it is a matter of being sensitive to the fact that we have got regional development staff that are working around the clock at the moment, Ms Bath. So I think your timing on this question is a bit outrageous, because services have not been reduced in regional Victoria. Not only that, we are expecting more from our staff in regional Victoria as we are confronting these horrific situations, whether they be the violent storms that we saw last week or indeed the fires at Pomonal. So again, I think you are being a little bit insensitive, and to be quite frank I am quite disappointed in the question that you have asked today of all days.

**Melina BATH** (Eastern Victoria) (12:06): Minister, apart from the Tiny Towns Fund, what programs will RDV staff be administering?

**The PRESIDENT:** I am a bit concerned how that is relevant to the substantive question. Ms Bath, do you mind repeating the supplementary question?

**Melina BATH:** Apart from the Tiny Towns Fund, what programs will the RDV staff that are remaining in RDV be administering?

**The PRESIDENT:** I am just a bit concerned that has got a greater scope than the substantive, but I will call the minister to answer as she sees fit.

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:07): I thank Ms Bath for providing me with an opportunity to talk about the work that our staff in RDV are undertaking. Apart from dealing with the current situation that I dealt with in terms of answering the substantive question, the other major fund of \$150 million is the worker accommodation fund, which has captured the serious interest of a range of employers, industries and councils, and that is because, as Ms Bath should know, there is a shortage of accommodation for workers in regional Victoria in particular. Applications are currently open in respect to that, as are applications for the small town fund, and of course there are moneys that are for local councils in terms of the \$25 million. All of this is part and parcel of the \$2 billion regional investment package that we announced some time ago –

*Members interjecting.*

**The PRESIDENT:** Order! The concern I did have as well for consideration is that a supplementary question that asks for such a broad answer – and the minister has only got a minute – makes it very difficult for the minister to give a comprehensive answer to the house. I am just putting that out there as a concern for consideration.

**Melina Bath:** On a point of order, President, if the minister would like to provide anything to the house, she is more than welcome to in writing.

**The PRESIDENT:** That is not a point of order.

### **Circular economy regulation**

**Moira DEEMING** (Western Metropolitan) (12:10): (433) My question is for the minister representing the Minister for Environment. The Allan Labor government's target of diverting 80 per cent of waste from landfill back into the circular economy by 2030 is laudable, and it has been backed up with a record investment of \$515 million. However, regulatory failures to properly govern the circular economy in New South Wales have recently resulted in an environmental, economic and health disaster, with almost 30 sites contaminated by mulch which contains asbestos, including parks, preschools, schools, railway stations and countless private residences. My question is: what action has the government taken to safeguard Victorians from a similar economic, environmental and health disaster caused by asbestos, PFAS, heavy metals and other contaminants entering our circular economy?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:11): I thank Mrs Deeming for her question, and I will refer that to the Minister for Environment for a written response.

**Moira DEEMING** (Western Metropolitan) (12:11): It has also been revealed that the EPA scientists and industry experts had been warning the New South Wales government about these regulatory failures since 2013. My supplementary question is: when did the Victorian government and the Victorian EPA first become aware that we too share many of the same regulatory failures that caused the New South Wales crisis, and what has been done to mitigate those risks since then?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:11): Thank you again, Mrs Deeming, for the question. I will refer that matter to the Minister for Environment for a response.

### **Ministers statements: Kids Under Cover**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:11): I rise today to talk about Kids Under Cover, a long-running not-for-profit organisation that is dedicated to supporting at-risk and vulnerable young people and preventing youth homelessness. They get kids under cover by building relocatable studios in the backyard of a family or carer's home – think portable granny flats but designed for young people.

Earlier this month I had the opportunity to visit one of these studios in Melbourne's north and celebrate the delivery of Kids Under Cover's 84th studio, an amazing achievement. I met with the Kids Under Cover CEO Stephen Nash, chair Nathaniel Popelianski and head of program Kara Briggs. These studios provide much-needed space for young people as they develop, while also keeping them close to home and connected to family. While the studios remain in place for as long as they are needed, they can also be officially relocated to help other families in need. They do not just provide extra room; they provide young people with a secure and stable environment, a space of their own – a sanctuary, if you will. This provides a crucial support for at-risk youth and can go a long way in creating the circumstances that help them get their lives on a better path. Make no mistake, that makes us all safer.

This government is proud to have invested more than \$6 million into Kids Under Cover to support young people at risk of youth justice supervision to remain at home with a safe space of their own. These investments and our partnership with Kids Under Cover are just another example of how our government, the Allan Labor government, is supporting vulnerable young people and making Victoria safer for all.

### **TAFE sector**

**Joe McCracken** (Western Victoria) (12:13): (434) My question is to the Minister for Skills and TAFE. I refer the minister to her statement last sitting week spruiking the success of TAFE. You said, 'We are very proud of making sure that we are getting TAFE courses delivered, acquiring those skills and moving on to jobs.' Yet the recent Productivity Commission report is that 47 per cent of cert I and II, 28 per cent of cert III and IV and 30 per cent of diploma students did not improve their employment status after training. What are you going to do to change those low-outcome results?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:14): I thank the member for raising the ROGS, because we were quite enthused by a number of points. As I said in terms of a response in the last sitting week, you can cherry-pick certain things that you want to bring into this chamber, but overall the ROGS for us was quite good. We are very supportive of ROGS data because it does provide us with an opportunity to look at what can be improved. That is exactly what we do with data that comes to us, whether it comes to us from ROGS or it comes to us from the Victorian Skills Authority or indeed Treasury. These are the sorts of things that are important. It is not about guessing where the market might be, it is about seeing exactly what is happening within the skills and training system and then aligning government support, monetary support, in terms of those areas that need to be fixed or in terms of policy changes that need to occur. One of the things that we have been concerned about for some time has been the enrolment and the completion rates of apprenticeships, and that is why we have established Apprenticeships Victoria and that is why we have established the apprenticeships taskforce, which has been meeting on a very regular basis. I expect that report to be handed to me and the Minister for Industrial Relations fairly shortly. It will be dealing with a whole range of activities.

**Joe McCracken**: On a point of order, President, I asked the minister about a number of very specific instances, not apprenticeships. Can you please tell me what you are going to do about those ones which have had low employment status outcomes?

**The PRESIDENT:** It is not a point of order to repeat your question. The minister is being relevant to the question.

**Gayle TIERNEY:** One of the things that was actually raised was certificates I and II. Certificates I and II are actually pre-apprenticeships, and they do not lead to jobs, they lead to further study. That is what we have been wanting to do. Where students, where young people, have indicated an interest in hands-on apprenticeships, that is exactly what we have been doing. It is to bolster and redesign all of the supports that are required to have a very strong, healthy apprenticeship system. There are a number of other elements in terms of students reaching the goals that they expected to through their training that came in at a very high level, and we are very supportive of, as I said, the ROGS, which provides endorsement of what this government is doing in terms of skills and training. This government has put over \$4 billion into the skills and training system. It is aligning with what is needed in the labour market – something that those over there never did. They smashed the TAFE system, they shut 22 campuses down, they sacked 2200 staff in the TAFE system –

*Members interjecting.*

**Renee Heath:** On a point of order, President, I would just like to point out that pointing in the chamber is unparliamentary.

**The PRESIDENT:** There actually have been rulings before that you should not point at other members, that contributions should be directed through the Chair and that interjections are unruly. There were a lot of interjections coming from my left that did not help, so I think let us uphold all points of order on this one. Let us all point out all the rulings I pointed out. Minister, there are only 3 seconds. Do you want your 3 seconds?

**Gayle TIERNEY:** Yes, sure. This government is delivering in terms of skills and training – something that those opposite never did, because they hate TAFE and they hate VET.

**Joe McCRACKEN** (Western Victoria) (12:19): The minister also stated previously that this is incredibly important not just for individuals but also for the economy. If nearly half of all students in cert I and II courses are not improving their employment status, how is that good for the students or for the economy?

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:19): I have got to say that this is just another demonstration that those opposite are not interested in vocational education and training, because if they were, they would not ask this question. They would not ask it, because cert I and II are not for employment; they are pre-apprenticeships. This is about making sure that those that are undertaking certificate I and II are encouraged to take up an apprenticeship – that is what it is about. If you were really interested in VET, you would know that, and I think it is an indictment of and an embarrassment for those opposite.

### **Decriminalisation of public drunkenness**

**Jeff BOURMAN** (Eastern Victoria) (12:20): (435) My question is for the Minister for Mental Health. It has now been some time since we passed the repeal of public drunkenness laws, and they have now come into effect. Will the minister advise the house of any plans by the government to address the critical gap in the public intoxication reform agenda when a person who is intoxicated in public commits a further offence, such as a violent offence, and must go to a police watch house, none of which will include a health response?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:20): I thank Mr Bourman for his question and his interest in these important reforms. As the house will recall, these reforms were in direct response to the disproportionate impact that public drunkenness laws had on particularly Aboriginal Victorians, and that is why we were so keen to make sure that we rolled out a health-led response across the state.

Pleasingly, the vast majority of people that our public intoxication services are coming into contact with just need a little bit of support to reconnect with family and to get home safely, and that is predominantly being managed by our outreach teams in both metropolitan and regional Victoria. For a number of people, a smaller cohort who are not in a position to be able to go to a place of safety, there are the sobering-up centres available in Collingwood and in St Kilda for Aboriginal people. They have been operating very well. There are a couple of those already stood up in regional Victoria, and over the coming months other places of safety will be stood up right across the regional footprint of the services that we have funded to deliver this important work.

In relation to any other offence that might be committed, Mr Bourman, it was never the intention of these reforms to override that, and in those circumstances police and emergency services will do their job in accordance with their role. I am not sure if Mr Bourman wanted to provide specific examples that he may have to my office. I am very happy to follow up with him. But it was never the intention of these reforms to override the legitimate role that police have in ensuring that community safety is paramount.

**Jeff BOURMAN** (Eastern Victoria) (12:23): I thank the minister for her answer, but I think she missed the point – the point being that there are circumstances of events that would end up with a person in police custody that is drunk, and there is no help for them.

In 2021 the Police Association Victoria, the Victorian Ambulance Union and the Health and Community Services Union released a widely circulated position paper outlining their members' grave concerns that a health response has not been implemented in all 24-hour police stations with custodial settings and expressed their fears that this gap in the repeal will lead to deaths in custody. Can the minister explain why, like with the proposed changes in the WorkCover modernisation bill, this government appears to be unwilling to listen to the advice and the concerns of the unions and their members?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:24): I am not sure that I would agree with the premise of Mr Bourman's supplementary question. There was extensive consultation with stakeholders before these reforms and indeed the legislation were introduced to the Parliament. Of course a health-led harm reduction approach has always been at the centre of these reforms. Mr Bourman refers to issues that have been raised well ahead of these reforms being finalised and rolled out. Again, if there are specific examples that he is concerned about, I am more than happy to take those details and follow them up.

#### **Ministers statements: mental health**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:24): I rise today to talk about the Allan Labor government's commitment to growing, developing and supporting our hardworking mental health and addiction workforce. I will just take the opportunity to thank the thousands of professionals around our state who dedicate their working lives to providing the expert care that vulnerable Victorians need to transform their lives. Yesterday I was able to confirm the 20 successful recipients of scholarships to study specialist mental health care at the Hamilton Centre, giving them the skills they need to work with people with co-occurring mental health and alcohol and other drug issues. We know for many Victorians with these frequently co-occurring issues it can be really difficult to access specialist care that meets all of their needs. That is why these scholarships are so important. They are helping expand a much-needed specialist workforce that can provide holistic and integrated care for Victorians. Commencing this month, 20 professionals will complete the graduate certificate of addictive behaviours, which is being delivered in partnership with Monash University. Located across the state, the recipients include people with a variety of experience levels and professions, including nursing, social work, psychology, psychiatry and occupational therapy.

This small but important initiative is one component of the more than \$600 million that the Allan Labor government has invested in our hardworking mental health workforce since we handed down

the royal commission. These investments are helping grow the mental health and alcohol and other drug workforce, ensuring an inclusive, safe and responsive mental health and wellbeing system for all Victorians.

### Youth justice system

**Evan MULHOLLAND** (Northern Metropolitan) (12:26): (436) My question is for the Minister for Youth Justice. Recently the Shadow Minister for Youth Justice requested in a freedom-of-information request a copy of a document outlining the number of times Victoria Police were required to respond to an incident in Malmsbury and Parkville between October and December 2022. A startling response was received, which was:

Youth justice has advised that the information requested is not collected.

Minister, why is this information not collected?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:27): I thank Mr Mulholland for his question and his interest in our youth justice system. Our youth justice system is designed to give young people the best chance to turn their lives around, and we take our responsibilities very seriously because not only do our youth justice workers play a vital role in ensuring that all Victorians are kept safe – a vital role within our justice framework – but they also provide an opportunity for these young people to address their offending behaviour. In relation to incidents that may take place at our prisons, in our facilities, that is all publicly available. Look at the website and you will find it.

**Evan MULHOLLAND** (Northern Metropolitan) (12:27): Minister, what advice have you received from Victoria Police about incidents they attend at youth justice facilities throughout Victoria?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:28): Thank you, Mr Mulholland, for your supplementary question and your interest in our youth justice system. As I have stated, our youth justice system is designed to give young people the best chance to turn their lives around. From time to time there are incidents and some of that offending behaviour is not able to be addressed. Where there is an incident and it is a serious incident, police are notified and police come out and conduct independent investigations. As Minister for Youth Justice, I would not get involved in relation to the work of Victoria Police. I want to thank them for their assistance with our youth justice team.

### Police conduct

**Katherine COPSEY** (Southern Metropolitan) (12:28): (437) My question is to the Attorney-General. In a recent Children's Court judgement, *CDPP v. Carrick*, egregious actions taken by a joint taskforce involving members of the AFP and Victoria Police in relation to the radicalisation of a 13-year-old Victorian boy with autism were laid out in clear and shocking detail by the magistrate. I have already written to the Minister for Police to ask that an independent review into the actions of Victoria Police in this matter be undertaken as a matter of urgency. Attorney, have you requested a briefing from the relevant agencies about what action is being taken to investigate police conduct in relation to this incident, and do you have confidence in those processes?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:29): I thank Ms Copsy for her question. My information in relation to that matter is that Victoria Police responded appropriately and that concerns are perhaps directed at other agencies as opposed to Victoria Police, but as I am not the Minister for Police, I am not in a position to comment further in relation to those specifics. The information I have is that they responded appropriately and that there have been concerns raised about other actions, but I do understand that that is the subject of a current investigation, so it would be inappropriate for me to make any further comments in relation to that other than the acknowledgement of the existence of such an investigation.



**Katherine COPSEY** (Southern Metropolitan) (12:30): Thank you, Attorney, for the answer. There have been reports and observations as part of the judgement that it was completely incompatible for the therapeutic model that was being pursued to continue whilst the joint operation had commenced, so I remain concerned about the actions in this matter.

On my supplementary question, we obviously have an inadequate system of police oversight at present in this state. In the current system of Victorian oversight IBAC has the capacity to investigate complaints; however, only around 2 per cent of these are investigated by IBAC, and past commissioners have admitted that even with more funding IBAC could only investigate up to 5 per cent of complaints about police. Yoorrook recommended an independent police oversight authority. Attorney, will you ensure that a police oversight reform you bring will include an independent and fully resourced police ombudsman?

**The PRESIDENT:** There is a concern for me about the supplementary being relative to the substantive and also about whether it comes under this minister's administration.

**Katherine COPSEY:** On a point of order, President, just on the matter you are considering, both of these questions relate to police conduct and oversight.

**The PRESIDENT:** I will let the minister answer as she sees fit, but it is one of those ones again where – and it might be a Procedure Committee conversation too – supplementary questions where the minister has only got a minute make it very difficult.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): I thank Ms Copsey for her question, and perhaps it would have been better for it to have been her first question. The first question was in relation to a specific matter, and I have explained that due to that being investigated it would be inappropriate for me to comment. Your next question is a very large question about an overarching statement that you made about your views on police oversight. I am very much on the record on this. I have been looking at police oversight for many years, and I look forward to updating the house as we progress those reforms as they are developed. I would encourage you to read my transcript at Yoorrook. This is a topic that lots of stakeholders have lots of views on, and I will continue those conversations.

#### **Ministers statements: education funding**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:33): As the academic year begins today, I joined the Premier at Swinburne University to talk about the availability of free TAFE courses and degrees in nursing and education. Whether it is through TAFE or university, students who want to make a difference and give back to their community can study for free. All new domestic students enrolled in a professional entry nursing or midwifery course in 2024 can receive a scholarship of up to \$16,500 to cover course costs – \$9000 while they study and the remaining \$7500 if they go on to work in a Victorian public health service for two years. The Labor government scholarships are part of a \$270 million boost to the health system and a \$229.8 million package to grow the workforce as we build world-class hospitals and schools in every corner of Victoria.

There are also many free TAFE courses, including in health, the care sector and education. These are priority industries. Students can complete these free TAFE courses as a pathway to a degree or start work sooner in the industry. I encourage all young people to consider enrolling in nursing or teaching courses and those already enrolled to claim this scholarship. Free TAFE has seen 156,000 enrolments and saved students an estimated \$431 million in tuition fees, and we have invested over \$4 billion since 2019 in the Victorian skills system. Today is just one example of how the Allan government is reducing financial barriers and cost-of-living pressures for students to enable greater access to skills and education for a meaningful, lifelong, worthwhile career.

**Written responses**

**The PRESIDENT** (12:35): Minister Tierney will get from the Minister for Environment answers to the two questions from Mrs Deeming.

*Constituency questions*

**Southern Metropolitan Region**

**Ryan BATCHELOR** (Southern Metropolitan) (12:35): (689) My question is to the Minister for Veterans. Can the minister please provide an update on how the Victorian Labor government is honouring the role that veterans play in my local community in Hampton? At the end of 2023 I had the opportunity to tour the Castlefield estate, located in Hampton, with the Minister for Veterans. The Castlefield estate is the largest intact example of what was once soldier-settlement housing in Victoria. Currently 215 of these homes remain, which were built in the 1920s for returned World War I soldiers. Within the estate nine of the streets are named after significant battles and towns of World War I, and as part of the Victoria Remembers grants the Castlefield centenary project along with the Sandringham and District Historical Society have received \$30,000 to install signs to explain the significance of the street names. Projects like this are vital to acknowledge the service and sacrifice of our veterans but also to educate younger Victorians about our military history, including unknown parts of history in their local suburb. I am honoured to be a small part of the Castlefield centenary project.

**Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:36): (690) My matter is for the attention of the Minister for Health or the Treasurer. Perhaps it is better for the Treasurer in this particular case, although it affects both portfolios. It concerns the GP tax that the state government has introduced, the payroll tax that has been put on GPs and primary care. It is extraordinary. It is impacting bulk-billing. I notice the calculations done by HotDoc and the Primary Care Business Council in the *Australian* released today. I want the state government to release, via the Treasury, calculations about two factors: the impact in terms of revenue collected in my region of Southern Metropolitan Region and specifically the spill of primary care patients and GP patients to emergency departments at Monash, the Alfred and Box Hill, the surrounding hospitals.

**Northern Victoria Region**

**Georgie PURCELL** (Northern Victoria) (12:37): (691) My question is for the Minister for Racing in the other place. On 16 February at the Bendigo greyhound racing track a three-year-old dog named In Range fell at the first turn, breaking both of her legs, and was killed. She marks this year's first death on Bendigo's notoriously dangerous dog racing track. Forty-nine greyhounds have been injured racing at this track already. It is the highest number on Victorian tracks this year. One dog was listed as killed while racing at Bendigo last year, but seven dogs suffered horrific fractures in their first race of 2023 and are now listed as dead in the FastTrack database, bringing the real death toll to at least eight dogs. The greyhound racing industry continues to label Bendigo a state-of-the-art track after a \$4.2 million investment in 2012, but my constituents want to know exactly how many dogs have been killed since this useless rebuild.

**Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (12:38): (692) My question is for the Minister for Education in the other place. Minister, investing in education is key to investing in the future of our state. As the school year has begun, another class of students are starting their schooling journey, and all those families want their kids to have the best education possible. That is why the government has invested record amounts in upgrading our incredible existing schools and building new schools in growing areas that need them most. In Eastern Victoria there are so many schools that have been recently upgraded or have upgrades planned that are about to start. In beautiful South Gippsland a \$12.8 million upgrade at the Korumburra Secondary College has just been completed, and in nearby Leongatha

works are about to start to upgrade the South Gippsland Specialist School. Planning is also underway for a major credit at Leongatha Secondary College. Talking to young people, parents, teachers and principals right across Eastern Victoria, it is clear that education is a core issue that affects every family. Minister, what is the government doing to ensure every child in Eastern Victoria gets the best possible education?

### Northern Metropolitan Region

**Evan MULHOLLAND** (Northern Metropolitan) (12:39): (693) Two weeks ago I had the pleasure of meeting with Father Hani Abdulahad and his parish and community leaders from St George Chaldean Catholic Parish and Centre at 1 Cooper Street, Campbellfield. St George Chaldean Catholic Church is an organisation that advocates for many thousands of Chaldeans and Assyrians living in the northern suburbs, and I acknowledge and recognise Father Hani and his team for their leadership. I want to ask the minister about their Cooper Street entry and exit point. It is an 80-kilometre road and thousands of parishioners on a Sunday are forced to turn directly left into the church, and this has caused several accidents on Cooper Street. They have requested the implementation of a slip lane to provide safe access. Will the minister commit to working alongside this community to ensure a slip lane is built as quickly as possible without red tape slowing down the process?

### Western Victoria Region

**Sarah MANSFIELD** (Western Victoria) (12:41): (694) My question is for the Minister for Public and Active Transport. The Ballarat community, including the Ballarat City Council, has long advocated for a review of its bus system. Previous questions by members in this place, including me, have not received adequate responses or commitments. The current bus system in Ballarat is convoluted, unreliable and impractical, meaning it is used primarily by those with no other choice, and the poor service that those users receive exacerbates existing inequalities they may experience in their lives. It is also entrenching car dependence, which is bad for livability, health and the climate. Will the minister commit to undertaking the long-requested review of the Ballarat bus system?

### South-Eastern Metropolitan Region

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (12:41): (695) My question is to the Minister for Emergency Services. Minister, when will the newly proposed fire station at Clyde North, which was committed to by the government and Fire Rescue Victoria in April 2021 with a finish date expected to be late 2023, commence? As this is the fastest growing area in Australia, or has been, why after almost three years has the construction of this fire station still not commenced? This is just another example of the government making promises they do not follow up on in this area. It is a huge safety issue for the people of the community and for the firefighters themselves. There is a huge lack of investment in our emergency services, particularly the fleet crisis, with vehicles that are not fit for purpose and constantly breaking down, causing very real concerns in an enormously dangerous fire and storm season.

### Northern Metropolitan Region

**Samantha RATNAM** (Northern Metropolitan) (12:42): (696) My constituency question is for the Minister for Outdoor Recreation, and I ask if he will establish a fishing rod amnesty for the unwanted fishing rods from the government's free little angler kits. Local government councillors in my electorate have been telling me that Labor's fishing rods are injuring and killing more and more local wildlife. We learned in December about the tragic death of Evie, the beloved swan that lived at Edwardes Lake in Reservoir. Evie died due to one of these stray fishing hooks. She is survived by her partner Kevin. Fishing is not allowed at the Edwardes Lake. Despite this, wildlife rescuers are reporting a steep increase in fishing-related injuries. The Darebin mayor Susanne Newton questions if there is enough education provided to students about using Labor's fishing kits. How many more swans will die before the government will rethink its ill-conceived idea? For the amnesty I will be

making my office available as a drop-off point for unwanted fishing rods, and I encourage other MPs to do the same.

### Western Victoria Region

**Joe McCracken** (Western Victoria) (12:43): (697) My constituency matter is for the attention of the Minister for Water, and it relates to the western levee in Carisbrook, which is in my electorate, which was finished in 2023. In correspondence I have seen between Martha Haylett MP and the minister's office the minister confirms that 'the levee can meet the community's objectives of reducing flood risks'. I have met with the community, and they do not think that is the case. In fact they feel that they have not even had a chance to properly contribute to the design and the different aspects of the levee. Minister, will you initiate an independent review outside of the Central Goldfields shire, which is the lead, by a qualified person to ensure that the community can actually have their say and ensure that everyone in the community is included, not just some?

### North-Eastern Metropolitan Region

**Richard Welch** (North-Eastern Metropolitan) (12:44): (698) My question is for the Minister for Ageing and Minister for Multicultural Affairs. As we all grow older everyone wants better for our parents and grandparents, as we will all grow old one day too. Now, what we find is that as our elderly reach that age of life where they need to go into aged care and support, there is often quite an adjustment, and that is not just about location and routine but often cultural. The home comforts of home-cooked food, cultural home cooking et cetera are important, and often that is the greater part of the adjustment. I recently met with Jaya Manchikanti and Vasundhara Kandpal from IndianCare, a great not-for-profit organisation that provides culturally sensitive support for our Indian community in my electorate and here across Victoria, protecting vulnerable women and supporting at-risk community members. The Indian community is very close to my heart, having lived there for some time. So my question to the minister is: would she sit down with the team at IndianCare and me to work out how we can work together and forward on providing culturally sensitive care for our Indian community and indeed all communities?

### Northern Victoria Region

**Gaelle Broad** (Northern Victoria) (12:45): (699) My question is for the Treasurer, and I ask him to remove the destructive health tax, as it will severely impact regional GP clinics and communities. I met with a local doctor in Bendigo recently who said that this tax will force many GPs to close their practices or increase fees to cover the tax. In many rural areas of northern Victoria there is only one practice in a town. If they close, health services in these communities will disappear. This tax will increase the cost of seeing a doctor when people are already struggling with rising living costs. It will drive more patients to overwhelmed emergency departments and mean that some will not even go to a doctor, making matters even worse. The industry has warned that this tax will put many practices out of business, end bulk-billing and increase the cost of seeing a doctor by almost 30 per cent. It is a retrospective tax without any thresholds, with thousands of GPs facing payroll tax changes for the first time. I am not surprised to read news reports today that medical clinics are considering legal action, and on behalf of my constituent I ask the Treasurer to immediately scrap this destructive tax.

### Western Metropolitan Region

**Trung Luu** (Western Metropolitan) (12:47): (700) My question is for the Minister for Transport Infrastructure regarding Victoria's bus network reform. Can the minister please release the report and inform my constituents what substantial steps have been taken to provide Melbourne's west with a fast, frequent, well-connected network served by clean electric buses? We are approaching 1000 days since Victoria's bus network reform plan was announced back in 2021, with minimal progress being made. Submissions closed in October 2022. Since then the bus network reform team has been reviewing feedback and failed to deliver their report, with a reported release of early 2023. The need for better buses is growing more and more urgent, especially in my region, the west. The broken and

outdated bus network system is having severe, negative impacts on the community in the west. Families are having to travel great distances to the nearest bus stop, with social isolation for people who cannot drive.

#### **Eastern Victoria Region**

**Renee HEATH** (Eastern Victoria) (12:48): (701) Last week I met with a constituent who has been a renter for years with a perfect record. However, her landlord had to move back into the property, leaving the renter and her son, who has special needs, with nowhere to go. She sought help from WAYSS, which is a local housing support service, but she unfortunately did not meet the criteria. She and her son had to move out of their home, with nowhere to go, and they are currently living with friends to avoid being homeless. We are in the middle of a housing crisis. There is a severe shortage of available rental properties. The government has an unrealistic plan to build 80,000 houses per year, but people are struggling right now, especially in the fast-growing areas. So my question for the Minister for Housing is: what is your plan to deal with the immediate housing crisis in Pakenham?

#### **Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (12:48): (702) My question is for the Treasurer. The Mernda Regional Aquatic and Sports Centre is a key project for the Whittlesea community, a growing and diverse area that needs services and amenities to cater for its rapid growth. The Andrews government made an election commitment of \$20 million towards its construction, which the member for Yan Yean announced and said was included in last year's state budget. But the budget papers failed to include a specific line item for this project. The council acknowledge the government's \$20 million commitment and say that stage 1 earthworks have begun. But I have recently viewed the site, and it is still an untouched field of grass. Will the Treasurer provide me with a breakdown over the forward estimates of when, and how much, funding will be provided to the Whittlesea City Council for the Mernda Regional Aquatic and Sports Centre?

#### **North-Eastern Metropolitan Region**

**Nick McGOWAN** (North-Eastern Metropolitan) (12:49): (703) My question is for the Minister for Health, and it relates to the Maroondah Hospital. I will continue to call it Maroondah Hospital as long as I breathe. That is of course because this government took the ridiculous decision last year to change the name to the Queen Elizabeth hospital. Neither the locals nor I agree with this decision, and we will continue to fight it. It is important because the applications for expressions of interest in the master plan and feasibility study, notwithstanding the funding is already there for these projects, closed last July. We are now, I am told by this website of the department, in the process of shortlisting, so I would like also to know whether the shortlisting has been completed. But perhaps more importantly for the Minister for Health: when can the good people of my district of Ringwood expect a shovel to be going into the ground and for the hospital to actually proceed? As we all know, they promised this back in 2018; it never happened. That was a children's emergency department – absolute failure; it never happened, sadly. They promised it again in 2022. We are more than a year into this term of government and not a shovel in the ground, not a shortlist. They have to get on and do this for the good people of Ringwood and surrounding districts.

**Sitting suspended 12:51 pm until 2:03 pm.**

#### ***Bills***

#### **Regulatory Legislation Amendment (Reform) Bill 2023**

**Committed.**

*Committee***Clause 1 (14:04)**

**The DEPUTY PRESIDENT:** I will call Dr Ratnam to move her amendment number 1, which tests all of her amendments.

**Samantha RATNAM:** I move:

1. Clause 1, line 8, after “matters” insert “, to provide for a new function in relation to the operation of supermarkets”.

Firstly, before speaking directly to my amendment I would like to thank members of the chamber who supported the instruction motion to allow this amendment to be considered although technically it is considered out of scope. It is a really important function of this Parliament, particularly for non-government parties, who do not have the opportunity often to bring and debate legislation themselves because often they are not furnished with that opportunity to take a bill right through this Parliament. It is a really important opportunity for us to be able to debate matters of public importance, and there is nothing more important right now than the cost-of-living crisis that so many Victorians are facing. So I thank the chamber for supporting this procedural, instruction motion.

I would just like to remind especially the government it used to be a practice of this chamber to agree to instruction motions. You do not want people to abuse the privilege, but it was a practice of the government to agree to instruction motions, recognising that we have limited opportunities to debate bills in this kind of expansive fashion. We do not use it that often. It used to be a practice that they would be waved through, and then of course everyone had the prerogative to vote against the amendment if they did not like it. But in the last two years the government has changed its approach, to force a vote on every instruction motion, and what we are seeing now is that they are being defeated. I hope the government heeds the will of this chamber to debate really important matters of public importance via instruction motions even when they are considered out of scope. Thank you to the other members in this chamber for allowing this debate to proceed – and this debate is really important.

Having been granted this opportunity, I really hope that we have a good policy debate in this chamber rather than a partisan one. We had a go at it yesterday. There is an opportunity to heed what we heard yesterday and to think carefully about what we are talking about. There are people listening to what is happening in this chamber. As much as you all might joke that the only reason you think that anyone could possibly bring up these issues is to put them on TikTok, people actually care about what these places of decision-making do. It impacts their lives, and they are going to follow this debate, and they will hold you accountable. I urge everyone to take it seriously, because what we are talking about is the ability of people to put food on the table. That is what we are talking about. People out there who are struggling to put food on the table while keeping a roof over their head are listening to this conversation.

To briefly summarise my proposed amendments, amendment 3 proposes to insert new clauses 23A, 23B and 23C into the bill, which in turn amend sections 5 and 10 of the Essential Services Commission Act 2001. Proposed new section 5(5) establishes that the ESC act applies to the essential service of the retail grocery industry and operation of supermarkets despite supermarkets not being defined as a regulated industry under the ESC act. This is the key difference between the Greens motion yesterday and our proposed amendments today. As I mentioned previously, we are offering the Parliament multiple avenues to take action on the cost-of-living crisis. You might not like one approach, so we are giving you other approaches. We are urging people, however, to consider doing something. If you do not like one approach, take the other approaches. We are doing the work. We are doing the background work and the policy work. We are trying to make it easier for all of us to make a decision to do something to support the thousands of Victorians doing it really tough right now.

These amendments propose a clearly defined role for the commission in terms of supermarkets as an essential service but do not make them a regulated industry. These discrete commission functions in relation to supermarkets are established in proposed new section 10F of the ESC act:

to monitor and report on prices in supermarkets, including but not limited to –  
retail prices; and  
supply chain prices, including producer, manufacturer and wholesale prices ...

As well as:

to monitor and report on the competitiveness of the Victorian retail grocery industry involving the operation of supermarkets.”’.

So what we are debating here is whether to provide the Essential Services Commission (ESC) with some ongoing monitoring and reporting powers in relation to supermarket prices and competition, distinct from static inquiries such as the ACCC inquiry into the supermarkets in 2008 as well as the one more recently announced this year. We have heard Labor MPs speak at length about why the ACCC supermarket inquiry means they do not have to do anything at a state level, and there is of course crossover between the functions of the ACCC in terms of overseeing consumer and competition law and essential services and prices, which, as Mr Batchelor reminded us yesterday, remains constitutionally a state power. But as much as they want it to cross over, it does not absolve the state government of responsibility for monitoring and reporting on competition on retail competition for essential services. This is why the Essential Services Commission Act already provides the commission with powers to monitor and report on competitiveness and efficiency in Victoria’s electricity and gas retail sector, which are practically the same powers that my amendment provides today in regard to supermarkets. The ACCC also reports on electricity and gas retail competition, by the way, but given the importance of energy it makes more sense to have the ESC also provide specific oversight for the Victorian retail context and report to the state jurisdiction for policy reform. There are at least 34 energy retailers in Victoria compared to at best four supermarket retailers, suggesting that at least to some degree these reporting powers for retail energy are working.

While we hope that the ACCC inquiry does result in some positive outcomes, past history suggests that the Victorian Labor government will not act on any of its recommendations. They certainly have completely ignored the recommendations from the 2008 report, including at least one that was squarely aimed at state governments, which I will read out in full:

The ACCC recommends that all appropriate levels of government consider ways in which zoning and planning laws, and decisions in respect of individual planning applications where additional retail space for the purpose of operating a supermarket is contemplated, should have specific regard to the likely impact of the proposal on competition between supermarkets in the area. Particular regard should be had to whether the proposal will facilitate the entry of a supermarket operator not currently trading in the area.

I wonder which level of government it is referring to when it is talking about changing planning laws to ban land banking by the duopoly – certainly not the federal government.

The fact that Victorian Labor has ignored the ACCC recommendations for well over a decade in regard to supermarkets certainly does not bode well for their supposed new-found commitment to its inquiries and casts serious doubt about whether they will ever act to reduce barriers to entry and increase competition in this jurisdiction. If they had acted on the 2008 recommendations, we may well have at least been talking about a slightly less condensed market of five rather than four retailers, with the Kaufland stores entering the market. But in contrast, with the Victorian government’s attempt to avoid the issue this week we have now seen how important scrutiny and reporting on the supermarkets is and how sensitive the supermarket duopoly is to scrutiny, brand damage and being called out. This needs to be ongoing. We have a really important role to keep up this pressure, rather than it just being a one-off, if they are ever going to change their business practices, not just their CEOs.

The Essential Services Commission needs these powers to name and shame the supermarket companies that do the wrong thing but more importantly to try and move a Victorian government that is determined to deny its responsibility for regulating all essential retail services. I commend our amendment to the house and remind everyone we are talking about a function to monitor and report on potential price gouging.

**David LIMBRICK:** I would like to start by firstly just pushing back against the insinuation that the Greens are the only ones that care about people getting food on their table in Victoria. I find that rather offensive. But aside from that, I have got a couple of questions about this amendment. Firstly, supermarket supply chains are extremely complicated – in fact far more complicated than, say, electricity or gas, which are currently monitored by the ESC – and have very deep supply chains with very large numbers of products. How much will it cost supermarkets to report on this to the ESC?

**Samantha RATNAM:** Thank you, Mr Limbrick, for your engagement with this issue. I do not have the answer to that question, but what is really important to remember here is there is precedent for applying these types of monitoring and reporting requirements to other sectors – privatised sectors like energy, for example. Quite obviously, given the plethora of energy companies available in the market, it has not sent them bankrupt to add reporting and monitoring to their ordinary work. In fact it should be assumed that this type of monitoring and reporting is taking place and I believe will be able to solve the problems, but we need to be able to resource the ESC to be able to do this work. These are functions that the ESC could provide to Victorians that could really make a material difference in their lives. We have done it before and we can do it again, and we are seeing private companies operating just fine with these types of monitoring and reporting requirements already.

**David LIMBRICK:** I note that the member did not answer my question. I said, ‘How much is this going to cost supermarkets?’

**Samantha Ratnam** interjected.

**David LIMBRICK:** We do not know? All right.

**Samantha Ratnam:** They made a \$1.6 billion profit last year. I am sure they can afford it.

**David LIMBRICK:** They are making a loss at the moment actually. Will this increase costs for supermarkets, having this reporting?

**Samantha RATNAM:** I believe I furnished your original question, which is very related to your subsequent question. What we are talking about here are supermarkets who are making billions of dollars of profits – \$1.6 billion to be exact for Woolworths in the last financial year, commensurate with what the other duopoly partner is making. They are making megaprofits on the back of people not being able to put food on their tables. We have got farmers telling us they are not seeing those profits in their profit margin sheets. So what is happening? These supermarket giants are making huge amounts of profit on the back of people’s misery. What we are asking for here today is monitoring and reporting so we can understand if price gouging is occurring. That is what this amendment is about. You can try and distract and obfuscate with hypotheticals about how the supermarkets are suddenly going to go down because they have to monitor and report. Actually what we are asking is for the ESC to conduct monitoring and reporting so we can understand the trends and understand if price gouging is taking place, because something is clearly going wrong.

**David LIMBRICK:** In the construction of this amendment was any consultation done with any supermarkets?

**Samantha RATNAM:** No, I do not believe so. But we have certainly been consulting with a lot of consumers.

**David LIMBRICK:** In the construction of this amendment was any consultation done with any economists?



**Samantha RATNAM:** We have a range of very learned economic advisers around the table when we make these decisions, and I am very confident in the advice that sits behind these amendments before the house. Can I just remind everyone that what we are talking about here in these amendments is a monitoring and reporting function of the Essential Services Commission. So as much as Mr Limbrick wants to make this about how the poor, poor supermarkets are going to be doing it so tough because somebody is going to be monitoring and reporting on whether they are gouging Victorian consumers who cannot afford food on the table, that argument just does not carry in this place, and it does not carry for the thousands of Victorians who are doing it really, really tough right now. Your efforts are to try and distract this debate from what it is, which is the Essential Services Commission being able to monitor and report on price gouging that might be occurring. Let us get back to what this amendment is about.

**David LIMBRICK:** I will note that the amendment did not name any of the economists that were consulted. I would also respond to that, in that if you are concerned about the prices that consumers are paying, this sort of mechanism increases the overheads for these businesses in the first place, which will increase prices. What the Greens are proposing here is adding more overheads and more regulations on businesses that they are saying are providing products that are too expensive. The Greens are saying that they have made billions of dollars in profit. Their net margin in the last annual report – Woolworths – was 2.5 per cent. This is not a megaprofitable business. Well, 2.5 per cent – it is not a lot.

**Samantha Ratnam:** Yes, commensurate with global averages for supermarket profits, what's actually happening in Australia –

**The DEPUTY PRESIDENT:** Sorry, Dr Ratnam, Mr Limbrick has the call.

**David LIMBRICK:** That is correct. With supply chains many of these pricing agreements are highly confidential. What sort of impact does the member think that this would have on the confidentiality of those agreements, which are commercial in nature?

**Samantha RATNAM:** Firstly, I just remind you once again and the chamber that this amendment is about the ESC, the Essential Services Commission, having the function to monitor and report on potential price gouging, a function that it already uses in a number of sectors, including the energy sector, where there is much competition and there are very, very profitable companies. So I do not actually think your question is relevant to the amendment, and I do not see how that tangential question speaks to what I am trying to propose. It is taking us off into another direction.

But I would like to respond to what you were just claiming about the poor supermarkets and their poor 2.5 per cent profit margin. It would do everyone well to watch the *Four Corners* exposé this week, because it was very, very informative and a very deep-dive investigation into what is happening. It actually found that the Australian supermarkets, the duopoly, are making much higher profits when compared to their international competitors. They said that something is happening particularly in Australia that gives rise to huge profit margins that are well above international averages, and that tells us that something is going wrong. At the same time we are hearing from hundreds if not thousands of our own constituents – and I am sure you are hearing from them too – who cannot put food on the table, who cannot keep a roof over their head, who are coming to us when they have got nowhere else to turn because the homelessness services cannot provide them with anything but a tent because there is not enough money to go around. That is what we are talking about here. It pays well for everyone to remember the context in which we are having this debate. We are asking for the Essential Services Commission to have the power to monitor and report on potential price gouging – an essential first step if we are actually serious about taking on the duopoly.

**David LIMBRICK:** My question was not tangential, because if the Essential Services Commission is going to have that power, the data would need to be provided by the supermarkets – and their suppliers and the farmers for that matter.

**Samantha Ratnam** interjected.

**David LIMBRICK:** Well, they do have that data, and I asked – it is commercial in nature. You are asking the Essential Services Commission to intervene and collect data which is commercial in nature. What consideration has been given to this?

**Samantha RATNAM:** What I responded with in my previous answer, and again I find this a very tangential question – trying to distract this debate from what it is actually about, perhaps very, very intentionally so that we do not actually concentrate on the really poor behaviour by these corporate giants that are gouging Victorian consumers right now. In terms of this being potentially commercial in confidence, it pays well to look at what is already happening and what the ESC already does. In terms of monitoring and reporting, it does monitor and report on other privatised sectors, and we have not seen them complaining that suddenly all their commercial-in-confidence deals have been breached.

**David LIMBRICK:** Are there any other jurisdictions in Australia that have a system similar to this?

**Samantha RATNAM:** I am not aware of it. However, I think it would be a really incredible opportunity for Victoria to lead the way. We are hearing from so many people that the cost of living is unbearable for them. We finally had, as a result of our Greens colleagues and community activists and communities advocating very strongly for their parliamentarians to take action, some belated action at a federal level with the announcement of the ACCC inquiry. Somebody has to show leadership when our decision-makers are missing, and right now they are missing for millions of Australians who are doing it really, really tough. So how about we be the first. How about we show them the way. How about we work with our federal colleagues to say, 'How about we do this urgently and do it together.' That is what this chamber could show them today.

**David LIMBRICK:** I note that Dr Ratnam has expressed interest in increasing competition. I share that concern, actually. I think that there is a problem with competition – there are many issues with that – but I do not agree that increasing reporting requirements and monitoring by the government is going to increase competition. I would be interested to hear from the member how increasing reporting and monitoring requirements by the state, in only this state, would increase competition in Victoria.

**Samantha RATNAM:** As I mentioned in my opening remarks regarding this amendment, you just have to look at the energy retail sector, where there are at least 34 competitors, and in the supermarket sector we have four.

**David LIMBRICK:** I would say that energy is a very, very different industry to retail supermarkets. In fact there are very few industries as heavily regulated and intervened in by the government than energy. This is one of the reasons why the Essential Services Commission is all over energy – because it is so heavily regulated already. It is my firm belief that one of the reasons we have some sort of competition is because the government is not managing these markets and is staying out of the retail market. I will get to another point. The member spoke before about how our supermarket profits are out of line with other parts of the world. My question to Dr Ratnam is this: what level of net profit margin do you think is acceptable?

**Samantha RATNAM:** I do think we are straying from the intention of this amendment, but that being said, with the recent public conversation about this and really important investigative journalistic pieces about this, what we are hearing is that international standards are around 2, 2.5 per cent, as I understand. There is an anomaly with the profit margins in Australia – that is the thing that has warranted the question of what is going wrong in the Australian market. There are international standards. There are a number of people talking about what appropriate profit margins are, and I think you would benefit from looking into what those international profit margin trends are, which are approximately 2 to 3 per cent, as I understand it. Look, those things will vary.

If I can just add one more comment before we stray tangentially off the amendment topic: we should just remind ourselves that the amendment is about providing the ESC with the function and powers to monitor and report, potentially picking up price gouging and sending a really important signal to this essential service. It is an essential service – food is an essential service – and we should be qualified as such to be able to do something about it. We hear governments talk about this kind of monitoring and reporting all the time. We have established something to help monitor and report it as a first step. It is an essential first step because it puts people on notice if they are engaging in improper practices.

I know, Mr Limbrick, you want to have an ideological debate with me today: here is an opportunity to talk about how no regulation, no laws are needed because people and society should just be able to operate by themselves. Look, we have a very different ideological view of the world, and we can prosecute it however you want. It is not going to be very helpful for this chamber, and I do not think it is going to work. However, I think it is important to say that what we are seeing now – and I am sure anyone who is listening to their constituents and looking at what is happening out there would agree – is a system that is becoming more and more unequal, to the point where we have homelessness services saying, ‘Sorry, all we can provide you is a tent tonight.’ And those workers – think about those homelessness housing workers who have to be at the front lines and who have dedicated their lives to helping people. They thought they would work in their sector, for very low pay, to be able to support people, and they cannot provide people with shelter, even for a night.

We have got food banks with lines outside them like we have never seen before. We have got more and more people – I am not sure about you, but they are certainly coming to us – saying, ‘Can you help us? Can someone please speak out for us? We can’t afford our rent. We don’t know how to make the choice between rent and food, or basic essentials for the kids to go to school.’ That is what we are hearing from the community. I do not know who you are talking to, but I think you are probably going to hear the same. So I think it is really important we listen to them and do everything that we can, and what we have put before you today is one step. In fact it could be considered quite a moderate step in the grand scheme of all the actions we could take. Before you, we put another step yesterday. We heard excuses and obfuscations and scary hypothetical scenarios that we know will never happen, but people want to scaremonger in order to get out of taking any action. But listen to those people out there who are really doing it tough. The system is really struggling and becoming more unequal.

**David Limbrick:** On a point of order, Deputy President, I think we have veered far, far, far away from my question, and I would ask you to direct the member to go back to the question.

**The DEPUTY PRESIDENT:** I think Dr Ratnam has concluded her answer.

**David LIMBRICK:** A question that is very pertinent to this amendment: what is a supermarket?

**Samantha RATNAM:** What is a supermarket?

**David LIMBRICK:** I will add: this amendment specifically talks about supermarkets. We need a clear definition of what a supermarket actually is. I think it is very relevant to this amendment. If we do not have a definition of a supermarket, how can the ESC monitor prices in supermarkets when it is not defined what a supermarket is?

**Samantha RATNAM:** Look, I understand what you are trying to do, Mr Limbrick. You are trying to distract this debate with really obscure questions, and I understand –

**David LIMBRICK:** It was a simple question. It is a very –

**Samantha RATNAM:** Oh, yes, it is very definitional. Of course, it is so important. How could you even know what you are talking about if we do not have a definition of ‘supermarket’ in front of us?

**David LIMBRICK:** The ESC will need a definition.

**Samantha RATNAM:** Well, we understand what supermarkets are obligated to provide. Well, not obligated – what they are traditionally responsible for: the provision of food and other goods. Whether

you are talking about the technicalities and what is needed for this amendment, these are the types of definitions that can be worked out through legislation. We understand the process. Let us remind ourselves that what we are asking for here is the Parliament's agreement, even if it is in principle today, to start work on asking the Essential Services Commission to be able to monitor and report on potential price gouging by the people who sell us our food.

**Jeff BOURMAN:** I will be pretty quick. There has been a heap of hot air flung about over this issue, but there is one remaining fact: we are talking about high prices, and we are adding an overhead. So it must drive up prices, because the supermarkets are not going to accept it. I cannot accept the amendment.

**Evan MULHOLLAND:** I will not repeat my remarks from yesterday, but the Liberals and Nationals will be respectfully opposing the amendment.

**Harriet SHING:** I have a couple of questions if I may, Dr Ratnam, further to Mr Limbrick's questions about foundational definitions. What is an 'essential service' within the meaning of your amendment? I am not asking you to stray beyond the meaning of the amendment. What is the definition of 'essential service'?

**Samantha RATNAM:** What the amendment is proposing is to provide for the Essential Services Commission to be able to monitor and report on prices by supermarket retailers and potentially monitor any potential price gouging.

**Harriet SHING:** Dr Ratnam, I am still a little bit confused as to how it is that the provision of goods under a retail arrangement, depending on what your definition of supermarket may or may not be, constitutes an essential service rather than the provision of goods under unrelated legislation.

**Samantha RATNAM:** I think it is worth noting here, similar to what we saw in the debate yesterday, the lengths that people will go to to deny taking any action on a crisis that is facing Victorians. That is what is happening right now – be very clear about what is happening here. Everyone knows what they are doing. These are really clever tricks you are playing: 'Let's ask for definitions. Let's make them bring out the dictionary, because we don't want to talk about the heart of what's going on here.' We saw it all on display yesterday, the monolithic behaviour of the other duopoly. Here we have the Labor and the Liberal parties, at a state and a federal level, in cahoots –

**Harriet Shing:** On a point of order, Deputy President, committee stages are an opportunity to ask questions and to have those questions answered. I am asking what the definition is of an essential service for the purpose of the amendment that Dr Ratnam has put. It is an exercise in wanting to know more about the amendment. This is based on a desire to understand the rationale and the detail of what it is that Dr Ratnam is proposing, that she is seeking to put before this house, so that when a decision is contemplated as to the amendment and what it is proposing to do and the extent that it gets the support of this place or not, we are in a position to understand what it is that she is intending in the detail that respects and responds to the questions. This is not anything other than an exercise in looking to get further detail about what it is that she is proposing.

**The DEPUTY PRESIDENT:** I would draw Dr Ratnam back to the substantive question rather than straying into political debate.

**Samantha RATNAM:** Understood. Minister, I did furnish that when I spoke to my amendment.

**Harriet SHING:** Dr Ratnam, for my benefit I would be grateful if you could actually go through that detail, because I am still yet to understand the basis upon which you distinguish between an essential service on the one hand and the nature and the primary purpose of operations for the provision of goods on the other. I appreciate you have said you have spoken to it. If you could indulge perhaps the chamber and those members who were not here for that answer, I would be grateful.

**Samantha RATNAM:** I did speak to it in both my second reading and my substantive contribution on the background to this amendment. I will repeat it once again: proposed new section 5(5) establishes that the ESC act applies to the essential service of the retail grocery industry in the operation of supermarkets despite supermarkets not being defined as a regulated industry under the ESC act.

**Harriet SHING:** Can you tell me or tell this place what the distinction is between the powers that the ACCC already has under federal legislation on the one hand and what is proposed by way of an amendment that would give effect to, to my reading, a duplicating system of regulation under a state framework, pursuant to the creation of a framework for the role of the Essential Services Commission?

**Samantha RATNAM:** I am happy to take that question on notice. And to the previous point, it is worth reminding the chamber I think in the context of this line of questioning that the whole point is that we are trying to ask the Parliament to define retail grocery as an essential service, and essential services are defined in the act as including the provision of goods.

**Harriet SHING:** Dr Ratnam, you are asking this chamber and this Parliament to accept, on a point that you will take on notice, that the Essential Services Commission is the most appropriate place for work of the nature proposed by this amendment when the ACCC has a range of powers – which are to interrogate, regulate, report, make inquiries and reach findings and responses and decisions – within the federal statute book already. To what end do you say that the imposition of an Essential Services Commission oversight function will do anything new or anything beyond the powers already held by the ACCC?

**Samantha RATNAM:** In terms of that kind of scenario, there are other spaces where there might be potential overlap, but that overlap does not absolve the state of also taking action in ways that it can take action. So what we have been putting forward before this Parliament, especially for the last two days, are ways that a state jurisdiction can act, regardless of if there is some overlap. What we have seen is that while the ACCC might have these powers and is conducting its own inquiry and despite the 2008 inquiry, we are seeing the cost-of-living crisis largely borne out by the cost of food that the duopoly controls. So something is not working.

Despite those powers that might exist, what we are asking the Parliament to consider, and particularly the state government to consider, is what more you can do. What we have put before the Parliament are mechanisms to take more action. We need to do everything we can now to apply pressure to this duopoly that is gouging Victorian consumers to the point that people cannot afford food. We have put a perfectly legitimate pathway before this Parliament in granting the Essential Services Commission the power to monitor and report, hoping that it will add a layer of scrutiny and accountability that will hopefully change the behaviour of the duopoly. That is what we want to see ultimately, by doing everything that we can to ensure that we start bringing those food prices down to ensure that more people can afford the essentials.

**Harriet SHING:** What gap will the ESC's function fill that is currently not satisfied by the jurisdiction of the ACCC within its legislative framework?

**Samantha RATNAM:** Well, I think it is going to fill a very large gap, because despite those functions potentially existing, they are not having the power of applying scrutiny and pressure on what is potentially price gouging – serious price gouging – to the point that farmers and suppliers are saying they are not seeing the profit share that these big supermarkets are reporting. They are making huge, record-breaking profits. People are not able to afford food. The suppliers are saying, 'We're not seeing those profits.' As much as you might say theoretically the function exists somewhere, it is not working. What we are saying is that it is not working; let us do something. And rather than saying, 'Look, sorry – other jurisdiction; we can't do anything,' how about we pluck up the courage to do something. If we can do something, let us take these opportunities before us. We are asking for a monitoring and reporting function. It is a modest ask as a first step, and we should all now be asking what more we

can do. This should be top of mind for every parliamentary week we have until people stop struggling to put food on their table.

**Harriet SHING:** Could I just get very, very brief answers to these questions to help me to understand the line of questioning that we are currently engaged in. Is it correct that the amendment that you are proposing is about price monitoring? That seems to be what you have talked to? Yes? I will take that as a yes, thank you.

**The DEPUTY PRESIDENT:** We need to get it on record.

**Harriet SHING:** Do you want to just say yes on the record, Dr Ratnam?

**Samantha RATNAM:** Yes, as I stated in my second-reading speech and in my proposal to the amendment, by inserting a monitoring and reporting function in regard to the grocery industry.

**Harriet SHING:** Is it also the case that this amendment as proposed is about a capacity to inquire into prices currently charged at supermarkets, however variously defined?

**Samantha RATNAM:** I will get back to you on that. My understanding is a monitoring and reporting function with some inquiry function, but I will get back to you.

**Harriet SHING:** Is this also an amendment which seeks to safeguard against what is commonly referred to as cartel conduct in the way in which the duopoly, as you have described it, seeks to undertake its business?

**Samantha RATNAM:** I am happy to come back to you on that one.

**Harriet SHING:** Is this also an amendment which seeks to understand the way in which pricing is created, differentiated and implemented across a retail context in a supermarket environment, howsoever defined?

**Samantha RATNAM:** I am struggling to understand the tenor of your questions, because I have clearly outlined that what this amendment is seeking to do is to insert a monitoring and reporting function. I understand that you are looking at the ACCC functions, and they do have some functions, but I understand that, as I said, they do not have the power to investigate price gouging. So I am struggling to understand the relevance of your questions to what I have put before the chamber.

**Harriet SHING:** Again, it is not a question as to whether you think this is relevant or not. I am asking questions about your amendment. Is it also the case that you are seeking to have the ESC vested with powers to undertake price monitoring based on state legislation following declaration of supermarket activity as an essential service?

**Samantha RATNAM:** Could you repeat that?

**Harriet SHING:** Is it the case that the amendment that you are proposing would have the effect of being able to empower the ESC to undertake price monitoring functions in relation to the activities of a supermarket, howsoever defined? Yes? Okay, Dr Ratnam, you have taken two questions –

**The DEPUTY PRESIDENT:** Sorry, Minister. We need Dr Ratnam to have the call so we get that answer on record.

**Samantha RATNAM:** I am struggling to understand the questions and the tenor of the questions, because they are overlapping a number of what I understand are functions of the ACCC. I am not sure that they are that relevant to my amendment. I believe the minister is trying to take us off into some other territory, which is, I do not think, useful for this debate. But from what I understand of what you said and what I have said previously, we are asking for the Essential Services Commission to have a monitoring and performing function as a first step in order to look at potential price gouging.

**Harriet SHING:** Dr Ratnam, I would be keen to understand how, in light of all of those functions which I have just taken you through and the powers that are vested in the ACCC by way of federal legislation to do all of those things, a state-based declaration of supermarket activity, howsoever defined, would work. We have not yet been able to understand what your definitions are trying to achieve here, apart from a constant reference to a duopoly, which makes me think, ‘Where’s Aldi in all of this? Where are the IGAs in this? Where is Costco in all of this?’ I know that I have certainly bought bananas from all of those places and not just in the centre aisles. I would be keen to understand, Dr Ratnam, the advice that you have received on the operation of Commonwealth legislation to oust any state legislation that might otherwise seek to cover the field and the extent to which you say that state-based legislation would have any role to play in light of the operation of the Commonwealth constitution.

**Samantha RATNAM:** From what I understand your line of questioning is pursuing, it seems you are trying to make this kind of case: ‘The powers are somewhere else. What’s the point of the Essential Services Commission in Victoria taking on any extra powers?’ To that, as I have said repeatedly throughout this debate, what we have seen is despite potentially and theoretically some overlapping functions and repeated inquiries, including an ACCC inquiry in 2008, things are getting worse and it is not working. What we are asking the chamber to consider is: can we think about new mechanisms to be able to scrutinise, monitor and report on the activities of our supermarket giants in a very concentrated market, one of the most concentrated markets for supermarkets anywhere in the world, as has been widely reported? We are asking this Parliament to pay attention to what is happening in the community and to take action.

If you think that you have got some other better plan, please furnish us with that plan. We would love to see your plan. But if what you are arguing is, ‘Somebody else has the power; send it off there,’ well, we have tried that, and it has not worked. Our argument is: let us try something new. We have these powers. Victoria has done it before, as we canvassed yesterday in an expansive debate about the history of this kind of regulation and monitoring and reporting. I understand that the Labor Party and the Liberal Party do not know what to do. It is quite clear you do not now know what to do. All you have got are obfuscating questions: ‘Let’s distract over here. Somebody else has the power. Somebody else will do it.’ But can I tell you that is not going to wash.

**The DEPUTY PRESIDENT:** Dr Ratnam, can we stick to answering the question, not political debate, please.

**Samantha RATNAM:** That is not going to wash with the thousands of Victorians who are struggling right now. We ask you to do something. Do anything, but do not do nothing, because what you are arguing for today is to do nothing.

**The DEPUTY PRESIDENT:** I think we are back to a second-reading speech. We are just asking for answers to the question.

**Harriet SHING:** Dr Ratnam, what is the Greens position on regulatory involvement from other sub-sovereign jurisdictions, in particular New South Wales, South Australia, Queensland, the ACT, Tasmania and Western Australia?

**Samantha RATNAM:** What is the first part of your question?

**Harriet SHING:** What is the Greens position on any form of regulation of an activity equivalent to a retail environment for a supermarket, however you might want to define it, in other sub-sovereign jurisdictions?

**Samantha RATNAM:** You mean in other states. Well, what we are putting before you is to ask the ESC to have the power to monitor and report on supermarket prices and potential price gouging. We understand the ACCC has some function; they have had that function for a number of years. They are conducting an inquiry. But our view is that those actions and those powers are not strong enough

for what we are seeing, which is an increasing concentration of two major supermarket giants who are squeezing the necks of Victorians right now, and we need to do something else. So let us take this action and let us take this option.

**Harriet SHING:** Dr Ratnam, I am asking for an answer to the question about what the Greens position is on the role of sub-sovereign jurisdictions to regulate supermarket pricing, to monitor and to inquire into that activity. Are you saying the ESC should cover the whole of Australia?

**Samantha RATNAM:** I reject the premise of that question. It seems to be intentionally tangential to what we were talking about before. As I have been explaining repeatedly in this chamber this afternoon, what we are asking is for the Essential Services Commission to have the power to monitor and report on supermarket prices and potential price gouging. It is implied in what we are putting forward that we want the ESC to have more powers than they currently do because things are getting to a crisis point and nobody is doing anything – and this duopoly in here is not doing anything either.

**Harriet SHING:** You have referred constantly, Dr Ratnam, to a duopoly. In light of your inability to define ‘supermarket’, is it reasonable for this chamber to conclude that when you refer to the ESC’s functions in price monitoring and an understanding of impact as it might relate to price gouging, you are referring only to Coles and to Woolworths, including the trading names under which they might operate?

**Samantha RATNAM:** As part of the public debate, which I am glad is getting more attention – and it is not going anywhere; as much as you all want it to go nowhere and everyone to be quiet, it is not going to go anywhere, because people are going to continue to suffer until one of you all does something – as we have seen in the public commentary, in good investigative journalism and from expert advisory groups that will advise government, we have in Australia four significant supermarket players. Now, there are lots of other retailers and there are lots of other suppliers or retailers of grocery-related goods, but we do know that we have an essentially very concentrated market when you look at international comparisons. You have to look at the UK and you have to look at other places in Europe and even North America. North America actually has a plethora – a much greater competitive market than Australia. One of the things that a lot of these expert bodies, including the ACCC, and former chairpersons have been saying as part of this discussion that we are having nationally is it is important to look at why this market is so concentrated and what happens when the market becomes so concentrated.

We have got now farmers telling us they are packing up because of the supermarket giants – and there are a number of supermarkets, but do you want to talk about the biggest giants? Of course; we are talking about Coles and Woolworths. Everyone knows that in this chamber. You do not have to ask me to spell it out. I know why you are asking me to spell it out – to distract, defuse, obfuscate – but let us talk about the big giants here. You might see shadows of them in the way you guys organise the Labor and the Liberal parties. Anyway, that is an aside.

When you have such a concentrated market you have incredible purchase power. What you can do is start to set the prices. You can start to buy up land, to deny people competition. You can start pushing our agricultural producers and our farmers to the brink – to the point where cherry farmers have to bulldoze their crops because they cannot stay viable anymore because Coles will not pay them enough for their cherries, despite agreements they have had for years before. That is the type of behaviour we are talking about. We are talking about the consumers, we are talking about the farming communities, we are talking about our agricultural suppliers – we are talking about our food bowls in Victoria that are looking to us to support them. We are going to have conditions in this country that are going to become unbearable when you think about climate change. You add inequality on top of that, and government inaction, and what are they staring down at?



**The DEPUTY PRESIDENT:** Dr Ratnam, I ask you to keep your statements to answering the questions. We are now entering into, every time you get to your feet, another second-reading debate contribution. The committee stage is for questions and answers, not for debate. Minister Shing.

**Harriet SHING:** I take your confirmation that in reference to a duopoly as supporting your amendment, you are referring to Coles and Woolworths. Is it therefore the case that it would be possible under the terms of your amendment for a retail operation which sells at retail prices groceries and other sundry items that might be covered under a retail trading award, for example, to seek to argue, by reference to your material in this debate, that unless they were Coles or Woolworths or an operation trading under one of those names, they would not be covered by any functions of monitoring, inquiry, investigation or enforcement by the ESC?

**Samantha RATNAM:** I will repeat once again the intention of my amendment, which is to ensure the Essential Services Commission has the power to monitor and report on supermarket prices and understand, monitor and report on, potentially, price-gouging practices.

**Harriet SHING:** I will take from your answer, Dr Ratnam, that you have not been able to confirm that a retail operation which provides groceries and sundry items in an operation that may or may not form part of the definition of a supermarket – for example, under the retail trading award or other industrial instrument – is able in all cases to be covered by the functions of the ESC, as proposed by your amendment. What I would like to understand, given the substance of your amendment, Dr Ratnam, is the extent to which any report might have any work to do beyond being a document that sets out the way in which prices are set, determined, regulated and maybe amended from time to time. If this is simply an investigation and inquiry function and there is no mechanism to do anything else with it, what work does it have to do in achieving the ends that you say have driven the objectives of this particular amendment in the first place?

**Samantha RATNAM:** It will be a decision of the Essential Services Commission as to who they will monitor.

**Harriet SHING:** So essentially you are saying you want to give the Essential Services Commission the power to monitor and inquire into the operations of supermarkets as they might be variously defined for various purposes, including to understand any potential price gouging that might occur, and yet there will be no consequences to flow from any intransigence by operators in that retail setting. If the answer to that is yes, then, Dr Ratnam, what work does the ESC have to do when the ACCC has enforcement powers that are not otherwise proposed by this amendment?

**Samantha RATNAM:** Pertaining to this question and I think in some part to the questions you asked previously, what you are talking about here are hypothetical scenarios. Actually, when you think about it and look at what the Essential Services Commission does right now, for example, with the energy sector, as I am sure you well know, it has the function and has the power to make those decisions and do some of that definitional work. Similar to what we do with the energy sector, not all of it is prescribed in legislation or regulation. We do allow the ESC the power to be able to do some of that detailed definitional work, as it would with what we are proposing with our amendment.

I understand that you already know that. I understand what you are trying to do through this debate process, but we have a very, very strong precedent. We have an Essential Services Commission that is working quite well and which we have charged with regulating and monitoring – similar to what we are proposing here today for another essential item – other essentials that governments in the past have considered important for people to be able to access equitably. Our argument here is food is something people should be able to access equitably, so why wouldn't we give the commission that we have charged with the responsibility for creating some of that equity, for creating some of that oversight, for creating some of that accountability and hopefully for creating some of that positive pressure through that transparency, that power in the midst of a cost-of-living crisis unlike we have seen for a very, very long time bearing down on so many people right now? Why wouldn't the

government support what is a very modest change which has precedent? You have done it before; you do this for another really important sector, the energy sector, and you are not crowing about potential overlaps that might occur there. Those overlaps occur too with our federal regulators – we all know that. And you know what – they work it out. The state and federal governments are able to talk to each other and our commissions across borders are able to talk to each other, and there are some really smart people who can work this out in the best interests of citizens.

The Essential Services Commission has proved to us that it has the capability to be able to investigate and approach potential overlaps to get the best outcomes for consumers, because that is what it is charged with doing. So if you are suddenly going to feign that we have never done this before – ‘How could you ask somebody who is not us to define these things?’ – it is deliberately obtuse.

**The DEPUTY PRESIDENT:** Sorry, Dr Ratnam, you are debating the answer.

**Harriet SHING:** Dr Ratnam, you have referred on numerous occasions to the energy sector. Can you tell me what role the ESC has in regulating the energy sector in Victoria?

**Samantha RATNAM:** I understand that they are similar to what we are proposing, and I think they have increased powers. But what we are asking for in this amendment is the modest power of monitoring and reporting as a starting point. We understand it is a new function we are asking the ESC to take responsibility for. We are asking this Parliament to consider a modest reform to take some action in response to people wanting some action to help them with the cost of living, and if you do not want to support this, just say, ‘Sorry, we’re washing our hands.’ You do not have to make up questions to try and get us off track.

**A member:** It’s your amendment.

**Samantha RATNAM:** Yes, I understand that. I have answered the questions. What we are asking for is a modest change, and in terms of the retail sector I understand that they actually have broader powers. We are asking for a modest change. We are asking for those modest powers as a starting point, which should be a lower barrier to support. We hope you will consider that.

**Harriet SHING:** Dr Ratnam, what does the Essential Services Commission do in relation to the energy sector here in Victoria?

**Samantha RATNAM:** They monitor and report on the retail energy sector.

**Harriet SHING:** Yes, monitor and report. Dr Ratnam, one of the things that I find more than a little bit irritating is the fact that you have cavilled with questioning about the definition of a supermarket, which you cannot provide us; you have taken issue with questions about the role of the ESC; and now you are trying to assert that the ESC monitors and reports on energy in Victoria as some form of finite summary of its role within this sector. When we talk about the role of the ESC –

**Samantha Ratnam:** On a point of order, Deputy President, I believe the minister is paraphrasing me and minimising my response, when I clearly said I understand it has similar functions to what we are proposing and more. It is in *Hansard*, and if the minister wants to minimise my contribution, I ask her to refrain from that, because that is unparliamentary.

**The DEPUTY PRESIDENT:** Just as I have asked Dr Ratnam to stop debating in her answers and to just give answers rather than stray into debate, I would ask that those asking questions, regardless of who they are, ask a question but do not paraphrase an answer. In committee the answers that are given are important in considering the intent of the legislation and the law going forward, so we do not want to get into paraphrasing what other people have said in answers.

**Harriet SHING:** Dr Ratnam, when you talk about the ESC having greater functions than just to monitor and to report, I would assume that you are including the setting of the Victorian default offer in the energy sector in this additional raft of responsibilities and powers held by the ESC. Are you proposing that the ESC should have some capacity in its work – again going back to the rationale to

combat increases in prices for everyday goods provided in the course of the running of a business named a supermarket, however you want to define that – to issue a default offer for the purpose of pricing goods provided in a retail setting known as a supermarket?

**Samantha RATNAM:** Minister, your question is very similar to the questions you have asked before, which I have answered before, but I will do it once again. We are asking for the ESC to have the function to be able to monitor and report on supermarket prices. As I mentioned before, the ESC will be able to make the decision about who they will monitor as they do with other sectors. If you want to quibble, if you think that I have not defined a supermarket, then you want to think about the ESC having the function to decide who they monitor and doing that definitional work about the threshold of operator for which the monitoring and reporting applies. We understand that happens in other sectors, and I understand that you too know well that that is what occurs. What we are asking, which we hope will be easy to support across this chamber, is for the ESC to have the function to monitor and report as a beginning step.

**Harriet SHING:** What does ‘in relation to the operation of supermarkets’ mean?

**Samantha RATNAM:** I did not hear the question.

**Harriet SHING:** New clause 23A, ‘Interpretation and application of Act’ – what does ‘in relation to the operation of supermarkets’ mean?

**Samantha RATNAM:** I think it means in relation to the operation of supermarkets.

**Harriet SHING:** Is it envisaged that the intention behind this part of your amendment would cover direct and indirect functions of a retail operation in the provision of essential services under the banner of being a supermarket?

**Samantha RATNAM:** The amendment we have before the chamber today would ask the Essential Services Commission to have the power to monitor and report on prices, potentially covering price gouging.

**Harriet SHING:** So, Dr Ratnam, it would cover direct and indirect activities in relation to the operation of a supermarket.

**Samantha RATNAM:** I feel I have answered that question previously.

**Harriet SHING:** Dr Ratnam, there is an entire body of law which refers to ‘in or in relation to’. It is a canon of commercial, contract and industrial relations law. So when you are talking about the primary purpose of the operation of a supermarket, we can go beyond the provision of those goods. Is an essential service the capacity to go in and pick up a beachball as opposed to a bunch of bananas? Is the capacity of a supermarket a direct consequence of the provision of goods at a point of sale as distinct from the price paid for petrol by a truck from a distribution centre? It is somewhat extraordinary that you have not come to this debate with any fully formed idea of the scope and the reach of what you are proposing to assist this chamber to understand what its effect would be. It is somewhat bewildering that you have come to this debate without a definition of ‘supermarket’ –

**Katherine Copsey:** On a point of order –

**Harriet SHING:** I am allowed to make a comment. That is what I am doing.

**The DEPUTY PRESIDENT:** You do not have to ask questions. You can make a comment in committee, yes.

**Harriet SHING:** Dr Ratnam, not only have you sought to say that because the ACCC’s powers have not achieved the ends that you desire, we should have a duplicating system in Victoria – potentially in other states, but that is not clear – you also do not have any fully formed idea about what ‘direct or indirect activities’ for the primary purpose or any ancillary purpose of operating a supermarket means. In addition to that, you have not been able to demonstrate any value in the work

of the ESC going above and beyond the statutory remit and the framework of the ACCC. I am yet to understand – and I have listened very carefully to the comments you have made here this afternoon – the extent to which the ESC’s work might otherwise add value to the consumer law as it applies at both state and federal levels. I am yet to understand what sorts of mechanisms there would be proposed by your amendment to give impact by way of enforcement where the ACCC has those capacities around cartel and other work, particularly penalties as they might relate to gouging. I am also yet to understand why it is that you have not given consideration to a role for the ESC that might involve a greater level of intervention such as that proposed by the Victorian default offer.

Dr Ratnam, the pun is not lost on me that there are a set of retail opportunities that you find yourselves being able to access in the course of this debate, but when we come back to the actual benefit to be conferred by this amendment, the answers given to questions today do not provide any measure of comfort that the amendment as you have drafted it will achieve the objectives that you state underpin the rationale for announcing it before the back doors to the media pack yesterday. Dr Ratnam, I would say that despite the intentions of your amendment being about combating prices, being about providing a measure of transparency and being about providing a measure of relief to people who are grappling with the cost of living, for you to seek to take ownership of these pressures in ignorance of a statutory framework at a federal level that is well established, albeit imperfect, would be to seek then to take ownership of a solution that is not delivered by this amendment.

They are my questions around this work, and I would invite you, Dr Ratnam, in any further comments you wish to make about this amendment perhaps to address some of the issues that lead to serious misgivings about the effect of this amendment, despite the fact that your intentions may initially at least have been good.

**Samantha RATNAM:** Thank you, Minister, for those statements and, I believe, questions. I am happy to respond to them. I am really sorry that you feel so – what was it – irritated by and disappointed in the proposal that has been put forward before this chamber today. I am sorry that we have not been able to satisfy the questions that you have provided. I have responded to them at length repeatedly, and I am sorry that for whatever reason my explanations and rationalisations have not been understood or, perhaps more pertinently, are being refused to be accepted. Perhaps the government refuses to accept our rationalisations. We can do our best to offer you the work that has gone behind a considered amendment before the chamber today, but if you do not want to accept it and if you do not want to act, well, nothing I say is going to convince you. That is a decision for the Labor Party now. Are you going to act on this cost-of-living crisis?

Over the last two days we have given this chamber a number of mechanisms to act. If you are going to say to us today, ‘But why haven’t you given them investigative powers?’ – well, we tried to do that yesterday and you hollered down at us. ‘You can’t give them those powers,’ you said. ‘The whole system would collapse. We’d have one tomato available, and society would collapse as we know it.’ That is what we heard yesterday, so we have come back again. We said, ‘Okay, if you didn’t like that mechanism, we’ve got another one for you. Please give this deep consideration.’

We have told you repeatedly: this is a modest beginning. This is a modest step. We would like it to go further. If the government wants to have a conversation with us about going further on tackling the cost of living and bringing food prices down, we are ready for that conversation. I am available right after this debate. Let us have that conversation. If you want to further amend this amendment to strengthen it, we would welcome that with open arms on behalf of the thousands of Victorians doing it tough right now. I find it very hard to believe that the real reason the government cannot support this is that it does not go far enough, because yesterday we had something that went further and they rejected it. We have something today that is more modest, and of course we cannot satisfy your threshold because perhaps there is no threshold. Perhaps you do not want to take any action.

You talked about the ACCC – well, we had a commission report in 2008, and what of those recommendations have been implemented to the effect of bringing food prices down? None, which is

why we have this cost-of-living crisis before us. Yes, we have some overlapping responsibilities, but they are not working. Something is going wrong, and when things go wrong and when gaps emerge, isn't it incumbent on all of us to do something about it? Who else in our society has the privilege of being in a place that decides laws other than us, here today to take action?

**The DEPUTY PRESIDENT:** We are now into debate again, Dr Ratnam.

**Samantha RATNAM:** Certainly. I will go back to a couple of further questions that were brought through this debate. Once again, I have said it before, and the minister wants to make it look like there is a gotcha – 'I gotcha! You didn't know the answer!' Well, I have provided the answer. You have chosen not to accept or listen to it, but that is not our problem. I think a lot of people would understand what we are saying out there right now. We have talked to you about the work we have done. The Essential Services Commission do have decision-making powers about who they will monitor. We give them those powers with other industries. It could similarly apply to this industry. You have done it before. And if you want to talk about –

**The DEPUTY PRESIDENT:** Dr Ratnam, we are into debate. The minister does have another question for you.

**Samantha RATNAM:** But she asked the question about directly or indirectly, regarding the operation. If it is irrelevant to its operation, then, yes, the ESC will be able to look into it. I understand that the minister already knows the answer to these questions.

**The DEPUTY PRESIDENT:** Sorry, Dr Ratnam, I am going to ask you to conclude, because we are into debate.

**Samantha RATNAM:** Yes, but I am responding to the questions she raised with me. She talked about more intervention. She talked about not answering the questions.

**The DEPUTY PRESIDENT:** Dr Ratnam, can you conclude your answer, please?

**Samantha RATNAM:** I have answered them. I am sorry the Labor government refuses to take action today, but you can go and answer to your constituents about why, when you had a modest option before you to take some action to relieve the cost-of-living pressures that are bearing down on Victorians, you chose no.

**Harriet SHING:** Dr Ratnam, you have taken three questions on notice. Do we have answers for them yet? If you could read those into the record, that would be very helpful.

**Samantha RATNAM:** One, you seem to think that people do not know what a supermarket is, but for the record, the ACCC does have a definition of 'supermarket'. We understand that when you confer extra powers onto bodies like the Essential Services Commission, they will potentially redraft some of this definitional work, but the ACCC is probably a really good place to start:

... a business under which a person sells to consumers bread, breakfast cereal, butter, eggs, flour, fresh fruit and vegetables, fresh milk, meat, rice, sugar and other packaged food or most of those groceries.

**Harriet SHING:** Just on that, Dr Ratnam, you have used the ACCC's definition for something that you say the ESC should be able to do, notwithstanding that the ACCC can already do it. To be really clear, you have literally relied upon a federal definition that applies in saying that there should be a state definition of a comparable term in order to undertake functions that are less far-reaching than those the ACCC has. That is quite literally what you have just said.

**Samantha RATNAM:** Yes, it is not without precedent that similar definitions might be used for different bodies that have different functions. What I have said repeatedly throughout this debate is that we understand the ACCC has a number of functions. It is the reason it is conducting an inquiry at the moment. We welcome that inquiry. We have welcomed the inquiries that have happened over the last decade. The issue is state governments are not acting on the recommendations and we are not

seeing the kind of action that is needed to rein in some of this anti-competitive behaviour. What you do in that instance is like what we have done with energy. The story is being repeated. You can argue the same thing: 'Oh, the ACCC has these functions for the energy sector.' Well, why have you given the ESC functions for the energy sector in Victoria particularly? You understand that the different bodies that you have at your disposal, bodies like the Essential Services Commission, play a really important role. You would not be conferring them with power if you did not think they had a role.

The Victorian government knows the Essential Services Commission has a role. It gave rate capping the councils to the Essential Services Commission when it wanted to rate cap the councils. There is a debate for another day about how you are squeezing the life out of them, but let us come back to that later. You give the Essential Services Commission power when you want to take further action. You gave them the power for the energy sector, and you gave them the power for local councils. We are asking you to give them the power for food so that people can afford food. It is not without precedent. You cannot feign that this is some policy proposal from outer space; it is from your own books.

**The DEPUTY PRESIDENT:** Dr Ratnam, this is debate.

**David LIMBRICK:** We have covered supermarkets a little bit, but I think people have ignored section 23C(2)(a), where it does not just talk about monitoring retail prices but also talks about supply chain prices. I asked a question earlier of Dr Ratnam about what will essentially have to be data feeds from the supermarket to the ESC if this is set up. Supermarkets do not necessarily have visibility of entire supply chains; they sometimes just deal with the wholesaler directly. So is this implying, if they are going to look into supply chains, that the ESC would be requesting data from manufacturers, wholesalers et cetera as well?

**Samantha RATNAM:** Potentially, yes. However, what we know about how these functions have been conferred to the ESC and other bodies previously is that they will look at the most appropriate mechanisms that strike that balance between transparency and the ability for them to monitor and report and the burden that a business might carry. We understand that bodies like the Essential Services Commission do this daily. They are constantly considering how to get that balance right in the best interests of consumers. I have every confidence they will be able to do it once again in this sector.

**David LIMBRICK:** One of the parts of this supply chain that Dr Ratnam herself expressed concern about was farmers. Will farmers need to set up data feeds to the ESC?

**Samantha RATNAM:** Connected to what I just mentioned in my previous response, I understand those mechanisms will be developed should we confer these powers on the ESC. In terms of getting that balance right between the administrative burden for the individual suppliers and businesses and the needs of a commission like the ESC, I have confidence they will be able to have those discussions with the suppliers, manufacturers and farmers and strike the balance between the right level of administration and information. But as we have highlighted previously throughout this debate, this is not a new function we have created out of thin air. This is based on very solid precedents at a number of levels of government in this country, including in Victoria. We have done this in recent history, and I hope the same questions were asked when similar legislation came before the Parliament. I believe it was prior to my time when some of those functions were conferred on the ESC. I hope the Parliament was as diligent then as it is being today. It feels like the diligence has a bit of extra oomph today, perhaps because you want to find an excuse not to vote for this. Well, if you want an excuse not to vote for this, just get up and tell the Victorian people you do not believe you need to take action in this space and be done with it. But do not feign detail and obfuscate process to try and confuse people out there. They see through that.

**Jeff Bourman:** On a point of order, Deputy President, we are going into debate again. I think if the member could just actually keep herself to the question, we would get this over with quicker.

**Nick McGowan:** On the point of order, Deputy President, the member's response was quite clear and articulate. It was responding to the question asked, and it was simply pointing out that many of the questions that have been asked are frivolous in their nature.

**The DEPUTY PRESIDENT:** Dr Ratnam has finished her answer anyway.

**David LIMBRICK:** It sounds like – and correct me if I am paraphrasing, Dr Ratnam; feel free – whether or not farmers will need to set up data feeds to the ESC will be decided by the ESC.

**Samantha RATNAM:** Mr Limbrick, as I spoke to in my previous answers, some of the specifics of how these functions come into operation are best, at times, left to the people who have had the experience of using similar powers in other industries. The ESC has a lot of expertise. We give them really significant powers over monitoring and reporting and other types of compliance, and they have the expertise to consult with the relevant stakeholders and get those settings right and get those balances right. I do not think we should be scaremongering through this debate with this idea that suddenly we are going to add an administrative layer that is going to bring businesses down. Let us remember what we are talking about here, particularly in relation to really super-profitable supermarket giants. We have got four big companies in this country that operate in the supermarket space, who have not been required to monitor and report and keep a check and balance on their prices. We are seeing that through the supply chain, and we are seeing farmers at their wits' end saying, 'We're not making those profits. We're going out of business.' We are bringing this amendment before the house on behalf of all of them and the consumers. And we have really significant, reputable bodies, like the Essential Services Commission, which we delegate these powers to daily in this state to be able to do some of that operational work. I have confidence that they will be able to get the balance right.

**Harriet SHING:** Dr Ratnam, which unions did you consult with in the preparation of this amendment?

**Samantha RATNAM:** We have ongoing discussions with unions. In terms of preparation of this amendment, I am not sure about the specific conversations. But we are in ongoing dialogue with the unions on a very regular basis, and we bring before them matters that we are bringing before this Parliament too.

**Harriet SHING:** Dr Ratnam, did you put the text of this amendment to any unions prior to introducing it today?

**Samantha RATNAM:** My question in response, to clarify, is: did the government put any of those WorkSafe laws to the unions before you brought them to the Parliament?

**Harriet SHING:** That would be a refusal or an inability to answer that question, based on what I just heard. So the answer is no? All right.

**Samantha Ratnam:** On a point of order, Deputy President, once again I find the minister is paraphrasing, which I do not think is appropriate for this debate, as I have mentioned. I have already answered the question. I wish you all would listen, because I keep repeating myself. However, we have a range of discussions with the unions on a very regular basis.

**The DEPUTY PRESIDENT:** Dr Ratnam, I am prepared to rule. Minister, I did ask that people do not paraphrase.

**Harriet SHING:** I apologise, Deputy President. So the answer is yes then, Dr Ratnam, you did put this text to unions prior to introducing it today?

**Samantha RATNAM:** We have regular and ongoing discussions with the unions. And if you think about the WorkSafe legislation, the anti-worker legislation the government has before the chamber, we are meeting with them very regularly at the moment.

**The DEPUTY PRESIDENT:** Dr Ratnam, it is not helping the committee stage when we keep going back into debate.

**Samantha RATNAM:** I have answered the question.

**Harriet SHING:** So the answer is not ‘no’ and not ‘yes’. Dr Ratnam, you referred in an answer to a question earlier about ‘in or in relation to the operation of supermarkets’. Does that include wages?

**Samantha RATNAM:** It is in relation to the prices of goods.

**Harriet SHING:** In relation to the prices of goods. Do you accept that there is a connection between the provision of labour and the delivery of an essential service?

**Samantha RATNAM:** Once again I remind the chamber that with the amendment before the chamber today we are asking the Parliament to agree to give the Essential Services Commission the power to monitor and report on supermarket prices, prices of goods, in order to understand if potential price gouging might be occurring. It is as clear and as simple as that.

**Harriet SHING:** Dr Ratnam, do you accept that the composition of prices incorporates a component for overheads associated with selling those goods?

**Samantha RATNAM:** I have answered this question now multiple times.

**Harriet SHING:** Dr Ratnam, to paraphrase you earlier – I am going to have to because you did not provide the chamber with your answer just now again –

**The DEPUTY PRESIDENT:** No, no paraphrasing.

**Harriet SHING:** No, no. You have talked about the way in which prices are impacting upon end-user consumers. You have talked about concerns associated with gouging. You have talked about anti-competitive behaviour. To that end I am asking you, in the definition of ‘essential service’, whether you accept that wages form part of the considerations – wages for workers – in the delivery of that essential service of running a supermarket and providing goods in the terms that you have described.

**Samantha RATNAM:** Our amendment pertains to the prices of goods.

**Harriet SHING:** Dr Ratnam, I think you said you had not actually consulted with any supermarkets before drafting this amendment.

**Samantha RATNAM:** That was the last thing I answered before.

**Harriet SHING:** Yes, you did actually say that you have not engaged with any supermarkets. So you have not engaged with any supermarkets, you refuse to answer whether you have had any conversations with unions, you are not able to actually indicate –

**Samantha Ratnam:** On a point of order, Deputy President, once again the minister is paraphrasing, talking about refusing to talk to unions. I have answered that question repeatedly about the nature of our relationship with the union movement, who right now need people other than the government to talk to, given what they are doing to screw them over.

**The DEPUTY PRESIDENT:** Dr Ratnam, I think the minister is referring to the fact that you have not given a clear answer on whether you directly engaged with the unions on this particular amendment.

**Samantha RATNAM:** I have answered that we are in regular conversation with the unions, and the minister is paraphrasing that as refusing to answer and refusing to confirm the paper in front of their faces. We are talking about two different things here. I have answered that question about the nature of our relationship, and I have answered that in the course of our ongoing discussions with the unions and our relationship we regularly bring up what we are bringing before the Parliament. That should be understood.



**The DEPUTY PRESIDENT:** Dr Ratnam, I think everybody in the house is fairly clear that you have regular conversations with the unions, but the direct question has not been answered – just that you have regular conversations.

**Harriet SHING:** Dr Ratnam, could you provide this house with the responses that you have received from unions, supermarkets, peak bodies and community organisations in relation to the amendment as you have prepared and tabled it today?

**Samantha RATNAM:** Anyone who has been listening genuinely to this debate this afternoon would understand the rationale – what has contributed to why we have proposed this amendment in this way, notwithstanding the other option we gave the Parliament yesterday. We have talked about why this is an informed amendment before this Parliament, a modest amendment. In terms of what you want me to be able to say, I do not have every single piece of paper. I find it quite surprising from a government who refuse to provide any information to any of us asking for information for information on your bills that you would ask for that level of information.

**The DEPUTY PRESIDENT:** Please refrain from debate.

**Ryan BATCHELOR:** Dr Ratnam, just to clarify this point, because I do not think it was answered with particular clarity, you propose to insert in clause 23C a new subsection 10F(2), which says:

Without limiting subsection (1) and section 10, the functions of the Commission under this Act –  
which would be the Essential Services Commission Act –

in relation to the retail grocery industry involving the operation of supermarkets –

so the entire operation of the supermarkets is within scope of the powers of the Essential Services Commission –

include the following –

to monitor and report on prices in supermarkets, including but not limited to –

retail prices ...

So the question which you have not answered yet is: will the Essential Services Commission be able to examine wages as one element of its report on prices in the operation of supermarkets?

**Samantha RATNAM:** We have been quite clear, as you have just referred to, Mr Batchelor, about the functions that we would like to confer on the ESC. We are talking here about prices, and it is quite clear what we mean. I understand the tactic that you are using to try and create another excuse for why you cannot support this, but we have been very clear about the focus of this amendment on prices. If I go back to answering more fully, because you were not satisfied with the answers to the previous questions, my question back to the government is: have you engaged with the supermarkets about their price-gouging behaviour before coming to this debate today?

**Ryan BATCHELOR:** I am not sure that answers my question, Dr Ratnam, because in your proposed section 10F(2)(a), in the things which include but are not limited to the report on prices, you include retail prices as one of the elements and supply chain prices. So on just the reading of the legislation as it will stand – and we need through this debate, should the amendment pass, to get clarity for interpretive purposes as to what the words in the legislation mean; we are legislators, we are trying to legislate here and we need clarity on what words mean – does the composition of prices include things like operational costs, things like wages? If not, what does it include?

**Samantha RATNAM:** As I responded previously to a similar line of questioning, the Essential Services Commission has the power to decide on the things that it monitors and reports on. And if you want to talk about wages, I am happy to talk about wages. What we are seeing in terms of price gouging and the unbearable cost of food is not unrelated to a lot of the wage theft that we are also seeing for that retail working sector. Quite regularly we have retail workers who work for the duopoly who are

at the forefront of campaigns for better wages and conditions because the kind of behaviour that we are seeing, which those supermarket giants impose on the rest of us, is a type of behaviour often that they are imposing on their own workers. So for a party that purports to care about workers, I would have thought you would really care about this amendment, because they are linked. We are talking about the anti-competitive, monolithic behaviour of these billionaire corporations.

**The DEPUTY PRESIDENT:** Dr Ratnam, we are back into debate. Please refrain from debate.

**Ryan BATCHELOR:** We, as a party who cares about workers and the wages they receive, want to know whether the new powers that you are proposing to give to the Essential Services Commission will include the ability of that commission to monitor and report on wages. You have said it will not. I do not think it is clear from the text.

**Samantha Ratnam** interjected.

**Ryan BATCHELOR:** Have you not said it won't? So it will.

**Samantha RATNAM:** Once again, you have asked the same question I just answered. Quite clearly I said the Essential Services Commission has the power to decide on what it monitors and reports on, as it does with other sectors. That is an answer. That is not a non-answer.

**Ryan BATCHELOR:** So it could. It is within the scope of the powers of the Essential Services Commission to, if it so chooses, report on wages in the retail sector. Sorry, Dr Ratnam, are you saying that the Essential Services Commission if it chooses to do so can do investigations and monitor and report on wages as a component of prices?

**Samantha RATNAM:** I have answered this question, and once again I find it quite hard to believe that you are feigning that you have no idea how the Essential Services Commission works. I think you all know how it works, and you know about the powers. You have conferred on it powers for it to be able to function, because if you prescribe everything in legislation and regulation, as you know – and you often come to us and say, 'Sorry, this can't be in the legislation' – you are going to undermine and contain the ability of this organisation to be able to do its work. You often come and tell us, 'Sorry, we can't put that in writing. We can't put that in regulation and legislation.' Well, there is a balance here between giving the direction through legislation and regulation but also acknowledging the power that an existing body has. The Essential Services Commission has – as we have already articulated and as you have well known for many years – powers to be able to look into what they need to do to complete that function. Coming back to what we are talking about here, we are talking about monitoring and reporting on prices, given the nature of the price gouging that we are seeing and the need to scrutinise it and bring down those prices. If you want to talk about wages, I am happy to talk about wages. Wages are really important.

**The DEPUTY PRESIDENT:** No, let us not get into debate, please.

**Samantha RATNAM:** I am responding to the member asking me about how this will impact wages. Well, we do know wages are really critical, and in response –

**The DEPUTY PRESIDENT:** No, I do not think that that was the question. The question was not about how it will impact wages but what the scope is for the ESC to investigate or consider that.

**Samantha RATNAM:** Thank you, Deputy President, for the clarification, and I believe I have responded to that. I think it is really important to understand that we understand all of these things are interlinked, and we are very worried about our retail workers not getting the wages and conditions they deserve. They are often at the forefront of being mistreated by these duopolies too.

**The DEPUTY PRESIDENT:** We are back into debate, thank you.

**Ryan BATCHELOR:** Dr Ratnam, you have mentioned on several occasions in relation to this matter now what the Essential Services Commission will consider to be within its scope on monitoring

and reporting on prices but also in answer to some questions from Minister Shing, when questions were asked, about what constitutes a supermarket, which at the time you were unable to answer and provided a follow-up. You said the Essential Services Commission will be doing the definitional work. My question is: will, for example, a definition of a supermarket be included in that definitional work, and will that definition be provided for in delegated legislation or regulation or will it be in policy?

**Samantha RATNAM:** We would welcome a conversation with the government about the most appropriate place and definitional work that needs to happen to bring this to life. We would appreciate and welcome the opportunity to work with the resources at your disposal if you were also willing to engage with this kind of reform to get it right on behalf of millions of Victorians out there, and I hope that you will work with us to get it right.

**Ryan BATCHELOR:** Dr Ratnam, will it be included in regulation or in policy?

**Samantha RATNAM:** As I mentioned in my previous answer, we would welcome a conversation with the government about the most appropriate place for that definitional work to be. We understand you too have had experience in writing legislation and regulation, and we would welcome advice and a collaborative approach to get it right to make sure that this has the life in it and the power in it to bring down those prices.

**Ryan BATCHELOR:** You are asking us to vote on this today, so it is important that the chamber understands the scope of the proposed new laws that we make. Further to that, my question is in relation to the scope of the powers in your proposed section 10F(2)(a)(ii) in relation to supply chain prices. Given that many supply chains for supermarkets extend beyond the borders of the state of Victoria, what powers will the Essential Services Commission have with respect to practices that occur beyond the state's borders, in other jurisdictions?

**Samantha RATNAM:** I understand that there might be some precedent with the other sectors that the Essential Services Commission also has powers over, and I think it is worth thinking about how that could work. As I mentioned previously in terms of Victoria beginning this work, I hope Victoria has the courage to take the lead, because somebody has to. People are going too slow, and nothing is happening. Somebody has to show courage, leadership and vision, and we have the opportunity to do that here. I would hope that if an amendment such as this was passed, we would all sit down with the federal government, we would sit down with the Essential Services Commission and we would think about how we make this work to its best ability. Hopefully what we would have is a national conversation that is sparked, and suddenly your counterpart in the federal government, Mr Albanese, would say, 'Wow, what they've done in Victoria is something we can do too. Before you get on with that, let's have a meeting of national cabinet and let's talk about how we can do this across Australia.' That is how change happens. You have not been shy to engage in that type of leadership before. We are appealing to you to once again find that leadership for what is a crisis that is really impacting so many people.

**Ryan BATCHELOR:** I agree it is worth thinking about how this should work, which I think is something you just said. It is not clear though from that answer whether the Victorian Essential Services Commission staff or agents will be empowered to undertake monitoring activities in other jurisdictions. Have you had any conversations with other jurisdictions about whether they would allow Victorian members of staff or agents of the Essential Services Commission into their jurisdictions to exercise powers under Victorian law?

**Samantha RATNAM:** We have not had those discussions as yet. However, we anticipate that would be a really good next step should this amendment pass, and it is not without precedent in this place that we would provide an overarching framework. Often you pass legislation that does not come into effect for say six or 12 months, sometimes beyond, because the government asks us, 'Give us some time to work out the details.' We have to get this process started to signal to an industry that is right now gouging people out of being able to put food on the table. We have to take immediate action,

but we need to work now with the sector and with all the components that make up the supply chain and the distribution and the retail sector to get this right. I know that you know that. I know that you know how that works, and we are appealing once again for you to take this seriously. I know why you are asking these detailed questions. Maybe it is to fill up time till the messages come, because there are not many bills left, because there is not much legislation going through this place. I am not sure, but all these questions seem a bit –

**The DEPUTY PRESIDENT:** Dr Ratnam, I am going to ask you to sit down. That is really straying into debate.

**Ryan BATCHELOR:** I do find it somewhat concerning that there is an attempt by Dr Ratnam to suggest that we should not be asking questions of amendments that she is proposing. I do not think it is in keeping with the spirit of this chamber to be suggesting that we should not debate matters before us. Dr Ratnam, when would these provisions commence?

**Samantha RATNAM:** Responding to the comment before, I apologise if I seemed frivolous. However, it has been a couple of hours of debate and there have been attempts to take this debate away from the heart of what is being proposed, which is quite a simple amendment. I understand the questions.

**The DEPUTY PRESIDENT:** Dr Ratnam, we are back into debate. Please just answer the question.

**Samantha RATNAM:** I am trying to answer the question fulsomely. In terms of commencement, look, it could occur with the overall bill commencement. However, I think with some of these provisions like we have canvassed today, while there is absolute precedent and we have an Essential Services Commission who know how to do this work, we are of a mind to get this right, and we would welcome a conversation about the best timing to give life to it.

That being said, we are getting to crisis point. This has been going on for years, and we are hitting now a crescendo in the public conversation. We had the CEO of one of those giants resign after that public pressure, and I find it really surprising that we do not have the type of urgency in this chamber to deal with what is a matter of urgency for so many people. So let us get this done as soon as possible but let us also get it right.

This is a modest first step, which is why we have proposed what is quite a modest amendment. We could have gone further; if the government wants us to go further, we are very happy to do that work. We are happy to sit down with you right after this debate. But let us get it right. We are appealing to you caring and thinking about what is going on here. We can use all the theatrics and tactics of Parliament, but we are talking about food on the table here.

**Ryan BATCHELOR:** A last one from me, Dr Ratnam: have you spoken to the ACCC about this proposal, and if so, when and with whom?

**Samantha RATNAM:** I will confer with my parliamentary colleague Mr Sam Hibbins, who is unwell at the moment, and get back to you, because he has been undertaking very, very detailed and serious consultations with a number of people. It is a very informed –

*Members interjecting.*

**Samantha RATNAM:** And have you talked to the supermarkets about their price gouging? Probably not. I can tell you we have been engaging with more people than you have been engaging with when it comes to the cost of living affecting Victorians.

**The DEPUTY PRESIDENT:** Dr Ratnam, that is debate.

**Samantha RATNAM:** I am happy to take that on notice and provide you with the details, Mr Batchelor.

**Evan MULHOLLAND:** I know I said I did not have any questions, but I have some questions. Just in relation to the definition of ‘supermarket’, FoodWorks in Roxburgh Park in your and my electorate is a great family-owned grocer. It describes itself as a supermarket. Would they be captured under this amendment, and would they have to hand over data to the ESC?

**Samantha RATNAM:** As has been referenced before in this debate, the Essential Services Commission have the power to decide who they monitor and report on once we confer on them the power, as they do with the retail energy sector and other sectors where they also have these similar powers. They decide on those thresholds. That would be a discussion and a decision, I am sure, with government, should they take up this amendment, about those thresholds. But what we do know is that we are talking about the top end of the big supermarket retailers, which is why we cite those four. That is the intention of this amendment.

For the record in the committee stage, because the record does then have relevance for the interpretation of legislation, I think it is worth reiterating what the intention is of this amendment. We are talking about the big supermarket retailers, of which four large retailers have been cited that dominate the Australian market. We are asking the Essential Services Commission to monitor and report on potential price gouging, report on prices, so we can start bringing those prices down. But I have confidence, and look, they will be part of conversations, should this amendment succeed, about the appropriate threshold for that type of reporting.

**Evan MULHOLLAND:** My understanding of the amendment is it does not seem to allow for conversations in terms of the broad stroke of it. Are you saying, or at least my reading of it is, that FoodWorks in Roxburgh Park will be captured by this amendment? How does this amendment make way for consultations and government decision-making after it is passed?

**Samantha RATNAM:** As I mentioned before, my understanding is that because the Essential Services Commission already have the power vested in them to decide those thresholds and decide who they monitor and report on, a similar application of criteria would apply. I cannot speak for them, but I understand and I would anticipate that they do consult. They do not operate in a vacuum. They would care very much about who they are monitoring and regulating and reporting on, as they do with other sectors. There are issues with everybody, but in terms of major complaints about how a body goes about considering those thresholds, my understanding is that when similar legislation is before us and we are deciding those thresholds, sometimes there are moments when we will prescribe them quite tightly in regulation and in definition in the chamber. But often we will have government asking us to allow them to put it in regulation because they have to do more consultation, and you would hope the government would do more consultation on this front too. We would actually hope that they would be doing that consultation right now given the level of the crisis. I understand that that is already implied in the way the ESC works.

We have got to be really careful about picking the one example and then creating fear around that, when we actually have an established operation. It is not like we have got a bill before us to establish an essential services commission. Our bill does not establish a new essential services commission. We are talking about an established body that government has a lot of trust in and confers a lot of power and responsibility on. What we are talking about is a modest change to confer new powers on them. So I would urge everyone and appeal to your pre-existing understanding and confidence in those statutory bodies and other bodies that we rely on every day when we make legislation. We have this before us every time we make legislation. We are then thinking about how that body is going to implement it. We all do our research – look, I hope you all did your research work – about how all this works. But our understanding is that that power is already conferred, and they will be able to manage that balance.

**Evan MULHOLLAND:** You spoke about the power that they already confer and that they do have discussions. Are you aware that the ESC has had discussions with government in terms of the powers you have spoken about, and have you consulted with the ESC to confirm this view?

**Samantha RATNAM:** That is another one I will take on notice, and I am happy to provide you with the details. As I mentioned, my colleague Mr Sam Hibbins has been doing a lot of consultative and policy work in this area with his team. He is not in the Parliament today because he is unwell, but I will certainly confer with him. I am happy to furnish you with the conversations that we have had in developing this amendment, which has been very deeply considered.

**Evan MULHOLLAND:** I am not sure FoodWorks in Roxburgh Park would be pleased with the red tape that the amendment will, if passed, add for them almost instantly. In regard to the reporting, would there be an ongoing application and balance process for something that looks like price gouging to consider the impact of things like energy prices and petrol prices on the cost of food?

**Samantha RATNAM:** My understanding is that if you look at how the ESC operates in other sectors, it is quite complicated work when it determines the appropriateness of prices, as does the ACCC. I think they will be looking at all those input costs. But what we are talking about here is looking at the regularity of the ultimate price, because what we are hearing is that we have got producers, we have got farmers who are saying, 'This is what we're being paid at the gate.' It is being sold at a certain price. We have got these megaprofits then reported by these big supermarket companies, and the suppliers are saying, 'We're not seeing the benefit or the share of that profit.' When you think about what an appropriate price increase is – without any signal from anyone, because right now the supermarkets are not getting a signal from anyone about what is appropriate. If one day we have to pay \$20 for a 1-litre bottle of milk, do you think we would go, 'That's appropriate'? Right now what is to stop that apart from consumer behaviour? But what if we have such a concentration of retailers that there is no healthy competition to bring those prices down?

Because of this in the energy sector the government made a decision to create a check and balance. That is what we are asking for here. It is another essential service that impacts the everyday quality of our lives, whether we can be well and whether we can be healthy, and we are thinking about the signal it sends to a very powerful industry. When you couple that with a concentration unlike what you see in other countries in Australia, profit margins higher than what we see in relation to the international standard – people saying they cannot afford food anymore, people saying they cannot afford their rent anymore and the farmers saying, 'We're not making any more money, we're going to bulldoze our cherry crop' – surely all of us go, 'Something is going wrong, and potentially there's some price gouging.' That is the intention of this amendment: to look at the regularity of the prices being set. Surely they will look at the inputs, surely they will look at the externalities and other factors driving those prices. We happen to have an inflationary environment in the world over the last couple of years especially. Surely those will be considered. A lot of these people around bodies like the ACCC and the ESC are trained and equipped to be able to consider those very complex questions. But it is important to remember we are talking here about regularity of prices, because right now they are not regular and they are too high.

**Evan MULHOLLAND:** I will not be much longer, I hope. You have spoken before and in your answers about how often with these types of bills and amendments the government will kindly, for us all, write in clauses and times the actual bill takes effect and work out what regulations can be introduced ongoing from the legislation. Why in the drafting of this amendment is there no such thing? Why wasn't that included? As you have raised that that would be a good thing to do so that we could have conversations about that, why wouldn't you just withdraw it and try to redraft something that does carry the ability to do that?

**Samantha RATNAM:** As I understand the question – please let me know if I have got the wrong end of this question – you are talking about commencement and why we did not include the detail of the commencement provisions given that I did allude to the fact that what we would anticipate is some consultation and some further work, as happens with all legislation. For the purposes of this bill before us, because we are amending a bill that has come before us – an omnibus bill – it is implied that the commencement is in line with the commencement of the rest of the bill. We would like it to happen as soon as possible. In some ways that is a constraint that has been imposed upon us because we have

to amend this bill. This is the way that we were able to bring this forward for debate today. In an ideal world, yes, perhaps we would have written a slightly different time line, but I think that is something for the chamber to consider. For example, if the chamber was of a mind to support this and say, 'Look, we need a bit more time here,' we could delay the commencement date. What we are trying to understand is: will the chamber consider this genuinely? If we are going to consider it genuinely, if there is support in the chamber, then let us talk about the commencement date to give life to those extra provisions. We really welcome and are open to those conversations if the chamber is going to support this today.

**Evan MULHOLLAND:** What impact do you believe this amendment will have on the resourcing of the ESC? Do you have an estimate of the budgetary impact of this proposal? If you expect it to be possibly budget neutral, what other monitoring and compliance activities do you anticipate the ESC reducing to perform this additional function?

**Samantha RATNAM:** Yes, it is I think quite appropriate to consider what resource implications this could have on the Essential Services Commission and rightly anticipate that it would require more resources. We would not like the ESC to have to diminish its other work to be able to do this work, but these are issues that are presented to us on a daily basis when we do need to have a new power and somebody has to do more work and we need to be able to resource that adequately. We would be urging the government to ensure the ESC was adequately resourced.

On multiple occasions throughout the year when we have bills before this place which give a new power to this group or ask them to do something else over here – we create a new function, we create a new statutory body; we have done that in this Parliament before – with that comes a conversation, because it is the government who have the levers of the budget and are able to adequately resource it. So what we are appealing for and saying, especially to the government today, is talk to us about this very modest change that could have a material impact in sending a really important signal to these companies that look to be acting really inappropriately, with the kind of margins that we are seeing and the cost-of-living pressures that people are experiencing. We would assert that it would be a modest injection of resources for the cost-of-living relief that could meet Victorians as a result.

If you think about what this does for Victorians should we have an effective mechanism to monitor and report – hopefully investigate and regulate at some point too if the government is willing to go further – we will have the cost of living come down for so many thousands of Victorians. We will then have Victorians relying less on other services that the government funds. Think about how much pressure the food banks would be relieved of if people were able to afford their own food. So I think we have to think about this globally. Yes, there might be more resources needed for the ESC; it would be modest in comparison to the overall savings the government would make when it looks after its citizens.

**Evan MULHOLLAND:** I would state that it is not quite a modest proposal if you do not know how much it actually costs. I am going to conclude my questions there, but I want to thank the chamber for this debate and particularly thank Dr Ratnam – a heroic effort by you in several hours of questioning.

**The DEPUTY PRESIDENT:** The question is that Dr Ratnam's amendment 1, which tests all of her remaining amendments – and I think we have well and truly tested them all – be agreed to.

**Council divided on amendment:**

*Ayes (5):* Katherine Copsey, Sarah Mansfield, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

*Noes (30):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu,

Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

**Amendment negatived.**

**Clause agreed to; clauses 2 to 108 agreed to.**

**Reported to house without amendment.**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:11): I move:

That the report be adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:11): 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.

**Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023**

*Second reading*

**Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

**Evan MULHOLLAND** (Northern Metropolitan) (16:12): I rise to speak on the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023. The journey of how we have found ourselves here debating this bill is a long one and quite a gut-wrenching one. Too many Victorians have been put through absolute hell, shattered by an incompetent Labor government that is now just resting on its laurels after so many years. I have spoken to countless Victorians who have been shattered under the regulation of the domestic building industry by this Labor government, hardworking families that have had their dreams and their lives rocked by crooks, cowboys and collapsing companies that Labor have left unchecked right across Victoria. Each and every one of their personal stories is heartbreaking.

Too often it takes a crisis for the government to jolt into action. Naturally, it is always better to fix the problem before it occurs, but we know that is not always possible. It happens to federal governments, state governments, Labor governments and, yes, sometimes even coalition governments. There is no point pretending government is capable of stopping every crisis before it occurs. Some are entirely predictable and self-inflicted, like Labor's 2026 Commonwealth Games fiasco. Others come without warning, like the terrible storm event we have just experienced. When a major crisis occurs, what is critical is that the government responds swiftly and competently, and what is so incredibly galling and heartbreaking about what has occurred in Victoria's domestic building industry is the utter lack of urgency that this Labor government has shown and continues to show in addressing this crisis.

When you neglect to turn the tap off and then suddenly find the bathtub is overflowing, what do you do? Most people would turn the tap off, but that is becoming an all too painful habit for Labor – seeing



an overflowing tub, deciding that because they turned the taps on they now cannot turn them off. So they just throw the towels down on the floor and then go downstairs and have a crack at a Sunday puzzle or sudoku or whatever they are into. Labor have simply lost all sense of urgency and priority when it comes to governing Victoria, particularly rectifying problems they have created and presided over, and the consequences are becoming increasingly devastating for so many Victorians.

Unlike this Labor government, the member for Brighton, the Leader of the Opposition and I and many members of the coalition have spoken to victims of collapsed builders. We have heard firsthand the gut-wrenching stories, and anyone who has heard these stories knows how important it is that the government takes action to stop them from happening to other people. Consequently the coalition will not be opposing this bill, even though it does not go far enough and comes far too late. We will not be standing in the way of some progress towards preventing more heartbreak being caused for more Victorians, even though I do not believe the bill will stop another Porter Davis or another Montego Homes occurring until the government fixes the enforcement issues in the Victorian Building Authority (VBA). However, I am moving a reasoned amendment, which I now ask to be circulated. I move:

That all the words after ‘That’ be omitted and replaced with ‘the bill be withdrawn and not reintroduced until the government commits to comprehensively protect victims and their families from rogue behaviour from a small minority of dodgy builders and the potential loss of their deposit if a building company collapses.’.

It is almost one year since Porter Davis collapsed into administration. More than 500 Victorians were left shattered when they lost their deposit, in many cases their life savings, as a result of Porter Davis having failed to take out adequate domestic building insurance on their behalf. Those victims of the Porter Davis collapse who lost their deposits have subsequently had the opportunity to recover their deposits through a scheme which was established in April 2023 and closed in August 2023. The coalition supported the establishment of that scheme; in fact the coalition dragged the government kicking and screaming, through my colleague Jess Wilson, to establish that scheme for affected Porter Davis customers. It was an appropriate response to assist the victims of a disgraced company, with a Labor government asleep at the wheel, to recover financially.

The obvious question that must be asked is: what has the government done over the last 12 months to stop history repeating itself? What has it done to stop more hardworking Victorians becoming victims of dodgy builders in the first place? The distressing answer to that is that there is nothing even approaching enough. The Porter Davis collapse did not jolt this Labor government awake and into action like it should have. It is only now, a year later, that Labor’s too little, too late bill has come before the Parliament. In the meantime the predictable and gut-wrenching has occurred: more and more dodgy builders playing fast and loose with the lives of Victorians who trusted them, by failing to take out adequate domestic building insurance.

In the last few weeks yet another major builder, Montego Homes, collapsed without insurance, wreaking havoc on the lives and livelihoods of more than 60 Victorians. I want to talk about just one of the victims of Montego Homes, Jess Rodriguez, who has been shattered by the collapse of Montego Homes, the latest dodgy builder to collapse. Jess is a single mum. Jess spent about nine years sacrificing mornings, afternoons, weekends and special occasions working incredibly hard all that time in pursuit of the great Australian dream to save up a deposit for herself and her nine-year-old daughter. She even went in with her mum to buy the house next door, so her mum could live next door and she could look after her mum as she got older. They bought a plot and a house and land from Montego – they went through Montego for their build – in beautiful Doreen in the northern suburbs of Melbourne. Montego crushed their dreams – they crushed the great Australian dream. Jess trusted Montego with her dreams, and so did her mum. That has been shattered now. She also trusted that government regulations would ensure that this could not happen. A lot of people out there had heard of the Porter Davis issue and seemingly presumed, because support was offered, that this could not happen again – it could not happen again after it happened to about 500 people under Porter Davis. It is just not

possible. But here again we have another dodgy builder who has shattered the dreams of young Victorians.

I met with Jess and Alex and Tanya out in Doreen and inspected the plot where they had bought, and it is just absolutely heart-wrenching what these young families are going through with the lack of certainty in their lives right now. They have pleaded, they have spoken on 7News and they have shown up to the steps of Parliament. They were even in the parliamentary gallery as we implored Jacinta Allan to extend the customer support scheme to Montego Homes customers, because there is actually no difference between what happened to Jessica and what happened to Porter Davis customers, and you all know that. It was noncompliance and a lack of enforcement to pick up these things, to pick up the fact that the builder had not taken out domestic building insurance on behalf of these families and were still taking deposits. They were putting in client numbers for the Victorian Managed Insurance Authority that did not make the match the address of the actual land and property. A good regulator like the Victorian Building Authority should be able to pick up these things to ensure that people like Jess are not caught out in this game of chance – that is, achieving the great Australian dream. There is no difference between what happened to Porter Davis customers and Montego Homes customers, so we are imploring the government: support these victims in the same way that you supported Porter Davis customers.

I just want to talk about someone else who was affected, Chantelle Gizycki from Mount Duneed. Mount Duneed is a great part of the world near Geelong in the electorate of South Barwon, and it is where the majority of the victims are affected, at the Dalgona estate. These families have been left tens of thousands of dollars out of pocket. Chantelle paid a \$15,000 deposit to Montego in 2022 after years of saving for a house-and-land package at the Dalgona estate in Mount Duneed. She is a 29-year-old pharmacist. She said that money was now gone after Montego failed to take out domestic building insurance despite legal requirements for them to do so. She is one of 12 parties within the Dalgona estate affected. She said:

This situation has taken a massive toll on both my physical and mental health, as I'm sure is the case for many others.

I also spoke to Hayden Plunkett and his wife Juli. They are not too far in age from me, in their early to mid-30s, and they paid a deposit of almost \$20,000. Hayden said:

The whole thing is a mess ...

We're both suffering from anxiety ... I'm not going to stop fighting to get our money back, but you have to weigh that against your mental health.

It is really, really heartbreaking, but this is because of Labor's failure to fix domestic building industry noncompliance, and this is just because of a lack of heart. Have a heart and show the same support you did for Porter Davis customers. Porter Davis should have been a wake-up call to get your house in order, to get the VBA in order, to fix the issues. I can tell you these families are at their wits' end. They have attempted over and over and over again to get in touch with their local Labor MPs. Don't you dare let me hear again all this nonsense talk of how great this Labor MP is, how this person works hard for their community, how that member works hard for their community. The member for South Barwon has treated these families with contempt. They spoke about it online:

... he's not really on our side ... Or too scared of Jacinta to speak out

**Harriet Shing:** On a point of order, Acting President, we do appreciate a wideranging debate. However, if Mr Mulholland has an allegation, he should put that by way of substantive motion.

**The ACTING PRESIDENT (Jacinta Ermacora):** There is no point of order. It is not an allegation, but Mr Mulholland, if you would stick to the bill, please.

**Evan MULHOLLAND:** Yes, I will stick to the bill, and I think this is related to the bill: another one in the case of the Montego victims at Doreen. One of the victims was very, very unhappy with the member for Yan Yean. She said:

She's too scared to ... say anything and just keeps telling me she 'talking to the minister about it' but in four months, she hasn't helped me at all ...

in the process. Another of these victims said:

Agree, sucks living in a labor seat

I have spent hours, days, weeks, months speaking to these victims, speaking to their families, and for the life of me I cannot understand why the government has not stepped in to support these families. They are at a significant low point in their lives. They have had their dreams slip through their hands due to a failure to fix widespread domestic building noncompliance by this Labor government. Surely after the Porter Davis scandal, where you had to set up the customer support scheme, which cost millions of dollars to return the deposits of 500 people, you would look at the books and think, 'Let's get our house in order. Let's make sure this doesn't happen again and that we have got systems in place to stop this happening again.' No – 'Not our issue.'

The amount for the Montego victims: the average deposit is about \$15,000 to \$20,000. Again, there are only about 60 victims, of which about 30 have lost their deposits. So it is not a huge amount of money. I just do not understand why the Labor government has not come forward and offered support for these families. The Premier was asked weeks ago. She was asked during the last sitting week to support these families, because there is actually no difference between what happened to Porter Davis and all the other building collapses that the government included in the scheme and Montego Homes. They have closed the scheme, but it is not like the issues have been resolved. You have refused to make that commitment.

I would also speak about Tiana Hutcherson and Matthew Coppen from Clyde North. I know my colleague the member for Berwick Brad Battin has been in contact with them as well. Tiana and Matthew are a young couple who hoped to start a family in a larger home built by Montego in Clyde North after their wedding in eight weeks. They paid a deposit of \$30,000 for a house and land package worth \$600,000. They have lost their deposit and are now facing financial stress and uncertainty. They said:

Losing this deposit and trying to work out where we're pulling the money from is an absolute nightmare ...

Another person from Clyde North is Paul Elsharouny. Paul is an experienced construction project manager who did not see the collapse coming. He said:

I was in disbelief because I didn't think that this would happen to me ...

...

And when you approach government (for) support, the only reply you get back is 'sorry we cannot help you'.

Cor Cordis, the administrator for Montego, on behalf of families actually contacted the Premier's office to see whether the customer support scheme would be available. They reported back to families that they were told there is no money available. Then, only a few days later, the Premier said that she is having conversations with the Treasurer. These families cannot wait. These families are desperate for help and support. They are seeing financial counsellors. It is just an absolutely devastating position to find yourself in.

I want to speak about Nicole Clarke from Cranbourne East. Nicole bought a block of land in Cranbourne East and lost \$13,825, which had taken her over a year to save. She was urged to pay for the deposit in January and found out about the liquidation a week later. She missed the government support scheme and lost trust in the industry. She is thinking about selling the land and giving up on buying a house. She said:

Trying to buy anything at the moment in this climate is just ridiculous. Almost impossible. So, saving money for a deposit and then losing it is pretty devastating.

I want to speak about Bruce Sharp from Mount Duneed, again in South Barwon electorate. Bruce is a self-funded retiree who had hoped to downsize into a townhouse near Mount Duneed. He paid a deposit of \$20,000 for a block of land worth \$300,000. He has lost his deposit and is now having to reconsider his retirement plans. He said:

The whole idea of doing the house-and-land package and selling our house was actually to move into a new home for retirement and be debt-free ...

Quite frankly, I cannot go the journey to sign another building contract. At the end of the day, I've got to look at selling that block of land once it titles this year and re-thinking what we're going to do.

I really, really hope that there are people within the chamber and outside the chamber, perhaps within the Premier's office, the Treasurer's office and the Assistant Treasurer's office, that are listening to some of the stories of these families, that are listening to their heartbreaking tales, their gut-wrenching stories about saving for the great Australian dream and having it become the great Labor nightmare. That is what has happened to these families because the government did not consider Porter Davis as a wake-up call for them to actually do some work and fix building industry noncompliance, fix the noncompliance from the VBA. I mean, what are the VBA busy with – doing building inspections via FaceTime? This kind of stuff is just basic competence: to match the addresses on an insurance number to where the actual block of land is. It is basic level competence that seems to be largely more prominent and present in Victoria than anywhere else.

I saw that this is apparently the first in a suite of measures. We know that this bill does nothing. It will only increase the fines for dodgy builders. It will not actually stop a dodgy builder from taking deposits and then not taking out insurance. It will increase the fines afterwards.

**Michael Galea** interjected.

**Evan MULHOLLAND:** I will take up the interjection and give you an example. There is VBA action against Todd Searle from Montego Homes, and it is good that he has been deregistered. That is good. Given he has now declared bankruptcy, if this bill was in place, it would have done nothing to prevent him from doing the same thing. This bill actually would not stop another Todd Searle from going ahead, shattering the dreams of young families all across the state, stealing their deposits and not taking out insurance on their behalf. It does not actually do anything.

This government is not actually serious. It says it is the first in a suite of measures. Where is the rest of the suite that actually fixes the problems in the VBA on behalf of these families? The fact that the government is not here rocking up with a bill that does that or in fact is not just staring down the VBA and telling them to get their house in order is frankly outrageous. This bill is a news headline to look like they are taking action to stop another Porter Davis and to stop another Montego Homes, but they are actually doing nothing. This bill does not stop another Montego Homes. It does not stop another Todd Searle. The fact that they have come here with a news headline rather than a serious bill to fix the situation people like Jess have found themselves in is outrageous.

What is even worse is that they knew about Montego for a while – for weeks, if not months – and they have not yet offered those families the same support that Porter Davis customers received and that plenty of other customers of other building companies received. They have not. Those families in Cranbourne or Clyde North or Doreen or Wollert in my electorate or Mount Duneed are hanging on the edge. They are watching state politics like they never have before for that financial lifeline in their life, because that is all they have left: hope that they will be able to get their hard-earned back that they spent so long saving for just to get a foot in the door of the great Australian dream.

Unfortunately, the government has not prevented a Porter Davis situation happening again, because it keeps happening. They have not fixed the VBA, and I am hoping maybe some people in this chamber in goodwill could walk around to the Treasurer's office or the Assistant Treasurer's office or the

Premier's office and implore them: have a heart; look after these families. It is not even a huge amount. First, they could do that, and second, they could get the VBA in order to fix domestic building industry noncompliance, because this bill does not even do that. This bill is a news headline to look like they are doing something.

Another thing I will say is: we want to work with you on this. We are happy to work with you on this on behalf of these families, to get it right, because it is all of our jobs to get it right. We can bring in a bill that was designed for a news headline but does not actually fix the issue, or we can work together as a Parliament to actually fix the issue, which is why our amendment should be supported. We need to support families. We need to support people like Bruce from Mount Duneed, Paul from Clyde North, Nicole from Cranbourne East, Tanya from Clyde North, Jess from Doreen. We need to sort this out for them. I implore you to support my amendment. I implore you to do the work and offer the same support for these families as you did for Porter Davis.

**Michael GALEA** (South-Eastern Metropolitan) (16:42): I also rise today to speak on the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023. This is an important bill because it is a bill that does something. It is a bill that is, as Mr Mulholland even concedes, the first step of a suite of other legislation and a suite of measures that are being undertaken by this government, because this is a government that hears people, that responds to their needs and that does something about it.

I will return to some of the substance of the bill which was not covered in Mr Mulholland's speech briefly, but I think firstly I want to respond to and address some of the things that Mr Mulholland has raised. At the outset I understand and I appreciate his evident passion. What I am very concerned about, though, is: if you come into this place and you claim to be so passionate about this, why would you put an amendment up that says to withdraw a bill that is going to make a real difference by imposing real penalties on this outrageous behaviour? If you oppose this outrageous behaviour, do not put an amendment up that says, 'Actually, we're going to remove this bill. It's not necessary; we're going to remove it.'

People are suffering when they have to deal with these situations, and this government absolutely recognises that. It is exactly why we responded to the Porter Davis situation last year, and it is exactly why we are currently having discussions with those liquidators. I note that, yes, Montego Homes have been in administration for a little while. They entered liquidation properly two days ago. This government is having those conversations. Nothing in this bill changes those conversations either way. Nothing in this bill prevented or precluded us from engaging with and providing support to Porter Davis customers last year. Nothing in this bill has any impact on those discussions at the moment that are being had by the government and with the Victorian Building Authority.

But what this amendment by Mr Mulholland will do, if it is successful, is actually remove a penalty. You cannot come into this place with all earnestness and seriousness, which I do believe and I will accept is genuine from your part, Mr Mulholland, to say, 'This is a serious problem. We must fix it,' and then put up an amendment that removes all the words after 'that' and says that this bill should be withdrawn. You cannot be seriously putting that into this place, because if that is what you are saying, then that shows that you are happy to play political games and that you do not care about improving these regulations, these laws, these penalties.

If you are serious about it – I appreciate your willingness to work with us – work with us and do not oppose good legislation that is the first of a suite of measures that are going to make a difference and that are going to send a message to the cowboys of this world, like Mr Todd Searle. I do join Mr Mulholland in condemning those actions. I absolutely join him in that. It is a despicable way to treat first home owners, who are usually first home buyers going through that process of building a home. I absolutely share his rage about that, but if you share that rage, do not oppose this legislation. This legislation is not the ultimate fix. This legislation, though, is a very important part of that fix. If you are serious about supporting these people, by all means we will have those conversations, but do

not oppose this bill. Do not support an amendment which effectively wrings that bill to shreds. If you are serious about supporting these people, these first home owners, especially in the growing suburbs, you will not back this very unserious amendment. As I say, this is an important bill. This is a serious bill.

**Evan Mulholland** interjected.

**Michael GALEA:** It is a serious matter, Mr Mulholland, and I ask you to respect that. This is a serious matter that people are going through, that they went through last year, and this is a bill that responds to the issue and that responds to those needs. We have seen the ramifications of construction companies entering administration or collapsing outright, like we have seen with the examples put forward by Mr Mulholland. We have seen families who have saved their entire lives to afford deposits for a new home, oftentimes in new growth areas as well, and who are then left with a half-built home, their deposits and savings gone, with no way forward to getting the completed home they worked so hard to obtain.

Following the collapse of Porter Davis in March last year it was revealed that around 560 building owners or prospective building owners were at risk of losing their entire deposit due to the failure of Porter Davis to obtain the appropriate domestic building insurance on their behalf. There have been further disturbing and outrageous examples since, and there were reports and disturbing examples as well during the weeks, days and, yes, even hours before some of these companies entered administration. These instances of customers being blindsided by the financial state of the building companies facing imminent collapse have resulted in a substantial drop in public confidence in the construction and housing industry. In April of last year the government stepped in to help Porter Davis Homes customers get back on their feet by compensating them to do so. We have also set up the liquidated builders customer support payment scheme for customers of other builders whose businesses collapsed in that financial year where those customers were at risk of losing deposits because the builder had not obtained DBI.

To address the events that occurred last year and provide consumers with better protections, this bill introduces two new offences into the Domestic Building Contracts Act 1995 to be triggered when a builder receives money from a client in relation to the carrying out of domestic building work under a major domestic building contract without having obtained the required insurance for that work. Furthermore, the bill will also make amendments to the Building Act 1993 to ensure that the Victorian Building Authority, the VBA, can enforce and take disciplinary action with respect to the set of new offences under the DBC act. These two new offences, which will be inserted into domestic building contracts, will apply if a builder enters into an insurable major domestic building contract, which is defined as being for work costing more than \$16,000, and receives money from or on behalf of the building owner before holding their required insurance.

The new offences are designed to stop cowboy builders like we are discussing today. The penalties will be up to \$96,000 for individuals and up to \$480,000 for corporations. Two different penalty levels will apply based on the seriousness of the conduct, with a higher penalty to be applied if the offence is committed knowingly or recklessly. The lower penalty applies at a standard of strict liability, which is where the offence is committed even if there was no intention to commit it. Those individuals that commit the offence will, though, receive a fine of up to 500 penalty points, which as I say is around \$96,000, or 2500 penalty points – \$480,000 – for body corporates. This differential in penalties is essential considering the instances in the past where builders have kept their finances from their customers. They knew that they were taking money at a time when they were in a difficult situation and likely to face insolvency, but they still took customers' money, and they still took new customers' money. It is only right that heftier fines apply to offenders who are not acting in good faith and who are knowingly putting their customers at financial risk for their benefit.

Beyond these new offences, this bill also institutes other reforms to improve the regulatory system and boost consumer protections. This bill gives the Victorian Building Authority the powers it needs to

take decisive action against a builder for noncompliance with any of the new offences. This includes the ability to take proceedings against a builder who does contravene one of these new offences, and the VBA will be able to take disciplinary action against noncompliance with other offences, up to and including the suspension of their registration.

These changes were made and informed by the Porter Davis collapse, which exposed loopholes in the Building Act that some builders took advantage of. The practices of building companies that led to this situation continue to give all domestic home builders a bad name. It is a reputation that many, if not most, do not deserve, and I do want to acknowledge those builders who are doing the right thing by the law and are not taking advantage of their clients. Directors as well as individual building practitioners will be able to be held directly liable for infringement of the offences included in this bill, even if the company itself has entered into liquidation. To support this new offence, the VBA is continuing to audit compliance with those DBI requirements, and these new offences will give them the powers that they need to hold builders to account for failing to meet DBI requirements. These changes will also give the VBA more power to commence proceedings to ensure that builders comply with the new regulations and to allow them to enforce offences against noncompliant builders.

There has also been an expert panel set up on the foundational recommendations from the expert panel's stage 1 report, which was set up with the passage of the Building Legislation Amendment Bill 2023, which many in this chamber also spoke on. In December last year the expert panel's stage 2 report was released, providing 14 recommendations in order to deliver greater accountability and strengthen compliance and enforcement as well as improve insurance coverage in the home building sector. This government is committed to delivering a broad range of building reforms to ensure that Victorians have access to the quality homes that they need and that are safe and secure. This package also includes delivering a building system with consumers and home owners at the centre, with clearer roles and responsibilities, improved accountability, access to insurance and consumer support throughout the life cycle of a build, and stronger regulators that will ensure that the people who oversee building projects have the powers that they need to protect consumers and to hold builders to account if they do the wrong thing. It also includes more builders and contractors with the right skills to build our homes and that operate with the transparency and professionalism that Victorians rightly expect. It also includes a better approval process to ensure that all buildings built in Victoria are safe and built to last.

In December of last year the regulator released a new regulatory policy statement, which also emphasises the VBA's new approach to ensuring customers are always front and centre of the regulator's work – as they should be. The new regulatory policy statement sets out the VBA's objective to improve consumer outcomes, how it will use its powers and how it intends to regulate and ensure compliance with building regulations. Getting this right is an important thing for all Victorians. It is especially important for all Victorians as we embark on the journey under our housing statement, which will see 800,000 homes built in this state. This is a government that recognises the housing challenges that Victorians face, whether you are building a new home, whether you are buying an established home, whether you already own your home, whether you rent a home or whether you cannot get into the property market – rent or buy – at all.

We are investing because we know that the number one way in which we can improve accessibility to housing for all Victorians is by improving and increasing supply, and that does not just mean in our growth suburbs, although that is and should be a big part of it. It must also mean having mature conversations about planning and about how we get appropriate development in our established suburbs, and this is an area where I am sure Mr Mulholland and I will probably find some more agreement on. We need to do away with those who say that we need to have blanket controls over vast areas of inner metropolitan Melbourne and that despite having vast resources of tram stops and train stations at their doorstep there should be absolutely no development. We must have a sensible conversation about that.

Getting these reforms right and getting these building reforms right at this stage means that as we do embark on that program, as we do more and more and as we add to the houses that we are already building, we need to ensure that we have the regulations in place, that we have the safeguards for consumers and that we have the building framework as fine-tuned as we possibly can so that as this Big Housing Build happens, both privately and publicly, we have houses being built that not only meet the immediate housing needs of all Victorians but can actually provide safe, secure and resounding houses for all Victorians in the near future but also, just as importantly, into the medium and longer terms as well. Getting this right and getting legislation like this through is so important at this point, and it is why I call on members to reject an amendment that will only serve to further add to delay when we need to be acting now.

**Gaelle BROAD** (Northern Victoria) (16:57): I am pleased to speak to the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023. The Nationals do not oppose the intent of this legislation. The purpose of the building legislation amendment bill is to amend the Domestic Building Contracts Act 1995 and the Building Act 1993 by mandating that builders obtain domestic building insurance before accepting payments from building owners under any major domestic building contract. But evidently where a builder goes under and has not complied with a requirement for building insurance, issuing them a fine does not mean much, and this bill does also provide that builders who are found guilty of contravening certain offences under the Domestic Building Contracts Act 1995 may become ineligible for registration for a period of time.

This bill has obviously come about through very terrible circumstances. We know about the collapse of the builders, like Porter Davis that happened on 31 March last year and more recently Montego as well – another 60 contracts where the builder failed to take out the building insurance – and that just was devastating to the people that it impacted. I know my colleague Evan Mulholland has spoken about some of those cases, those real-life examples of people that have been impacted, and they have been to Parliament seeking a hearing to ensure that they get similar support to what was given to people that had been victims of what happened with Porter Davis. We know in Doreen Jess and her mother, who was also impacted, saved up over long periods of time for that deposit and were hoping to build on sites right next door to each other but found themselves victims in this situation. We know of more cases – \$13,000 lost in a deposit, \$20,000 lost in a deposit, \$30,000 lost and left with nothing. These are people that have saved for years and have been left with nothing.

I know from speaking with Kim O’Keeffe, the member for Shepparton, of a local resident who is in northern Victoria in my electorate who lost \$20,000, and these are life savings – incredibly disappointing. I think this is a huge failure under this government when you look at the lack of compliance under the Victorian Building Authority. I mean, just look at their website: it is [vba.vic.gov.au](http://vba.vic.gov.au). People trust that there are systems in place to help protect them in these situations, and this has been an absolute failure in this instance. It is a clear regulatory failure overseen by the Labor government.

Now, we need to have a framework that ensures transparency and adequately protects those everyday Australians who are building a home who become a victim of building groups collapsing and losing money because of the failure of the building groups in obtaining insurance. Whilst this bill is a step in the right direction, as we have said, it is not far enough. The opposition has consulted extensively with industry on this bill – with peak bodies, industry, professionals and contractors – and there is definitely a consensus that there is not enough being done, that the act is out of date with current practices and that further reforms are certainly very much needed.

The building industry is a big industry. There are great builders around. I know when we built our home many years ago, we had a fantastic builder who looked after the details. But I have also spoken to other people that have had very terrible situations, and we know in these cases that they have been very dodgy builders. But people do sign contracts in good faith, and you do need to be aware of what you are signing. But in this case, you put your money forward for a deposit, and you expect a house



to be built. If they do not go ahead with building the house, then you would expect to get your money back.

When you look at the state at the moment – and I know in Bendigo, where my office is based, it is clear that Victoria does have a housing crisis. Rentals are going up. I had a lady contact the office who had applied for over 250 homes. I had real estate agents do a round table with me recently in Bendigo, and they talked about many of the issues that are confronting their industry. The rental properties are dropping – they are absolutely dropping – because this government seems to be obsessed with taxing property. Instead of providing incentives, they are actually shutting it down. I think the policies of the Labor government are pushing people into social housing, and we have seen that waitlist absolutely skyrocket. We have had under this government 53 new taxes. Twenty-three of them are actually related to property, so the windfall gains tax and the land tax. When you speak of the land tax, I recently had a constituent write to me, and they said:

I just got my Land Tax bill, what a rip off with a revaluation and surcharge, do these people thing the public in rolling in cash.

Seems we now pay rates to Council (and Get Very Little) and a probably more to The State Government and what do we get in return – NOTHING.

Last sitting I also raised concerns that primary producers were receiving land tax bills when they were exempt. I want to ensure that this government in its very desperate attempts to raise revenue does not tax innocent people, because under this government we now have the highest debt of any state in Australia. We are heading towards a debt of \$171 billion and heading towards paying \$28 million a day in interest. Now, under these recent changes to land tax by the state government people are being taxed for the very first time, and it is putting even more pressure on the property market in Victoria.

I know in northern Victoria builders have expressed concern about delays with the planning process with council and that it is holding up the building industry. Councils have also talked to me about the shortage of town planners. I know it was a coalition election commitment to have a planning squad to provide additional resources to help with some of that demand, but these are some of the practical issues that are happening that are restricting the property market in Victoria.

But saving for a deposit for a home is very hard. When you look at it, we have had Labor in government in this state for over 20 years – one term of a coalition. Under this government I know even my own kids, I know a lot of their friends aged 19, aged 18 or nearly 18, are looking at getting into the property market, and what they are looking at now is containers. My kids and my friends' kids and my nephews and nieces are looking at how to utilise a container to make a home. I think the fact that we have got to this point in Victoria where our next generation are looking at how to make a container be a fantastic place to live in is extremely disappointing – but it is the policies under Labor that have led us to this point. And with such a massive debt I cannot understand – well, I can understand – why they are doing it, but they are putting a huge amount of pressure on the property industry, and we are seeing builders go under as well. But their housing statement – 800,000 homes in 10 years – I feel is just a statement. That is it; they love a headline. They promise big but they fail to deliver.

So as I said, the Nationals do not oppose the intent of this legislation, but we recognise that so much more needs to be done to get housing back on track in Victoria. I thank my colleague Evan Mulholland, who spoke to the amendments that we are putting forward for consideration in this chamber.

**Trung LUU** (Western Metropolitan) (17:06): I rise today to speak on the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023. This is a very important bill. It not only addresses the current situation but will have a great influence on our generations to come and the confidence of the market and the confidence of Victorians when they proceed to build a home for the future for their family.

I would like to continue with this recent poll of Victorians. More than two-thirds of Victorians believe young people who do not currently own a home may never be able to buy a home due to high costs.

Already we are in a cost-of-living crisis and a housing crisis. The mentality, the way, the attitude – how Australians, Victorians proceed forward – is essential to building a home, their dream. What this bill does is assist in providing confidence to people in how they proceed. It also addresses the risk-takers, the dodgy builders, who influence people's attitudes.

Victorians' most important decision is building their first home, their dream of home ownership, and under this government, with the cost-of-living and housing crisis, it is an uncertainty. One needs to ask: how can a competent government allow a major builder to operate without insurance? When big builders collapse, it crashes hopes and dreams. Most of these Victorians are in my constituency. When it happens, the dream of ownership is gone. Under this Labor government we need to address this and bring that confidence back.

Now, I do see this bill is looking to address some of the issues, which is long overdue, but it does not go far enough. Yes, it is providing new offences, which have been a long time coming, to prevent those cowboy builders going to builders and taking deposits without having insurance. It does regulate builders, but after the collapse of Porter Davis surely this government will recognise and implement regulations to prevent it happening again. Now, that was just an iceberg, a wake-up call, but then this government let it happen again over the past 12 months. Montego Homes and Chatham Homes collapsed. A1A Homes collapsed. Now all these victims are still in limbo at the moment regarding their financial loss.

After the Porter Davis collapse the government stepped up and assisted those victims. Unfortunately the liquidated builders customer support payment scheme closed some time last year, and all these other home collapses are still waiting for the government's response. The victims of Porter Davis have received some assistance and are slowly recovering from that experience, but the victims of Montego Homes and Chatham Homes are receiving crickets from this government. This government has poured millions of dollars into projects which have no business case, millions and millions of dollars into the SRL, the Suburban Rail Loop, and hundreds of thousands of dollars into jobs for their mates. Yet victims and families who saved to build the Australian dream home are still waiting for an answer. Zero dollars – zero financial assistance at this stage.

One of those struggling families – and I would like to quickly mention this because this family has tried to speak to all their local members and none of them seem to be able to assist them – has reached out to me. The Strachan family, Louise and Brett, who have a combination of 20 years of primary teaching experience and who have a six-month-old baby and a three-year-old child, saved up their life savings to build in Gisborne. After the Chatham Homes collapse four months ago, their deposit is gone. They have tried to reach out to the government for assistance, asking it to extend the assistance scheme, which would allow them to recover their losses, yet they get no answers.

My other concern in relation to this bill is that the bill seems to legislate around issues of builders and insurance but does not do anything to address the concern about the current state of the act, especially for those who, as I mentioned, bought since the collapse of Porter Davis. But the other concern I have is in relation to the VBA. This bill gives the VBA, the Victorian Building Authority, explicit power to enforce disciplinary action against builders. But who and which body oversees the VBA? That is my concern, because at the moment the VBA is appointed by the government. The interim commissioner who is looking after the VBA at the moment is former Labor planning minister Justin Madden. So I am just a bit concerned in relation to the mismanagement history of this government and in relation to various overblown planning and major project budgets. It is the VBA's responsibility to ensure that building acts are in the interests of Victorian families. I just have serious questions about the independence and integrity of the body we trust to oversee this industry, the interim commissioner of the VBA and all the issues in relation to overblown budgets and the overseeing of all the projects here at the moment. So that is my little bit of concern in relation to the actual bill itself.

So what I ask is: will the current Minister for Planning recommend to the Governor in Council that a replacement is sought to clean up the industry? The power lies in their hands to suggest a new

commissioner who can restore trust in this process. Those are just some of the concerns I have in relation to this bill itself. I do commend it in relation to trying to create new offences which are long overdue, including those regarding designated insurers.

But I will keep this short. In closing, in relation to this bill, the events around the bill demand urgent action be taken. I hope the government does address all of those victims of Chatham Homes, like the Strachan family, and Montego Homes victims and give assistance like they did with Porter Davis, which will allow working families, young Australians and young Victorians the confidence to continue building their dream homes in Victoria. Also I ask the government that with this bill they need to make sure that leaders have responsibility and accountability, demand justice for those affected and work towards rebuilding trust and confidence in the construction industry. I do hold some reservations and concerns on this bill, as I have mentioned, and in relation to some of the recommendations that have been put forward it does not really go far enough to prevent rogue builders from continuing to do projects without insurance. Yes, there is a fine, but it does not go far enough. So we do not oppose this bill, but I do recommend the government consider the reasoned amendment put forward by my colleague Mr Mulholland.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (17:16): I too rise to speak on the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023. As many of my colleagues have mentioned, we feel that this bill is actually not going to do anything in particular. It is actually a bit of a literary exercise, and we find that that is really failing Victorians. I do want to speak on some of the people that were raised earlier by my colleague Mr Mulholland. Before I do, I want to talk a little bit about how this bill is impacting, why we have to have bills that impact the regulations that we have and why this one is not going far enough to actually make a difference.

The Porter Davis collapse should have been a wake-up call. It meant that there were many Victorians that were out of pocket. We understand that through that the victims of the Porter Davis Homes collapse had the opportunity to recover their deposits through a scheme, which is great, but what about the victims of Montego Homes? We are extremely concerned that nothing has been done for them. The victims of Porter Davis have rightly had access to government support, but the victims of Montego Homes have been basically told to take a hike. The victims of these two disgraced companies are in the exact same boat except for one crucial difference: Labor cannot spin its way out of responsibility for this one. Whilst this government may try to argue that it could not have foreseen the Porter Davis collapse coming, it has absolutely no excuses when it comes to further building companies going under. We are told that there is unlimited money for the back-of-the-beer-coaster Suburban Rail Loop, which explodes in cost almost every day – it is continually blowing out – but there is not a single dollar to rescue the Montego victims.

We are really concerned when we look at this legislation, because we feel that there are people who are not going to be helped, that this is not going to go far enough and that we are going to see the same things happen time and time again. In fact I do not understand why once again we are having to put through this house bills that are inadequate, incomplete and not really meeting the measures. It is always ‘Just vote for this now and we’ll figure out the rest later.’ That just seems to be the mantra of Labor governments these days: ‘Oh, just trust us. Just vote for this, and then we’ll figure it all out afterwards.’ We are not going to oppose this bill, because we actually care about the people who have had an issue in this area, but we just do not feel that this is going to make a particular difference. That is why we have our amendment, because we feel that more work needs to be done and that you actually need to have us involved in that as well. It is already law that builders have domestic building insurance, and once again this government has failed to enforce the existing laws. What we are doing here is not really making a bit of difference; we are simply going to be making it continue on and on.

I do want to mention some of the people that were mentioned from the Clyde North area, who I have had the great privilege of meeting. In particular I want to speak about Nicole. Nicole’s story really touched my heart. She had been so excited; she went with a friend to look at a display home. She told me she is just over 50 and it has taken her not a year but actually a lifetime to get to the place where

she was going to be able to buy her first home. She was excitedly going through the display home and realising that she now had enough money available to put a deposit on a house. She went to do that, and she told me that at Montego Homes – and this was in January of this year, and she should have taken it as a warning, but it never occurred to her – when she was going to sign the papers the gentleman said to her, ‘Oh, by the way, this company is as solid as a rock. It’s not going under.’ He said that to her only a matter of weeks before it did.

She bought this block of land; she has lost \$13,825. It is not just a year that it took to save; it is a lifetime of dreams, it is a lifetime of hard work. She was going to be living in my region. Nicole, I was looking forward to you living there too. I am really sorry that you have gone through this, that this government has done nothing and that this bill is just a surface token gesture. She was encouraged to pay that deposit only last month. She missed the government support scheme. She was thinking about selling the land, and as has been quoted:

Trying to buy anything at the moment in this climate is just ridiculous. Almost impossible. So, saving money for a deposit and then losing it is pretty devastating.

In fact it was actually more than devastating to her; she said it was just unbelievable to be put into that situation.

I also want to speak on behalf of Tiana and Matthew. Like many young couples that move into the South-Eastern Metropolitan Region, Tiana and Matthew are a young couple who had hoped to start a family in a larger home built by Montego in Clyde North after their wedding, which was eight weeks away. Can you imagine? A wedding in itself is just so expensive, but to pay a deposit of \$30,000 on a house and land package and then to have nothing to show for it. They lost this deposit, and they are now facing financial stress as they go as a young couple into a marriage. Most of us understand how incredibly difficult that would be, how shattering, and what extra tensions and pressures they have. For some marriages this type of financial pressure ends the marriage, and here is a young couple trying to go into a marriage with this terrible, terrible situation.

I just want to say a couple more things before I finish up. I am really concerned that under this government we find time and time and time again that it is not managing the money that it is given. Victorians are paying these higher taxes, and yet we have a bill here that is not really going to compensate these people or ensure that they will actually get their money back, because it is not going to find a way to enforce the law to make sure that builders have to have their insurance and that there will be significant penalties that will be enforced upon them if they do not. I think that that is a genuine concern, and it concerns me that we are now in a place where Victorians are paying about \$24,000 for this net debt – every Victorian – which is now at \$177.8 billion. Yet in that whole process we are still allowing businesses to go under and to not compensate and to deceive good, hardworking Victorians, who do not deserve to be treated with such contempt.

We do have an amendment. I do implore the house and encourage them to read this amendment. We are asking that this bill be withdrawn and not reintroduced until the government commits to comprehensively protecting victims and their families from the rogue behaviour of a small minority of dodgy builders and the potential loss of their deposit from building company collapses.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:25): I want to thank everybody who has made a contribution to the discussion of the bill this afternoon, including those members opposite who have spoken in favour of the amendment, which seeks to have the bill withdrawn until such time as further work can be undertaken. For avoidance of any doubt, this was an amendment that was put in the Legislative Assembly debate, and I do not intend to re prosecute the arguments that were put there in confirming that the government does not support this amendment. Mr Galea has amply canvassed these matters in his response, and I think that they well acquit the objectives of this particular bill and the creation of the offences on the one hand whilst also challenging the utility of an amendment which would in fact remove the protections afforded by this bill were that amendment to succeed. It is important to note also that, as others have indicated, this

is part of a suite of reforms, and the introduction of these two offences are part of a broader framework to identify that power asymmetry that many people have spoken to this afternoon and to provide a measure of support and comfort to people who are adversely impacted by the conduct of operators who fail to ensure that there are adequate protections in place prior to commencement of a build or a renovation.

The liquidated builders customer support payment scheme is one example of actions being taken to provide a measure of support and relief to people impacted by the actions of large-scale builders, and we do know, Montego Homes being an operator currently in liquidation, that those conversations do need to continue. We have a sector and an industry which, not dissimilar to that which operates in other jurisdictions, often has very lean margins and often relies upon very, very quick turnaround for various parts of development, and there have been a range of factors that have obviously affected the way in which business is done across this part of the sector. This is something which again at a federal level and internationally has been the subject of a lot of public discussion and debate, and the work that we did following the liquidation of Porter Davis last year really did expose the way in which building companies were taking deposits from customers without having that required insurance policy in place. We know that in Montego Homes' situation we have got around 64 consumers that are anticipated not to have had the required insurance taken out, and government is continuing to work through what that impact looks like and the way in which we are understanding possible remedies available for those affected consumers.

There were questions raised by the opposition in the course of the Assembly debate around coverage of the offences in the bill and the extent to which the definition of 'builder' would be covered. Just for avoidance of any doubt, and this may assist those opposite, perhaps to truncate a committee stage at this late stage of the week, the offences will apply to every class of registered domestic builder, noting that those offences will apply only where the registered domestic builder is carrying out domestic building work under a major domestic building contract and where the cost of the domestic building work under that contract exceeds \$16,000, being the amount specified in the domestic building insurance order, and the domestic building work to be carried out under the contract is not excluded from the insurance requirement by the DB insurance order.

There has been a lot of stakeholder feedback. I would hate to see that the record rested unchallenged around feedback provided by the Housing Industry Association, which has been misquoted in a couple of instances, including in the debate the other place. I just want to perhaps put to rest any concern around positions taken by the HIA. Mr Keith Ryan, executive director of the HIA, has gone on the record to say that:

... buyers could take confidence from new legislation that would require builders to take out insurance once they signed a contract with a buyer, reducing the risk of being caught without coverage as happened to some in the collapse of Porter Davis last year.

We are in the process of continuing our work to develop progressive reforms and a suite of responses to this issue. At the heart of this issue and what prompts our work are human stories, and I want to thank everybody who has shared their personal stories of loss and of incredible frustration, grief and anger. As consumers, people have worked really hard to save deposits and worked really hard to get into a position to enter, in many instances for the first time, the domestic property market. We do want to make sure that we are in a position not only to assist people through a measure of compensation, such as that paid out after the Porter Davis collapse, but also to provide the Victorian Building Authority (VBA) with the powers that it needs to take strong action against a builder for noncompliance with the new provisions, including taking proceedings against a builder in relation to the new offences or disciplinary action against a registered builder for noncompliance with these new provisions, including immediate suspension of registration as warranted.

These are provisions which are sensible and which are in the aggregate part of broader work and reform. They also reflect the reality of an expectation that consumers will have a framework of

regulation, of compliance and of the creation and enforcement of offences that sends very clear messages that the sort of rogue behaviour that we have seen, where that might include mismanagement or failure to act, is able to be acted upon by the VBA and that that is underpinned by the work of an expert panel. It was interesting to hear someone call Ms Anna Cronin's credentials into question around perhaps not being independent. She has had a very significant career and has made a significant set of contributions to public administration. Her work is indeed commendable in that regard.

I am looking forward to seeing this bill have a speedy passage, and I wish it all the best, noting that we oppose the reasoned amendment.

**Council divided on amendment:**

*Ayes (11):* Melina Bath, Gaele Broad, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

*Noes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Gayle Tierney

**Amendment negated.**

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT:** Just before we start, Minister, just in the summing-up, you mentioned that you thought somebody had called Anna Cronin's credentials into question. For clarification, I checked with Mr Luu, and he was referring to Justin Madden, who was the interim commissioner, not the current head of the Victorian Building Authority (VBA), Anna Cronin.

**Harriet Shing:** I will take that as a comment.

**The DEPUTY PRESIDENT:** Just for clarification.

**Clause 1 (17:39)**

**Evan MULHOLLAND:** I will just direct all of my questions to clause 1. Minister, given how many building companies have multiple directors but a registered building practitioner only requires a single director to be registered with the VBA, what is to stop a single company or set of directors from alternating between directors if a building practitioner is suspended?

**Harriet SHING:** The provisions of the bill that relate, Mr Mulholland, to your question will ensure that directors as well as individual building practitioners will be able to be held directly liable for contravention of the offences introduced in the bill, even if the company itself has entered into liquidation. There cannot be a circumnavigation of the obligations as they relate to the actions of a company where a director has been acting under the auspices or the authority of that company.

**Evan MULHOLLAND:** How does the government see the operation of the bill working in scenarios where a builder is becoming an ongoing concern? For example, Montego Homes was still taking deposits when it was clearly going into administration. Why would this bill affect the behaviour of Montego when the fines will be paid by the company rather than its directors?

**Harriet SHING:** When you talk about the actions of specific companies, there are a number of examples that have received a lot of public coverage around the way in which certain conduct has been engaged in while the trading health of that entity has been under question. The VBA is

empowered to undertake audits in the situation of any doubt around builders meeting their insurance requirements, and as a consequence of the collapse of Porter Davis the VBA undertook a compliance audit of Victoria's largest builders, including using coercive information-gathering powers under the act to procure information about builders' contracting and deposit-taking practices. The VBA is in the process of finalising its enforcement response to those cases, and the new offences in the bill will actually ensure that the VBA has the powers it needs to hold builders to account for not meeting those domestic building insurance (DBI) requirements.

Obviously there is a range of investigations that the VBA can and indeed does undertake, and the VBA is in a position to take action before court proceedings are initiated. The VBA auditing an individual nominee director's processes also means that individuals can be held to account for the action of the company, so – again, to go back to my point earlier and the individual named in various contributions this afternoon – that might then relate to that person in that role as director in the course of conduct being undertaken by the company that imperilled the deposits or indeed the financial contributions of people who have been affected.

**Evan MULHOLLAND:** Given that we just spoke about that person, I note the VBA took action against the director of Montego Homes, Todd Searle. Given he has now declared bankruptcy, how will this bill stop another Todd Searle from doing the exact same thing, given that he would be unable to pay the fine?

**Harriet SHING:** In the first instance there are requirements for people who wish to be directors of companies to be fit and proper people for the purpose of undertaking those obligations. They are very clearly established in the Corporations Law, and indeed there are offences for failing to meet those standards as regards being a fit and proper person and acting for proper purpose. This is where, again, the requirements for directorship are one mechanism by which conduct can be regulated, including through a deterrent factor and including through audit functions of the VBA and other regulatory bodies. There are also these offences within the act that enable individual directors to be pursued, and this is where, again, the provisions and the offences as they relate to both strict liability and absolute offences relating to individual and body corporate activities are not insignificant in terms of the penalties that apply there.

Mr Mulholland, what you have identified, however, is a concern and a challenge not unique to the building industry, where we have people who for improper purposes act in a terrible way to essentially rip people off, whether directly, intentionally, recklessly or through omission or oversight. There is always a challenge about how it is that any level of regulation can crack down on that behaviour. The provisions in this particular bill and the creation of these two offences do create those penalties and do empower the VBA to undertake certain functions, including in relation to audit and compliance measures, and this is where, again, they are intended to operate alongside a suite of other reforms in the Domestic Building Contracts Act 1995 to be triggered where a builder receives money from a building owner under a contract with a value of above \$16,000. It is about making sure that the VBA has the powers that it needs to hold a builder to account who does the wrong thing by accepting that money without taking out the required insurance.

**Evan MULHOLLAND:** From the bill briefing I understand that liability can fall on directors for the contravention of offences introduced in this bill. Can you explain the mechanism by which individual directors are held liable?

**Harriet SHING:** Yes, Mr Mulholland. This is ordinarily a process in the course of court proceedings that will reveal the extent to which individuals have been part of decision-making, whether as natural persons or indeed as bodies corporate. The penalty levels apply based on the seriousness of the conduct, and as I have referred to in an earlier answer, where we do have a knowing or reckless commission of an offence, those penalties are higher commensurate with that. Where we have a strict liability offence, that will be a lower standard applying there. That is specifically where the offence is committed even if there was no intention to commit it. Now, intention is a difficult thing

to impute in the context of conduct other than by a natural person, but there are maximum penalties the court can impose depending on the type of offences that are committed. Those offences and the penalties that apply are set out in the bill, and they have been well canvassed in the course of the second-reading debate and contributions in both chambers, but court proceedings will help to determine the extent to which there has been involvement, decision-making, action or omission, recklessness and/or intention by an individual, by a group of individuals or indeed by a body corporate, with the offences being reflected commensurate to penalty.

**Evan MULHOLLAND:** I just want to touch on a point that was mentioned before. Are all directors of the company that is a registered building practitioner held liable or just directors that are registered with the VBA?

**Harriet SHING:** Again, this will come down to the circumstances in play in any given situation. There may well be, for example, a director acting on a frolic of his or her own, in which case it may be a more difficult evidentiary proposition to establish an offence that applies more broadly than to one particular director. However, in the event that a person is acting within the scope of the operation of which he or she is a director, that may well be shored home to others as part of that joint liability operation and the obligations set out in the Corporations Law as well as in this legislation.

**Evan MULHOLLAND:** Regarding the suspension of a building practitioner, what duration of suspension is the VBA able to apply?

**Harriet SHING:** The VBA can immediately suspend the registration of a registered building practitioner if there has been a commission of one of the two new offences or indeed both. An immediate suspension continues for the period specified in the suspension notice, and the revocation of that notice or indeed that notice being set aside following an internal review or review by VCAT is the means by which that might otherwise be lifted or varied. Importantly, again, we want to make sure that where we have builders needing to be registered with the VBA there is a consistency there. To go back to the question you raised before on multiple directors and how that would operate with companies where there may well be provisions that apply to all nominee directors, that might well contemplate a situation of a suspension in the terms that I have just referred.

**Evan MULHOLLAND:** You mentioned immediate suspension, but you also mentioned a notice being set aside. If I am to understand your answer, that would basically be decided by VCAT?

**Harriet SHING:** Yes. I might clarify that a little if I may. The order itself will be issued by the VBA, and that will set out the period upon which that revocation might occur from VCAT. The VBA sets the suspension, and that might otherwise be varied or revoked by VCAT.

**Evan MULHOLLAND:** Is there a maximum suspension that the VBA is able to apply or a range? Is it immediate to 'X'? And what is 'X'?

**Harriet SHING:** The person who has been suspended cannot apply for a period of three years after being issued with such a notice, and they cannot recommence in that work until such time as they have demonstrated to the VBA's satisfaction that they are fit and proper to undertake that work.

**Evan MULHOLLAND:** If the suspension is short – say the suspension is three years – do you believe that being suspended for three years is a significant deterrent to failing to purchase appropriate insurance?

**Harriet SHING:** I am not sure, Mr Mulholland, whether asking me for an opinion will assist the committee stage of this debate, but someone will have to actually reapply, so it is not a matter for me sitting here in this committee stage to determine whether somebody is in a position to resume that activity. It is a matter for the VBA to determine by reference to a range of different circumstances – the very circumstances which prompted the development of these offences in the first instance. Again it will come down to the severity of the situation, the circumstances in play and a variety of other



factors to which the VBA will no doubt turn its mind over the course of investigating any matter of this nature.

**Evan MULHOLLAND:** When a building practitioner is suspended, what steps are put in place to ensure directors of that building company are not able to be a director of another building practitioner?

**Harriet SHING:** Well, Mr Mulholland, you have to be a registered builder in order to be able to undertake any of the functions set out in the domestic building framework, and the way in which the legislative framework operates is that without that recognition you are not able to undertake those activities, with the VBA being the arbiter of your capacity to do that work. So I am not sure whether there is another –

**Evan Mulholland** interjected.

**Harriet SHING:** I am sorry, can you stand up and just put it on the record?

**Evan MULHOLLAND:** In this situation the building practitioner is suspended, but I am talking about other directors of that building company being able to go and be a director for another building practitioner.

**Harriet SHING:** The Building Act is pretty clear about a range of circumstances around who can do what under that legislation, which is the overarching framework under which these provisions apply.

**Evan MULHOLLAND:** Porter Davis's situation happened almost a year ago. What additional enforcement measures have been put in place since then?

**Harriet SHING:** In addition to these particular changes effected by the bill and the creation of the new offences, we have got a range of protections that have been provided to home owners in the event that the building project cannot be completed or if there are defective works which cannot be rectified – if, for example, a builder has died or has become insolvent or has disappeared or has failed to comply with an order of a tribunal or a court where DBI was issued by the VMIA on or after 1 July 2015. So DBI is mandatory for contracts where the contract price is, as I said, for an amount over \$16,000, and current practice is for the DBI to be taken out by the builder on behalf of the home owner. This is where audit and compliance functions undertaken by the VBA are important for the purpose of understanding that measure of compliance.

So coercive and information-gathering powers have been exercised by the VBA already under the act to procure information about compliance. This bill will in fact give them the powers to act when noncompliance is identified. Again, this is a situation which will not capture everybody all of the time. What it does do, however, is enable the VBA to reach into the activities and the acquittal of obligations and responsibilities of an entity or indeed of a natural person acting as a director or nominee director in order to determine compliance or otherwise and then to be able to take action in a way that represents imposition of penalties and therefore has a deterrent component to it.

**Evan MULHOLLAND:** Since the Porter Davis collapse, have there been any changes to the VBA's resourcing?

**Harriet SHING:** We have had, through the work being undertaken by Anna Cronin, a refresh of the work that the regulator is doing, and this involves being able to increase the range of compliance measures and activities being undertaken and will enable the VBA to continue audit work that flows through to compliance activities. So this is a continuation of the work that was begun prior to Porter Davis and, again, in identifying areas of need around a greater measure of accountability from within the sector. We do have from the top, really, as far as the CEO's work goes, a performance and culture within the regulator to identify and to weed out noncompliance and to take action. The mechanism by which that can now be undertaken relates to the enforcement provisions and the offences that are set out in this very bill, which then enable a follow-through of the VBA's work to the most meaningful

and deterring application possible, which as much as anything is about making sure that other builders do not follow suit and indeed elect to do the right thing by way of DBI in the first instance.

**Evan MULHOLLAND:** Minister, it has been mentioned several times and acknowledged in public government documents, media releases and contributions by my colleagues here that this is the first in a suite of responses. When can we expect the next suite of responses to this?

**Harriet SHING:** We are actually considering strengthening the VBA's powers as part of the Building Act review, so that is work, as a number of people have referred to, that is underway right now. This is also not a static situation. Again, as people will well understand – as the constituents you have referred to in your contribution well understand – we are in a dynamic landscape in terms of the way in which building is occurring, the way in which standards are applied, the way in which audits and compliance are being undertaken and completed and now, with these offences, the additional layer of imposition of offences and prosecution or proceedings against natural persons or bodies corporate. So this DBC act review process has got public consultation that is open until the end of this month, and next month we will have more to say after that.

Again, we want to make sure that in consulting on these changes and what we do across the sector and with consumers we are getting it right, and that is why this process of engagement and consultation is so important. The VBA is well equipped to be able to continue the work that has already begun, and it is an incremental aggregate set of improvements that will enable it to do more to crack down and to deter dreadful behaviour, this predatory behaviour or reckless behaviour, and to make sure that people have recourse to, at the very least, action being taken against those who have committed offences or are alleged to have done so.

**Evan MULHOLLAND:** Thank you, Minister, and I certainly agree with the commentary about the despicable nature of what has occurred by these cowboy builders. I know some of the victims are watching online; usually it is only political nerds that watch the chamber online. It was said by some, I think including Mr Galea, who was contributing, that now that Montego Homes is liquidated the government is having those conversations on how we can support those victims that have been affected by the collapse of Montego Homes. I am just wondering whether you can provide an update on those conversations and confirm that those conversations are occurring.

**Harriet SHING:** You are absolutely right, Mr Mulholland. This has been another devastating chapter in the lives of more Victorians who have saved so hard for their own homes. In the case of Montego we are working with the liquidator to understand the situation that Montego is in. The company only formally went into liquidation a few days ago. What we are doing through action and response from the VBA is working through a suspension of registration to the director to protect those consumers while there is a disciplinary process being undertaken, and they are continuing to work with liquidators to understand the deposit-taking practices of Montego Homes. This is something which also, as you may recall and as others may recall, occurred with Porter Davis. There will be ongoing work as it relates to Montego and to people who have been affected by its decisions. I do not want to pre-empt the outcomes of that work, but there has been a lot of intensive work undertaken, including following the company going into liquidation a few days ago.

I do not, however, want it to go unsaid: the impact of this is devastating. People are so anguished by what has happened. It is a process that is often all too straightforward for us in Parliament to talk about as far as numbers are concerned. This is about families. It is about people who saved through working multiple jobs, as you rightly pointed out in your contribution; people who have done everything to compromise on the nature, the location and the configuration of their home to get a toehold into the market. We are under no illusions about the anguish that the conduct of various builders has led to. This work will continue as far as impact goes. When Porter Davis went into liquidation we acted quickly. When further instances of builder misconduct came to light, we acted quickly. Is it fast enough? No. However, are we working through it as thoroughly as we can, as carefully as we can, to understand the impact and to ameliorate impact? Yes.

What I would say to people who are looking to buy their own home is to make sure that they have a good measure of satisfaction that domestic building insurance has been secured by a builder. There are also a range of other initiatives that we are working on for people as consumers to understand what their rights are as well. It is not something that is confined to domestic building. It is really important that when and as people make purchases, large and small, they are aware of their rights, of how to exercise them and of the obligations and responsibilities that companies have to make sure that their own statutory remit is also, at the very least, met.

**Clause agreed to; clauses 2 to 19 agreed to.**

**Reported to house without amendment.**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:09): I move:

That the report be adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:09): I move:

That the bill be now read a third time.

In doing so I want to thank everybody who has been part of its development and in particular those people who have shared their stories with a view to creating a better system that provides more people with remedies and indeed with deterrence against the sort of awful behaviour that has led to the situation that we are in now as far as a number of builders are concerned.

**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.

**Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Bill 2023**

*Introduction and first reading*

**The PRESIDENT** (18:10): I have a message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Climate Change Act 2017** to change its title and to amend and bring forward emissions reduction targets, to amend the **Renewable Energy (Jobs and Investment) Act 2017** to increase the renewable energy target for 2030, to introduce a new renewable energy target for 2035 and to introduce energy storage targets and offshore wind energy targets and to amend the **Planning and Environment Act 1987** to expressly require consideration of climate change when making certain decisions under that Act and for other purposes'.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:11): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ingrid STITT:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:11): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Bill 2023 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview of the Bill**

The Bill is an amending Bill that makes amendments to –

- the **Climate Change Act 2017** to change the title of the Act, bring forward Victoria’s long-term target for zero net emissions to 2045, provide for interim emissions reduction targets, and bring forward the preparation of certain documents required under the Act; and
- the **Renewable Energy (Jobs and Investment) Act 2017** to increase the renewable energy target for 2030 to 65%, provide for a new renewable energy target of 95% for 2035, and introduce energy storage targets and offshore wind energy targets; and
- the **Planning and Environment Act 1987** to expressly require consideration of climate change during the preparation of planning schemes and amendments to planning schemes under the Act.

**Human rights protected by the Charter that are relevant to the Bill**

The Bill does not raise any human rights issues.

**Consideration of reasonable limitations – section 7(2)**

As the Bill does not engage any human rights protected by the Charter, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter.

**Conclusion**

Accordingly, it is my view that the Bill is compatible with the human rights as set out in the Charter.

**Hon Ingrid Stitt MP**

**Minister for Mental Health**

**Minister for Ageing**

**Minister for Multicultural Affairs**

*Second reading*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:11): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to strong and decisive action on climate change and renewable energy to help secure Victoria’s economic prosperity and competitiveness in a net-zero emissions future.

Today I bring to Parliament the Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Bill 2023 that continues to set world-leading climate action and renewable energy targets, introduce crucial energy storage targets and Australia’s first offshore wind electricity generation targets, and expressly embed climate consideration in land use planning decision-making.

**Victoria’s ambitious climate action**

The Victorian Government recognises that climate change is one of the most critical issues facing us today. Both the science – and our lived experience in recent years in Victoria – tell us clearly that sustained and ambitious action to reduce greenhouse gas emissions is essential to avoiding the worst impacts of climate change.

Victoria continues to demonstrate that ambitious emissions reduction action brings with it economic prosperity and growth. Between 2005 and 2021, our nation-leading climate change agenda has helped drive a 32.3 per cent reduction in state-wide emissions. Over this time Victoria's economy has grown by 42.8 per cent.

Emissions reduction targets provide a clear signal to businesses, investors, households and governments on our plan to transform Victoria to a net zero economy.

By legislating our ambitious climate change targets, and setting them years in advance, the Government is providing clarity and certainty around the State's direction and vision for our future.

These targets have been informed by independent expert advice, which considered the latest climate science, Victoria's position in a rapidly decarbonising global economy and community expectations of climate action.

And we have already announced our intention to set our net zero emissions target to 2045 – five years earlier than our previous commitment.

#### **Amendments to the *Climate Change Act 2017***

This Bill makes amendments to the *Climate Change Act 2017* that will legislate our updated net zero target, setting in stone an emissions reduction goal that puts Victoria at the forefront of global climate action.

The Bill will also legislate interim emissions reduction targets: 28-33 per cent below 2005 levels by 2025; 45-50 per cent below 2005 levels by 2030; and 75-80 per cent below 2005 levels by 2035.

The Bill also updates the title of the Climate Change Act to the Climate Action Act. This change reflects the imperative the Victorian Government places on taking real action on climate change.

Delivery dates of key products under the Climate Change Act will also be streamlined as part of the Bill. The Emission Reduction Sector Pledges and Climate Change Strategy will be aligned to ensure a more efficient and effective approach to delivering significant emissions reductions across Victoria's economy.

#### **Whole-of-economy net zero transformation**

Achieving our ambitious emissions reduction targets will require a whole-of-economy transition delivered in a strategic and coordinated manner. The amendments to this Bill focus on two high-impact areas for climate action: energy and land use planning.

The electricity sector currently generates around 50 per cent of Victoria's total emissions, and addressing these emissions is key to achieving net zero.

In addition to the energy sector, the Victorian Government also recognises the critical role Victoria's land use planning system will continue to play in achieving a net zero emissions and climate resilient Victoria.

This Bill reflects this approach – prioritising the increase of renewable energy generation and energy storage as the largest share of Victoria's future energy mix, and reforming other key pieces of legislation to promote climate action across Victoria's economy.

#### **The energy transition**

Victoria, along with many other parts of the world, is undergoing an accelerated transition of its energy sector from fossil fuel electricity generation sources towards renewable energy. This transition will require a generational investment in a diverse and decentralised mix of renewable electricity generation and renewable energy storage, supported by upgraded electricity transmission and distribution networks.

Over the last nine years, Victoria has established itself as a leader – nationally and around the world – in the development of renewable energy.

Over the last four budgets, we've committed more than \$3 billion to drive forward our renewable energy transition.

As a result, Victoria achieved its first Victoria's Renewable Energy Target (VRET) target of 25 per cent renewable generation by 2020, with renewable sources providing 26.6 per cent of Victoria's electricity generation for the year. Since then, Victoria has built on this success, achieving a renewable energy generation share of 38 per cent in 2022/23.

Today, Victoria has 5,280 megawatts (MW) of commissioned large-scale wind and solar capacity, 4,030 MW of small-scale rooftop PV capacity and 537 MW of operational energy storage capacity.

And as I present this Bill today in Parliament an additional thirteen renewable energy projects totalling 1,407 MW are currently under construction and a further 6,129 MW of new projects have been approved under our Government but are yet to commence construction.

These achievements have made our State one of the leading destinations for renewable energy investment in Australia.

**Amendments to the *Renewable Energy (Jobs and Investment) Act 2017***

This Bill continues this Government's tradition of decisive action to lead Victoria's transition to renewable energy. This Bill enshrines the Victorian Government's commitment to deliver the clean low-emissions energy all Victorians deserve and seize the significant economic, social and environmental benefits this transition will deliver.

To manage Victoria's renewable energy transition and ensure reliable and affordable electricity supply is maintained for all Victorians, this Bill amends the *Renewable Energy (Jobs and Investment) Act 2017* to set forward the following targets:

- Increase the VRET for 2030 from 50 per cent renewable electricity generation to 65 per cent;
- Set a new VRET of 95 per cent renewable electricity generation by 2035;
- Set new energy storage targets of at least 2.6 gigawatts (GW) of energy storage capacity by 2030 and at least 6.3 GW by 2035; and
- Set new offshore wind energy targets of at least 2 GW by 2032, 4 GW by 2035 and 9 GW by 2040.

Legislating Victoria's renewable energy, offshore wind and energy storage targets demonstrates our leadership and commitment to the energy transition. It will send a clear signal to the market and give confidence to the community that Victoria's energy transition is being well managed.

Energy storage is vital to the decarbonisation of Victoria's electricity sector. The firm capacity delivered by our energy storage targets will provide reliable, affordable and renewable energy as Victoria's ageing and increasingly unreliable coal generation is replaced with new renewable capacity. Given the variety of energy storage technologies, the Bill contains a provision for the Minister to declare a facility not to be an energy storage facility for the purposes of the targets, ensuring that only dispatchable energy is counted. This will provide certainty clarity to industry and ensure the integrity of our energy storage system.

In addition, the scale of construction required to reach these targets will create substantial demand for labour. Achieving Victoria's renewable energy and energy storage targets for 2030 and 2035 targets is expected to:

- support 27,800 jobs in Victoria over the period to 2030 and 59,200 jobs to 2035, with storage investment contributing 4,400 of these jobs to 2030 and 12,700 of these jobs to 2035
- support economic activity of at least \$5.3 billion (in net present value terms) in Victoria over the period to 2030 and \$9.4 billion (in net present value terms) over the period to 2035, with storage investment contributing \$750 million of this amount to 2030 and \$1.7 billion of this amount to 2035.

Legislating Victoria's renewable energy, energy storage and offshore wind energy targets will also support their inclusion in national energy market frameworks and plans – notably the Australian Energy Market Operator's Integrated System Plan.

To manage Victoria's transition towards renewable energy, this Government has delivered and continues to deliver a number of initiatives and programs to improve system reliability, increase energy efficiency, create local jobs and support regional communities.

Victoria is implementing programs and policies to put the state at the forefront of the energy transition. This includes the \$1.3 billion Solar Homes program, which has assisted over 250,000 households and businesses in installing solar PV systems, and the Victorian Energy Upgrades program, which has assisted over 515,000 households and 50,000 businesses in 2022 undertake energy savings and emissions reduction initiatives.

Victoria is also investing in battery and energy storage initiatives, such as the 300 megawatt Victorian Big Battery and investing in 100 neighbourhood batteries across Victoria to improve the energy reliability for local communities.

The VRET 2 Auction in 2022 brought forward 623 MWs of new renewable energy generation capacity, 365 MW and 600 megawatt hours (MWh) of new battery energy storage, and is expected to support at least 920 direct jobs and attract \$1.48 billion of investment in new Victorian renewable energy projects.

The Victorian Government has committed to bringing back the State Electricity Commission, as an active energy market participant and to build new renewable energy projects. The SEC will invest an initial \$1 billion towards delivering 4.5 gigawatts of power through renewable energy and storage projects.

Victoria is also leading nationally in developing offshore wind by establishing Offshore Wind Energy Victoria, which is currently undertaking engagement with industry and Traditional Owners on offshore wind projects. Victoria has also established VicGrid to coordinate the overarching planning and development of Victoria's Renewable Energy Zones and Offshore Wind transmission projects. The \$540 million Renewable Energy Zone (REZ) Fund has made investments to address some of the most severe areas of constraint on the grid to ensure that more renewable energy can flow through Victoria.

Accountability

To monitor Victoria's progress with the energy transition, the Minister for Energy and Resources will continue to report to Parliament annually on progress made towards meeting Victoria's renewable energy targets and will also report on Victoria's progress towards meeting the energy storage and offshore wind targets. In October, the Minister tabled the 2022/23 VRET Progress Report in Parliament, which reported that renewable electricity sources provided around 38 per cent of Victoria's electricity generation in 2022/23, putting the State on track to achieve its VRET 2025 target of 40 per cent.

**Climate consideration in land use planning**

In addition to the energy sector, the Victorian Government also recognises the critical role that Victoria's land use planning system will continue to play in achieving a net zero emissions and climate resilient Victoria. Land use decisions cut across a range of activities and sectors, presenting significant opportunities for strong and meaningful climate action.

This Bill will add Victoria's climate change goals to the objectives of the planning framework established under the *Planning and Environment Act 1987* to expressly integrate climate considerations into our planning framework and the decisions made about the use and development of land across our State. This new objective will form part of the objectives to be considered when municipal councils come to review their planning schemes.

These amendments will also introduce a new head of consideration for planning authorities – including local councils – to consider climate change when preparing a planning scheme or planning scheme amendment.

Ministerial Directions will be issued by the Minister for Planning. Supporting technical material to inform the Minister's Directions will be prepared by the Department of Energy, Environment and Climate Action. The Ministerial Directions will provide important clarity for how planning authorities are to comply with the new requirement, and fulfil their duty to consider these matters.

The Planning and Environment Act amendments do not directly concern planning permits, and the Ministerial Directions and technical and planning guidance will support planning authorities or proponents in considering emission reductions and climate change risks.

We have heard from local councils that they want to be empowered to take stronger action on climate change. We look forward to working with them on these changes.

**Conclusion**

The Victorian Government's decisive leadership will continue to encourage the unprecedented investment Victoria's renewable energy sector needs to deliver a renewable energy transition and help meet our target of net zero emissions by 2045. It remains committed to taking the serious and far-reaching action that has made our State a global model for others to follow. Our climate action leadership is helping prevent the worst impacts of climate change while bringing immediate benefits to the Victorian economy and community.

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (18:12): On behalf of my colleague Mr Davis, I move:

That this bill be adjourned for one week.

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

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

*Introduction and first reading*

**The PRESIDENT** (18:12): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Education and Training Reform Act 2006** to provide for the employment of persons at, or for the purposes of operating, government early learning centres and to consequentially amend the **Long Service Leave Act 2018** and for other purposes'.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:12): I move:

That the bill be now read a first time.

**Motion agreed to.****Read first time.**

**Ingrid STITT:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.***Statement of compatibility*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:13): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this Statement of Compatibility with respect to the Education and Training Reform Amendment (Early Childhood Employment Powers) Bill 2024 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

**Overview of the Bill**

The Bill amends the *Education and Training Reform Act 2006* (**ETRA**) to, among other things, enable the Secretary to the Department of Education to employ staff at, or for the purposes of operating, government early learning centres (ELCs) (the government ELC workforce). The Bill also enables the Minister to, by Ministerial Order, declare the employment arrangements for the government ELC workforce and to fix fees to be charged for the provision of early childhood education and care at government ELCs.

The Bill supports the implementation of the Victorian Government's commitment to establish 50 new government-owned and operated ELCS as part of the 'Best Start, Best Life' program.

**Human rights issues**

The human rights protected by the Charter that are engaged by the Bill are:

- Protection of children (section 17(2));
- The right to privacy (section 13);
- The right to participate in public life (section 18);
- The right not to be punished more than once for the same offence (section 26);
- The right to a fair hearing (section 24(1)); and
- The right to freedom from forced medical treatment (section 10(c)).

I will discuss these human rights in turn.

***Protection of children (s 17(2))***

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in the child's best interests and as is needed by the child. This right recognises the special vulnerability of children, and requires the State to adopt social, cultural and economic measures to protect children and to promote their development and education. The scope of the right is informed by the United Nations Convention on the Rights of the Child, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration.

I consider that the amendments to the ETRA promote the right in section 17(2) by improving access to early childhood education and care for children by supporting the creation, and regulating the operation, of 50 new government-owned and operated ELCs. The Bill further promotes the right in section 17(2) by enabling the Minister to set eligibility and suitability criteria as well as qualification and experience requirements for employment in the government ELC workforce so as to ensure that prospective ELC employees are suitable persons to employ in the delivery of early childhood education services.

I therefore consider that the Bill promotes the protection of children under section 17(2) of the Charter.

***Right to privacy (s 13)***

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and



appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to privacy is broad in scope and encompasses rights to physical and psychological integrity, individual identity, and the right to establish and develop meaningful social relations.

Clause 11 of the Bill inserts new Chapter 2A into the ETRA which, among other things, deals with the eligibility and suitability criteria for employment in the government ELC workforce. The eligibility and suitability criteria require applicants to disclose to the Secretary personal information which will allow the Secretary to assess a range of factors necessary to make an informed decision about an applicant's suitability to perform their duties in a government ELC, including:

- Eligibility criteria declared in a Ministerial Order: new section 2A.1.5 deals with employment arrangements and gives (by new section 2A.1.5(d)) the Minister the power to, by Ministerial Order, declare the eligibility and suitability criteria for employment in the government ELC workforce. New section 2A.1.6(1) provides that a person is not eligible for employment in any position of the government ELC workforce unless the person satisfies the eligibility criteria set out in a Ministerial Order.
- Criminal record information and working with children (WWC) clearance: new section 2A.1.6(2) provides that a person is not eligible for employment in any position in the government ELC workforce if the person has at any time been convicted or found guilty of a category A offence in Victoria or an equivalent offence in another jurisdiction, or been given a WWC exclusion. Also, new section 2A.1.6(3) provides that a person must be registered under Part 2.6 of the ETRA in order to be eligible for employment as an early childhood teacher in the government ELC workforce. Registration under part 2.6 of the ETRA requires the person to, among other things, provide to the Victorian Institute of Teaching a national criminal history check, criminal record check and WWC clearance.
- In addition, clause 13 of the Bill amends section 5.3.4(1) of the ETRA to provide that the Secretary may, at any time, request the Chief Commissioner of Police to provide the Secretary information concerning the criminal record, if any, of a person employed by the Secretary in the government ELC workforce.

By requiring persons that are seeking employment in the government ELC workforce to disclose to the Secretary personal information – including sensitive information such as their criminal record and any WWC exclusions – new section 2A.1.6 engages the person's right to privacy. The power bestowed on the Secretary to, at any time, seek to obtain from the Chief Commissioner of Police, the criminal record of a person employed in the government ELC workforce, may also engage a person's right to privacy where such information is requested and obtained.

However, any impacts on the right to privacy are not unlawful or arbitrary. The interference with privacy is authorised under the legislation and is for the purpose of enabling the Secretary to make informed decisions about the appropriateness of a person to work, or continue to work, with young children, and ensuring the safety of young children in the care of government ELCs. Accessing all relevant information about a person seeking employment in the government ELC workforce is a fundamental aspect of the integrity of the ELC roll-out as part of the 'Best Start, Best Life' program and provides a protective mechanism for identifying persons whose history indicates that they pose a risk of causing harm to children if allowed to work in ELCs. The eligibility criteria for employment at a government ELC is tied to the severity of the risk associated with the particular aspect of a person's history, with only very serious matters giving rise to ineligibility.

In addition, as public authorities for the purposes of the Charter, the Minister and the Secretary are subject to the requirement in section 38 of the Charter to give proper consideration to, and to act compatibly with, human rights when exercising their respective powers to declare the eligibility and suitability criteria for employment in the government ELC workforce and to request and make decisions in relation to criminal record information. This obligation under section 38(1) operates as a further constraint upon any interference with privacy.

In my view, any impacts on the right to privacy are appropriate and proportionate to the legitimate aim of protecting children attending government ELCs from harm.

I therefore consider that the Bill is compatible with the right to privacy in section 13 of the Charter.

#### ***Right to participate in public life (s 18)***

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. Section 18(2)(b) further provides that every eligible person has the right, and is to have the

opportunity, without discrimination, to have access, on general terms of equality, to the Victorian public service and public office.

It is not clear whether section 18(2)(b) will be engaged by new section 2A.1.6 of the ETRA. In order for section 18(2)(b) to apply, a person must be an ‘eligible person’. The term ‘eligible person’ is not defined in the Charter. The commentary suggests two possible interpretations: either that persons are ‘eligible’ under section 18(2)(b) if they are eligible under the current law of Victoria, or alternatively that ‘eligibility’ takes on an independent meaning in the context of the Charter that is not confined to the conditions of eligibility under existing law. Under the former construction, section 18(2)(b) would not be engaged where a person does not meet the eligibility criteria for employment in the government ELC workforce under new section 2A.1.6 of the ETRA.

If ‘eligible person’ were to take on an independent meaning in the context of section 18(2) of the Charter, the commentary suggests that it would mean an adult person with the relevant connection to Victoria, such as residency. If this interpretation is adopted, the right to have access to the Victorian public service without discrimination would apply to a person irrespective of whether that person meets the eligibility criteria for employment in new section 2A.1.6 of the ETRA and section 18(2)(b) may be engaged.

If section 18(2)(b) is engaged by new section 2A.1.6, that right will only be limited where the eligibility criteria gives rise to ‘discrimination’, meaning discrimination on the basis of an attribute within the meaning of the *Equal Opportunity Act 2010* (which includes a spent conviction).

- In formulating a Ministerial Order establishing eligibility criteria under the new section 2A.1.5(d), the Minister will be required to consider relevant rights, including this right.
- In so far as new section 2A.1.6(2) provides that a person is not eligible on the basis of being convicted or found guilty of a Category A offence and, in very limited circumstances, a Category A offence may become a spent conviction, as a spent conviction is not required to be disclosed, then the right will not be limited.

In these circumstances, in my view, either the right will not be limited or any limits on a person’s right to have access to the Victorian public service are reasonably justified by the important objective of the new provisions – imposing eligibility criteria on persons seeking employment in ELCs – to ensure a protective mechanism for identifying persons whose history indicates that they pose a risk of harm to children and are not safe to work in ELCs.

I therefore consider that the Bill is compatible with the right to participate in public life in section 18 of the Charter.

#### ***Right not to be punished more than once for the same offence (s 26)***

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right is engaged by new section 2A.1.6(2)(a) which provides that a person who at any time has been convicted or found guilty of a category A offence in Victoria or an equivalent offence in another jurisdiction is ineligible for employment in any position in the government ELC workforce. This right is also engaged by new section 2A.1.15 which provides that the Secretary must dismiss an employee from the government ELC workforce if the employee has at any time been convicted or found guilty of a category A offence in Victoria or an equivalent offence in another jurisdiction.

However, in my view, the right against double punishment is not limited by the Bill because where eligibility is refused or removed on the basis of a person’s criminal history, that refusal or removal will have a protective purpose, rather than a punitive one. That is, the aim of the provisions is clearly to protect children from harm, rather than to impose a punishment for an offence. As the refusal to grant, or the act of removing, eligibility for employment in the government ELC workforce is not a punishment, it does not amount to double punishment for the purpose of section 26, and the right is therefore not limited.

#### ***Right to a fair hearing (s 24(1))***

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a ‘civil proceeding’ in section 24 is not limited to judicial decision makers, but possibly encompasses the decision-making procedures of many types of tribunals, boards and other administrative decision-makers. The right to a fair hearing is concerned with the procedural fairness of a decision and the right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided.

Termination of employment

The new Division 4 of Chapter 2A of the ETRA deals with termination and suspension of employment in the government ELC workforce. New section 2A.1.13 empowers the Secretary to terminate the employment of a non-executive employee on the grounds specified in the provision, and an executive employee for any reason consistent with their employment terms and conditions.

If a broad reading of section 24(1) was adopted and it was understood that the fair hearing right was engaged by new Division 4 of Chapter 2A of the ETRA, this right would, in my view, nevertheless not be limited because, where the Secretary exercises her power to terminate the employment of an ELC workforce employee, the Secretary is by new section 2A.1.13(4) required to exercise her termination power in accordance with the matters specified in section 20(3) of the *Public Administration Act 2004*. Section 20(3) requires the Secretary, in her capacity as the employer of the government ELC workforce, to exercise her powers in respect of ELC employees in conformity with the public sector values, any binding code of conduct, the public sector employment principles, and the standards issued by the Victorian Public Sector Commission. The public sector employment principles are set out in section 8 of the *Public Administration Act 2004* and require, among other things, that employment processes are established that ensure that employees are treated fairly and reasonably, human rights are upheld, and that employees have a reasonable avenue of redress against unfair or unreasonable treatment. The employment processes established by the Secretary, and applicable to the government ELC workforce, include termination processes applicable to the Secretary's termination powers under new section 2A.1.13.

Further, where a non-executive government ELC employee's employment is terminated, the employee will have access to the unfair dismissal process under the *Fair Work Act 2009*, should they choose to access it. A dismissal may be found to be unfair where the employer – in this case, the Secretary – has not afforded the employee procedural fairness. This gives a remedy where a termination process lacks procedural fairness.

Mandatory dismissal and cessation of employment

New section 2A.1.14 provides that if an on-going employee is absent from work for a period of 3 months, and that absence is not authorised, the employment will cease at the end of that 3 month period. If an employee's employment ceases in accordance with this section, the employee may apply in writing to the Secretary to be reinstated. If the Secretary directs in writing that the employee be reinstated, the person's employment is taken not to have ceased.

New section 2A.1.15 requires the Secretary to dismiss an employee from the government ELC workforce if the employee is at any time convicted or found guilty of a category A offence in Victoria (or equivalent offence in another jurisdiction), or if the employee has been given WWC exclusion.

Cessation of employment and dismissal from employment in these circumstances do not, in my view, engage the fair hearing right in section 24(1) of the Charter. Where a legislative provision mandates that a decision-maker must dismiss an employee from the workforce where certain events have occurred, the decision-maker does not engage in a decision-making exercise when doing so and the fair hearing right is therefore not ordinarily engaged. Further, cessation pursuant to new section 2A.1.14 is reviewable by the Secretary. Specifically, the terms of new section 2A.1.4 expressly contemplate that an employee captured by this provision may apply in writing to the Secretary to be reinstated and that the Secretary may direct that they be reinstated.

I therefore consider that the Bill is compatible with the right to a fair hearing in s 24(1) of the Charter.

The right to freedom from forced medical treatment (s 10(c))

Section 10(c) of the Charter provides, relevantly, that a person has the right not to be subjected to medical experimentation or treatment without their full, free and informed consent. In addition, as mentioned, section 13(a) of the Charter protects a person's right not to have their privacy unlawfully or arbitrarily interfered with. This right extends to privacy in the sense of bodily integrity, which involves the right of a person not to have their body interfered with by others without their consent.

The purpose of these rights is to protect the individual's personal autonomy and integrity. They recognise the freedom of individuals to choose whether or not they receive medical treatment or participate in medical experiments.

The Bill inserts new section 2A.1.8 in the ETRA which provides that for the purpose of ascertaining the fitness of an employee to perform their duties or to participate in procedures under the ETRA relating to the employee, the Secretary may direct the employee to submit to a medical examination by a qualified medical practitioner nominated by the Secretary. While employees must comply with a direction made by the Secretary to submit to a medical examination or risk their eligibility to remain on the government ELC workforce, the requirement in section 2A.1.8 to undergo a medical examination does not obviate a person's right not to be subjected to medical treatment without their full, free and informed consent.

I therefore consider that the Bill is compatible with the right to freedom from forced medical treatment in section 10(c) of the Charter.

### Conclusion

For the reasons set out above, I consider that to the extent the Bill engages human rights, the Bill does not limit those rights and is thereby compatible with the Charter.

**Hon Lizzie Blandthorn MP**  
**Minister for Children**  
**Minister for Disability**

### *Second reading*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:13): I move:

That the bill be now read a second time.

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

#### Introduction

Today, I introduce a Bill to amend the *Education and Training Reform Act 2006* ('the Act') to provide the state with the necessary legislative powers to operate government-owned early learning centres in Victoria.

The Bill will empower the Secretary to the Department of Education to employ staff at early learning centres and enable the Minister for Children to make orders in relation to staff employment and the payment of fees by parents of children enrolled in the centres.

As part of the \$14 billion Best Start Best Life reforms, the Victorian Government has committed to building 50 new government owned and operated early learning centres across Victoria to deliver affordable childcare, kindergarten and Pre-Prep.

These centres will open between 2025 and 2028. All 50 centres will be located where they are needed most – in areas with significant childcare shortage and higher rates of disadvantage. Where possible, centres will be co-located or integrated with schools, hospitals, TAFEs, or other community services. This will increase parents and carers' access to early learning and childcare, and subsequently increase workforce participation.

The first centres will open next year at Eaglehawk North Primary School, Moomba Park Primary School, Murtoa College, and Sunshine Primary School. The centres opening in 2026 will be located at Clunes Primary School, Hallam Primary School, Harrisfield Primary School, Kings Park Primary School, McClelland Secondary College, Numurkah Primary School, Portland South Primary School, Wedderburn College, Wilmot Road Primary School and Wyndham Park Primary School.

The early childhood professionals who will teach, care and manage operations in these centres will be critical to their success.

We know that the biggest influence on the quality of early learning is our workforce: our valued early childhood teachers, educators and education leaders. These professionals hold some of the most important jobs for Victoria's future.

That is why the model for their employment in government early learning centres is so important. This Bill will enable the creation of a new Victorian government-employed early childhood workforce.

Specifically, this Bill will amend the Act to:

- (a) empower the Secretary to the Department of Education to employ staff at government early learning centres to deliver early childhood education and care;
- (b) enable fees to be fixed and charged to parents of children enrolled at government early learning centres; and
- (c) enable the Minister to make orders setting out:
  - (i) the fees to be paid for attendance at government early learning centres; and
  - (ii) the employment conditions for the government early learning centres workforce.

#### Summary of the Bill

While the Secretary to the Department of Education has existing employment powers under the ETR Act and the *Public Administration Act 2004* (the PA Act), these powers are not suitable for employing the early childhood teachers, educators and other employees that will comprise the government early learning centre workforce.

Accordingly, the Bill establishes a modern, broad employment power for the Secretary to employ persons in the government early learning centre workforce, and provides for a range of other matters pertaining to the employment of the government early learning centre workforce which are necessary to promote child safety and efficiency in the administration of the government early learning centre workforce. These matters include employment eligibility requirements, powers to direct employees to submit to a medical examination, automatic cessation of employment under certain circumstances and preservation of certain rights of employees transferring from the government teaching service or the public service into the government early learning centre workforce.

The Bill also makes provision for long service leave entitlements in the ETR Act for the government early learning centre workforce. This will ensure that the arrangements for the government early learning centre workforce will mirror those of their teaching service colleagues who are directly employed by the Secretary. As a result of these provisions, the Bill makes a consequential amendment to the *Long Service Leave Act 2018* to ensure it does not apply to the persons employed in the government early learning centre workforce. This is on the basis that the Long Service Leave Act 2018 does not apply to employees who are entitled to long service leave under another Victorian Act, to the extent of any inconsistency.

The Bill empowers the Minister to make orders to declare key aspects of the employment arrangements for the government early learning centre workforce, including the categories of staff who may be employed by the Secretary and the terms and conditions of employment in the government early learning centre workforce. The Bill also empowers the Minister to make orders in relation to fees charged at government early learning centres.

This Bill is a major milestone for the 50 government early learning centres program.

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (18:13): On behalf of my colleague Ms Crozier, I move:

That debate on this bill be adjourned for one week.

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

### **Firearms and Control of Weapons (Machetes) Amendment Bill 2024**

#### *Introduction and first reading*

**The PRESIDENT** (18:13): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Firearms Act 1996** to further provide for the service of firearm prohibition orders and for related and minor matters, to amend the **Control of Weapons Act 1990** to clarify that a machete is a type of knife and for other purposes'.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:14): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ingrid STITT**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

#### *Statement of compatibility*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:14): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024.

In my opinion, the Firearms and Control of Weapons (Machetes) Amendment Bill 2024, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

### **Overview**

The Bill amends the *Firearms Act 1996* (the Act) to expand police powers to serve firearm prohibition orders. Specifically, the Bill will empower Victoria Police officers to:

- direct or detain an individual for the purposes of serving a firearm prohibition order;
- enter premises without consent for the purposes of serving a firearm prohibition order on an individual, subject to a service search warrant; and
- serve a firearm prohibition order on a person in detention by registered post.

The above powers can only be used by police officers in circumstances where Victoria Police have exhausted all reasonable attempts to serve an individual with a firearm prohibition order personally.

The Bill also amends the *Firearms Act 1996* to:

- allow police officers to serve a firearm prohibition order by putting a copy down in the presence of the individual and telling them the nature of the order;
- make minor unrelated amendments to certain definitions in the Act.

The Bill also amends the *Control of Weapons Act 1990* to insert an example in the definition of ***controlled weapon*** to state that a machete is a type of knife. This is a purely clarificatory amendment to confirm the existing legal position whereby a machete is a knife and all knives are controlled weapons unless they are specified in the Control of Weapons Regulations 2021 as being prohibited weapons.

### **Current operation of the firearm prohibition order scheme**

A firearm prohibition order is a discretionary order made by the Chief Commissioner of Police prohibiting an individual from acquiring, possessing, carrying or using any firearm or related item. The Chief Commissioner may make an order only if satisfied that it is in the public interest that the individual who will be subject to the firearm prohibition order must not acquire, possess, carry or use a firearm or firearm-related item.

The firearm prohibition order scheme, which was introduced in 2018, operates in tandem with the ‘prohibited person’ scheme. It provides additional police powers to proactively respond to and prevent serious firearm-related crime. Firearm prohibition orders are intended to be used by Victoria Police in relation to persons where sufficient intelligence or information holdings exist to indicate that it is contrary to the public interest for that person to possess a firearm. This includes those engaged in serious criminal activities, such as organised crime members and their associates, and anyone charged with a firearms-related offence.

To ensure an individual has actual knowledge that a firearm prohibition order applies to them, a firearm prohibition order must be served on an individual in person by a police officer before it is enforceable. An individual served with a firearm prohibition order must immediately comply with additional duties under the *Firearms Act 1996*, which are enforceable by significant penalties. Additional duties include the requirement to immediately surrender any firearm or firearm related item in the individual’s possession to a police officer, and the duty not to enter or remain on a premises at which a firearm is used or stored.

Further existing police powers to search an individual apply immediately after a firearm prohibition order is served on the individual. The existing firearm prohibition order search powers allow a police officer to, without warrant or consent, enter and search a premises that is occupied by, in the care of or under the control or management of the individual, and to search any vehicle, vessel or aircraft that is in the charge of the individual or in which the individual is a passenger. The existing firearm prohibition order search powers also allow a police officer to search the individual and to detain them for as long as is necessary to conduct the search. A police officer may exercise these search powers if reasonably required to determine whether the individual has a firearm or firearm related item or is contravening the *Firearms Act 1996*.

Existing warrantless search powers in the *Firearms Act 1996* also provide for a police officer to search a person accompanying an individual subject to a firearm prohibition order if the police officer reasonably suspects that the person is committing or about to commit an offence against the *Firearms Act 1996* or has a firearm or firearm related item in their possession.

Children aged 14 years of age or more can be subject to a firearm prohibition order.

### **Amendments to facilitate service of firearm prohibition orders**

A firearm prohibition order must be served on an individual before it is enforceable. Since the introduction of the firearm prohibition order scheme in 2018, a small number of individuals have actively avoided service of a firearm prohibition order to avoid enforcement of the firearm prohibition order scheme.

To ensure that Victoria Police can serve firearm prohibition orders on the few individuals who are avoiding service, the Bill introduces additional measures to facilitate service on those people that engage and limit human rights under the Charter. These measures include:

- a power for the Chief Commissioner to apply to a magistrate for a service search warrant, which authorises a police officer to search a premises for a person for the purpose of serving a firearm prohibition order; and
- a power for a police officer to apply to the Chief Commissioner to make a service direction determination, which authorises a police officer to stop an individual in a public place and direct them to remain at the place or to go to a police station or other safe place for the purposes of serving the firearm prohibition order. If a person unreasonably refuses to follow a direction, a police officer may detain the person in order to serve the firearm prohibition order.

The Bill includes safeguards so that the additional service powers may only be exercised where necessary. The Bill ensures that these additional service powers are only to be used as a last resort and not merely because they are more convenient to police. An individual may easily avoid being subject to these additional service powers by receiving the firearm prohibition order when the police officer attempts to serve it. The Bill only authorises the use of additional powers to effect service of a firearm prohibition order on an individual after the reasonably available less restrictive means have been exhausted.

Firearm prohibition orders are targeted at the most serious criminals who pose a significant threat to community safety. These individuals should not be allowed to avoid or delay the application of a firearm prohibition order by exploiting procedural safeguards. Such a delay, which is generally initiated by the individual, unreasonably limits the effectiveness of the firearm prohibition order scheme, which is designed to support police to proactively respond to and disrupt firearm related crime in Victoria.

The Bill also provides administrative improvements to facilitate service of a firearm prohibition order that do not engage or limit a human right under the Charter. These measures include providing for a police officer to serve a person in detention (including immigration detention) by registered post in certain circumstances; and providing for a police officer to put a copy of the firearm prohibition order down in the presence of the individual and telling the individual the nature of the order.

### **Human Rights Issues**

Certain Firearms Act amendments in the Bill engage the following human rights under the Charter:

- the right to freedom of movement (section 12)
- the right to privacy and reputation (section 13)
- protection of children (section 17(2))
- property rights (section 20)
- the right to liberty and security of the person (section 21)
- the right to humane treatment when deprived of liberty (section 22).

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

### **Overall purposes of the amendments**

The purpose of all of the limitations discussed below is to prevent firearm crime, which represents a serious threat to community safety in the context of an increase in the proliferation of illicit firearms in Victoria. There can be no doubt that preventing firearm crime is a very important public purpose in a free and democratic society that is based on human dignity, equality and freedom. The fact that it is likely to be necessary in order to fulfill the State's obligation to protect the right to life insofar as the right to life may include such an obligation (*Osman v United Kingdom* (1998) 29 EHRR 245, [115]–[116]), means this purpose should be given significant weight under section 7(2) of the Charter. Under human rights law the State is entitled, and in some circumstances may be obliged, to take appropriate steps to protect the lives of those within its jurisdiction (*Veness v Medical Board of Australia* [2011] ACAT 55, [35]).

### **Safeguards**

The significant safeguards introduced by this Bill will ensure that any limitations on these Charter rights, discussed below, are justified and proportionate. The Bill inserts new Divisions 8 and 9 into Part 4A of the *Firearms Act 1996* which include protections for individuals whose rights have been limited, and record keeping, reporting and monitoring requirements to provide for the ongoing monitoring and oversight of the additional service powers by the Parliament, the Minister and IBAC.

The general safeguards provided in Division 8 include a new section 112ZU which limits the detention period for people detained under Divisions 6 or 7 to a maximum of 2 hours (or when the order is served if that occurs first). New section 112ZV provides that an individual must not be questioned on a matter that does not relate to the firearm prohibition order. If an individual is not served within the specified time, new section 112ZW prevents the powers being used again on the same individual until 24 hours later. When taken together, these measures prevent a person being unreasonably detained for an extended period. New section 112ZX requires that a person who has been moved by police be transported back to that place or another safe place, to minimise the disruption to them.

New section 112ZZC requires the Chief Commissioner to report on a quarterly basis to IBAC with the prescribed particulars of the records that are required to be kept under the new provisions, and substituted section 174E(1) requires the Chief Commissioner to report to IBAC quarterly on specified information. The substituted section 174F requires IBAC to review the making of firearm prohibition orders and the making of service detention determinations for each three-month period of every year. Section 174H(3) will provide that IBAC must review whether or not each determination for a service detention determination should have been made by the Chief Commissioner. This is a remarkable level of oversight and comprehensive assurance, which, coupled with the record keeping requirements such as the need to record the use of powers against children, and particulars of service search warrants for people with a special vulnerability, will ensure that any adverse trends in the operation of the scheme can be picked up very quickly. This promotes the right to equal protection from discrimination in section 8(3) of the Charter and ensures the powers are being used in a proportionate manner as required by section 7(2) of the Charter.

#### The right to freedom of movement (section 12)

The right to freedom of movement in section 12 of the Charter protects three separate rights: the right to move freely within Victoria, the right to enter and leave Victoria, and the right to choose where to live in Victoria. It provides that every person lawfully within Victoria has the right to move freely within Victoria. It provides protection from unnecessary restrictions upon a person's freedom of movement and extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest (*DPP v Kaba* (2014) 44 VR 526 at [100]). The right is directed at restrictions that fall short of physical detention coming within the right to liberty under section 21 (*Kracke v Mental Health Review Board* (2009) 29 VAR 1 at [588]). The right to freedom of movement is one of the most commonly qualified rights that may be reasonably limited under section 7(2) of the Charter (*DPP v Kaba* (2014) 44 VR 526 at [117]).

Clause 14 inserts new Divisions 6, 7, 8 and 9 in Part 4A of the *Firearms Act 1996*.

Division 6 authorises limits on the right to freedom of movement when an individual is directed by a police officer to stop and remain at a place or to go to a police station or other safe place for the purposes of being served with a firearm prohibition order. Division 7 authorises limits on the right to freedom of movement when a person is held in custody at the premises that are the subject of a service search warrant, or potentially taken to a police station or other safe place, for the purposes of being served with a firearm prohibition order.

Before a police officer may exercise the power to direct an individual under Division 6, the Chief Commissioner must make a service direction determination under new section 112V. In making this determination, new section 112W requires that the Chief Commissioner must first be reasonably satisfied based on affidavit material that the public interest requires that the firearm prohibition order must be served within 28 days; that a police officer has reasonably attempted to serve the firearm prohibition order; and that the individual is avoiding service of the firearm prohibition order, or that a police officer has made reasonable enquiries and Victoria Police cannot identify the individual's current address or their whereabouts for the purposes of service. If the individual is a child, the Chief Commissioner must be reasonably satisfied that the circumstances are exceptional.

The phrase "reasonably satisfied" is used in various Acts and has been found to be "designed to set up an objective criterion to be determined by reference to the external evidence or indicia" (*R v LR* [2006] 1 Qd R 435 at [5]). Although the test is objective, there will not be a single acceptable outcome, however "there must have been evidence available to him or her which can objectively be seen to support the decision that has been reached" (*R v LR* [2006] 1 Qd R 435 at [44]). This test satisfies the "under law" requirement for reasonable limits in section 7(2) of the Charter.

Before a police officer may break and enter premises to search for an individual named in the warrant and detain them for the purposes of serving the order under Division 7, a magistrate must issue a service search warrant under new section 112ZG. Before doing so new section 112ZH will require the magistrate to be satisfied that there are reasonable grounds to believe that a police officer has made reasonable attempts to serve the order; it is in the public interest for it to be served within 28 days; issuing the warrant is reasonable in the circumstances and if the individual is a child the circumstances are exceptional. Before issuing a



warrant, the magistrate may have regard to the nature of the premises for which entry is being sought; whether it is a residence; and whether a person with a special vulnerability (including a child) are likely to be at the premises, any other prescribed matter, and any other matter the magistrate considers relevant. Consideration of these matters will ensure that the human rights impacts on other people in the premises are anticipated and balanced before a warrant is issued.

In my opinion, these limitations are not incompatible with the right to freedom of movement under the Charter. Any limit on an individual's freedom of movement is authorised by law after less restrictive means reasonably available to serve the firearm prohibition order on the individual have been exhausted. This amendment only limits freedom of movement reasonably in accordance with section 7(2) of the Charter.

#### The right to privacy and reputation (section 13)

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

This right is a very broad right concerned with physical and psychological autonomy (*Kracke v Mental Health Review Board* (2009) 29 VAR 1, [619]–[620]). A person's name is an aspect of their right to privacy, and where a police officer demands that a person reveal their name and address, the right is engaged (*DPP v Kaba* (2014) 44 VR 526, [132]–[134], [447], [463]).

Although the right is broad, it also contains internal limitations which have been interpreted as confining the scope of the right: the current authority on section 13(a) is that an interference with the right to privacy and reputation does not amount to a limitation on that right if the interference is lawful and is not arbitrary (*Thompson v Minogue* [2021] VSCA 358, [44]). The adjective 'arbitrary' is wider than the adjective 'unlawful' in that an interference with a person's privacy may be arbitrary even if it is not unlawful (*HJ* [2021] VSCA 200, [152]). An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The provisions of new Division 6 engages the right to privacy in a variety of ways including when a police officer requires an individual to give their name and address to verify their identity under new section 112ZA(1)(b) and when a police officer directs an individual to surrender their personal autonomy to receive service of a firearm prohibition order under new section 112ZC.

The power to require an individual to give their name and address under new section 112ZA is not arbitrary because the police officer must first be reasonably satisfied that a service direction determination applies to the individual, and the purpose is to verify their identity before exercising the power to direct an individual to stay in a place or to go to a police station or other safe place to receive service of the firearm prohibition order. Similarly, the power to direct an individual to remain in a place or to go to a police station or other safe place to receive service of a firearm prohibition order arises only after the police officer has verified the individual's identity and is reasonably satisfied that a service direction determination applies to the individual. It is not arbitrary.

The phrase "reasonably satisfied" has been found to be "designed to set up an objective criterion to be determined by reference to the external evidence or indicia" (*R v LR* [2005] LR QCA 368, [5]). Although the test is objective, there will not necessarily be a single acceptable outcome, however "there must have been evidence available to [the decision maker] which can objectively be seen to support the decision that has been reached" (*R v LR* [2005] LR QCA 368, [44]). In my opinion, this requirement ensures that the use of the power is not arbitrary and is sufficiently predictable to satisfy the requirement of lawfulness, so that the internal limits within the right are not breached.

New Division 7 provides for a magistrate to issue a service search warrant that authorises a police officer to search a specified premises for the named individual for the purposes of serving a firearm prohibition order. New section 112ZG engages the right to privacy if a court issues a service search warrant authorising a police officer to enter an individual's premises, including their home.

However, I consider that a search for an individual who is avoiding service of a firearm prohibition order authorised by a service search warrant issued under new Division 7 of Part 4A of the *Firearms Act 1996* does not limit the right to privacy protected by section 13(a) of the Charter for the following reasons. A service search warrant authorises a search for an individual according to law. The search may only be carried out after a magistrate has been satisfied that the specific statutory preconditions have been met. A police officer's authority to search is appropriately constrained so that the police officer is solely authorised to search for the individual named in the firearm prohibition order, at the premises specified in the warrant, for the purposes of serving the firearm prohibition order on the individual. The police officer is not authorised to search for any other thing.

The power conferred on a magistrate to issue a service search warrant protects against the arbitrary exercise of power. The magistrate must be satisfied that police have reasonably attempted to serve the firearm prohibition order, that the individual is avoiding service, and that the service search warrant is reasonable in the circumstances. The magistrate may have regard to the nature of the premises for which entry is being sought, whether the premises is a residence, whether a person with a special vulnerability (including a child) is likely to be at the premises at the time of the search, any other prescribed matter, and any other matter the court considers relevant. In the event that the Chief Commissioner applies to a magistrate of the Children's Court of Victoria for a warrant to search for a child aged 14 years or more, the magistrate must be satisfied that exceptional circumstances exist to justify the issue of the service search warrant. Exceptional circumstances means something unusual, or out of the ordinary that in the circumstances justifies the issue of the warrant despite the inherent vulnerability of a child.

A service search warrant will, by definition, be issued only in circumstances where there is no other less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve. A service search warrant can only be issued after a police officer has reasonably attempted to serve the firearm prohibition order and established that the individual is avoiding service of the firearm prohibition order. Avoiding service goes beyond a mere failure to cooperate with police in a particular circumstance. Avoiding service is established by a course of action that demonstrates that the individual is taking positive steps to avoid the service of the firearm prohibition order.

An individual may avoid the interference with their privacy under a service search warrant simply by accepting the firearm prohibition order from the police officer when the police officer reasonably attempts to serve the firearm prohibition order on the individual.

For these reasons I am of the opinion that the Bill does not limit and is not incompatible with the right to privacy and reputation protected by section 13 of the Charter.

#### Protection of children (section 17(2))

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. Section 17(2) recognises the particular vulnerability of children due to their age and confers additional rights on them. Its scope is informed by the *United Nations Convention on the Rights of the Child*, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration. However, it is worth noting that courts in the United Kingdom construe the best interests of the child as "a" primary consideration rather than "the" primary consideration (*ZH (Tanzania) v Home Secretary* [2011] UKSC 4, [25]–[26]).

Currently, a firearm prohibition order can apply to a child aged 14 years or more and must be served before the firearm prohibition order is enforceable. In recognition of the particular vulnerability of children, the Bill provides that the Chief Commissioner must not make a service direction determination in respect of a child unless exceptional circumstances exist, and new section 112ZK(2) requires the Chief Commissioner to apply to a magistrate of the Children's Court of Victoria for a service search warrant. A magistrate must not issue a service search warrant in respect of a child unless exceptional circumstances exist.

Further, before issuing a service search warrant new section 112ZH provides that the magistrate may have regard to whether a person with a special vulnerability is likely to be at the premises at the time of the search. The Bill defines special vulnerability in relation to a person to include a person under the age of 18 years.

It is a well-accepted principle in determining exceptional circumstances that the hurdle is a high one, but not so high that it is impossible to ever achieve. Further, unusual or uncommon circumstances are not necessarily solely required (*Director of Public Prosecutions (Vic) v Cozzi* [2005] VSC 195). In the context of bail applications it has been said that a general definition of "exceptional circumstances" is not possible and that exceptional circumstances might come about as a "result of the interaction of a variety of factors which of themselves might not be regarded as exceptional. What is ultimately of significance is that viewed as a whole, the circumstances can be regarded as exceptional to the extent that ... the making of an order ... would be justified" (*Application for Bail by Moloney, Re* Supreme Court of Victoria, unreported 31/10/1990] BC9003878). I consider this to be a sufficiently high threshold for allowing these powers to be used against children.

In recognition of the particular vulnerability of children, new sections 112ZF and 112ZT specify additional measures for the protection of a child when a police officer exercises a power in relation to a child. These include requirements to contact a person with parental responsibility for the child, to tell a person with parental responsibility for the child that the child is being directed, detained or placed in custody, to explain the process, and to give the child a reasonable opportunity to communicate with a person with parental responsibility for the child. In addition, a police officer must give the child a reasonable opportunity to communicate with a legal practitioner from Victoria Legal Aid (or the Victorian Aboriginal Legal Service) as soon as practicable.

Although these amendments will apply to children who are aged 14 years or more, and may therefore limit their Charter rights, they will only be used in exceptional circumstances. I consider that in those exceptional circumstances the limits on the rights of children in section 17(2) will be justified for the reasons outlined in this statement in the discussion of those rights.

#### The right to property (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with the law. The right to property under section 20 of the Charter will be limited when all three of the following criteria are met: the interest interfered with is ‘property’, the interference amounts to a ‘deprivation’, and the deprivation other than ‘in accordance with law’. This right does not provide a right to compensation and the High Court has confirmed that the requirement under section 51 (xxxi) of the Federal Constitution that the Commonwealth Parliament cannot pass a law that acquires property without compensation on just terms does not apply to the States (*Durham Holdings Pty Ltd v New South Wales* (2001) 205 CLR 399).

In *PJB v Melbourne Health (Patrick’s Case)* (2011) 39 VR 373 Bell J observed that in the Charter, neither ‘property’ nor ‘deprived’ is defined. On first principles, these terms should be interpreted liberally and beneficially.

The term ‘property’ includes both real and personal property and any right or interest (including any economic interest) regarded as property under Victorian law. Property could also include non-traditional and less formal rights in relation to property, such as a licence to enter or occupy land and the right to enjoy uninterrupted possession of land.

A deprivation of property could occur where a title or right to property is transferred to an entity other than the owner; where a title or right to property is extinguished; or where an action has the effect of substantially depriving a property owner of the ability to use his or her property or part of that property (including enjoying exclusive possession of it, disposing of it, destroying it, transferring it or deriving profits from it). An interference with the home can amount to a deprivation of property (*PJB v Melbourne Health (Patrick’s Case)* (2011) 39 VR 373, [61]–[62]).

‘In accordance with law’ has a particular meaning in the human rights context. To comply with this right any deprivation must be authorised by legislation or the common law, and any discretion conferred should be confined and structured so that it is neither arbitrary nor unclear.

New section 112ZG provides for a magistrate to issue a service search warrant that authorises a police officer to break, enter and search a premises for an individual who is avoiding service of a firearm prohibition order. In my opinion, this engages the right to property as it will authorise an interference with a premises, including a door or locking mechanism at the premises. However this provision does not limit the right to property because any interference with property will be authorised by law. The authorising provision is clearly structured so that the scope of the authority to interfere with property is clearly delineated, and the relevant discretions are not arbitrary. New section 112ZH clearly sets out the matters that a magistrate must reasonably believe based on sworn or affirmed evidence, and expressly identifies additional matters that the magistrate may have regard to when exercising a discretion to grant a service search warrant.

New Subdivision 2 of Division 7 of Part 4A of the *Firearms Act 1996* includes measures to limit the scope of any interference with property to the minimum reasonably necessary to achieve the policy purpose. New section 112ZN requires that before an officer executes a service search warrant on a premises they must first reasonably believe that the individual to whom the order is present at that premises. Section 112ZO requires a police officer to announce their presence, and to give an opportunity to any person at the premises to allow the police officer executing the service search warrant to enter. The Bill provides for an exception to the requirement to announce their presence when a police officer reasonably believes that immediate entry is required to ensure the safety of any person or that the effective execution of the service search warrant is not frustrated. This is consistent with similar search warrant provisions in other legislation and provides for the least restrictive means reasonably available to achieve the policy purpose.

For the reasons set out above, in my opinion the Bill does not limit the property rights protected by section 20 of the Charter.

#### The right to liberty and security of the person (section 21)

Section 21 of the Charter protects the human right to liberty and security. It provides that a person must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law.

Section 21(1) of the Charter provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on the grounds and in accordance with procedures established by law. Together, the effect of sections 21(1), (2) and (3) is that the right to liberty may legitimately be constrained only in

circumstances where the deprivation of liberty by detention is both lawful, in that it is specifically authorised by law, and not arbitrary, in that it is reasonable or proportionate in all the circumstances.

Whether a particular restriction amounts to a ‘deprivation of liberty’ for the purpose of the right in section 21 is a question of degree or intensity. Detention or deprivation of liberty does not necessarily require physical restraint; however, the right to liberty is concerned with the physical detention of the individual, and not mere restrictions on freedom of movement. (*Kracke v Mental Health Review Board* (2009) 29 VAR 1 at [664]). In my opinion, the temporary restriction of movement that occurs when an individual complies with a police officer’s direction to stop and remain in place, or to attend the nearest police station or other safe place to receive service of a firearm prohibition order does not amount to a deprivation of liberty and is instead a restriction of freedom of movement (*DPP v Kaba* (2014) 44 VR 526, [78], [97], [112]). A person complying with a direction is free to go after the time that it takes to serve the firearm prohibition order (which cannot be more than 2 hours in any event). Accordingly, an individual does not experience a significant delay or physical restraint that could amount to a deprivation of liberty for the period during which the individual is subject to the direction.

If the constraints that occur when a person complies with a direction are considered to limit the right to liberty, the fact that this restraint is limited to 2 hours, and the other justifications for its use, ensure that any limitation on this right is reasonable for the purposes of section 7(2) of the Charter.

The powers conferred following a service direction determination have been structured to employ the least restrictive means reasonably available to achieve the purpose of the limitation, escalating the limitations only where an individual unreasonably refuses or fails to comply with a lawful direction given by a police officer. New section 112ZC provides for a police officer to first direct an individual to stop and remain at a place or to go to a police station or other safe place for the purposes of being served with a firearm prohibition order. An individual who complies with this direction is subject to a limitation on their right to freedom of movement for a period not exceeding 2 hours from the time of the direction.

New section 112ZD provides for a police officer to detain a person who unreasonably refuses or fails to comply with a direction given under new section 112ZC. The power to detain the individual is limited to the purpose of serving a firearm prohibition order on the individual, and arises only after the Chief Commissioner has made a service direction determination and the individual has unreasonably refused or failed to comply with a lawful direction. In my opinion the power to detain an individual under section 112ZD (and use the force reasonably necessary to apprehend and detain the individual) limits the right to liberty but is not incompatible with the right protected by section 21(1) of the Charter because it complies with the requirements in sections 21(2) and (3) of the Charter.

New section 112ZS also provides for the detention of an individual under a service search warrant, which engages and limits the individual’s right to liberty. New section 112ZU provides that the period during which an individual may be detained under a service search warrant is limited to the time it takes to serve the firearm prohibition order on the individual or 2 hours (whichever is the earliest). In my opinion, this limitation is proportionate to the important public safety purpose of commencing the enforcement of a firearm prohibition order against an individual who is avoiding service of the firearm prohibition order, and for this reason is not incompatible with the right protected by section 21(1) of the Charter.

Section 21(4) provides that a person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against that person. Sections 112ZE(2) and 112ZS(2) include protections for an individual deprived of their liberty having been detained for the purposes of serving a firearm prohibition order. These protections include a requirement that a police officer tell the individual that they are not under arrest for an offence, to explain the purpose of the detention, and to inform the individual of the effect of additional protections applying to an individual detained for these purposes. In my opinion, these provisions ensure that any deprivation of liberty is compatible with the right protected by section 21(4) of the Charter.

Section 21 further provides for the proper treatment of a person who is arrested or detained in subsections (5) to (8). In my opinion, the powers to detain an individual conferred by the new provisions do not engage sections 21(5) to (8) of the Charter because the power to detain an individual for the purposes of serving a firearm prohibition order does not arise in connection with the commission of an offence, does not limit any right to judicial review, and does not relate to a person’s ability to perform a contractual obligation.

In my opinion, the Bill is compatible with the rights protected by section 21 of the Charter because the limits on the right to liberty conform with the requirements of section 21 itself. The limits are also reasonable limits under section 7(2) of the Charter because of the thresholds for the use of these powers, the confined nature of any detention that can occur under them and the various safeguards and monitoring mechanisms introduced by the Bill.

The right to humane treatment when deprived of liberty (section 22)

Section 22 of the Charter imposes certain standards in respect of the treatment of people who are detained in Victoria. It requires that any person detained must be treated with dignity and humanity. This applies to people detained in the criminal justice system and in non-punitive or protective forms of detention such as the compulsory detention of persons with a mental illness, for a public health purpose, or as is in the case of this Bill, for a public safety purpose when serving a firearm prohibition order on an individual. The Bill ensures that individuals detained for the purpose of being served with a firearm prohibition order are treated humanely and with respect as they are only detained for the very short period in which it takes to serve them, which is at most allowed to be two hours.

Additionally, Victoria Police must comply with the Charter when exercising its powers and performing its functions and duties under the Act, including the new provisions introduced by the Bill.

Importantly, the Bill inserts new Divisions 8 and 9 into Part 4A of the *Firearms Act 1996* which include protections for an individual whose freedom of movement or freedom of liberty has been limited and record keeping, reporting and monitoring requirements to provide for the ongoing monitoring and oversight of the additional service powers by the Parliament, the Minister and IBAC. Each of these measures promote accountability and compliance with duties at law to treat a person detained with dignity and humanity.

In my opinion, the Bill does not limit the right to humane treatment when deprived of liberty protected by section 22 of the Charter.

**Hon Enver Erdogan MP**  
**Minister for Corrections**  
**Minister for Youth Justice**  
**Minister for Victim Support**

*Second reading*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:14): I move:

That the bill be now read a second time.

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

The Bill before the House introduces amendments to the *Firearms Act 1996* to support Victoria Police to maintain community safety by expanding police powers in relation to serving firearm prohibition orders. The Bill also contains an amendment to the *Control of Weapons Act 1990* to clarify that a machete is a knife and therefore a controlled weapon for the purposes of that Act.

*Overview of firearm prohibition order amendments*

The Bill expands police powers to serve a firearm prohibition order (FPO) on an individual after an FPO is made by the Chief Commissioner of Police. An FPO that applies to an individual is not enforceable until it is served on them under the *Firearms Act 1996*. Section 112I of the *Firearms Act 1996* currently requires that an FPO must be served in person on the individual to whom it applies by a police officer. This strict requirement operates as a protection for an FPO subject by ensuring they have actual knowledge that the FPO has been made and applies to them before the further offences and enforcement provisions of the FPO scheme apply to that individual.

The FPO scheme is a civil prohibition scheme which empowers Victoria Police to proactively and quickly disrupt serious criminal activity associated with the illicit use of firearms. FPOs can be issued against an individual aged 14 years or more when the Chief Commissioner is reasonably satisfied that it is contrary to the public interest for the individual to have access to a firearm or firearm-related item. The Chief Commissioner may have regard to the criminal history of an individual, their behaviour or associates, and to criminal intelligence.

The impact of an FPO on an individual is significant. An effective FPO triggers prohibitions and extended police powers, including a prohibition on entering or remaining in a range of premises, a requirement to surrender any firearm or firearm-related item to police, and powers for police to enter and search premises and individuals and persons accompanying them without consent and without warrant. A person to whom an FPO applies is a prohibited person for the purposes of the *Firearms Act 1996*.

The Independent Broad-based Anti-Corruption Commission (IBAC) first Ministerial report pursuant to section 174B of the *Firearms Act 1996* (2018 to 2020) was tabled in this House on 28 November 2023. In that Report, IBAC reported on factors identified by Victoria Police that may impact on the timely and efficient service of an FPO. Whilst IBAC accepted that the reasons for delay in service of an FPO are justified in

certain circumstances, IBAC observed that service of an FPO must be given priority because an FPO is made on the basis of an affirmative conclusion by the Chief Commissioner that there is a risk that the FPO subject will come into possession of a firearm in circumstances where the firearm may be used to endanger the peace and safety of the public.

The government is today taking action to respond to the factors identified in the IBAC report, which reflect concerns that have also been identified by Victoria Police. The amendments in this Bill are designed to put Victoria Police in the best possible position to serve an FPO on an individual as soon as possible after it is made so that any risk to community safety can be actively managed through the FPO scheme under the *Firearms Act 1996*.

Victoria Police is concerned that certain individuals deliberately seek to avoid or delay the application of the FPO scheme, by refusing to cooperate with police or by actively avoiding service of the FPO. Victoria Police has identified three classes of individual on whom it has particular difficulty in serving an FPO. These are:

- individuals who actively avoid service of an FPO;
- individuals whose whereabouts are unknown; and
- prisoners in detention or individuals in immigration detention who refuse a visit from a police officer for the purpose of receiving service of an FPO, and in relation to whom it is important that the FPO is served and effective upon their release from detention.

Any delay in service and consequent commencement of an FPO also delays the community safety benefits that the FPO scheme is designed to assure. To address this risk the Bill provides for:

- the Chief Commissioner to make an FPO ‘service direction determination’ to enliven additional police powers to direct and if necessary detain a person to serve an FPO;
- the Chief Commissioner to apply to a magistrate to issue an FPO ‘service search warrant’ to enable police to break, enter, and search a premises, and if necessary to detain an individual, for the purposes of serving an FPO;
- additional options to serve an FPO by registered post on a person in detention or in immigration detention; and
- a police officer to serve an individual who refuses to accept an FPO by putting it down in the individual’s presence and telling them the nature of the order.

The Bill includes safeguards so that the additional powers to serve an FPO on an individual are exercised only when necessary, never as a first resort, and not merely because it is more convenient to police. Safeguards include stipulated criteria, procedural protections, court supervised search warrants, IBAC review of service direction determinations, improved record keeping requirements, and ongoing IBAC monitoring of the additional FPO service powers.

Once enacted, the operation of the new FPO service powers will be monitored for how they are being applied to persons under the age of 18, for consideration of whether further safeguards are required.

#### *Service direction determination*

Victoria Police reports that the service of an FPO may be delayed when an individual actively avoids service, or where the individual can’t be found after the police have made reasonable enquiries as to the individual’s whereabouts.

Every reasonable tool should be provided to Victoria Police to serve an FPO on an individual – including in circumstances where an individual’s whereabouts are unknown. In this case, a police officer may encounter an individual through an unplanned police interaction, such as at a traffic stop, and may be alerted to an unserved FPO by a flag on the LEAP database. In that circumstance, it is unlikely the police officer would have a copy of the FPO to hand in order to serve the FPO on the individual at that time.

An individual who is subject to an unserved FPO is typically unwilling to wait at a place or to go to a police station so that the police officer can serve an FPO on them. Such a missed opportunity extends the risk to community safety simply because paperwork couldn’t be served on the individual in that moment.

The Bill manages this risk by providing for the Chief Commissioner to make a service direction determination in relation to an individual who is avoiding service or who can’t be found.

A service direction determination authorises a police officer to stop and direct an individual who is in a public place to provide their name and address to confirm the individual’s identity. Except in limited circumstances an individual is not required to give their name and address to a police officer. Consequently, a police officer may exercise this power if reasonably satisfied that a service direction determination applies to the individual. After confirming the individual’s identity, the police officer may then direct the individual to remain at a place

or to go to or accompany the police officer to the nearest police station or another safe place for the purposes of serving the FPO on the individual.

A police officer may use reasonable force to detain an individual for the purposes of serving an FPO if the individual unreasonably refuses or fails to comply with a direction given under authority of a service direction determination. At that point the individual is taken into lawful custody and commits an offence against section 49E of the *Summary Offences Act 1966* if they escape or attempt to escape from lawful custody.

*Service direction determination - protections and safeguards*

Practical, procedural and legal protections apply to a service direction determination. The Bill is structured to separate strategic and tactical decision-making so that the decision-maker can consider whether making a service detention determination decision is demonstrably justifiable in the circumstances.

The decision to make a service direction determination must be made by the Chief Commissioner or a person who could make an FPO. The Bill limits the Chief Commissioner's power to delegate, conferred by section 19 of the *Victoria Police Act 2013*, to the same class of delegates specified in section 112F of the *Firearms Act 1996*.

The Bill provides for the Chief Commissioner to make a service direction determination on application from a police officer supported by affidavit if reasonably satisfied that the public interest requires the FPO to be served within 28 days, that the individual is avoiding service or that police have made reasonable enquiries to ascertain the individual's residential address and that Victoria Police doesn't have a record of the individual's current residential address and does not otherwise have information about the whereabouts of the individual. This approach enlivens these additional powers only when other reasonably available measures to serve the FPO on the individual have been exhausted.

The period of operation of a service direction determination is not open-ended and expires within 90 days after it is made, or an earlier day specified by the Chief Commissioner. Noting that a service direction determination may be made in relation to an individual whose whereabouts are unknown, a service direction determination may be remade if the FPO is not served on the individual before the service direction determination expires.

The Bill includes procedural protections for an individual so that a police officer must verify the identity of the individual before exercising the power to direct the individual to remain in place for the purposes of serving the FPO. The Bill also requires the police officer to explain the nature of the power being exercised and the consequences of unreasonably failing or refusing to comply, to explain when the individual is free to go, and prohibits the police officer from questioning the individual on a matter unrelated to the FPO. If the individual is transported to a police station or other safe place for the purposes of serving the FPO, the individual must be returned to the place from which they were taken.

The Bill protects an individual from unreasonable delay in serving the FPO paperwork, so that the individual must be released as soon as the FPO is served on them, and within 2 hours after the individual is first directed to stop, or later detained. A police officer bears a positive duty to serve the FPO as soon as practicable after directing the individual to stop. If the FPO is not served within 2 hours, the individual must be released and may not be subjected to a direction under a service direction determination within 24 hours after being released. The 24-hour limitation does not apply if a person escapes a direction or detention before the expiry of the specified time to serve the FPO has elapsed.

Additional protections apply in exceptional circumstances that justify the use of these additional service powers in relation to a child. The additional protections operate in addition to the child's right to such protection as is in their best interests and is needed by them by reason of being a child, as protected by section 17(2) of the *Charter of Human Rights and Responsibilities Act 2006*.

If exceptional circumstances exist to justify a service direction determination in respect of a child, a police officer must, as soon as practicable after directing the child, reasonably attempt to contact the person with parental responsibility for the child to inform them that the child is being directed, detained or in custody. The police officer must, if practicable, provide the child a reasonable opportunity to communicate with the person with parental responsibility for the child, and with a lawyer from Victorian Legal Aid, or a lawyer from the Victorian Aboriginal Legal Service if the child is an Aboriginal person or Torres Strait Islander.

The Bill does not limit the duty of an investigating official under section 464FA of the *Crimes Act 1958* to notify the Victorian Aboriginal Legal Service after an Aboriginal person or Torres Strait Islander is taken into custody.

*Service search warrant*

The Bill provides for the Chief Commissioner to apply to a magistrate for a warrant to search for an individual who is avoiding service of an FPO for the purposes of serving the FPO.

A magistrate may issue a warrant authorising a police officer to break, enter and search a specified premises for an individual, and if necessary to detain the individual, for the purposes of serving the FPO. The magistrate may only issue an FPO service search warrant if they reasonably believe that a police officer has reasonably attempted to serve the FPO on the individual, that the individual is avoiding service of the FPO, and that it is in the public interest to serve the FPO within 28 days.

To protect the interests of third parties who may be present at a premises at the time an FPO service search warrant is executed, the magistrate must believe that issuing a service search warrant is reasonable in the circumstances. In reaching this decision, the magistrate may consider the nature of the premises for which entry is being sought, whether the premises is a residence, whether a child or a person with another special vulnerability is likely to be at the premises at the time of the search, any prescribed matter, and any other matter the court considers relevant.

*Service search warrant relating to a child*

Section 112D of the *Firearms Act 1996* provides for the Chief Commissioner to make an FPO that applies to a child aged 14 years or more. Consequently, exceptional circumstances may arise that justify the issue of a service search warrant relating to a child.

The Bill requires that the Chief Commissioner must apply to a magistrate of the Children's Court of Victoria to determine an application for a service search warrant in respect of a child. The government recognises that a magistrate of the Children's Court of Victoria is uniquely positioned to understand the particular vulnerabilities of a child and the measures necessary to protect the best interests of the child. They bring legal expertise and experience to the consideration of matters involving children, young people, and their families. There are four stand-alone specialist Children's Courts located at Melbourne, Broadmeadows, Dandenong and Moorabbin. Magistrates from the Magistrates' Court of Victoria also sit as Children's Court magistrates in other metropolitan Magistrates' Courts and all regional Magistrates' Courts on nominated days.

When considering an application for a service search warrant applying to a child, a magistrate of the Children's Court must be satisfied that exceptional circumstances exist. The magistrate may impose any additional conditions that they consider appropriate given the exceptional circumstances.

If it is necessary to detain a child under a service search warrant, the police officer who detains the child must, as soon as practicable after detaining the child, reasonably attempt to contact the person with parental responsibility for the child, to inform them that the child is being detained under a service search warrant. If practicable they must also provide the child a reasonable opportunity to communicate with the person with parental responsibility for the child, and with a lawyer from Victoria Legal Aid, or a lawyer from the Victorian Aboriginal Legal Service if the child is an Aboriginal person or Torres Strait Islander.

The Bill does not limit the duty of an investigating official under section 464FA of the *Crimes Act 1958* to notify the Victorian Aboriginal Legal Service after an Aboriginal person or Torres Strait Islander is taken into custody.

*Executing a service search warrant*

The sole purpose of an FPO service search warrant is to enable a police officer to locate an individual who is avoiding service of an FPO and, if necessary to detain them, for the purpose of serving the FPO. Consistent with this purpose, a police officer who proposes to execute the warrant must reasonably believe that the individual to whom the FPO applies is present at the premises to be entered and searched. A police officer must be in possession of the FPO at the time of executing an entry under an FPO service search warrant and must comply with the usual procedural protections when executing a warrant, including the duty to announce their presence, and to provide the execution copy of the warrant to an occupier or the person named in the warrant.

An FPO service search warrant does not authorise a police officer to search the premises for any other person or unlawful thing. The police officer executing the warrant must leave the premises immediately after the search is completed if the individual cannot be found. If the individual is found, the police officer must leave the premises immediately after serving the FPO on the individual, subject to any other lawful basis to remain at the premises.

The Bill clarifies that the duty to leave the premises does not limit the operation of the search powers set out in Division 5 of Part 4A of the *Firearms Act 1996*. Those search powers are available immediately after the FPO is served on an individual but are subject to specified requirements. The net effect is that a police officer executing the search warrant must immediately leave the premises unless another lawful basis to remain at the premises exists, such as when authorised to conduct a search of the premises under Division 5 of Part 4A in relation to a person to whom an FPO applies.



*Record keeping and extending existing monitoring and oversight measures*

The *Firearms Act 1996* currently includes safeguards to protect the rights of an individual subject to an FPO and to verify that Victoria Police is administering the FPO scheme appropriately. Existing safeguards include multiple rights to have the Victorian Civil and Administrative Tribunal review the decision to make an FPO, duties of the Chief Commissioner to report annually to the Minister and quarterly to IBAC, and IBAC monitoring of the exercise of the powers and the performance of the duties and functions of the Chief Commissioner under the FPO scheme.

The Bill extends these safeguards, imposing strict record-keeping requirements so that records detailing the reasons for making a service direction determination, and records of the exercise of police powers under a service direction determination or a service search warrant are kept and provided to IBAC, the Minister, and to affected parties. The Bill requires the Chief Commissioner to report as separate information any power or duty exercised against an individual under the age of 18 years – which is authorised only in exceptional circumstances. This additional reporting obligation will ensure the Government maintains appropriate and proportionate visibility over these powers and that safeguards are working as intended.

A three-tiered oversight and assurance system is in place for IBAC to ensure the proper administration of the FPO scheme and the exercise of powers. This system includes biennial ministerial reports, a standing power to monitor and report, and a requirement to complete a representative sample of case reviews. This oversight system operates in addition IBAC's extensive powers to investigate and respond to police conduct under the *Independent Broad-based Anti-corruption Commission Act 2011* and is designed to operate as an assurance process.

The Bill improves these monitoring and assurance powers so that IBAC may determine to review all cases in a particular reporting period and may review a decision taken or a matter arising in a previous reporting period that relates to a matter under review or being monitored in a current reporting period.

The Bill expressly provides for a person affected by the exercise of a service direction determination or a service search warrant to access records containing the prescribed particulars.

*Clarifying the sunset date of the FPO scheme*

The Bill clarifies the sunset date for the FPO scheme. Recognising that the FPO scheme was a response to a pressing threat to public safety and order, the *Firearms Amendment Act 2018*, an amending Act which introduced the FPO scheme into the *Firearms Act 1996*, provides for the sunset of the FPO scheme 10 years after coming into operation. The sunset allows for further consideration as to whether the FPO powers should continue in the future after 10 years of operation.

The FPO scheme came into operation on 9 May 2019 and will expire on the last moment of 8 May 2028. The Bill specifies the date on which the FPO scheme expires in the *Firearms Act 1996* itself so that the expiry date can be easily ascertained in the Principal Act.

*Other amendments to improve the operation of the Firearms Act*

The Bill includes minor amendments to update language and modernise references throughout the *Firearms Act 1996* to a child's guardian. Consistent with the *Children, Youth and Families Act 2005* and the plain English drafting style, references to a child's guardian will be replaced with a reference to the person with parental responsibility for the child.

*Amendment of the Control of Weapons Act 1990 – Machetes*

The Bill amends the definition of **controlled weapon** in section 3 of the *Control of Weapons Act 1990* by inserting an example stating that a machete is a type of knife. Section 3 of the *Control of Weapons Act 1990* defines a controlled weapon as a knife, other than a knife that is a prohibited weapon, or an article prescribed by the regulations to be a controlled weapon. Schedule 1 to the Control of Weapons Regulations 2021 prescribes four additional articles as controlled weapons, being spear guns, batons or cudgels, bayonets and cattle prods.

The *Control of Weapons Act 1990* also defines the term **prohibited weapon** as being an imitation firearm or an article that is prescribed by the regulations to be a prohibited weapon. Schedule 2 to the Control of Weapons Regulations 2021 prescribes 47 separate articles as prohibited weapons. Of those 47 articles, 11 are types of knife, being flick, knuckle, butterfly, double-end, concealed (including the "Black Eagle Knife"), push, trench and non-metal/ceramic knives.

Prohibited weapons are subject to more rigorous restriction than controlled weapons. To lawfully possess, carry or use a prohibited weapon, a person must be within a class of persons subject to a Governor in Council exemption under section 8B of the *Control of Weapons Act 1990* or hold an individual approval granted by the Chief Commissioner under section 8C of that Act. Specific types of knife have been prescribed as

prohibited weapons because of their concealability, association with criminal activity or lack of legitimate uses in society.

Machetes are knives and are therefore controlled weapons. However, there is a misconception by some people in the community, including by some market stall holders and other retailers as well as some members of the public, that machetes are tools and are therefore not weapons. The amendment, inserting an example in the definition of controlled weapon stating that a machete is a knife, makes the legal status of machetes very clear – they are controlled weapons and, as such, may not be possessed, carried, or used without a lawful excuse. The amendment is purely to provide clarity and does not alter the existing legal status of machetes.

A lawful excuse for the possession, carriage or use of a controlled weapon is the pursuit of any lawful employment, duty or activity, participation in any lawful sport, recreation or entertainment or the legitimate collection, display or exhibition of weapons but does not include for the purpose of self-defence.

In relation to children, the *Control of Weapons Act 1990* makes it an offence for a child to purchase a controlled weapon and for a person to sell a controlled weapon to another person knowing that the other person is a child. To operationalise these offences and mitigate their breach, many retailers have placed a flag in their barcode systems against every knife in stock requiring a member of staff to sight a purchaser's proof of age and they must refuse to sell a knife to a child or any person whose status as an adult is unclear, otherwise they will risk breaking the law.

The Government is satisfied that machetes will continue to be appropriately classified as controlled weapons because machetes are used as tools for various legitimate purposes, including horticultural, agricultural, and general-purpose activities such as clearing brush and cutting and maintaining trails. They are common items in the community which, when used properly, have a considerable benefit. If used unlawfully, a person will be subject to prosecution as is currently the case.

I commend the Bill to the house.

**Evan MULHOLLAND** (Northern Metropolitan) (18:14): On behalf of my colleague Mr Davis, I move:

That debate on this bill be adjourned for one week.

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

### *Adjournment*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:15): I move:

That the house do now adjourn.

### **Wire rope barriers**

**Wendy LOVELL** (Northern Victoria) (18:15): (732) My adjournment matter is to the Minister for Roads and Road Safety, and it concerns the government's failure to repair damaged wire rope safety barriers along critical sections of rural highways and freeways. The action that I seek is for the minister to instruct the Department of Transport and Planning to repair damaged wire rope safety barriers on the Hume Freeway, Midland Highway and Goulburn Valley Highway immediately.

Prior to the installation of wire rope safety barriers the government claimed they were necessary to improve road safety and reduce deaths on rural and regional roads. These barriers were installed, at great expense, on the sides of many major roads to prevent cars from running off the road, and on some highways, like the Midland Highway, they have been installed in the centre of the road to prevent vehicles crossing into oncoming traffic. These barriers will only remain effective if they are maintained, but the Labor government has fallen behind and barriers that have been damaged are not being maintained. On the Midland Highway between Mooroopna and Byrneside large sections of the wire rope in the centre of the road have been lying on the ground since well before Christmas. Some sections of the wire rope are acting as trellises for gum trees that have taken hold and are now taller than the safety barriers, which cannot be good for the integrity of the barriers or the road surface. Constituents have also reported significant damage to barriers on the Midland Highway between Shepparton and Benalla and the Goulburn Valley Highway. One constituent reported to me that they

counted over 50 sections of damage to wire rope safety barriers on the Hume Freeway between Benalla and Seymour.

The VicRoads *Road Management Plan*, published in 2021, stipulates a required response time for different types of hazards on different categories of road. Major roads, like the Hume Freeway, Midland Highway and Goulburn Valley Highway, are generally category 2 or 3. The *Road Management Plan* says that for category 2 or 3 the required time to respond to missing or damaged safety barriers is just 30 days – 30 days from the time of being notified or doing an inspection the maintenance crew must respond to the hazard and rectify it or set up a warning for that hazard. But residents in my constituency who travel on these roads every day have reported that there are sections of the road where the wire rope safety barrier has been down for months and nothing has been done. This is unacceptable. The government spent a very large amount of money putting up these barriers, and that will all be wasted if it does not repair the wire ropes when they detach or break or go down. I urge the minister to instruct the Department of Transport and Planning to urgently survey wire rope safety barriers and implement a program of repair as soon as possible.

### Napoleon Road

**Michael GALEA** (South-Eastern Metropolitan) (18:18): (733) My adjournment matter this evening is for the Minister for Roads and Road Safety in the other place, Minister Horne, and the action that I seek is for Napoleon Road to be resurfaced. Napoleon Road is an important arterial road which runs along the Rowville–Lysterfield border in my electorate, connecting my constituents to Ferntree Gully and other areas to the north and east. I have been contacted by many constituents who have told me about the current state of the road, which has particularly deteriorated over recent months. We have seen many years of La Niña and much higher rainfall totals, which has heavily impacted roads right across our state.

I acknowledge and appreciate the keen interest and energy the minister has shown in restoring and maintaining our state's roads and also note the unprecedented investment which has been delivered by the Allan Labor government in responding to these weather events and the potholes which have emerged as a result. The Victorian government is investing an additional \$2.8 billion over 10 years into road maintenance and renewable works, including flood recovery. This will see a total of at least \$6.6 billion invested in maintaining our road network over the next decade. This new multiyear funding approach means that the Department of Transport and Planning can plan a long-term road maintenance program and deliver works in a strategic manner across the state. It will also allow the department to take a more efficient and sustainable approach to road maintenance over the next decade. \$770 million is being spent in this financial year alone to maintain our roads. Again, the action that I seek on behalf of my constituents in Rowville and Lysterfield is that Napoleon Road be resurfaced between Kelletts Road and Glenfern Road.

### Medicinal cannabis

**David ETTERSANK** (Western Metropolitan) (18:20): (734) My adjournment tonight is for the Minister for Veterans Minister Suleyman. The action I seek is that the minister urge her federal counterpart the Honourable Matt Keogh to update the Department of Veterans' Affairs medicinal cannabis policy. Post-traumatic stress disorder and traumatic brain injury (TBI) are amongst the most common conditions afflicting Australian Defence Force veterans. Research indicates that 8 per cent of serving members and 18 per cent of ex-serving members suffer from PTSD, while a staggering 49 per cent of serving members and 47 per cent of ex-members have incurred some form of traumatic brain injury in the line of duty. Veterans suffering from these conditions are being prescribed a raft of opioids and psychotropic medications, as well as sleeping pills. These drugs, subsidised by the DVA, come with a range of debilitating side effects. They sap users of their vitality and wellbeing, reducing them, as veterans have said, to zombies. Worse, they are causing severe levels of harm, including suicidal ideation and death amongst veterans, as recorded by the Royal Commission into Defence and Veteran Suicide.

Medicinal cannabis products have been shown to be incredibly effective in treating PTSD and traumatic brain injury, and they are safer and cheaper than the psychotropic medications approved by the DVA. Veterans who use medicinal cannabis to treat these conditions have described the relief in returning to something approximating a normal life. Quoting one veteran, it is like ‘a switch has been switched back on, everything’s bright again’. Medicinal cannabis is readily prescribed for PTSD and TBI for non-service members and veterans. However, the DVA’s current policies do not approve their use. This is leaving veterans seeking less harmful means of treating their conditions in an impossible bind. Either they can pay for their unsubsidised medicinal cannabis scripts themselves, which can cost them thousands of dollars a month, or they can source cannabis from the black market, risking criminal conviction and prison. So the action I seek is that the Minister for Veterans advocate to her federal counterpart to change the outdated DVA policy to include medicinal cannabis for the treatment of PTSD and traumatic brain injury, allowing our veterans access to an approved medication before more veterans die or have their lives ruined by dangerous alternatives.

### **Craigieburn train line**

**Evan MULHOLLAND** (Northern Metropolitan) (18:22): (735) My adjournment is directed towards the Minister for Public and Active Transport, and I seek the action of the minister to improve poor service times on the Craigieburn line. Thirty years ago both the Frankston and the Craigieburn lines had similar service times. Today the maximum wait time on the Craigieburn line is about double that of the Frankston line. Public Transport Victoria (PTV) actually proved it can run more frequent services on the Craigieburn line after the Taylor Swift concerts, with trains every 10 minutes, but check a timetable on a weekend and it is a big blank space every 40 minutes. The Frankston line has received more frequent services throughout the years while the Craigieburn line has not. Throughout 2023 the Craigieburn line saw 7.6 million boardings while the Frankston line saw 7 million. Despite higher usage, passengers taking the Craigieburn line have a typical maximum wait time of 40 minutes between trains compared to 20 minutes on the Frankston line. What is the difference, you ask? Well, marginal seats. It is a familiar story in the north – not a love story – where we face neglect, but familiarity breeds contempt. It is a similar story on other lines like Mernda and Hurstbridge, both facing 40-minute wait times.

There is a clear trend of neglect towards the condition of train services in the north. I say to the government: you play stupid games and you win stupid prizes, and the stupid prizes are going to be a continuation of the monster swings in the outer northern suburbs. The good people of the north have seen this film before, and Labor will not like the ending. My constituents rely on these services to travel on time to work and to get home to their families before dinner every day, and the government is saying ‘Don’t blame me.’ With inadequate servicing, they are often forced to waste more time travelling – not to mention that job opportunities across the northern suburbs are becoming less and less accessible to residents of the north as commuting time increases. My residents in the north are saying ‘I could wait patiently, but I really wish you would,’ and I really wish you would, Minister, improve frequency on the Craigieburn line.

The Northern Metropolitan Region is forecast to experience the highest rate of population growth across Melbourne, but poor planning and underinvestment leaves it struggling to keep up with demand. There is currently no plan to electrify the track between Craigieburn and Wallan or connect the Upfield and Craigieburn lines, as proposed in the PTV development plan under the Liberal–Nationals in 2012. Because of Labor’s financial mismanagement, communities along the Craigieburn line are waiting twice as long for half as many services. They are in a new hell every time. So I seek the action of the minister to bring more frequent service times to the train lines in the north. The minister should just be honest in her response and admit, ‘It’s me, hi, I’m the problem, it’s me.’

### **Formula One Australian Grand Prix**

**Katherine COPSEY** (Southern Metropolitan) (18:25): (736) My adjournment is to the Minister for Tourism, Sport and Major Events. At a time when so many Victorians are suffering through the

cost-of-living crisis, Victorian Labor continues to subsidise Formula One in a sweetheart funding deal. Last year the state lost a staggering \$100 million-plus to the grand prix event. That is bitter news for the thousands of public servants currently being sacked by this government, and no doubt this year's grand prix will also cost Victoria dearly. It beggars belief that Victoria provides corporate welfare to an international conglomerate while sacking workers and capping the wages of remaining public staff, while ordinary people are struggling to put food on the table and are having to make awful choices between buying everyday essentials and paying the rent during this cost-of-living crisis.

The latest dodgy deal, which delivered this staggering grand prix loss, was negotiated personally by former Premier Daniel Andrews in an extraordinary intervention. As was reported at the time, inside sources held:

... a view that, had the Victorian government held its nerve and trusted negotiations to those most qualified to conduct them, it might have kept the race for less.

Worse still, at the end of last year it was revealed that the financial hole Labor has dug is even deeper. In Victoria's secret contract with Liberty Media, the \$12.4 billion Colorado-based company that owns Formula One, Daniel Andrews apparently agreed to meet the cost of new or substantially refurbished corporate hospitality facilities at Albert Park's track but at the same time forgo all revenue generated at the venue. You literally cannot make this stuff up. It is a scenario worthy of *Yes Minister* – or in this case, *Yes Premier*.

As well as the financial hit on the state budget, the impacts of this event on the park and local community are severe and deeply unfair. For a four-day event the local community and the 20 sporting clubs based in the park are locked out of great swathes of the open space for months every year as the F1 infrastructure is built and then removed very slowly. Minister, it is your responsibility to end the toxic culture of secrecy and deception that has been a hallmark of this government in relation to this issue. The people of Victoria deserve to know how their money is being spent. The action I seek is for the minister to release all documents relating to the grand prix contract, its finances and the subsidies being provided.

### Literacy education

**Trung LUU** (Western Metropolitan) (18:28): (737) My matter is for the Minister for Education regarding Victoria's current method of teaching students how to read. The action I seek is for the minister to commit to a strong target to lift literacy rates and adopt a structured literacy approach across the board. Almost one-third of Australian children across years 3, 5, 7 and 9 failed to meet the new proficiency standard of literacy in last year's NAPLAN test. In Victoria the number was one in four. The Grattan Institute released a report in which they say decades of disagreement about how to teach reading and a lack of explicit guidance are responsible for the underwhelming NAPLAN results. The institute say that the stagnant results for reading can be expected if the government continue to use a balanced literacy approach, which is teaching reading and writing strategies through guesswork from pictures and context, rather than using phonics.

The solution the Grattan Institute propose is to focus on phonics, a method called structured learning. This approach teaches reading by using phonics and involves students sounding out each letter to understand how a word is built. I can attest to that, having come from a culture of a different language. Growing up here, when I went to school we used phonics back in the 1980s, and it worked. English, believe me, is one of the hardest languages to learn. The Grattan Institute warn if schools do not adopt this structured literacy learning, then a disadvantaged student will be left further behind their peers. Victoria is known as the Education State, so I urge the government to focus on student literacy education and drop the phonics phobia, because phonics works. Bring it back, please, Minister.

### Melbourne Youth Orchestras

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (18:30): (738) My adjournment matter is for the Minister for Education, and the action that I seek is for the government to restore ongoing funding for

Melbourne Youth Orchestras. Melbourne Youth Orchestras provides exceptional music education through its diversity of orchestral programs. It is the largest of its kind in Australia, servicing more than 600 young people on a weekly basis, ranging from primary right through to tertiary age. Through connecting talented young musicians with the state's leading music teachers, these programs provide an indispensable opportunity for students of all backgrounds to achieve their potential in a unique learning environment. Not only is MYO a launching pad for many professional music careers but it also supports the development of valuable life skills, including team building, critical thought, self-organisation and listening – imagine if we had more of that here – while fostering community and a sense of belonging. In fact as an alumnus of one of these programs, I can personally attest to the enormous value that it provided to my high school and pretertiary music education. Friends of mine who partook in the program are now performing in ensembles all over the world.

Melbourne Youth Orchestras, as has been noted, has been operating in partnership with the Victorian government since 1967. Hundreds of members of the community have written to me and many others expressing their dismay at the state government cutting MYO's funding for the very first time. One hundred per cent of government funding for 2024 had been earmarked to provide assistance to disadvantaged students that face barriers to participation. MYO has made it clear that in the absence of this support the organisation will struggle to keep fees affordable and to provide targeted support to these disadvantaged students. Victoria is now the only state in Australia that does not provide recurrent funding to their youth orchestras. This shortcoming will prevent young people from accessing invaluable enrichment of their music education. I implore the minister to urgently restore funding to Melbourne Youth Orchestras and to invest in Victoria's young people and its future musicians.

### Neighbourhood houses

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (18:32): (739) My adjournment is to the minister representing the Department of Families, Fairness and Housing, and the action I seek is for the minister to organise for funding to be not only maintained but, more importantly, increased for our 400 neighbourhood houses statewide, which are under threat of folding. This is a matter of critical importance to the communities of Victoria, particularly those within my electorate. In fact we now see this government turning on people that have traditionally supported them. Advice I have received from the executive officer of Balla Balla Community Centre, one of the many neighbourhood houses in my area, is that the organisation is deeply concerned about the current state of funding for these vital community services. The neighbourhood house coordination program (NHCP), which is overseen by the Department of Families, Fairness and Housing, has been facing significant challenges that threaten the sustainability and effectiveness of neighbourhood houses and community centres throughout Victoria. As we approach the upcoming Victorian state budget, it is imperative that we address these issues to ensure the continued viability of essential community assets.

There are three key areas of concern that require urgent attention. Inadequate funding is the first one. The NHCP has suffered from over a decade of indexation, well below the actual cost increase incurred. This has led to a situation where neighbourhood houses are struggling to cover essential operational costs, particularly in relation to employing coordinators. Number two is growing demand for food relief. Rapidly increasing community demand for food and material relief has placed an unsustainable cost burden on the neighbourhood houses, and without additional funding support – and we have seen so many people having to go without this additional funding that they desperately need, including our councils – many houses have been forced to cut back on vital programs, including emergency food relief, which is not currently a funded activity. Lack of support for new neighbourhood houses is the third point. Despite a population increase of 5.75 per cent in Victoria, there is no funding available to support the establishment of new neighbourhood houses. It is a critical oversight, particularly in areas that experience growth and which require, desperately, these additional services.

I am asking the minister to consider the following actions in the upcoming budget: to (1) restore adequate funding to ensure the sustainability of neighbourhood houses; (2) allocate additional funding to support the growing demand for food relief, including recovering the costs of purchasing food and

supporting high energy usage; and (3) establish a growth fund within the NHCP to support the establishment of new neighbourhood houses in areas of need. I do not need to go on to tell you all the different things that they provide, but I will tell you some: food banks, digital literacy, training, community gardens, community lunches, child care, art and craft classes, adult education, jobseeking support, health and wellbeing activities, internet access, library and book swap services, men's sheds, migrant support programs, playgroups, room hire, self-help, support groups, seniors groups, toy libraries, youth programs and volunteer opportunities.

### **Child protection**

**Georgie PURCELL** (Northern Victoria) (18:35): (740) My adjournment matter is for the minister for child protection and family services, and the action I seek is for child abuse prevention education to be a mandatory requirement of the working with children check. Right now no education or training is required to receive the check. In comparison, to serve alcohol to adults you must undertake up to 10 hours of training, then you must pass a test. It should not be easier to be trusted with children than to pour a beer at a pub.

This morning I joined my staffer Emma and the Australian Childhood Foundation in speaking to the media about her call for this reform. Emma is a survivor of child sexual abuse. She and the foundation today released a report built on findings from 340 survivors who were asked what could have kept them safe from childhood sexual abuse. It is from this wisdom, sadly obtained through their survival of horrific abuse, that this call for reform has come. The least we can do for survivors is listen when they tell us how our systems have failed them. In doing so we have a chance to protect children today and tomorrow.

Nearly 30 per cent of Australians have experienced childhood sexual abuse. It is a horrendous statistic, but we cannot just think in numbers. Emma has allowed me to share part of her story in this place tonight. At nine years of age Emma began to be sexually abused by someone she was told to trust, respect and obey. The person who abused her had a working with children check. It went on well after her 10th birthday, and Emma's mental health rapidly declined. Before she left primary school she was medicated for depression, OCD and anxiety. She was left self-harming. She experienced suicidal thoughts. By 16 years of age she was in a psychiatric ward. Every survivor who contributed to this report has their own devastating story. This is a crisis we all should care about, no matter where we sit on the political spectrum.

The working with children check is regarded by this government as a key piece of legislation governing how we protect and promote child safety. It is not working. The check cannot deter those seeking to harm children; the insidious nature of perpetrators makes that nearly impossible. But a check could do something powerful: it could educate those with one about how to notice signs of abuse, potential perpetrators and how to respond. It could teach them to build children's autonomy, not unintentionally break it down. I am not sure how the government could possibly say no to this reform or to these survivors, and I hope that the minister will commit to meeting Emma and the foundation to discuss it with them further.

### **Electricity infrastructure**

**Richard WELCH** (North-Eastern Metropolitan) (18:38): (741) Today my adjournment concerns a matter that is of serious concern to the community and is fundamental to the wellbeing of my constituents. Recent findings from Energy Safe Victoria reveal a troubling picture of oversight that has left the people of Victoria in a precarious position with power transmission. In November last year an ESV report shone light on a pattern with our energy infrastructure maintenance regime, where it was found that on more than 50 occasions the necessary upkeep and reassessment of powerlines was not carried out within the expected time frames and that significant safety risks associated with the maintenance priorities were not given the weight they deserved. The consequences of such oversights are not just numbers on a page or abstract concerns, and these are not merely inconsequential items on an assets register. Their causes and consequences are real and have been felt deeply by the community.

My adjournment is therefore directed to the Minister for Energy and Resources, and the action I seek is for the minister to inform the chamber of any other maintenance work across our energy infrastructure that has not been completed within the recommended time frames. Furthermore, I request an explanation of the measures being implemented to address those oversights and ensure the resilience and reliability of our energy network in the future. Relevant to this: have other structurally at-risk or suspect structures or other essential transmission infrastructure been fitted with sensors or other common monitoring devices that can provide real-time information on their integrity and safety, inclusive of wind-speed measurements? What other preventative and redundancy measures, if any, have been enacted?

**The PRESIDENT:** Mr Welch, do you mind if we just amend your action? Was it to the Premier?

**Richard WELCH:** It was to the Minister for Energy and Resources.

**The PRESIDENT:** Oh, sorry. When you ask if she can inform the chamber, can you just ask her to inform you directly? Is that okay?

**Richard WELCH:** Yes.

**The PRESIDENT:** Yes. Just so we know.

#### **Local history funding**

**David DAVIS** (Southern Metropolitan) (18:41): (742) My matter is for the attention of the Minister for Government Services, but it is also of deep interest to the Minister for Creative Industries. It is an arts-related issue and a history-related issue. The Royal Historical Society of Victoria has administered for many, many decades going back – actually, the Kennett government period was the commencement of this – Public Record Office Victoria’s local history grants program and the Victorian Community History Awards. At the state budget this year they sliced the funding for those awards to zero – to nothing. They have been there for decades and decades, providing awards for people who write local history and also awards for those small local history societies that do so much to build community, build social capital and build an understanding of the history of our local areas.

**Richard Welch** interjected.

**David DAVIS:** All volunteers, as Mr Welch says. These are local history societies. They deserve support, and the longstanding funding that has been there was stripped away.

The Royal Historical Society of Victoria, local history societies and I went to work, and I pay tribute to the Broede Carmody article in the *Age* and to Richard Broome, the president of the Royal Historical Society of Victoria, for the campaign that we collectively waged to have this year’s funding restored. So the government stepped back. They said, ‘What a terrible mistake we’ve made. We’ll put the funding back for this year.’ Well, the Royal Historical Society of Victoria, the public record office and others have conveyed directly that the funding will not be there into the future, so these two key local history programs are to be funded at zero in the forthcoming years. It should be in the funding base for the department, and I do not mind whether it is funded through government services – the government seems to want to shift it over to government services – or more logically, I might add, through creative industries. But it is up to them where they fund it. I do not care – that is a second-order issue. The more important thing is that the funding is restored.

The Royal Historical Society of Victoria should again administer these programs and provide the awards night and the recognition for those who have done great local history work through their local societies or through writing local history. I mean, this is all about the history of our state. It is the history of our local communities. Whatever suburb you are in, whatever town you are in in Victoria, there is an important local history that is part of your suburb and indeed, I might say, part of you. So I am asking that the Minister for Government Services or his colleague restore the funding in full.

**A member:** Her.



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**David DAVIS:** Her – sorry. This has been moving around, and the history people have been set on a circle-go-round. But I hope that they will restore the funding for both programs in full.

### Responses

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:44): There were 11 adjournment matters this evening to nine different ministers, and written responses will be sought in accordance with the standing orders.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 6:44 pm.**