



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 6 March 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)

David Davis (from 27 December 2024)

Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

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

¹ Resigned 7 December 2023

² IndLib from 28 March 2023 until 27 December 2024

³ Appointed 14 November 2024

⁴ LDP until 26 July 2023

⁵ Resigned 8 November 2024

⁶ DLP until 25 March 2024

⁷ Appointed 7 February 2024

Party abbreviations

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

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

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

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

CONTENTS

PAPERS	
Papers.....	771
BUSINESS OF THE HOUSE	
Notices	771
Adjournment	771
MEMBERS STATEMENTS	
Old Gippstown.....	771
State Emergency Service	772
International Women's Day	772
Cost of living.....	772
Holi Festival of Colours.....	772
Loreto College Ballarat.....	773
St Patrick's College Ballarat.....	773
Australia India Friendship Lunch	773
International Women's Day	773
Casey City Council.....	773
Pako Festa	773
Foster and District Agricultural Show.....	774
Vietnamese community	774
Wayne Hall	774
Sporting Shooters' Association of Australia.....	774
Victorian Hound Hunters.....	774
Melbourne Airport rail link	774
St Thomas Jacobite Syrian Orthodox Church	775
Nepalese community.....	775
Northern Metropolitan Region multicultural events	775
International Women's Day	775
Youth crime.....	776
International Women's Day	776
JJ McMahon Memorial Kindergarten	776
Boroondara planning	776
Clive Crosby	776
Government performance	776
Waste and recycling management	777
BUSINESS OF THE HOUSE	
Notices of motion	777
BILLS	
Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024	777
Second reading.....	777
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Yarra Trams	798
Energy policy	799
Ministers statements: youth justice system	800
Government expenditure	801
Ballarat car parking	802
Ministers statements: early childhood education and care	802
Suburban Rail Loop	803
Road safety	804
Ministers statements: TAFE sector.....	805
Flood mitigation.....	805
Down Syndrome Victoria.....	806
Ministers statements: Vietnamese community	807
Written responses	807
CONSTITUENCY QUESTIONS	
North-Eastern Metropolitan Region	807
Western Victoria Region	807
Western Victoria Region	808
Southern Metropolitan Region	808
South-Eastern Metropolitan Region	808
Northern Metropolitan Region	808
Northern Victoria Region	808
Western Metropolitan Region	809
Northern Victoria Region	809

CONTENTS

Eastern Victoria Region	809
North-Eastern Metropolitan Region	809
Northern Victoria Region	810
Southern Metropolitan Region	810
Western Victoria Region	810
North-Eastern Metropolitan Region	810
Northern Victoria Region	811
BILLS	
Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024	812
Second reading	812
Committee	815
Third reading	841
Help to Buy (Commonwealth Powers) Bill 2025	842
Introduction and first reading	842
Statement of compatibility	842
Second reading	844
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025	844
Introduction and first reading	844
Statement of compatibility	845
Second reading	846
Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024	847
Introduction and first reading	847
Statement of compatibility	847
Second reading	855
ADJOURNMENT	
Firewood collection	858
Youth Fest	859
Mickleham Road duplication	859
United States trade	860
Community food relief	860
Family violence	861
Community safety	861
Knife crime	862
Community safety	863
Manufacturing sector	863
Victorian Fisheries Authority	864
Housing	864
Manorvale Primary School	865
Greater Western Water	866
Responses	866

Thursday 6 March 2025

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

Papers

Papers

Tabled by Clerk:

Duties Act 2000 – Treasurer’s Reports of –

Corporate Reconstruction and Consolidation Concessions and Exemptions for 2023–24, under section 250B(4) of the Act.

Foreign Purchaser Additional Duty Exemptions for 1 July 2023 to 30 June 2024, under section 3E(2) of the Act.

Major Events Act 2009 – Amendment of Major Sporting Event Order for the 2023 to 2025 Formula 1 Australian Grand Prix, of 18 February 2025, under section 22 of the Act.

Parliamentary Committees Act 2003 – Government response to the Public Accounts and Estimates Committee’s Report on the Inquiry into vaping and tobacco controls.

Remembrance Parks Central Victoria –

Report, 2022–23.

Report, 2023–24.

Water Efficiency Labelling and Standards Act 2005 – Water Efficiency Labelling and Standards scheme, Report, 2023–24.

Business of the house

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:44): I move:

That the Council, at its rising, adjourn until Tuesday 18 March 2025.

Motion agreed to.

Members statements

Old Gippstown

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (09:45): I want to give a shout-out to Old Gippstown in Moe. It provides a wonderful way for people to discover the heritage, the stories and the contribution of communities over many generations to the growth and prosperity of the region. It is a beautiful testament to the volunteers, the committee of management and the community more broadly that we see this park go from strength to strength. I also want to acknowledge that we have seen significant growth after the celebration of 50 years of the Old Gippstown heritage park. It is always a delight to head there and to enjoy, along with so many others, the many buildings and exhibits and the life that is brought to this part of the world in celebration of its history. It is also open on Sundays and on school holidays, so I would urge everyone to get along and to discover it for themselves.

State Emergency Service

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (09:46): On a separate matter I want to say happy birthday to the SES. Fifty years of service has enabled people to come to the aid of others when they are at their most vulnerable. When people are scared, distressed and needing support, the SES has always been there and continues to support people. I want to shout out to all of the volunteers and to their families who support them in coming to the aid of others, often when they are in need of aid themselves. Well done, happy birthday and long may your work continue.

International Women's Day

Moira DEEMING (Western Metropolitan) (09:46): This week we celebrate International Women's Day again. It is my third time as an MP. They say the third time is a charm. Being an adult human female – a woman – is not a choice that anybody can just make, so for those at the back: women do not consent to governments erasing our sex-based rights and safeguards in the law, and we will be getting them back.

Cost of living

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:47): Last year Australia's billionaires made \$67,000 an hour. That is a whole year's salary for many people in our community. People like Gina Rinehart and Clive Palmer have increased their wealth, year on year, while the rest of Australia's wages struggle to keep up with inflation. Many of Australia's 150 or so billionaires own or invest in mining companies, companies literally destroying our country and destroying our planet. Another popular industry they invest in is real estate, hoarding properties while the rest of us struggle to afford mortgages or rent increases in this housing crisis. Do not doubt for a second that the way these billionaires are increasing their wealth is by taking from the rest of us, exploiting their workers, exploiting and plundering the environment and monopolising industry. In this country with a population of around 26 million people, the richest 250 people have wealth equal to about 25 per cent of our national GDP. What does that leave for the rest of us? We need to put a stop to this outrageous hoarding of wealth. We need to tax the billionaires to pay for the things the rest of us need – pay for our schools, pay for our hospitals, pay for cost-of-living relief – 50-cent public transport fares, for example. Tax them and get it done.

Holi Festival of Colours

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:48): Bura na mano Holi hai. I rise to wish Victoria's Indian community a happy Holi, the vibrant festival of colours, joy and renewal. Throughout the next week community groups will come together to mark this special occasion with music, dance and festive meals. While Holi is a cherished tradition for the Indian diaspora, it is also embraced by Victorians from all backgrounds, who take part in playing with colours, attending community events and sharing in the joys of this festival. This is a reflection of the inclusive and diverse spirit of our state, where cultural celebrations are not just preserved but welcomed by the broader community. I am proud that Victoria is home to the largest and most vibrant Indian community in Australia. The way Holi is celebrated here, openly and with joy, is a testament to the kindness, warmth and inclusivity of Victorians who embrace and celebrate cultural traditions as their own. I want to acknowledge the community organisations and volunteers who will be working tirelessly to organise these celebrations and keep the traditions alive. Holi is a time for strengthening bonds, celebrating love and embracing new beginnings and is rooted in the age-old story of the triumph of good over evil. I hope that Holi brings love, laughter and prosperity to everyone in Victoria. Happy holiday. Happy Holi.

Loreto College Ballarat

Joe McCracken (Western Victoria) (09:49): Last week I was proud to attend the 150th anniversary of Loreto College in Ballarat. I congratulate staff, students and parents in the Loreto community on a very positive celebration and the great impact they have on young women, and I recognise the awesome influence they have across the Ballarat community.

St Patrick's College Ballarat

Joe McCracken (Western Victoria) (09:50): During the week I also spoke to all the year 9 students at St Patrick's College in Ballarat, where we talked about civics, politics and public life. The boys were fantastic, and they asked some excellent questions. I thank the staff who were helping out as well.

Australia India Friendship Lunch

Joe McCracken (Western Victoria) (09:50): I was also very proud to host the first Australia India Friendship Lunch in Ballarat on Thursday last week, where leaders of business across the community came together. Thank you to the honourable Consul General Dr Sushil Kumar for attending, along with my good friend Dr Sachin Dahiya, Chander Sharma, Raj from the Mercure team and many others who attended from across the business community in Ballarat.

International Women's Day

Joe McCracken (Western Victoria) (09:50): Lastly, it was my pleasure to attend and present awards at the International Women's Day event hosted by Australia Today. Congratulations to Jitarth Bharadwaj, co-founder of Australia Today, along with many of the award recipients. They were absolutely fantastic. Well done to everyone who attended and organised it.

Casey City Council

David Limbrick (South-Eastern Metropolitan) (09:51): If you watched the rowdy council meeting on the news recently, you might think the people of Casey are out of control, but you would have it the wrong way around. This is what happens when a council gets out of control. It is what happens when a council refuses to respect property rights. To be fair, the newly elected councillors of Casey were put in this predicament by administrators with an attitude problem. I first became aware of this problem a few years ago when they ignored calls by residents who just wanted to watch the meetings after work. Now, during a cost-of-living crisis, they are trying to impose a permit system to allow people to keep cars on their own properties. They took it a step further when they snatched cars from a resident's backyard in Hampton Park. The good news is it is not too late for the new councillors to turn this around. The residents are not your enemies; you still have a window of opportunity to speak to them and restore relations with the people who voted for you. I am urging the state government to investigate these examples of council overreach, but in the meantime I urge councillors to listen to their constituents, respect their property rights and take back control of the council.

Pako Festa

Gayle Tierney (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:52): On Saturday 22 February I had the absolute pleasure of joining thousands of people in the heart of Geelong for the 43rd Pako Festa, a celebration that truly embodies the warmth, diversity and spirit of our community. From the moment the parade began Pakington Street was alive with colour, music and joy, dazzling floats and vibrant performances, and the irresistible aroma of traditional dishes filled the air as people from all backgrounds came together to share their cultures with pride. It was a true feast for the senses and a powerful reminder of the richness that multiculturalism brings to our city. But Pako Festa is more than just a festival; it is a testament to the strength of our multicultural communities and their invaluable contributions to society. It is about connection, unity and the incredible stories that shape who we are. A huge congratulations go to Cultura, the volunteers, performers and community groups who made the day so special. A special mention goes to Joy Leggo

OAM, Cultura's retiring CEO, for her remarkable leadership and legacy and to Luisa La Fornara and the entire team for delivering another unforgettable event. What an incredible day, full of culture, community, colour and sound. I cannot wait to celebrate it again next year.

Foster and District Agricultural Show

Melina BATH (Eastern Victoria) (09:53): Everybody loves an agricultural show. On 22 February the Foster show was an absolute cracker. The exhibitions were amazing. We had dog high jumps, the young farmers challenge, sheaf tossing, tractors, Scottish dancing, Highland dancing, rock'n'roll dancing, poultry, cattle, sheep, goats, working dogs, dressage events, whip-cracking, ice creams and fairy floss everywhere, the giant pumpkins and of course woodchopping was included. A highly competitive event was the mullet competition, for which the grand prize was long and luxurious. May I just say congratulations to Noel and Amanda Afflitto, John Sagasser, Denia Gilheany, Sue Fleming, Gary Kipps and all of the fabulous committee – well done.

Vietnamese community

Melina BATH (Eastern Victoria) (09:54): I would like to put on record my sincere thanks to the Australian Vietnamese Women's Association, in partnership with the Vietnam Veterans Association of Australia, for holding a very special event on Phillip Island, at the museum, last Sunday. It was hosted jointly by John Methven OAM, founder of the National Vietnam Veterans Museum, and the delightful Nicky Chung, CEO of AVWA. Many people were there, federal and state MPs. The guest speaker was Sir Peter Cosgrove, commenting on and announcing the bonds forged through adversity to positivity.

Wayne Hall

Jeff BOURMAN (Eastern Victoria) (09:55): Today I want to mention the passing of a family friend Wayne Hall, who passed away a little while ago. I have known the Halls all my life. In fact I believe my parents met the Halls in the air force when I was still inside my mummy. I had the sad duty to farewell Wayne recently in Canberra. It is one of those things we must do. I just want to send to Karen, Warren, Carolyn and Grant my condolences. We will make more of an effort to stay in touch.

Sporting Shooters' Association of Australia

Jeff BOURMAN (Eastern Victoria) (09:56): On a separate note, I attended the pollie shoot at the Sporting Shooters' Association of Australia Little River range last week. It was a good day. There were a lot of first-time shooters there; I do not go into names in these things. One of the things they do is demystify shooting. A lot of people have a fear of shooting because they do not know, and this is their opportunity, in a controlled environment, to find out.

Victorian Hound Hunters

Jeff BOURMAN (Eastern Victoria) (09:56): Also, on Saturday I was at the Victorian Hound Hunters registration day out in Stratford, which was quite an eye-opener, because whilst it was a fairly small event compared to their Tallarook event, the number of hounds that came in to be checked and registered with the Game Management Authority present was constant. Hound hunting is quite an effective way of reducing deer numbers, and I give it my full support.

Melbourne Airport rail link

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:57): The Allan Labor government is investing to completely reshape public transport in Melbourne's west and unlock one of the state's biggest growth areas. Backed in by the massive announcement made by the Albanese Labor government to kickstart Melbourne Airport rail with a \$2 billion investment, we are pushing ahead with the Sunshine station redevelopment as the next stage of this huge project. Sunshine station will be transformed into a transport superhub, including extra platforms and the dedicated spur line that will make Sunshine the hub for regional rail

services connecting to Melbourne Airport. The Allan Labor government will also deliver a new and modern station at Albion. This investment in the Sunshine–Albion rail corridor is a major enabling project that will provide residents right across Melbourne’s western suburbs with access to the world-class public transport that they deserve. We are getting on with delivering this transformative project for our state and for all the amazing people who call Melbourne’s west home.

St Thomas Jacobite Syrian Orthodox Church

Evan MULHOLLAND (Northern Metropolitan) (09:58): It was my pleasure to join Father Dr Jacob Joseph as the chief guest to officially open the new St Thomas Jacobite Syrian Orthodox Church in Dallas. Thanks to my friend George Palackalody for arranging, and it was great to be joined by Usman Ghani, the Liberal candidate for Calwell, for a wonderful celebration. It has been great to see this old, disused Anglican church transformed into a thriving place of worship for faith and culture.

Nepalese community

Evan MULHOLLAND (Northern Metropolitan) (09:58): It was wonderful to join my good friends at the Australian Nepalese Multicultural Centre in Diggers Rest for Maha Shivaratri celebrations with our great Liberal candidate for Hawke Simmone Cottom and our great Liberal candidate for Calwell Usman Ghani. The Nepalese community stands out for its generosity, faith and vibrant connection to culture, creating an atmosphere that is truly electric. Thanks to president Dr Tilak Pokharel and Gandhi Bhattarai and the committee for organising such a fantastic event. Jai mahakal.

Northern Metropolitan Region multicultural events

Evan MULHOLLAND (Northern Metropolitan) (09:59): It was great to attend recently both the Craigieburn Festival in Hume and the Moonee Valley Festival in Moonee Valley, speaking to locals at those particular events. It was an honour to join my friends at the Pakka Local South Indian Music Festival, where I had the privilege to be a chief guest and to welcome Vineeth Sreenivasan and see him perform live.

International Women’s Day

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (10:00): Yesterday I joined the Shop, Distributive & Allied Employees’ Association Victorian branch to celebrate International Women’s Day, the union’s 50th such celebration, designed to recognise the contribution of women in the workplace, in the community and in the family. The UN declared 1975 International Women’s Year. Then secretary of the SDA Jim Maher appointed the first female officials of the SDA. Anne Black was appointed as an organiser and Christine Campbell, a former member in the other place, was appointed as the union’s first ever women’s officer. Their desk was the lunch table, but the SDA was ahead of its time, leading the way in women’s roles in unionism. The SDA was the first union in Australia to have a women’s officer and to celebrate IWD. In a letter to the current state secretary Michael Donovan, Anne recounted how the SDA was the first to formally recognise, promote and celebrate the work of women both in the union and in the broader sector it represents. Anne recounted how in 1975 the union was visited by Helga Camel, the women’s officer from the international union equivalent. Helga repeated a message that is still valid today: the union movement is like a bird with two wings, one female wing and one male. When the wings work in unison, the bird will soar.

In recognition of the women who constitute the union and who support the union to soar, the IWD event continues to recognise outstanding contributions. This year the award was received by the past four female presidents: Mary Lambert, Elizabeth Shaw, Ada Scibilia and Julie Davis on behalf of all past and present female delegates. I congratulate all female delegates; they have worked tirelessly across generations to ensure that there are fair and reasonable wages and conditions in the workplace and beyond. Can I say that I am very proud the example was set 50 years ago in the UN’s International Women’s Year by my mum Anne-Michelle Black and my godmother Christine Campbell.

Youth crime

Wendy LOVELL (Northern Victoria) (10:01): I rise to condemn the violent assaults that took place at the Bendigo Marketplace this week when a group of youths attacked a security guard and a legally blind man. The blind man was attacked for no other reason than for the assault to be filmed for social media. He was kicked in the face and left injured and in pain. The security guard was kicked and punched, and his head was stomped on as he lay helpless on the ground. These sickening attacks took place right across the road from the Premier's own electorate office. Victorians do not feel safe in their homes or in their communities. The Premier is now experiencing violence right under her own nose. It is time she dealt with the rising levels of crime and violence in Victoria and made Victorians feel safe again.

International Women's Day

Wendy LOVELL (Northern Victoria) (10:02): I would also like to acknowledge International Women's Day, which will take place this week, on Saturday 8 March. I stand here wearing the purple and white colours of the women's movement and wearing what is a piece of suffrage jewellery, a brooch that was worn by the women of the suffrage movement to tell each other that they supported each other. They wore these brooches because in those days they did not wear clothes emblazoned with slogans, a T-shirt or something. They wore brooches that contained the women's colours in emerald and amethyst with pearls or diamonds to show each other they supported each other.

JJ McMahon Memorial Kindergarten

John BERGER (Southern Metropolitan) (10:03): I have three matters to briefly touch on. Last week I joined the Minister for Children, Ms Blandthorn, at the official opening of the JJ McMahon Memorial Kindergarten in my community of Kew. Thanks to our landmark kinder reforms, we are giving more children the best start in life. Thanks to our \$1.7 million investment as part of the 2023–24 Building Blocks capacity grants, up to 118 kindergarten places are now available. Thank you to the minister for coming down and reading a book to them, which they thoroughly enjoyed.

Boroondara planning

John BERGER (Southern Metropolitan) (10:04): On my second matter, I joined Mr Batchelor at the old VicRoads site in Kew, where the Minister for Housing and Building Ms Shing announced that it would be redeveloped with up to 500 new homes. This will make a big difference.

Clive Crosby

John BERGER (Southern Metropolitan) (10:04): On a final matter, I visited Glenferrie Oval in my community of Hawthorn, a growing community that I know dearly miss their former hardworking member of Parliament John Kennedy. Along with local branch members, my staff, Mr Batchelor and Senator Ciccone, it was great to be joined by Clive Crosby, Labor's candidate for Kooyong in the upcoming federal election. As I said on Facebook the other day, I met Clive two years ago when he was advocating for road and pedestrian safety in Kew. We need a passionate local member, and I wish him well. Good luck.

Government performance

Gaelle BROAD (Northern Victoria) (10:04): While the federal election is not far away, the next state election is not until November 2026. After a decade of Labor in government there are a lot of issues to fix. Crime rates are skyrocketing, bail laws need urgent reform and there are over 1000 vacancies in our police force. State debt is soaring – fast approaching \$26 million every day in interest – and major government projects continue to blow out. Improved V/Line train services and bus routes are needed across Victoria, yet the government continues down the track of the Suburban Rail Loop gravy train. Regional roads are falling apart despite most fatalities occurring in regional areas. Hospital waiting lists are blowing out, and ambulance ramping has become the norm. School attendance is at record lows, and we have a significant teacher shortage, higher in regional areas. A

survey by IBAC of public sector employees across 10 departments as well as 100 other major public sector agencies revealed concerns about corruption within the public sector. If you look at the recent by-elections, change is in the wind, and Victoria desperately needs it. A week is a long time in politics, and there are still over 80 weeks to go until the next state election.

Waste and recycling management

Rachel PAYNE (South-Eastern Metropolitan) (10:06): Something stinks in Hampton Park, and it is not pleasant. I have been meeting with a myriad of stakeholders about the proposed Hampton Park waste transfer station, and residents are not happy, and rightly so. The Veolia project is set to be Victoria's biggest waste transfer station, processing half a million tonnes of waste. It is close to residents, with homes some 200 metres from the boundary, well under the 500-metre buffer required by the EPA, and more than 500 trucks will come and go 18 hours a day from midnight to 6 pm. Administrators at Casey council approved the project two days before elected councillors were sworn in. This made the locals feel like they were not heard and do not matter. The EPA are doing their due diligence and have received 751 submissions raising concerns, only to be challenged by Veolia at VCAT to expedite their licence application. And Veolia's reputation is not great. They have breached licence conditions more than once. Now the Lynbrook Residents Association, along with other ratepayers associations opposing this unsavoury development, are calling on residents to go to their MPs and express their concerns. I am standing here today to implore you to listen to the people of Hampton Park, Lyndhurst, Narre Warren South and Cranbourne North.

Business of the house**Notices of motion**

Lee TARLAMIS (South-Eastern Metropolitan) (10:07): I move:

That the consideration of notices of motion, government business, 278 to 868, be postponed until later this day.

Motion agreed to.***Bills*****Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024*****Second reading*****Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

Sheena WATT (Northern Metropolitan) (10:07): President, thank you for the call and the chance to make a contribution to speak in support of the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, a significant step forward in making Victoria's housing system fairer, safer and more accessible for all. At the heart of this bill is a clear message that the Allan Labor government is committed to making renting easier, fairer and cheaper.

We know that for many Victorians renting is not just a temporary arrangement; it is home, a home that I, along with the Allan Labor government, am committed to protecting. With over a third of Victorians renting and that number only set to rise, we have a responsibility to provide strong protections that offer security, dignity and fairness in our rental system. This bill represents the next step in delivering on our commitments under the housing statement that the Allan Labor government delivered in 2023 and the additional reforms introduced late last year in our more homes, more opportunity package. It is about strengthening protections for workers and for renters, improving housing security and tackling cost-of-living pressures.

Let me take this opportunity to be very clear to the chamber that our housing reforms are about making life better for every Victorian, whether it is families trying to buy their first home, young people searching for a fair go in the rental market or vulnerable Victorians in need of a safe place to call home,

this is about real people, real lives and real change. This is about building more opportunities, not blocking them. This bill tackles a range of issues that renters face every day. Let me talk to them right now. We need stronger rental controls, because significant rent hikes can be as bad as an eviction for those who cannot afford them. We are tightening the rental increase review process to ensure fairness and introducing a longer notice period – 90 days instead of 60 – for rental increases and evictions. There are fairer leasing rules with no more no-cause evictions. If a renter is asked to leave, there must be a valid reason.

We have got safer rental homes in that properties must meet rental minimum standards before they are advertised so renters are not stuck with unsafe or unlivable conditions. So often you go to an inspection and you are made big promises about what will be fixed afterwards. That is over now because those minimum standards must be met before properties are advertised. There are also some privacy protections, and this is one that I feel especially strongly about. Renters' personal information is too often collected, stored and misused. We are introducing strict rules on how rental applications are handled, including penalties for failing to protect renters' data.

Rental bidding – oh, my goodness, do I hear from constituents about this one – we have banned it. There are no more hidden bidding wars that drive up rents unfairly. Agents and landlords will be banned for accepting offers above the listed price, and we will introduce tougher penalties for agents and landlords who break the law. There are no more unfair fees. Renters will not have to pay just to apply for a home or to pay their rent before accessing housing. I have got to tell you, paying a fee to pay your rent is unreasonable and unfair, and that is why we are getting rid of it. Accessing and paying for your housing should not come with these additional costs.

This bill builds on the work we have already done to transform rental laws in Victoria. It is a direct response to the real concerns of renters, concerns around affordability, security of tenure and the basic right to live in a safe and habitable home. It is informed by consultation, by advocacy and by the experiences of those who have been pushing for change. Can I take a moment to thank all of those very strong community advocates.

No-one should live in fear of an unfair rent hike or the looming threat of eviction without just cause. This bill certainly takes some action to address these issues. It is enormously challenging for renters when the rental increases come in and they are unexpected and unaffordable. In so many cases I have heard folks are looking for a home just for the simple reason that their rental hike has increased due to skyrocketing costs. We are enhancing the rent increase review framework to really drive fairness, accountability and stronger oversight. With this bill before us we will empower the director of Consumer Affairs Victoria and the Victorian Civil and Administrative Tribunal to consider additional factors when assessing rental increases, ensuring that they are reasonable and justifiable. Furthermore, in this bill we are extending the notice period, as I said, from 60 to 90 days for rental increases and notices to vacate. This is not just for private rentals but also includes rooming houses, caravan parks and residential parks. This gives renters more time to plan and adjust if their circumstances change, providing greater stability and certainty.

We know that coming to the end of a lease and finding that next home can be a really challenging time. I know that many renters in Northern Metro will appreciate this additional effort, because a home should be a place of safety and not one of stress. That is why we are strengthening minimum rental standards to ensure that when a property is advertised, it is at that point meeting the fundamental requirements for safe and decent living conditions, giving renters the confidence they need to move into a home that meets community expectations of habitability and safety, as well as standards.

We have heard long and hard from renters and advocacy groups about how their personal information is collected, used and sometimes sold on. Some of the questions agents ask are entirely unnecessary and excessive – incredibly invasive in some cases. It is data that renters, in the hopes of getting a home, feel enormously pressured to provide without knowing how it will be stored or if it will be misused. This is something that is being felt time and time again.

Can I take a moment to acknowledge the incredible advocacy and leadership of the new Parliamentary Secretary for Renters – an incredible appointment here in the Allan Labor government to really drive home the importance we place on renters and the rental community. Kat Theophanous, who I had the great pleasure of speaking to yesterday afternoon about this, has very much the ear of local renters in her community, and I know that she will bring such enthusiasm and knowledge to this role, informed very much by the high number of renters in her community and right across Victoria. I am very, very happy to say that there are some changes in this bill that I know that Ms Theophanous and others are very excited about.

I want to go back to the rental data information that is provided and say that the bill will put an end to that practice by introducing standardised rental application forms and restricting what information can be collected. It places clear obligations on rental providers and real estate agents to protect the personal data of renters, ensuring that it is not stored indefinitely or used inappropriately, and penalties will apply for those who fail to comply. This is in addition to the steps that I spoke to earlier about banning unfair fees – fees that a renter should never have to pay just to pay their rent. Whether it is a charge for applying for a rental or a fee for simply paying rent, these costs add up and create unnecessary financial barriers. This bill will empower the government to prohibit these exploitative charges, making renting fairer and more affordable.

Security of tenure is one issue that has come up time and time again. I strongly support that renters should not live in fear of being asked to leave their homes without reason. They should not live in fear of whether or not they will have a roof over their head. The bill, in its removal of no-cause eviction notices, sends an incredibly strong and powerful message to the community and ensures that if a rental provider wants to end a tenancy, they must provide a valid and legitimate reason. At the same time, if tenants do choose to leave, getting into that next place can be enormously challenging, and that is why taking action against rental bidding is so, so welcomed.

We know that despite the ban that was introduced in 2018, rental bidding still occurs. It pushes rentals even higher and places additional financial strain on tenants. This bill will strengthen the existing laws. It will make it illegal for rental providers and their agents to accept unsolicited rental bids or more than a month's rent in advance. When we have got frightening cases of tenants having to pay 12 months rent in advance for some properties, that is wrong. To stop that is a very, very good thing.

Renters and homebuyers alike deserve to interact with property professionals who are knowledgeable and, importantly, ethical and accountable. Not all professionals working in the property industry, I have got to tell you, are required to be licensed or even to undergo formal training. This leaves tenants really vulnerable to poor conduct, potential financial exploitation and really substandard service. They absolutely deserve better. That is why this bill introduces mandatory training requirements and licensing for property industry professionals, ensuring that they meet high standards of competence and professionalism. Estate agents or property managers or owners corporation managers will be required to undertake initial education and ongoing professional development, ensuring they are equipped with the skills and knowledge necessary to serve consumers fairly. We are introducing tougher penalties for real estate agents and property sellers who break the law. Underquoting and misleading property buyers has long been a frustration in the housing market, and these changes will strengthen enforcement and deterrence measures, ensuring that consumers are not misled or deceived.

As Victoria continues to grow, we need a planning system that is efficient, transparent and responsive to the needs of our community. The reforms in this bill will improve the planning process by cutting unnecessary delays and making decision-making more transparent. A new streamlined amendment path will ensure that minor, low-impact planning changes can proceed more efficiently while still allowing for important public consultation. This bill will also introduce clearer processes for councils to handle planning amendment requests, remove the ambiguity and ensure greater transparency for the applicants. It will give the Minister for Planning the ability to proceed with certain planning amendments even if the local authority has chosen to abandon them, ensuring that necessary developments are not stalled due to bureaucratic inaction.

Further changes will be made to the Victorian Civil and Administrative Tribunal, or VCAT; we shall allow for a more efficient resolution of planning disputes, helping to reduce costs and delays while ensuring fair and timely outcomes. Disputes between renters and rental providers should not escalate into some really costly and time-consuming legal battles. That is why we are establishing Rental Dispute Resolution Victoria, one that I was particularly excited to see – a new dedicated service to help resolve simple tenancy disputes quickly and fairly. Rental Dispute Resolution Victoria will be a straightforward, accessible solution for renters, rental providers and estate agents to sort out common tenancy disputes. It is all about resolving issues early and fairly using alternative dispute resolution to keep things simple and stress-free for everyone involved. This service will provide renters and rental providers with access to mediation and early resolution mechanisms, reducing the need to go to VCAT. The bill ensures that Rental Dispute Resolution Victoria will be operational by June of 2025 with binding and enforceable outcomes, something that I know many have been calling for.

This bill before us is about fairness; it is about ensuring that every single Victorian has access to safe, secure and affordable housing. It is about making sure that renters are not left powerless in a system that should serve them, not exploit them. The reforms in this bill are the result of tireless advocacy from renters, from community groups and legal services who have worked to highlight the inequities in our current system. I would also add that there is a very strong voice for renters in the Victorian Labor caucus who I know hear from community each and every day about the stresses of the Victorian rental system, and this bill before us goes some way to providing a housing system that should serve, not exploit, Victorian renters. We are taking the decisive actions necessary to create a housing system that works for all. I will take the opportunity now to conclude my remarks by commending this bill to the house.

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:23): I rise to speak today on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, which the Greens will be supporting. here are various elements of this bill, but I will just be focusing on the rental aspects primarily today, and as I speak there is a rental inspection going on over at my place so I was up all last night dusting light globes and polishing mirrors and putting away washing and, you know, heaven forbid the home actually looks like it is lived in. But anyway, this bill will see a range of new reforms that will give renters new rights. Thanks to massive pressure from renters themselves out there in the community and a huge push from the Greens we have finally managed to drag this government to the table on things like ending rental bidding and no-grounds evictions, and to be honest it is about time; we have been campaigning for expanded renters rights for years now.

Landlords and estate agents have had all the power for far too long, tacking on hidden fees to already skyrocketing rental fees, and renters have felt trapped in substandard homes out there in the community, paying unreasonable rates of rent, ever increasing, fearful of being kicked out on the street at any moment without cause. Now, there is still a lot more to do to even up the scales, like actually capping those rent increases that we are seeing out there in the community, but this bill is a step in the right direction. This bill will see a ban on all types of rent bidding: no longer will there be secret auctions at open houses – been there, done that – to see who will pay the most just to put a roof over their heads. Housing is a human right, not a game of *The Price Is Right*. Real estate agents also under this bill will not be able to sneak in hidden fees for background checks, transaction fees for paying your rent – again, been there, done that – or extending your lease. With the passing of these reforms what you will see on the listing online is what you will actually pay to live in the house; that is the intention. Landlords and agents cannot ask for or accept more than what is advertised or hide any of those extra fees.

This bill will also mean an end to no-grounds evictions. Currently we see renters afraid to ask for repairs that would bring their homes up to basic living standards because they could be kicked out without reason at any time. With these reforms, whether you are on a fixed-term or month-to-month lease, your landlord will need to have an actual reason to ask you to leave rather than just shrugging and saying the vibes were off. If this bill works as intended, rental properties will need to meet

minimum standards before they can be advertised, so you will not be moving into a rental property with faulty electrics, no hot water, mould or locks that will not lock. Here is hoping that with this bill that is actually what happens. This is another good step that should have been implemented years ago, but we still need to go further and legislate those promised heating and cooling standards in rental properties out there in the community.

The notice period for rent hikes and evictions is being extended from 60 day to 90 days under this bill, giving you three months to plan ahead and find a new place to live in that scenario. That is still an absolutely cooked situation to be in, but it is an improvement. To make things a bit easier when looking for a new place to rent, rental application forms will be standardised. Real estate agents and landlords will only be able to get the information about you that they actually need, meaning they will not be there asking for full passport details, about your personal life or your health record anymore, and there will be strict limits on how long they can keep your information on their records. I am here ready for that purge, I tell you.

These are all positive and much-needed reforms, and we have been calling for them for years. The glaring omission in this bill, I will say though, is that there is still no limit on the amount that rent can be increased. Every 12 months rents can be increased by any amount, leaving families in the lurch, stressed about if and when the cost of their home will simply become too much for them. We are in a cost-of-living crisis and a housing crisis. We cannot allow rents to increase year on year without that kind of regulation or capping. This is not only incredibly anxiety-inducing for renters but also a way that we do see landlords and estate agents seeking to control or evict tenants in these properties. Leaving rental hikes unchecked will kick people out of their homes, it will stop them from asking for repairs and exercising the very rights we are here legislating in this bill. We need to control rent increases in that way and set an affordable rate so that everyone can afford a roof over their head. As I have said, this bill is a step forward. Here is hoping it operates as intended, ready for those next steps. My door is open, government. With that, I commend this bill to the house.

Tom McIntosh (Eastern Victoria) (10:27): I am proud to stand and speak in support of the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. I am proud to be in a government that focuses on issues that matter to all Victorians, issues that make a real difference in people's lives. I often talk about that, whether it might be across education, whether it might be across health care, jobs, pay conditions, all these various things, but housing is another incredibly important item for all Victorians.

Renting is something that most Victorians will do at some point during their lives, whether it is when they are younger – as Mr Puglielli reminds us, he is a younger Victorian, which is great; one day he will be an older Victorian and he may also need to rent. Whether it is young Victorians leaving home, it is about ensuring that they are able to rent a house, or whether it is families, particularly single-parent families, it is about ensuring that they can get a rental home that is safe, affordable and fit for them and their family to be in, or for retiring Victorians to be able to be in a home that is proper for them to be in. For working Victorians, we have noticed in recent years, with unemployment numbers being very low and with a high demand on the workforce, particularly throughout regional Victoria, it is about ensuring that workers are able to get accommodation where we need them, whether that is working in health care or aged care, child care or education, a whole lot of really, really critical areas of the workforce for all of us.

I want to start off by noting that the government has had renters front of mind for a very long time. Over 130 reforms have been made before these ones by Labor governments, who have not, as some may like to allude to, just come to the party now. This has been a consistent piece of work to continually ensure the quality of accommodation for renters in Victoria. For some Victorians, renting will be relatively short term – maybe for one, five, 10 years of their life and at different stages of their life – but for others it will be for their entire life. That is why it is really important that the reforms that have gone before and these rental reforms ensure that those Victorians who are renting are in homes that are, as I have said, safe and fit for people to live in.

I just want to talk about the bill now. I want to move to that. I want to note that tenant groups have acknowledged and indeed supported the changes that have been made historically. Now that we move into this bill, we will see that all remaining no-reason notices to vacate in the Residential Tenancies Act 1997 will be removed. That means no no-fault evictions for fixed-term rentals or if the owner is moving back in. Tenants can still be evicted for reasons such as damage, not paying rent or if the owner is moving back in, but with this change you cannot be kicked out without a valid reason and not just because someone wants to put the home straight back on the market and put the rent up.

It is important to note that while the house may be owned by someone else, to the tenants it is their home, so I think ensuring that things occur in a timely manner, where people are able to organise their lives and not just have them out of that home without time to sufficiently plan their next steps, is really important. As I said before, particularly where people have kids in their homes, there is a lot more to it than just getting friends or a removalist van to take their belongings from one house to the next. There is everything that goes alongside that, whether that is child care, kinder, schools, sports clubs, loved ones. I will never forget years ago talking about kids – this was more on the foster care side of things – that are taken out of their homes. Everything in their surrounds just disappears out of their lives, and it is much the same if we are taking kids from one house to another in a very short period where the other things in their lives cannot be worked out as that family moves. It is a big change also for people at the end of their first fixed-term lease. It goes further than previous commitments, which banned rent increases between successive fixed-term leases.

The bill introduces amendments to ban a rental provider or their agent from accepting an unsolicited rental bid or accepting more than a month's rent in advance. In 2021 we made it illegal for real estate agents or landlords to solicit or encourage higher offers than the advertised price of a rental property, but a tight rental market with vacancy rates at record lows put an incredible amount of pressure on prospective tenants. More and more we are seeing people making their own unsolicited bids, either to pay more weekly rent or to pay more than four weeks in advance to try and give their application a competitive edge. This legislation levels the playing field for renters by closing this loophole and banning all types of rental bidding for good. It will become an offence to accept bids, and this introduces tougher penalties for agents or landlords who break the law.

In such a tight rental market it is only fair that renters have time to prepare for increasing costs or finding a new home, as I outlined before. The notice-to-vacate and notice-of-rent-increase periods change from 60 to 90 days for residential rental agreements, rooming houses, caravan parks and movable dwellings. The bill will standardise rental application forms to prevent requests for unnecessary information and personal data that is often collected by real estate agents and rent tech apps when renters apply for a home. This also increases protections for renters' personal information, requiring the holder of renters' information to take reasonable steps to protect it and requiring the destruction and de-identification of renters' personal information. The bill will introduce penalties for failing to comply with these requirements.

The bill will also ensure that the residential rental provider or the provider's agent must immediately arrange for urgent repairs to be carried out on faulty smoke alarms, which we know is just so critically important; you cannot have a smoke alarm that is not operational. The reforms also extend the requirements for rental providers to ensure gas and electrical safety checks are conducted every two years by qualified tradespersons on all residential rental properties regardless of the rental agreement start date. I am sure the Liberals will try and say that having gas appliances checked every two years is an attack on the use of gas in homes or something to that effect. I look forward to what they might say if they make a contribution on this bill. But I think most Victorians who are renters want to be in a home where they know there is not going to be a gas leak. We have seen the tragic outcomes that can occur there. As an electrician, I think it is absolutely fit and proper that we get in and check the electricals within a house and make sure they are safe as well. The reform builds on our 2021 rental reforms, which introduced new requirements for residential rental providers to check that a rental property has a working smoke alarm that is tested every 12 months.

Every real estate transaction involves significant financial investment and legal complexities. Indeed for many people the engagement of a real estate agent is a major financial item in their lives, and renters often rely on agents to provide accurate information and advice when they are looking for their home. We will introduce mandatory continuing professional development for real estate industry professionals, including agents, property managers, conveyancers and owners corporation managers. It will mean better skills for real estate workers, encourage ethical conduct across the industry and give renters the peace of mind they deserve.

The bill amends the Estate Agents Act 1980 to require agents' representatives to be registered. Agents' representatives assist estate agents with their functions and typically work as property managers or sales consultants. Agents' representatives are the professionals that renters are likely to engage with the most. Currently a licensed estate agent employer is responsible for assessing a person's eligibility to work as an agents' representative. Under the new registration scheme to be established by this bill, persons wishing to be employed as agents' representatives will be personally required to demonstrate to the Business Licensing Authority that they meet eligibility requirements before being registered. The bill amends the Owners Corporations Act 2006 to extend registration requirements for owners corporation managers to a natural person in effective control of an owners corporation management business. As the majority of registered owners corporation managers are currently corporations rather than natural persons, this reform will enable educational requirements to be applied to a natural person in control of each owners corporation management business.

We have increased penalties for a range of offences in the Estate Agents Act 1980 from 200 penalty units, which is currently \$39,518, to 240 penalty units, which is currently \$47,422. This includes estate agents who misrepresent the estimated selling price of a property or who fail to revise or substantiate an estimated selling price that is no longer reasonable. We have increased penalties for offences in the Sale of Land Act 1962 involving false representations by property sellers from 120 units, which is \$23,711, to 240 units, which is \$47,422. This includes property sellers who make misrepresentations in selling property. We have extended existing powers to confiscate estate agents' commissions to cover the full range of underquoting-related offences. The extension of these powers will supplement the efforts of Consumer Affairs Victoria's underquoting taskforce, which continues to monitor and enforce compliance with underquoting restrictions across Victoria. It will also require rental minimum standards to be met at advertisement or let of a property. The bill will establish a new offence for a rental provider or their agent to advertise or offer to let rental premises that do not meet rental minimum standards at the time of advertisement or when an offer is made to let. Requiring compliance with minimum standards at the point of advertising or where an offer to let is made will enable the director of Consumer Affairs Victoria to exercise enforcement powers when a complaint is made to ensure rental providers meet minimum standards before a renter occupies a premises. The director will also be able to inspect premises offered for rent to check whether they comply with the rental minimum standards.

The bill will strengthen the Victorian planning system by implementing red tape commissioner recommendations and related reforms. The government first committed to implement the red tape commissioner reforms in November 2021 and more recently in September 2023 through the housing statement. The bill will amend the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998 to strengthen the planning system by introducing a low-impact planning scheme amendment pathway; formalising the process for proponent-led planning scheme amendments and allowing the minister to elect to continue a planning scheme amendment that has been abandoned by a planning authority; providing responsible authorities the authority to reject incomplete planning permit applications, including ministerial guidelines on material detriment and extending the default planning permit expiry periods; making it discretionary rather than mandatory to refer permit applications that have been called in by the minister or a planning panel; establishing a new power to grant exemptions from the metropolitan planning levy in certain circumstances; amending processes for Planning Panels Victoria in relation to submissions; changing how the interest

on disputed claims for compensation is calculated; and improving the management of planning matters through the Victorian Civil and Administrative Tribunal.

So there is much the government has done in the past and much we are doing with this bill to ensure that Victorian renters have the best rental standards in Australia and indeed some of the best in the world. I think, as I highlighted at the start of my contribution, it is really important that no matter what age a Victorian is, when they are in a rental property in this state, that is their home and it will be in a condition that is fit for whoever is in there to treat it as their home, to feel it is their home and to get on and have the best possible quality of life they can in this state.

David LIMBRICK (South-Eastern Metropolitan) (10:42): I would also like to make a few comments on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. Well, who would want to be a landlord in Victoria? Not many people, it seems. I have spoken to a number of accountants who have been given the task of dealing with their clients who want to exit the market. They no longer want to be landlords in Victoria because Victoria has massive land taxes, we have regulation after regulation after regulation, and it has brought us to a point where we now have a rental crisis, wholly created by the government, in my view. Of course the government's solution is more regulations to make things even less attractive to be a landlord in Victoria. I note that the Greens are very supportive of this; they never saw a regulation they did not like, I think.

I would like to draw the house's attention to another jurisdiction across the world that also had a very big problem with a rental crisis, and that place was Argentina. Argentina suffered for years as they had been turned into a socialist hellhole, like the type that the Greens want to create in Australia, where they thought that they could cap prices on rentals and restrict availability and have all sorts of regulations that would help people, and of course it created homelessness. Rentals were unavailable, because of course when you cap prices the iron rule of economics is that price caps create shortages; in this case, shortages meant homelessness. Fortunately, Argentinians decided that they had enough of living in this socialist hellscape and they wanted change, so they voted for a new president, and they voted in the first libertarian president in the world, President Milei; he happens to also be a professor of economics. Anyone that understands economics knows that if you want to increase market efficiency you remove the regulations, and one of the very first things that he did was look to improving the housing situation for the long-suffering Argentinians. What he did to the rental market was totally deregulate it. He removed entire acts and removed almost all regulations in the rental market. And guess what happened? They went from having almost no rentals available to 24 per cent availability in the rental market overnight. Overnight they created that. This government could do it too, but they choose not to because they have this religious belief that more regulations will make things better. I can tell you it will not make things better. What will happen is we will see more people exiting the market, more landlords exiting the market.

We have never seen a class of people more vilified than landlords. The Greens seem to want more rentals available and more places for people to live, and yet they attack the very people that build houses – developers – and those who rent them out to people, which are the landlords. This is totally incoherent. Although I like some of the things around improving disputes and things like that, making that more efficient – I will give some credit there – ultimately what we are doing here is we are increasing regulations, making it less attractive to be a landlord in Victoria. Therefore the Libertarian Party will not support this, because it will not make rentals more available or cheaper in Victoria; it will do the exact opposite.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (10:46): I rise to make a contribution on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, and I am very proud to do so. This is a significant body of work that the government has undertaken, because we understand that there is real pressure out there in the community and the housing market is not what it once was. Many Victorians are struggling to find stable housing, regardless of their income, regardless of where they

live in our state and regardless of whether they are looking to rent or buy. There is just pressure on every single part of our housing system. Part of that of course has built up over a period of time. Part of it has been probably distorted somewhat by the economic shocks of the pandemic. There are so many different factors at play here. But when I think about my time as a younger person moving out of home and going into the rental market for the first time, boy, did we have it easy compared to the current generation. I can still remember paying \$50 a week rent, living 2 kilometres from the CBD, just living my best life really and having heaps of disposable income with my casual \$10-an-hour job. The times are completely different now, and this is why it is so important for the government to have a long-term vision about how we will support Victorians into appropriate and stable housing.

I have often said that one of the most important infrastructure initiatives there is is the ability for you to have a safe roof over your head. There is no piece of infrastructure more fundamental that the government can work on delivering. It really is about that basic human right of having shelter and having security. As I indicated earlier, we know that the particular needs of Victorians have changed over time. We obviously want to make it easier for people to get into the property market and obtain home ownership, but that is not going to be appropriate for everyone. We have a growing number of Victorians in the rental market – about a third of Victorians rent. This is a bit of a unique Australian thing, I think. I was born in England, and just about everybody who is not the landed gentry rents. It is not looked down on; it is actually a very legitimate part of the housing offering over in the UK. In many parts of Europe people rent all their lives, but the difference is that the arrangements are really stable and long term.

What the government is doing in this bill is incredibly significant, because it is about setting up those protections for renters and providing them with greater certainty over their rental agreements, and that in turn will support their living standards and finances. As I said, this is a result of the housing statement that the government released in September 2023, and it is a long-term vision, a 10-year plan for improving housing supply and affordability. It really is another important step in delivering on our housing commitment through the additional reforms contained in the more homes, more opportunity package, which was released in October 2024.

As others have commented on, we have worked incredibly hard to increase the protections for renters, and in fact our government has delivered more than 130 reforms. I guess I would disagree with Mr Limbrick on this point – regulation is not necessarily a negative, because these regulations and these reforms are actually about protections for renters. When you consider the power imbalance that was at play under the prereformed system, all of the power lay with the landlord. So this is about making sure that we get that balance right. It is about improving on the reforms that we have already made, more than 130 reforms, and it touches on some key areas.

Repealing the remaining no-reason notice to vacate and banning no-fault evictions I think is incredibly important. You can still be evicted for the usual reasons, such as damage, not paying rent, if the owner is moving back in and so on, but this change will mean that you cannot be kicked out of your tenancy without a valid reason. How many stories have we all heard, whether from family or friends or through our constituents that contact our electorate offices constantly with stories about being evicted for no reason. In many circumstances, in terms of some of the people that I have dealt with in my electorate office in the western suburbs, that can be the difference between having a roof over your head or facing homelessness, and I have literally had that situation with people coming into the electorate office absolutely desperate about what they are going to do in a circumstance where they have not even really been given a reason for an eviction. So this is a really significant change and one that our government is proud to support.

Banning all types of rental bidding is an absolute no-brainer. We do not want to have a situation where in order to get a tenancy you have got to go through some sort of humiliating *Hunger Games* to be able to have a roof over your head. So these are, again, important reforms, and they build on the reforms that the government introduced in 2021 which made it illegal for real estate agents or landlords to solicit or encourage higher offers than the advertised price of the rental property. As we have seen,

with a tightening rental market that can be really gamed for all the wrong reasons, this is a very important change that we are bringing to the Parliament.

Increasing the notice period to 90 days for rent increases and notices to vacate is a very practical change that the government is seeking to make. Again, in a tight rental market it is really important that renters get a fair go, and this is a reasonable and proportionate change in renters' favour. In terms of making rental applications easier and better protecting renters' information through enhanced use, disclosure and collection requirements, this is really just making sure that the systems that wrap around renters and landlords are fit for purpose and are appropriate. The bill will introduce penalties for failing to comply with these requirements.

On extending smoke alarm safety requirements, I do not think anybody in their right mind would argue that that is anything other than a reasonable and appropriate requirement. We do not want to see people in harm's way because of the fact that a landlord has not maintained a safe environment in that tenancy.

Mandatory licensing and training to improve property industry professionals' competence and tougher penalties to deter poor conduct are again about making sure that landlords and real estate agents do the right thing when it comes to tenants. These are not unreasonable changes. Currently, licensed real estate agent employers are responsible for assessing a person's eligibility to work. What this does is tighten it up. Under the registration scheme persons wishing to be employed as agent representatives will be personally required to demonstrate to the Business Licensing Authority that they meet eligibility requirements before being registered – hardly an onerous requirement when you consider the need for protection of tenants.

Introducing tougher penalties for real estate agents and sellers who break the law, particularly in relation to underquoting, is also something that I know the community has been calling for for a very long time. Many people who are trying to break into the property market feel like they are not even getting past that first step because of the underquoting that has been, sadly, a feature of some of the behaviour in the sector. I think that this is a very reasonable reform which will ensure that those people seeking to break into the property market are doing so on a level playing field.

In the time that I have got left I just want to talk a little bit about our record. It is no coincidence that the government wants to talk about housing a lot, because we know that it is the single biggest issue out there in the community. Make no mistake, our reforms are about securing quality housing for Victorians, whether it is supporting families looking to buy a home or young people looking for a home to rent or vulnerable people who need to look for appropriate housing to meet their particular circumstances. We are singularly focused on making sure that our government is getting all of the settings right and that we are pulling every lever available to be able to provide this basic right for all Victorians. That is why we are number one in Australia for approving and building homes. Melbourne is the undisputed build-to-rent capital of Australia thanks to our reforms. In generations to come people will look back on these investments and this reform as a game changer when it comes to people being able to access affordable and appropriate accommodation. Melbourne is home to around three-thirds of all build-to-rent projects completed in Australia last year and 73 per cent of build-to-rent apartments across Australia. This is incredibly important. What it will mean is that eligible build-to-rent developments completed and operational from 1 January 2022 to 31 December 2031 will receive a 50 per cent land tax concession for up to 30 years and a full exemption from the absentee owner surcharge. They are really important incentives, if you like, to get housing stock moving, including build-to-rent.

We have also invested \$7.8 million in community organisations who are supporting Victorian renters and preventing homelessness through our rental stress support package, and that is almost a quadrupling of our original \$2 million commitment. The big build – \$5.3 billion – is delivering at least 12,000 new homes, with 9600 new social and affordable homes underway or complete and more than 4000 people already living in their new homes. They deserve nothing less. I am absolutely proud of the commitment that our government has made to ensuring that some of the most vulnerable in our

community have access to stable, modern and appropriate housing. These changes have also ensured that basic amenities like hot and cold water in the bathrooms and laundry; a functioning oven, stovetop and sink in the kitchen; and a permanent and working heater in the living room are available for tenants. Our government is looking at every available opportunity to improve the situation for renters. I think that this bill is a significant package of reforms that will deliver in that regard.

Can I say that we hear a lot from those over there about housing, and I can remember in a bygone era, the last time they were in government, they did not want to change anything in the leafy east – nothing. Well, we are about changing it for all Victorians so that they get access to quality housing wherever they live and no matter what their background.

Evan MULHOLLAND (Northern Metropolitan) (11:01): Why then are about 13 of 50 activity centres in one seat – Malvern? One seat. You have looked at the political map and gone, ‘There we go in that area.’ You have got several places that could have been picked and that were suggested. The City of Casey have been begging for activity centres, two in particular – none on the list. They have been begging the government to go ahead with their activity centres. They did not make the list. There are plenty of other places, and there are some activity centres which we would not oppose – for example, in Broadmeadows. The City of Hume have been asking for an activity centre for a very long time and do need an uplift, so that one there I think is welcome. Epping – a lot of it is vacant land where apartments are already going up within the existing council activity zone.

Harriet Shing: On a point of order, Acting President, I am just wondering if Mr Mulholland would like to table any announcement from the Liberals that the Leader of the Opposition’s electorate is where in fact he thinks that the activity centres and densification should be going.

The ACTING PRESIDENT (Michael Galea): That is not a point of order.

Evan MULHOLLAND: I am simply stating what councils have been asking for. The government is playing politics with these changes but also using a political map to decide where activity centres should go. How would you feel if you lived in those communities and found out that after way more submissions in those communities, it is the communities of Niddrie and the communities of Essendon where the government has had a change of mind and has been able to change scope – no-one else’s electorate. And do not think I do not hear the conversations locally and what the member for Essendon has said and what the Deputy Premier has said about their government’s own announcements, about their government’s own activity centres, criticising them to local communities – do not think I do not hear about it – saying, ‘Well, I’m speaking to the planning minister. I’ve raised concerns with the planning minister.’ I know you do not want to hear about it.

Harriet Shing: On a point of order, Acting President, as useful as this general dialogue is from Mr Mulholland, I am just wondering whether it has relevance and indeed about the extent of such relevance to renters rights as they relate to perhaps a desire to live closer to where they grew up, so on that basis a request for him to come back to the substance of the bill would be welcome.

The ACTING PRESIDENT (Michael Galea): I will bring Mr Mulholland back to the bill.

Evan MULHOLLAND: I find that quite ironic given your previous point of order was referring me towards talking about the activity centres. I will come to the bill, the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. The government has their priorities wrong. I think at times they believe that rental providers are some sort of charity case that are more than happy to invest in Victoria. That is the view of that side of the chamber. Except for maybe Minister Pearson, I am not sure if any on the other side have invested in anything or run a business.

We are a federation, which means we are in competition with other states for investment to provide rental properties. The removal of the notice to vacate at the end of a lease has many in the sector very, very concerned. It is just another layer on top of the government’s massive land tax increases and on top of the successive interest rate rises that rental providers have had to cop. In particular the land tax

increases and the regulation upon regulation of rental providers are forcing them to leave the state. In the last 12 months alone there were 24,716 less rentals in Victoria. Why do you think that is? Maybe the next speaker can provide some speaking notes on why that might be. I reckon it is because of the massive increase in taxes that rental providers are being forced to cop because Labor cannot manage money. They cannot manage money, and Victorians are paying the price. It is actually the renters that are paying the price because there are less homes available as roofs over people's heads.

Rental providers do not just offer rentals out of the goodness of their hearts. We have financial investors and advice experts like Propertyology that are advising their investors not to invest in Victoria. We have accountant after accountant saying that everyone is selling up and getting out of Victoria because they cannot afford it or they are investing in another state. Again, we are a federation. We are in competition with other states for that investment market to get roofs over people's heads. This government does not seem to understand the economics of the housing market. Labor's land tax means that investors are fleeing Victoria – they are. As I said, there are 24,716 less rentals.

Let us look at their 10 years in office. Across Labor's 10 years in office the number of rental properties available has dropped by 12.8 per cent. If you speak to anyone in the industry, as many stakeholders have said, 25 per cent of current listings are rental properties. Investors are fleeing the state to other states. I know many people and many constituents who are rental providers have sold up and have bought in places like Brisbane. This government cannot manage money, and it is Victorians that are paying the price. Ultimately, it is renters that are paying the price for Labor's mismanagement of the budget. We are heading towards over \$180 billion of debt. We are going to be paying a million dollars an hour just to service the interest on that debt.

I was in this chamber when the land tax was passed, and the Greens are at fault for that as well because it is constituents in their electorates that are paying the price for Labor's massive taxes on land and rental providers. This government seems to think that those rental providers will just have to cop it. It is almost like they are trying to trap them in there through the removal of the notice to vacate at the end of the property lease. They are going to cram them all into VCAT and trap them in there so they are continually paying Labor's land tax, like some sort of state intervention, when people, including rental providers, have to vacate for various factors and are all leaving the state. They are all leaving the state.

Ryan Batchelor interjected.

Evan MULHOLLAND: Again, for someone who talks about housing so much, Mr Batchelor, the number of available rental properties has dropped, in your term of government, by 12.8 per cent. You want to talk about building more homes and approving more homes. We approved more homes in Victoria in four years than Labor have in 10. I know you do not like to speak about your former Minister for Planning, who was planning minister for about eight of the 10 years you have been in government, Richard Wynne. We do not hear much about him in these debates – it is funny, that. We do not hear much about Richard Wynne in these debates. That is because he was busy siding up with people like Minister Erdogan in putting height restrictions in places like Brunswick, stopping developments in places like Preston and putting height limits in places like Carnegie, only for very similar activity zones – almost a carbon copy – to reappear in the government's housing statement.

Ryan Batchelor: Do you support it or not?

Evan MULHOLLAND: No, no, no, I am simply pointing out the hypocrisy of this government to say they are all of a sudden going to be building homes. Meanwhile eight of the 10 years they have been in government they have been blocking homes. You literally passed a bill enabling objectors, a housing amendment that enabled objectors, which Brian Tee was involved in and Richard Wynne was involved in. I believe Minister Symes spoke on it when it came to this place in about 2015. We know the member for Macedon spoke on it. A whole bunch of members spoke on it, and they all spoke glowingly about putting the power back into the local community for them to have a say over the

developments in which they are living and to protect neighbourhood amenity. I know Mr Galea would be absolutely appalled by that bill. I suggest the members opposite go look at *Hansard* for that debate, because you will see many current – and a lot of former – Labor colleagues crowing about how they have spoken to their community and all posting angry photos of people in front of housing developments saying, ‘That Matthew Guy, he is approving too many developments. We need to protect our neighbourhood character.’ So we have had a complete backflip from this government. They are absolute hypocrites when it comes to housing. Again, we approved more housing in four years than that side of the house has done in 10.

In terms of the housing market, the government is completely hypocritical. We have had Minister Kilkenny opposing sensible developments in her own seat, putting out letters on social media and in community groups about how she is standing up for the community by opposing the Cove planning scheme amendment. ‘It doesn’t fit with the amenity and character of our local community. I’m standing with the local community.’ But with everyone else’s seats she does not want to listen. She absolutely does not want to listen.

Minister Shing spoke yesterday about how she is really listening to the consultation in Cheltenham regarding the Cheltenham activity centre.

Harriet Shing: Do you mean the draft structure plans?

Evan MULHOLLAND: Yes, and how there are 10,000 of them. Many of them speak of opposition to high-rise developments, opposition to the Suburban Rail Loop and how the government is not actually listening, so in terms of consultation with the community it seems like it is more consultold. This is a shocker of a bill. We will consider several amendments in committee. I will leave my contribution there.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (11:16): It is a pleasure to speak on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. This bill is another important step in delivering on our housing commitments by introducing a range of reforms that will increase protections for renters rights and ease the cost-of-living pressures. I was not sure that that was the bill we were talking about when I walked in to listen to Mr Mulholland.

I might spend a bit of time talking about the importance of protecting the rights of renters, making sure that they are secure in their home and making support available for them to really make their rental property their home. We do know that many Victorians are experiencing housing stress, and ensuring access to dispute resolution services is something that is really important. It is something that I had a little bit to do with in a former life, which was only a couple of months ago, in relation to ensuring that we are supporting people to have safe and secure housing.

I do want to acknowledge VCAT. VCAT is a great organisation that has gone from strength to strength after significant challenges through COVID. It is an organisation that was just not set up to deal with disputes that were not in person, and therefore there was a significant challenge and backlog that they have come to address. I have been so impressed with their work and particularly with president Ted Woodward in relation to his leadership and the work done there. They worked incredibly hard to address the pandemic-related backlogs that I referred to, utilising government investment.

We supported them through around \$20.8 million in the 2022–23 budget, which was all about ensuring that our courts and tribunal systems could respond and recover from the impact of the pandemic. We saw the appointment of 20 new members who commenced at VCAT, and they really got into the work. They took a case management approach so that the only matters that needed to proceed to determination were those more complex problems, filtering out others to make sure that they could deal with some of the matters that had been on the books for some time. They did really get into the pending cases in the residential tenancies list and helped to resolve some of those matters, and they are really important matters. They are often small outstanding claims for repairs, bond releases and

the like. In relative terms in the court system these are minor matters, but they are not minor matters for the people that they impact. These are issues that keep people awake at night, cause them stress and financial impost, and having them resolved is something that should be a priority. I thank VCAT for the work that they have done.

It also paved the way for the development and implementation of the commitment that was part of the housing statement in relation to Rental Dispute Resolution Victoria. As part of the housing statement, we did commit to establish a new dispute resolution body for Victorians to have their tenancy matters addressed, and that has come to be called RDRV – obviously an important part of this bill. When RDRV starts operations, it will save renters and rental providers money and time. Non-judicial staff will triage matters, provide information and resolve disputes quickly. The experience from VCAT's work, which will be able to translate into this body, is that very often when people are given advice about how a matter will proceed they are well informed to make decisions, which often mean that they are not going through a whole process that involves a hearing – they can get together and resolve issues outside the courtroom effectively. We know that the sooner you resolve a dispute, the better the outcome tends to be for everyone. RDRV will start operating in June and will save renters and rental providers, as I said, all of that time and effort, and it will reduce the need for matters to go through to VCAT hearings in the vast majority of cases. Renters will be able to call up on the phone, there will be the ability to get information online and there will still be the capacity to attend in person and get access to highly skilled dispute resolution experts who are all about ensuring that they can bring parties together and have full and frank conversations about what is going on with a view to ensuring that people understand what their options are, and very often this results in resolution of matters, as I said, faster and easier.

The purpose of RDRV, as I said, is to enable matters that would otherwise need to go through to a more formal, time-consuming hearing process to be resolved in a more efficient, accessible and user-friendly manner. It is a win-win for renters, it is a win-win for landlords and those that have traditionally perhaps been tied up in combative processes that you should avoid at all costs. We have worked closely with VCAT through the development of the model, and part of RDRV being attached to VCAT is about ensuring coherence between entities so that together the right matters are being addressed by the right process and in the right place rather than finding out that you perhaps could have resolved something much sooner had you known about other options.

As I said, this bill is all about delivering on the housing commitments that we have previously made. There are a range of reforms in relation to renters rights, but we also know that when you are dealing with parts of the housing market it has an obvious benefits for other downstream options. We talk a lot about housing, and there is a reason for that, and it is because we are recognising the importance of this issue to the Victorian community. We want to address housing needs right across Victoria, and that is why you will hear the Minister for Housing and Building always talking about the more homes that we are building, the support that we are giving first home buyers to purchase their first homes and also continuing to make sure that we are building the right types of places in the right areas so people are close to family members and have access to the services that they rely on. That is what underpins our commitments around the Big Housing Build, and it will deliver important uplifts to benefit a range of people, including a 10 per cent uplift in the total number of social housing stock, delivering 12,000 social housing homes. Since the announcement of the Big Housing Build in November 2020 more than 10,100 homes have been completed or are underway, and more than 5500 households have either moved or are getting ready to move into brand new homes; that just is a slight contradiction to some of the language that Mr Mulholland was using earlier.

I will take the opportunity to reflect on some of the issues in regional Victoria. The Big Housing Build and the Regional Housing Fund have seen more than 1800 homes already completed in rural and regional Victoria, and it is just so important to make sure that we are building right across the state. Obviously you can build a couple of houses in country Victoria and the impact on a community and the ability for certain families to stay where they want to live cannot be underestimated. Right now I

understand that there are a further 1680 homes that are underway, with thousands more to come, and not only is this building homes for people to live in, it is creating jobs right across regional Victoria.

I had the great pleasure of being in Wangaratta last Friday, joined by the Minister for Housing and Building – thank you so much for coming – where we were joined by such enthusiastic community members to celebrate the completion of a residential partnership there with Uniting in relation to 44 new homes replacing the 16 old dwellings that used to be there – forty-four new homes in the form of one-, two- and three-bedroom apartments. Just this week, right now, there are 90 people moving into that facility. They are 90 people that have predominantly been identified as high priority on the public housing waiting list. We are talking about victim-survivors of family violence. There were family violence providers there to help celebrate the opening of this facility, because they know just how important it is for many of their clients, particularly women and children. The location of the houses is right in the centre of Wangaratta. It is literally halfway between the hospital and the main street of Wangaratta. You are close to schools. The TAFE is right there. Obviously there is a range of health services that surround the hospital. Then you have got your supermarkets and your theatre and things all within walking distance. It is right next door to a lovely park as well. This is one of the best projects I have had the pleasure of being involved in. It is one of the projects that I have seen. I have been hassling the minister's office for over a year now with updates because of the excitement of driving past that site quite regularly when it was under construction. I am really looking forward to meeting some of the tenants in the coming months in relation to that project, because it is just fantastic.

I hope and I have no doubt that I will have similar experiences with other projects that are currently underway. There is a project in Benalla – the Benalla West housing project. It is a \$30 million investment providing more than 45 new homes, along with upgrades and improvements made to the public spaces in that neighbourhood. This is a neighbourhood that I used to hang out in as a kid. I had friends that lived right in this region. It is an area that has had some negativity in relation to being rundown public housing that people did not particularly want to live in. It was not necessarily the best environment and we are changing that, ensuring that there will be new homes, a mix of homes, including social and affordable, really reflecting what the community needs and ensuring that we are capitalising on the open space. It is interesting when you stand in this nice park area, it is currently over people's backyards. Whereas in the new proposal it is really more about facing the park and activating the park, bringing in a greater sense of ownership and a greater sense of safety in and accessibility to an open space. I am really looking forward to this project and I know the community members, particularly existing residents who will have the opportunity to move out temporarily and move back in, are really excited about that project.

There are also a lot of great things happening in Shepparton. Homes Victoria and Beyond Housing are working in partnership. I actually went to Benalla from Wangaratta on Friday, but Minister Shing went to Shepparton to meet with Beyond Housing. There are some great projects there, including a 15-unit housing complex in Shepparton as part of the regional supportive housing program.

There is just so much going on in northern Victoria in relation to housing, and I might use the last bit of my time to talk about the fact that we are building thousands of houses and homes for regional workers. This is all about places such as Northeast Health, Goulburn Valley Health, Cobram District Health, some fruit-picking organisations in Shepparton and Eildon accommodation projects. Why I pick out those in particular is that these are in parts of my electorate that have amazing job opportunities, obviously in healthcare, but in Eildon where they build a lot of houseboats, for instance, getting workers to be able to come and stay there has been a challenge because of the lack of housing. This is all about ensuring that as a government we are partnering with organisations, local councils and employers in relation to the priorities that they have to ensure that they can get the workers to meet the needs of the community.

That is a fantastic initiative, and I do thank Minister Tierney for her leadership in relation to that particular initiative. I have just got the list of the ones in Northern Victoria on me actually, but I know that, like particularly Minister Shing and Ms Ermacora, representing regional Victoria, we have all got

really exciting projects in the housing space supporting workers. It is a fantastic portfolio. I am a little bit jealous, Minister Shing, in relation to the amount of good work that you can do through this portfolio, because having seen firsthand the people that will be moving into the houses that we build, all strength to your arm in further and more support for housing in the state of Victoria.

John BERGER (Southern Metropolitan) (11:31): I am pleased to stand and speak in support of this legislation today. It was brought into the Parliament by the previous Minister for Consumer Affairs Gabrielle Williams in the other place. I want to start off by thanking her for her hard work in bringing this bill to us today. It is a comprehensive set of reforms aimed at providing a fairer, more equitable and affordable future for renters across Victoria.

As we all know, in 2023 the Allan Labor government released our comprehensive housing statement. It is our commitment to increasing housing availability and affordability over a decade-long period, 2024 to 2034. The reality is that, by that estimate, Melbourne is set to house the same number of people in 2050 – that being just over two decades – as London does today. In fact London is just over 1500 square kilometres in size; meanwhile Melbourne boasts nearly 10,000. I paint this image to the chamber because I want to prove that it is absolutely possible to meet the challenge of the growing population. The land is there, but for a long time Melbourne has chosen to grow outwards rather than upwards. It means more people are living away from where they want and need to live, away from family and away from the major commercial hubs. It is not sustainable for the environment, the economy and the budget for our public services. It is why we released the housing statement. Over that timeframe of 10 years we are building 800,000 new homes and delivering housing and planning reforms for the benefit of current and future home owners. The Allan Labor government has led the nation with its progress on this, and not just housing development but housing reform. The suite of renters rights reforms that the Andrews and now Allan Labor government have pushed is unmatched in any other state. The task now in front of us requires more than shovels in the ground and workers on construction sites; it needs us to push ahead with more reforms that protect the growing number of renters in Melbourne. This bill is an integral part of that action.

These amendments are to several acts, including the Residential Tenancies Act 1997, the Estate Agents Act 1980, the Owners Corporations Act 2006 and more. They are all about increasing protections for Victorians. About a third of Victorians are renters, whether for the short term or the long term, and they deserve to live in properties that are safe, affordable and fit for purpose. This bill is bringing in many changes to the rental system across Victoria to achieve all of these aims. These amendments build upon rental laws brought into effect in 2021 enforcing the requirement of smoke alarms in rental properties, and through the passing of this bill the legislation will be extended to approximately 240,000 properties previously exempted from the ruling due to the previous legislation not applying respectively to properties – because everybody in Victoria deserves a safe place to live, without exception. Ms Williams in her second-reading speech on the bill spoke about the tireless advocacy of Therese and Jo Scarff for the extension of this regulation following the loss of their beloved family member Simon, and I would like to extend my sincere gratitude for their incredible resilience and work.

This bill also addresses the increasing rental costs that Victorians are facing. We all know that the cost of renting has increased significantly over the years. In a cost-of-living crisis this has put significant strain on the finances of renters. That is why we are improving the rental increase review framework through this bill. Renters can challenge a rent increase that they believe to be unreasonable by requesting a review by Consumer Affairs Victoria. Reasons for when that challenge can be raised include if the renter feels that the increase is higher than the market range. Consumer Affairs Victoria will then conduct an investigation into the market rental value of the property. This amendment will grant the power for additional matters to be taken into consideration by the director of Consumer Affairs Victoria and the Victorian Civil and Administrative Tribunal in a rent review. Further reforms in regard to leases will be introduced to increase renters' security by extending notice periods from 60 to 90 days for rent increases, and that also applies to notices to vacate for private rentals, rooming

houses, caravan parks and residential parks. At the time of a rental property's advertisement or leasing, the owner must ensure that it meets the minimum rental standards. Empowering the regulator will enforce minimum rental standards as legislated in 2018, highlighting these standards as a basic expectation. Through these changes Victorian renters can expect both affordable and safe housing.

In addition to these amendments, we are also addressing the collection of unnecessary and extensive personal data for the purpose of assessing a rental application by standardising rental application forms and introducing penalties for rental agencies and private landlords for not complying with the regulations. To further enshrine safety for renters, private information collected by these individuals and agencies must be protected to the extent considered reasonable, as well as destroying and de-identifying personal information. There will be further penalties for failure to comply. With data breaches of rental agencies from third parties over the past few years, this is a critical change that will bring assurances to Victorian renters.

This bill also prohibits additional rental application fees being tacked on by agencies. This will bring us even closer towards ridding the state of these secret charges and towards a place where renters know how much they have to fork out from the get-go. No-cause evictions will be prohibited under this new legislation to further ensure renters' housing security. There will be no changes to valid reasons for evictions, including damage to property and owners moving into the property. This is about making the rental market fair and equitable for renters to participate in. It would simply be antithetical to the idea of a competitive, fair and equitable rental market to allow these subversions of expectations to continue for renters. That is why the Allan Labor government is making further amendments to legislation passed in 2018 to prevent the solicitation of rental bidding, extending it to a ban on accepting any unsolicited rental bid or accepting more than a month's rent in advance. All of these legislative amendments come together to provide Victorian renters safe, affordable and fit-for-purpose housing. I am proud of the Allan Labor government's commitment to renters rights across the state.

To ensure compliance with all regulations, we are mandating licensing and training. This may sound straightforward and like a commonsense reform, but it is not the status quo. Currently not all professionals in the rental agency industry require licensing or training to work in the field. To me, this is a very risky thing. Having professionals with proper training and licensing can be the difference between not just a good and bad deal but a safe housing arrangement and an insecure one that can put Victorian renters at risk by those who are not suitably qualified and acting in their best interests. Lack of education and professional training leads to poorer outcomes for renters. With such a large swathe of renters set to move into Melbourne and Victoria over the next two decades, it is imperative that we get this right.

With a third of Victorians renting, we need to get on to these problems early so that we are not building shoddy apartments en masse and that landlords are not renting out shoddy apartments using uneducated and unlicensed agents, because these problems can cause distress and, in some cases, personal harm. It can put some renters at risk of financial instability, health problems and other potential harm. Through this bill, registration will be mandated for agents and representatives, including property managers and sales consultants, through an amendment to the Estate Agents Act 1980 – those who are in direct contact with renters and property owners – ensuring that they have the necessary qualifications to assure both renters and owners. While under the current model the real estate agency is responsible for determining an employee's suitability for engaging in this work, this arrangement will not be sufficient moving forward.

We need higher standards of care and diligence from our agencies as we begin to build and rent more homes out for Victorians, and that is exactly what we are doing. This amendment will require a determination from the Business Licensing Authority that they meet the eligibility criteria for registration. This eligibility criteria will remain applicable, as it was previously, with an added guarantee from the government overseeing the process rather than relying on agencies to uphold these standards themselves. These checks include the requirement to hold a certificate IV qualification in real estate practice.

The Allan Labor government is also amending the Owners Corporations Act 2006. This amendment will extend the registration requirements from owners corporation managers to an individual in effective control of an owners corporation management business rather than a corporation as a legal person. This ensures that registration requirements are more effectively enforced upon individuals rather than subverting this with a corporation in management. In effect, this will require officers in effective control to hold the necessary education requirements to be registered. This will further ensure that property managers can meet the statutory obligations to enact best practices when engaging in these activities. This hits the point I made earlier about improving standards and oversight in this space. We cannot keep leaving it up to the agencies and private firms to police themselves. That is a clear place for the state government, to maintain standards of professionalism. Mandatory ongoing professional development will be brought in by this amendment for estate agents, agents' representatives, conveyancers and owners corporation managers in effective control of the business to ensure continuing and up-to-date understanding of their legal and ethical obligations, improving outcomes for renters, owners and employees.

Stronger penalties for real estate agents and sellers who break the law are also being legislated, particularly to prevent bad-faith actors from misrepresenting a consumer's rights or obligations in a housing market that is increasingly pressured. The maximum penalty issued for a misrepresentation of a property's estimated selling price or failure to revise this value when it is no longer reasonable will be increased from 200 units to 240 units. We are tightening the screws to make sure that agencies and actors are properly licensed and up to scratch and increasing the penalties to deter any bad actors from ripping off tenants and consumers. This market, like any market, is built on trust and reputation, but when the agency misrepresents information as a way to pull the wool over the eyes of potential renters, then it is a serious matter. An estate agent engaging in this sort of activity could be looking at a hefty \$45,500 fine approximately for an offence. This is an increase from the former fine of around \$6000. A property seller could face the same maximum fine for misrepresentations, and discretionary powers of courts to confiscate estate agents' commissions will be extended to cover a full range of underquoting offences. This is because the Allan Labor government takes consumer rights seriously, especially when it comes to renters rights and entitlements, because at the end of the day, these dodgy practices can harm tenants in the place where they live, and boosting the penalties and fines for misleading agency information for owners and tenants is part of protecting renters in Victoria.

This will support the work of Consumer Affairs Victoria, Victoria's underquoting taskforce, which enforces and monitors compliance and underquoting restrictions across the state. These restrictions prevent prospective buyers and renters from wasting their time inspecting and applying for properties that are being misrepresented. This includes prospective renters who cannot afford or do not wish to rent or purchase at that price, maintaining the dignity of both the renters and the buyers as per the red tape commissioner's review and subsequent report titled *Turning Best Practice into Common Practice: Planning and Building Approvals Process Review Report to Government*.

We are implementing the commissioner's recommendations through amending the Planning and Environment Act 1987. We are changing the planning scheme amendment process to improve transparency and efficiency of the system. To do so we are bringing in a new low-impact amendment pathway for less complex amendments or those expected to be limited in impact. These will still be the subject of public consultation, but unresolved submissions will now be considered by the planning authority and the outcomes reported to the minister. Rather than being subject to the referral and consideration of the planning panel those applications to the new amendment pathway will be determined by the Minister for Planning, and within the bill the power to regulate the types of amendments suitable for this pathway will be prescribed. The Allan Labor government is formalising this process with proper, proponent-led amendments and consideration by all councils, requiring them to advise the person and the Minister for Planning of the council's decision and their request. This will help to provide increased transparency and clarity on the process as a whole and also allow the Minister for Planning to make decisions on whether amendments or partial amendments left by the planning authority are to proceed.

The bill will also improve efficiency and punctuality of the planning permit application process by empowering an overarching authority of regulators to undertake initial reviews of applications. They can seek out further information as required by the Planning and Environment Act at the commencement of the process. If the required information is not provided by the applicant, the responsible authority can decide to reject the application. The Minister for Planning, in line with these changes, can issue guidelines which the responsible authority can take into consideration when determining whom to give notice to based on that detriment. Currently the default planning expiry timeframes through the Planning and Environment Act can be short where larger or complex development is concerned, and there is significant administrative burden on developers to apply and receive permanent extensions repeatedly. Through this bill we are extending the default planning permit expiry times for the use of the development of the land to be within three years after the use of the permit and up to two years if it does not start within that period unless specified by the permit. With that I will now commend the bill to the house.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:46): I also rise to make a contribution on the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024. It is a critically important bill that is before the house. Our government, the Allan Labor government, is committed to making renting easier, fairer and cheaper. What we do know is that often, for many, renting is a transition to property ownership. People might start renting a property, they might share a property with a number of people or they might have a property that has four bedrooms, sharing. I know some have mentioned this in their contributions as well, but often students who might be fortunate enough to rent an older property can rent out the rooms and share the expense amongst themselves. That enables people to then make some savings if they can, knowing that it is a transitional phase; it is not a permanent thing, but it is something that might help them on the way to home ownership.

Home ownership is something that people in my region often talk to me about. I was just out at Deakin University the other day attending O week, which is how young people now refer to orientation week. I still call it orientation week, but you know, O week, to use the correct, younger person's lingo. What I did do was take the opportunity to talk to some students there about their desire, need and want for home ownership and about how difficult they are finding it to actually enter the housing market. I know as a parent of children – one is in their 20s and one is approaching their 20s – that they have expressed concern to me that they have pretty much given up on their dream of owning a property. That is what the students at Deakin University were saying as well, that they pretty much felt like they have had to give up on their dream of owning a home. I was very alarmed about hearing that, so I took the full opportunity to tell those students at Deakin University who were attending O week about the things that the Allan Labor government is doing to help them into the housing market.

I told them not only what the Allan Labor government is doing but also about the problems that have been created in terms of housing shortages and the lack of available housing that was also contributed to by the then Morrison Liberal government, because they did nothing for 10 years on housing. After I unpacked that for them, I said to them, 'These are some of the reasons as to why we've got problems with the housing market, but there is help available,' and they were very grateful to hear about all the things that we are doing. That was a little bit surprising to me. I guess it was surprising and unsurprising in the same way, because we know that a lot of people disengage from listening to mainstream media and particularly following politics because they find it very negative and unrelenting, so I understand that often people will tune out rather than listen to all the negativity. I guess the downside to that is that they are also not hearing the positive messages and the positive options that might be available to them. Nevertheless we went through all the things that we are doing and the fact that they have options: there are build-to-rent schemes; we are making housing a lot more affordable; for those kids or people who might need it, there are lots of social and public housing options that are available; and we have a housing statement that outlines a 10-year plan to improve housing supply.

One of the things that we know is that not everyone wants a house with huge backyard. There is a great need for diversity of housing. If you look at some of the houses that were built 40 or 50 years ago, the idea was that you had a three-bedroom house on a quarter-acre block and you had a backyard. People do not really want that type of housing these days. What you do see in a lot of communities is where there once was one house on a quarter-acre block, you now might see four townhouses. People do not necessarily want a large backyard, because if they are busy and working and studying, they may not necessarily have the time to devote to mowing and caring for their gardens. That tells us that people want a diversity of housing options. They do not want the same things everywhere. I know Ms Shing, as the Minister for the Suburban Rail Loop, has talked a lot about this in this chamber. The opportunity that we are taking up in building the SRL is to make sure that we put in more affordable housing options for people so that they can live in the places where they grew up or close to where they grew up and close to public transport.

I go back to talking to young people at O week at Deakin University. I know that in, for example, the Manningham LGA there are no rail or tram options. The only thing they have in that part of my region is buses. If you want to try and catch a bus to Deakin University or to Monash University, you are going to catch about four buses and you are going to spend many hours on public transport trying to get there. That is demonstrably unfair to young people in my region. When I talked about the Suburban Rail Loop and the housing options that are going to be available, the young people at Deakin University I was speaking to were absolutely welcoming of all of these fantastic opportunities. The young people I spoke to said, ‘Oh, I didn’t know that that was going to happen.’ I said, ‘Yes, absolutely. There is going to be plenty of affordable housing options for you right next to public transport and close to where you grew up.’ The young people I was speaking to were saying, ‘Oh, wow. That means I don’t even have to have a car. I don’t need to drive it. I don’t need to find somewhere to park it. It means I don’t even have to be on the road.’

It goes to show that people in my region and across Victoria, across all different age groups and brackets, want options about how they get around this city and about where they want to live – to be close to the things and services that they need. It is only a Labor government that does these things. Like I said, we are providing a suite of housing options, whether that be public or social housing, right up to affordable housing and housing, in places where people want to live. On 20 October 2023 the government released our housing statement, which was the 10-year plan to increase housing supply and affordability for Victorians. We followed that up with a suite of additional and complementary reforms in October 2024 as part of our more homes, more opportunities package. Of course – and I talked about this earlier – we have also introduced a large suite of rental reforms, because people who live in rentals want to have pets. Previously, that was a barrier; landlords and real estate agents would often use it as a barrier to not accept rental tenancy applications. That was unfair, so we have made changes to those things as well.

We are doing a number of other things, like strengthening the planning system by implementing the red tape commissioner recommendations and related reforms. I know, for example, one of the other reforms we have done is remove the requirement to have a permit when you are building a smaller granny flat on a property. Again, people in my region talk to me about the fact that they might have an elderly relative who does not want to necessarily leave their house or their property just yet, but they have the room in their backyard to build a granny flat. That is a really nice option for them. It means that all the families can live together. They can have the elder person in their granny flat in the backyard, who can help with child care if they want to. I know that when some people retire they become very, very busy – too busy in fact to take care of any grandparenting duties.

Jacinta Ermacora interjected.

Sonja TERPSTRA: As a newly minted grandparent down there sitting next to Ms Shing just affirmed. Again, it is about options. It is not about saying that every house has to be the same, that we need to have a cookie-cutter approach to housing.

When I was talking to this young person at O week, what they told me was that they were very welcoming of the reforms that are on the table and they were looking forward to becoming a renter for the first time in their life. I know this is not something that those opposite can appreciate, because they keep weaponising this, but if I ask a room full of young people about whether they want to remain renters for life or whether they want to become home owners, the answer is resoundingly: I want to own my own home. That is the resounding answer. There may be a very small number of people who want to remain renters for the duration. That might be simply because they might have an occupation that requires them to travel around a lot so they may not be able to be grounded in one place for any extended period of time. Their job or their role that they hold down might require them to move every couple of years, so they might have a requirement to be renters for long periods of time. But that is why we have recognised that the rental system needs to be changed. We have improved regulations in that market area as well. That is something that has come as a great sense of relief to people who rent.

Young people are clearly expressing the desire to me, resoundingly, that they want to enter the property market. Unfortunately, what we have seen is that the reforms that the Howard Liberal government introduced about negative gearing many, many years ago have meant that a number of very wealthy people have become very wealthy landowners, landholders and landlords and benefited from those reforms. Home ownership is actually about putting a roof over your head, not about becoming rich at the expense of people who otherwise for a variety of reasons have been precluded from entering the housing market. One of the barriers to housing, for example, is the ability to actually even save for a deposit on a house, a 10 per cent deposit. That is cost prohibitive as well.

The challenges we see with young people today are even in the world of work. And I have had conversations with people who say to me things like, 'Well, you know, when I was a young person, I was able to live at home and save.' But I often point out to people that may not be aware that young people today may have to live at home for extended periods because they no longer have the benefit of secure employment. When I started work, I was able to get a full-time, ongoing, permanent role, but today those roles are few and far between, and young people find themselves trapped or locked into employment that is precarious and low paid. We know on this side of the chamber that one of the pathways out of insecure employment can often be TAFE. TAFE offers a range of free TAFE options that young people can access to gain skills and upgrade their qualifications, which can put them on a pathway leading out of insecure work and into well-paid work that recognises the skills and qualifications they have.

Again, I reflect back on what people in my region are telling me, which is that they want to become home owners, not wealthy landowning barons of vast property empires. I ask anybody who may be watching at home as well to reflect on the society that has been created because of rules that have benefited people who have been able to make a lot of money out of the tax treatment of various things because of the rules. Now we have got a situation where people cannot enter the property market. I know parents and grandparents alike have also expressed to me the concern that perhaps their children or grandchildren are not going to be able to enter the property market. That is of concern to parents and grandparents alike. Those opposite will tell us that they get a lot of complaints from mum-and-dad investors about a whole range of things, but it is equally true that there are an equal number of people who are parents and grandparents who tell me they have concerns about their children or grandchildren being able to enter the property market. That is something that they want to see happen. They want to be able to support their children or grandchildren in transitioning out of being renters and into the housing market.

I know we are about to bump into question time, and I am watching the clock pretty intently. I have a minute or something left on the clock, so I am waiting for a message or a nod from el Presidente to say to me, 'You can leave it there, and we will go to question time.' Or I can keep going for 1 minute and 36. What do you want, el Presidente? I do not know.

The PRESIDENT: You have got another 20 seconds.

Sonja TERPSTRA: Just give me a nod and I will wind it up. Standing up for renters rights – all those things, all those wonderful slogans that we put out in the market. This is an important bill. It is a very important bill because it speaks to all of the values and things that we know our Labor government will do for people who are renters and young people who want to enter the housing market. We know that that is a very important thing.

The PRESIDENT: I apologise, Ms Terpstra, I need to interrupt you.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Yarra Trams

David DAVIS (Southern Metropolitan) (12:00): (837) My question is to the Treasurer. Treasurer, I refer to the new franchise arrangements for Yarra Trams, where Keolis Downer was replaced by Yarra Journey Makers, a joint venture between Transdev and John Holland, on 1 December 2024. I ask: will the Treasurer assure the house that Victorian taxpayers money is not funding both fat retrenchment packages and payouts for staff by the outgoing Yarra Trams franchisee and generous retention bonus payments to the same people by the incoming franchisee in a double dip?

The PRESIDENT: I am going to call the Treasurer, and I expect that she will give a response similar to those for similar questions she has been asked before.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:01): Mr Davis, as I have committed to in the chamber, I am always happy to provide as much information as I can and respond to questions within the capacity of the portfolio. I often seek to provide information outside the portfolio as best I can. But when you refer to specific contracts that are managed by other ministers, and in this instance the Minister for Transport Infrastructure, your question would be better directed to a minister that has the information at hand to provide it to you. If you would like me to refer that to the transport infrastructure minister so that you get an answer that is in line with the question that you have asked, I am more than happy to do that. But again, just because there is a dollar amount attributed to something in someone's portfolio does not mean that you are best placed to direct every question to the Treasurer. Again, I am very happy to direct that question to the relevant minister and take personal responsibility to ensure that the answer is forthcoming.

David DAVIS (Southern Metropolitan) (12:02): I am concerned that the Treasurer is not worried about taxpayers money and taxpayers money being squandered or wasted. I ask: will the Treasurer confirm for the house that some lucky recipients of these special payments have had to surrender their telephones as part of the scam, only to be reissued with a new phone on the same visit to the HR department? Will the Treasurer indicate whether these new phones are funded by the taxpayer?

The PRESIDENT: My concern is that is not necessarily supplementary to the answer that the Treasurer gave, as in it is the responsibility of someone else's portfolio. I will take your point of order, because we should have a conversation about this. During my time and your time, Mr Davis, we did have another Treasurer in this chamber for a number of years, and I have had the luxury and the opportunity to look at rulings of the President of the day –

David Davis interjected.

The PRESIDENT: It is not for me to take up interjections. Mr Lenders gave very similar answers to the Treasurer now, and the President at the time did not have an issue whatsoever with that response. I am not too sure how I can even put that supplementary question to the Treasurer given her substantive answer.

David Davis: On a point of order, President, the Treasurer has an overarching responsibility to prevent waste and taxpayers money being squandered. Where a scam has come to light, and apparently

money is being double dipped in this way, it is a very clear case of the Treasury having a significant oversight role. I would argue that the Treasurer should be involved, and I would be staggered if there were not arrangements where the Department of Treasury and Finance was involved with the new franchisees.

The PRESIDENT: This is debating.

David Davis: No, President, just because the minister does not want to answer the question that does not mean she can say, 'It's not my responsibility.'

The PRESIDENT: I stated yesterday that you have every right, Mr Davis, to ask questions of any minister, and any minister, including the Treasurer, has every right to give an answer that the issue you are asking about is the responsibility of a different minister. There is no question that you have the right to ask a question of any minister, I am not questioning that, but if you receive an answer in that form, it is an answer.

David Davis interjected.

The PRESIDENT: I am not putting the question to the Treasurer, so we will move on to the next question.

David DAVIS (Southern Metropolitan) (12:06): I move:

That the minister's failure to answer be taken into account on the next day of meeting.

The PRESIDENT: Mr Davis, you know I cannot put that question. Would you like to put another question to the house?

David DAVIS: I move:

That the minister's answer and your decision be moved on the next day of meeting.

The PRESIDENT: There are two different questions there. Split them up and we will be right.

David DAVIS: I move:

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

The PRESIDENT: I reckon you can do better.

David DAVIS: I move:

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

Motion agreed to.

Energy policy

David DAVIS (Southern Metropolitan) (12:07): (838) My question is to Minister Symes in her capacity as the Minister for Regional Development, and I refer to the application through Regional Development Victoria, including after a three-year panel process, for support of a hydrogen transport process overseen by Countrywide Hydrogen and ask why, after a three-year process, was this application for a low-emission project rejected? Has the government run out of money?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): Mr Davis, I am not in a position to provide you with any details in relation to that project. As you indicated, it was commenced before my time. I have not received any advice in relation to it, but I am happy to look into it and provide you with an answer. If you had given me a bit of a heads-up, I probably could have gotten some information beforehand, but as the President has ruled, when you ask specific questions about specific projects, I do not necessarily have all of the information at hand. In relation to the questions that he has asked, I will take the opportunity to get some information and if possible provide that to Mr Davis.

David DAVIS (Southern Metropolitan) (12:08): This is a recent outcome, I might add, and I therefore ask, as a supplementary: what policies, if any, does the government have in place for Regional Development Victoria to support the development of hydrogen as a power source for heavy freight and buses in country Victoria?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:09): I thank Mr Davis for his question. When it comes to investment in regional Victoria –

Melina Bath interjected.

Jaclyn SYMES: All right. Ms Bath, that eye-roll was pretty extraordinary. We have allocated more than \$45 billion in the past 10 years into regional Victoria, and part of that –

David Davis: On a point of order, President, general funding is not what the question was about; it was about a very specific item. The minister might choose not to answer questions, but she cannot answer different questions.

The PRESIDENT: The minister was only going for 20 seconds.

Jaclyn SYMES: Mr Davis, you were referring to government policies in relation to supporting projects, job creation and innovation in regional Victoria, and that is what I was specifically responding to. We have a strong track record of investing in industry, investing in opportunities for innovation through grants, where it creates jobs in regional Victoria. I am always open to talk –

David Davis: On a point of order, President, the Minister for Regional Development has been asked a very specific question about hydrogen, and she does not seem to want to mention that word. Now, if you have got something to say about hydrogen, good. If you do not, say you will take it on notice and come back.

The PRESIDENT: The minister did offer in her response to the substantive to get any information she can for you, Mr Davis. I think she is just giving some context to your supplementary.

Ministers statements: youth justice system

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:11): Our dedicated youth justice staff play a vital role in keeping our community safe by working with young people in the justice system to address and prevent reoffending behaviour. That is why as a government we continue to invest in our youth justice system and in programs that have proven to work to reduce crime and improve public safety. Closing the Gap is a major priority shared across this chamber, I believe. Through years of targeted investment and community-led initiatives, we have made significant progress in reducing the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system. Today Victoria is leading the nation – an achievement we can be proud of, though we do recognise that more needs to be done.

We are also applying this evidence-based approach to other over-represented communities, including South Sudanese and Pasifika Australians. Our government is delivering culturally responsive programs in partnership with local communities that address the unique challenges faced by these young people and tackle the root causes of their offending behaviour. A key initiative is the lived-experience mentoring program, which pairs young people with mentors that share the same cultural background but also life experiences, in particular in the justice system. These mentors provide guidance, build trust and help the young people make positive choices, backed by a \$3 million investment by our government. This initiative complements existing programs such as the South Sudanese Australian youth justice expert working group, which provides targeted support to multicultural youth. We back these programs because the evidence shows that they work. By

addressing and preventing harmful behaviour we are making our community safer and giving young people a real chance to build a better future for the long term.

Government expenditure

Georgie PURCELL (Northern Victoria) (12:13): (839) My question is for the Treasurer. Traditionally, as a means of meeting urgent costs after a budget is handed down, it was recently reported that Victoria had significantly expanded the purposes for which it uses Treasurer's advances. While it has been widely publicised that advances have been used to foot infrastructure bills and for the pandemic response, it was tucked away in a recent PAEC paper from last year's outcomes hearings that the former Treasurer had given Harness Racing Victoria \$52.5 million as an advance to help them remain solvent. As the new Treasurer of Victoria, will you commit to giving no more Treasurer's advances to racing industries and tell them to stand on their own two feet?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:13): Thank you, Ms Purcell, for your question. The harness racing industry is a significant contributor to particularly regional Victoria in relation to jobs and the economy. We are working closely with Harness Racing Victoria in relation to their sustainability, and again, similar to my answer to Mr Davis, in relation to racing industry specific questions, you might want to refer them to Minister Carbines. But you have crafted your question in an appropriate way in relation to talking about Treasurer's advances.

Treasurer's advances, as you have indicated, are important for responding to emergencies and unexpected events, and it is also often –

Members interjecting.

The PRESIDENT: Order! Ms Purcell wants to hear the answer.

Jaclyn SYMES: It also can be useful when perhaps a Commonwealth matching grants round comes out and you do not want to miss out, for example. They are some of the opportunities. A lot of the increase has been in the way that projects that have been allocated funding – the funding is public, but the contingency of holding back the money and paying on milestones is reported as a Treasurer's advance, which is where a lot of the increases come from, because we are a government that builds things, so you end up with a lot more reporting.

Members interjecting.

Jaclyn SYMES: In relation to your question about the use of them, I am trying to answer your question, but I am getting several interjections. There is a purpose for Treasurer's advances, but I have publicly acknowledged that I have concerns about this practice. I am working with the department in relation to some changes, and I will have more to say about that in due course.

Georgie PURCELL (Northern Victoria) (12:15): Thank you, Treasurer, for your response. You have somewhat outlined what my supplementary question is about already, but I will ask it anyway so you can further expand. You recently questioned how advances have previously been used when integrity experts criticised their use recently in the media. Can you please advise of your plan for the use of Treasurer's advances in the future in your new role?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:16): I thank Ms Purcell for her supplementary question. All Treasurer's advances are published in the annual financial report, which is a transparency measure. The report now breaks them up into those two categories that I was explaining, so they are under the headings 'Treasurer's advance payments relating to decisions made post budget', which is predominantly those emerging, unexpected disaster funds and the like, and the other ones are characterised as 'Contingency releases paid from the advance to the Treasurer'. I am continuing to discuss Treasurer's advances with the department to ensure that we can build on and improve transparency and accountability.

Ballarat car parking

Joe McCracken (Western Victoria) (12:17): (840) My question is to the Minister for Regional Development. Minister, in September last year your predecessor stated that the 400 new car parking spaces at the Ballarat Base Hospital funded by your department would be free. This was part of a 2018 commitment made to provide Ballarat with 1000 free car parking spaces to service the Ballarat CBD. The fact of the matter is that these 400 car parking spaces are only free for an hour, much like all other council-operated car parking spaces in the vicinity; after that they are paid. So, Minister, do you concede that these 400 additional car parking spaces at Ballarat Base Hospital are not completely free?

Jaclyn Symes (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:17): I thank Mr McCracken for his question. I am prepared for a car parks question, because there have been quite a few of them in the last couple of years. I have not yet had the opportunity to visit Ballarat since returning to the portfolio of regional development, but I will be certainly –

Members interjecting.

Jaclyn Symes: Mr McCracken, I will let you know. We might leave Mrs McArthur off the invite list, but I will let you know when I am next coming to Ballarat to talk about the important issues and the investment that the Labor government have made in that fine, fine city.

In relation to the Ballarat Base Hospital car parks, the site was the most highly supported location for new car parks in a community survey, which you may have contributed to. We have opened 400 new public car spaces at that hospital across the four new levels, doubling its capacity and obviously offering easier access, particularly for patients, workers and visitors. While the ongoing operations of the Ballarat hospital car park are a matter for Grampians Health, the 400 car parks are available free of charge, I am advised, for up to 4 hours.

Joe McCracken (Western Victoria) (12:19): Minister, after six years the state Labor government have still not delivered the 1000 free car parking spaces promised for the Ballarat CBD in 2018. The 1000 car parking spaces have not been delivered yet. When will they be delivered?

Jaclyn Symes (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:19): Again, Mr McCracken, I am going to come and have a look at all the car parks when I am next in Ballarat, because we are on track to deliver over –

Members interjecting.

Jaclyn Symes: Why are you so nasty today? Everyone I am answering questions to is fine. It is the rest of them.

The President: The minister to continue.

Jaclyn Symes: Mr McCracken, I am interested in your car park issue, unlike some of your colleagues. I look forward to visiting Ballarat, and I am more than happy to let you know when I am there, because I want to see the 1400 free car parking spaces that have already been delivered. We are on track to deliver over 2000, and I am more than happy to have a little bit of a tour in relation to car parks in Ballarat.

Ministers statements: early childhood education and care

Lizzie Blandthorn (Western Metropolitan – Minister for Children, Minister for Disability) (12:20): I rise to update the house on how the Allan Labor government is giving a kinder kit to every child starting three-year-old kindergarten in 2025. Last week I was delighted to attend Early Learning Victoria Muyan in Sunshine, along with the member for Laverton, to officially open the new centre and to unveil this year's kinder kits. Early Learning Victoria Muyan is one of the four government

owned and operated childcare centres to open this year, offering long day care as well as three- and four-year-old free kinder.

It was wonderful to meet the children and families who have started their early learning journey in the beautiful new facility in Sunshine and to see firsthand the children enjoy their new kinder kits. Not only are we building early learning and kinder facilities right across Victoria but we are directly supporting families with the cost of living, with 70,000 children set to receive their free kinder kits this year. Kinder kits ensure that all children can enjoy the benefits of free kinder, with engaging activities that set them up for a lifetime of learning. In this year's kinder kits children can get creative with playdough, draw with crayons, play with stacking blocks, plant alfalfa seeds and practise reading with stories from Australian authors. This year's kits also double as a backpack, which can be opened into a felt playing surface for imaginative play.

Since 2022 the Labor government has given 227,000 families kinder kits – just one of the ways that we are bringing families together by encouraging an interest in their child's learning. Every item in the kits is recommended by education experts to support learning through play. More than 50 Victorian businesses have contributed to the kits since 2022, with products made, designed or printed in Victoria, written by a Victorian author or produced by a Victorian business. Kinder kits are part of Victoria's Best Start, Best Life reforms, which are transforming early childhood education, saving families money and supporting parents and carers to return to work or study if they choose.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:22): (841) My question is to the Minister for the Suburban Rail Loop. Yesterday the minister said that Labor's approach to the Suburban Rail Loop was based on priorities that communities have identified. The Cheltenham survey for the SRL precinct has 198 responses. Here is a sample of what the community said:

This project should be cancelled – the state cannot afford it.

Sounds like marketing spin.

... no-one seems to want it except the people planning it.

The SRL plans as of today would break existing community spirit and the area would become a soulless, overdeveloped suburb that hinders quality of life for people living in suburban Melbourne.

Will the minister take into account the responses of the Cheltenham community, or will you ignore their serious concerns?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:23): Thank you, Mr Mulholland, for your question and for your interest in the process of engagement around the delivery of not just these six new stations and the stabiling facility but also the development of the draft structure plans and the precincts and areas immediately around those stations and the broader development of areas where that growth will be accommodated so that people can live closer to where they work, can find a home closer to where they grew up and can access public transport, health services and education as the city grows.

As I said yesterday, Mr Mulholland, the population of Cheltenham is modelled to double in size over the next 15 years, and therefore these processes of engagement have been really, really important. You said at the outset of your question that there have been 198 responses to the community engagement process, and that is one part of the engagement that has been undertaken. Conversations started back in 2019. The four examples out of the 198 that you have read out today do in fact indicate the breadth of views around the Suburban Rail Loop and the need to accommodate growth through better planning.

So those four examples out of 198, Mr Mulholland, that you have referred to do highlight that there is a measure of uncertainty within the community, and they highlight the need for ongoing discussion

and engagement around what it is that communities want, their concerns and also the suggestions that they have around local ideas for amenity and for livability. What we heard in the course of the Cheltenham engagement very, very clearly was that people are looking for opportunities to increase active transport options for wayfinding and connections between open spaces. There is also a desire to make sure that where people are ageing, they are able to age well in place, that aged care and retirement options are preserved, and also we are working to ensure that as communities grow, we have that gentle development and density that increases the closer you get to those areas.

It will be the southern gateway to the new rail line, and as I said, we are seeing a doubling in population between now and 2041, with the population expected to be around 52,000 by 2056. We are working on site establishment activities. We will have tunnel-boring machines in the ground next year with trains running across this line in 2035, and we are also ensuring that the works can be completed overnight to minimise disruption with traffic changes in place along the Nepean Highway and Bay Road. Water relocations will be underway until late March, so later this month, and we have got a lot of engagement happening across the community ahead of works occurring.

Evan MULHOLLAND (Northern Metropolitan) (12:26): Every Suburban Rail Loop East draft structure plan states that maximum building heights are, and I quote, ‘preferred’. Why has the minister tried to deceive Victorians by claiming the height limits are locked in when this is clearly not the case?

The PRESIDENT: Mr Mulholland, would you mind repeating the question?

Evan MULHOLLAND: Sure. I will repeat it for the minister. Every Suburban Rail Loop East draft structure plan states that maximum height limits are, and I quote, ‘preferred’. Why has the minister tried to deceive Victorians by claiming that height limits are locked in when this is clearly not the case?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:27): The answer is in the question, Mr Mulholland. It is a draft structure plan. That is why when we take this process on and when we look to the way in which these proposed heights are set out in the draft structure plan – it is because they are draft structure plans. There is a process that will be open for comment between 17 March and 22 April through the Engage Victoria site before again we see that exhibition and hearing process.

David Davis interjected.

Harriet SHING: Mr Davis – I know you have ruled on this, President, so I do not intend to flout your ruling – what I will say is the work that we have done to accommodate, to listen to and to incorporate community views has been evident in the draft structure plans. We will continue to engage with people on this, as evidenced by the fact that they are called draft structure plans, Mr Mulholland.

Road safety

Jeff BOURMAN (Eastern Victoria) (12:28): (842) My question today is for the Treasurer. As seen in the Infrastructure Victoria 30-year strategy released this week, it has been recommended to replace 50-kilometre-an-hour speed zones with 30-kilometre-an-hour speed zones across Victoria, including regional areas, which will further clog up traffic, especially during peak times, and increase occurrences of road rage and frustration. Now, I have already reached out to the road safety minister but have been advised that this matter sits with the Treasurer, as it is to do with infrastructure, hence my question being for the Treasurer. Will the Treasurer assure Victorians that this lunacy will not be rolled out?

The PRESIDENT: That is really strange advice. I am not reflecting on you at all, Mr Bourman. I will take it that that has been the advice you have been given, and I will call the Treasurer.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:29): I thank Mr Bourman for his question. Yes, Infrastructure Victoria

sits within the responsibility of the Treasurer. I thank Infrastructure Victoria for the work they have done in relation to the development of their 30-year strategy. It contains 43 recommendations and seven other ideas to pursue. As you have identified, one of those recommendations is in relation to speed limits being reduced from 40 k's to 30 k's in those high-risk areas.

I did have the opportunity of having a briefing with Infrastructure Victoria in relation to their recommendations. I picked up on similar things to what you did in relation to the fact that there will be a bit of community debate around that recommendation. That is what the purpose of the report is. This is a draft report. It is out for around eight weeks. It invites community feedback and consultation before they develop a final report firming up their recommendations in November, I think. I will get the timing for you. There will be eight weeks of consultation, then they further develop it and they will have a final report, which will be in November.

I am not the minister responsible for speed limits, but I am the minister that has responsibility for working with Infrastructure Victoria. As I said, I welcome community feedback into their recommendations. It will formulate their final report in relation to what firms up as a recommendation for government, because then we have a responsibility to respond to their final report, not their draft report.

Ministers statements: TAFE sector

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:31): A TAFE course is the ticket to a great career and higher wages. The \$4.6 billion the Allan Labor government has invested in our skills and TAFE system is delivering skilled workers for Victoria's economy. Our TAFEs are an equal best choice to Victoria's universities because the skills and trades taught there are the backbone of our society – electricians, allied health workers, disability support workers, plumbers, TAFE teachers, school teacher aides, early childhood educators, nurses and many more.

The latest data from NCVER, the National Centre for Vocational Training, shows that thousands more Victorians enrolled in government-funded VET courses in 2024 compared to the previous year. More women, more First Nations people and more students with disability are also enrolling. The proportion of Victorians choosing TAFE has also increased in 2024. More than 177,000 Victorians are enrolled in our public TAFE network, a boost of over 17,000 compared to the year 2020. We also have 12,000 more government-funded apprentices and trainees enrolled. These results are no accident. They are due to a careful stewardship of the system, including introducing free TAFE, expanding free TAFE eligibility for reskilling, rebuilding our TAFEs into world-class institutions and supporting apprentices through Apprenticeships Victoria, because Victoria is a great place to be an apprentice. These numbers show that Victorians trust TAFE and they love free TAFE. As the vice-chancellor of Federation University said just last month:

Improving access to education through programs such as Free TAFE has been successful in encouraging more people to gain qualifications in priority industries ...

TAFE is a pathway to greater opportunities, in-demand careers and a better life for all Victorians.

Flood mitigation

Gaelle BROAD (Northern Victoria) (12:33): (843) My question is to the Minister for Water. The government released a lacklustre response to this house's Environment and Planning Committee report into the 2022 floods, supporting in full just 16 of the 73 recommendations. Why did you refuse to support in full important recommendations, including better levee bank management and a ring levee bank trial?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:34): I absolutely thank the member for raising this important issue. What we have said is that we understand that there is a real reason for ring levees to be explored further. We support further investigations in

this area, and we are looking for community involvement and consultation in respect of this important matter. Mitigation efforts right across the board, whether they be in terms of waterways or townships and private property, are matters that the government is very interested in. In particular, we are interested in public assets being protected, and of course we want further discussions with property owners about what they might be able to do on their properties to protect their investments.

Gaelle BROAD (Northern Victoria) (12:35): On that topic, why has the government refused to support a program to retrofit or raise homes to increase their resilience to flood risk despite the federal government offering funding for such a program?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:35): The priority of this government is to work with communities in working through mitigation efforts. That is why we have a range of local flood plans that are being delivered by a range of different communities right across the state. I congratulate those that have really got on board and are working through these issues. This is important work, and I think it is the first time ever that we have been able to get this endeavour underway in a unified and more comprehensive way so that we can ensure that those in our communities feel more confident going forward that every possible effort can be made to mitigate against future flooding.

Down Syndrome Victoria

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:36): (844) My question is for the Minister for Disability. Evidence suggests that many parents do not receive accurate or balanced information about Down syndrome following a prenatal diagnosis. This is reflected in 90 per cent of high-chance screenings resulting in termination. Disability care begins at the earlier stages of life, so ensuring parents have access to proper support and education is crucial in helping them make informed decisions that best suit their family. Down Syndrome Victoria can provide these services but does not have adequate resources to intervene at the prenatal stage. Minister, what funding, if any, has been allocated to Down Syndrome Victoria for supporting parents with prenatal care once they have learned their child has Down syndrome?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:37): I thank Ms Gray-Barberio for her question. This is an issue that is of particular importance to me. I am happy to address your question but it is actually a matter for the Minister for Health, and I am happy to raise your question with her. Indeed I have already been having conversations with her, because I know that Down Syndrome Victoria rightfully are advocating on this point. I would absolutely agree that the dignity of every life begins at conception and that ensuring that all families have the support that they need to make informed decisions and be able to plan for the care of their child, particularly a child with Down syndrome who has special needs, is absolutely critical. Can I also thank Daniel and his team for the amazing work that Down Syndrome Victoria do with people who have Down syndrome, those who are involved in the organisation who have Down syndrome and also the many families that they work with to support the Down syndrome community. I have had many conversations with Down Syndrome Victoria about this, as has my previous parliamentary secretary; Mr Walters in the other place has had many conversations with Down Syndrome Victoria about these issues. They are incredibly important, and I will continue to raise them with the Minister for Health on your behalf.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:38): Can you confirm whether the government recognises prenatal support, including providing parents with support and education to understand their ability to care for a child with Down syndrome? I do believe that there is overlap with your department on this given that the government does work around prenatal support and how important it is for disability care.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:39): I again thank Ms Gray-Barberio for her important question. As I said, these matters that relate to prenatal care are indeed a matter for the Minister for Health. There is of course an advocacy role

CONSTITUENCY QUESTIONS

Thursday 6 March 2025

Legislative Council

807

within my portfolio for all people with disabilities, including unborn children. That is a role I take very seriously, but the specifics of your question go to the responsibilities of the Minister for Health, and I will raise those with her accordingly on your behalf.

Ministers statements: Vietnamese community

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:40): This year marks the 50-year anniversary of the settlement of the first Vietnamese refugees in Australia, and it is a milestone that marks both the resilience of a community and the compassion of a nation that welcomed them with open arms. As an MP representing the western suburbs of Melbourne, I know and understand the lasting contribution of the Vietnamese Victorian community on our landscape and their impact on our state. On Saturday I had the privilege of attending Thrive 2025, celebrating 50 years of Vietnamese refugees, hosted by the Australian Vietnamese Women's Association and the National Vietnam Veterans Museum, along with many state and federal MPs. It was a day of celebration and commemoration that paid tribute to the service of Vietnam War veterans and the resilience of Vietnamese refugees. Their individual stories remind us of their courage and sacrifice and of the Victorian Vietnamese community's struggle to leave their homes and in many cases their loved ones to build a life in a new country. It is important to acknowledge that the richness of our cultural identity is deeply rooted in the unique Vietnamese refugee experience. Over 50 years the Vietnamese Australian community has grown to be one of the most vibrant, diverse and successful communities in our nation, and this is the powerful multicultural story of just one of our incredible communities. Our diversity is one of our greatest strengths, and we must all ensure that the voices and contributions of our multicultural and multifaith communities continue to be recognised, celebrated and remembered.

Written responses

The PRESIDENT (12:41): Can I thank the Treasurer, who will get written responses in line with the standing orders for Mr Davis's questions regarding hydrogen, the substantive and supplementary.

Constituency questions

North-Eastern Metropolitan Region

Sonja TERPSTRA (North-Eastern Metropolitan) (12:42): (1439) My constituency question is for the Minister for Government Services in the other place. Australia Post has recently closed the post office at Macedon Square in Templestowe. This has upset a number of constituents who live in and around Templestowe but who have come to rely on visiting the Australia Post office not only to post or collect their mail but to access other important services, like paying their utility bills or to withdraw or deposit cash. Minister, how can our government advocate to Australia Post to ensure that local residents and businesses who have come to rely on Australia Post services can continue to access such vital services at Templestowe that are local, convenient and accessible?

Western Victoria Region

Joe McCracken (Western Victoria) (12:43): (1440) My constituency question is for the Minister for Emergency Services. The critical Lismore SES unit has been left dangerously understaffed after losing six volunteers because of bullying and mistreatment. One member has even been pushed to the verge of suicide. Two members have resigned, two have taken indefinite leave and two others have become non-operational. This leaves only two members left to respond to incidents. As a road crash rescue unit, Lismore is the lead response service for serious crashes in the area. Given the staff losses, this has effectively rendered the unit defunct as an RCR unit. Lismore is located on the critical south-west road crash rescue network. Minister, what are you going to do to fix the problem in VICSES to ensure communities like mine are safe?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:43): (1441) My question is for the Minister for Housing and Building. Residents in Norlane shared with me their concerns about the private sell-off of 11 public housing units, including the land in their suburb. Norlane is one of the most disadvantaged suburbs in the state; public, social and affordable housing are crucial supports for the local community who have formed strong and longstanding bonds. Constituents are stressed that the government would choose to sell off properties and public land to the highest private bidder, which instead could be refurbished to have new public housing built on them or transferred to the existing housing co-operative. Minister, could you advise what parameters are in place to ensure that 100 per cent of these sale profits go directly back into the public housing stock of Norlane?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:44): (1442) My question is to the Minister for Community Sport, and my question is: how has the Victorian government supported the redevelopment of the Carnegie memorial swimming pool? The redeveloped Carnegie memorial swimming pool is a sight to behold. It is going to be hot on Saturday, and I expect it will be packed full of local residents. It is a brand new facility with a new 15-metre outdoor swimming pool, a diving pool, a children's play area and a spa and wellness centre. It is going to be enjoyed not only this weekend but for weekends to come. It is a wonderful example of collaboration between three levels of government: the federal government put in \$15 million in cash; there was a concessional loan from the state government; and obviously there was support from the City of Glen Eira, who put in the rest of the funding. I was there recently at the opening. I particularly want to pay tribute to the work of Dr Michelle Ananda-Rajah, the outgoing federal member for Higgins, who was a champion of the project, along with the member for Oakleigh Steve Dimopoulos. It is a great pool. Everyone should go down and check it out.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:45): (1443) My question is to the Minister for Health, and the question I ask is: Minister, why are there 2287 patients in Casey Hospital and 1744 patients in Dandenong Hospital still on waiting lists for planned surgeries across all categories – urgent, semi-urgent and non-urgent – as of December 2024? The government has recently praised the improved surgery wait times as contributing to the success of the 'impressive results'. But this is just a smokescreen if there are so many patients on waiting lists in our hospitals. The reality is that people are waiting too long for the hospitals to meet their crucial benchmarks, and this is unfair to Victorians and my people in the South-Eastern Metropolitan Region. Labor's broken health system continues to let the community down and Victorians are paying the price.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:46): (1444) My constituency question is to the Minister for Education, and it concerns the shocking allegations of widespread bullying at Wallan Primary School. I was horrified listening to many residents' reports that Wallan Primary is suffering an outburst of bullying, including mental and physical abuse, racism, stabbings and other behaviours that are not being adequately dealt with. School students in Wallan and across Victoria deserve to be able to go to school and feel safe and feel welcome while getting a decent education. Instead we have kids talking about being stabbed, parents saying they watched their kids get stomped on and mothers being excluded from campus for trying to protect their children. This is unacceptable, and so I ask the minister when he first learned about these allegations and what he did about them and as a matter of urgency to investigate this and stamp out the culture of bullying at Wallan Primary School.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:47): (1445) My constituency question today is for the Minister for Roads and Road Safety, and my constituents ask when the rutting on the off-ramp

from the Hume Freeway to the Goulburn Valley Highway at Seymour will be fixed – another week, another road that needs major repair. The off-ramp from the Hume Freeway onto the Goulburn Valley Highway at Seymour has been a source of concern for my constituents for a very long time. The deep rutting on the bend of the exit is quite honestly dangerous, especially for trucks, who use this exit frequently. As a highly used off-ramp to a major highway, used thousands of times a day by trucks, cars, buses and motorcycles, it beggars belief that the damaged road surface has been ignored for so long. If it were a metropolitan off-ramp, it would have been fixed in weeks, if not days, but because it is a regional off-ramp, it seems to my constituents that its repair is not important to this city-centric government. So the question my constituents ask the minister is: when will the rutting on the off-ramp from the Hume Freeway to the Goulburn Valley Highway at Seymour be fixed?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:49): (1446) My question is for the Minister for Community Safety. Can the minister please advise my constituents on what action residents can take to protect themselves and to feel safe, particularly in light of the surge in youth crime. Recently, teenage youths have made several attempts to break into my constituent's home, which has caused stress and fear. I have been contacted by Ankita, who lives with her elderly mother in Werribee. She reported they have been subject to harassment by teenagers' attempting to gain entry to their home late at night. A security camera captured footage and it has been reported to police. My constituents deserve to feel safe in their own home. It is hard to hear that women who have called Australia home for two decades now feel less safe and more concerned about their wellbeing than ever before. I ask the minister: what action can my constituents take to help improve their safety in light of these recent events? They just need to feel safe and protected.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:50): (1447) My constituency question is for the Minister for Agriculture. Brad Meagher, a horse trainer in Woodend, has allegedly committed severe acts of cruelty when breaking in horses. Images have been shared of horses tied down onto the ground with sheets wrapped around their heads, and one owner received their horse back in a malnourished condition, with rope burns, cuts all over her body and an exposed hip. This is just one of the many, many stories being shared of this man's horrific abuse. This cruelty is enabled by the absence of regulations on approved training and breaking-in methods beyond the mere, vague code of practice. Unlike dog trainers, who require licences and registration under the Domestic Animals Act 1994, there are no requirements to brand yourself a horse trainer. My constituents are very grateful that this man is being investigated by authorities, but with so many horses and horse trainers in Northern Victoria they want to know if the minister will finally legislate licensing and welfare standards for horse training.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:51): (1448) My question is to the Minister for Emergency Services. My Gippsland and Eastern Victoria volunteers in the CFA are a cherished and valuable species indeed. Working to protect life and property, they make an outstanding contribution to our communities. New recruits build capacity in the system, and Gippsland brigades are frustrated that there is a significant delay in new recruit training – in some cases over five months delay for a general firefighting course to occur. This government has disrespected our CFA volunteers for over a decade. I ask the minister: in addition to replacing those outdated and old trucks in the CFA in my Eastern Victoria Region, will the minister expedite the initial fire training, including GFF, to enable these new recruits to get out on the fireground and do what they need to do and serve our communities?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:52): (1449) My constituency question today is for the Minister for Transport Infrastructure, and it relates to the ongoing dust and dirt that is wafting out of the North East Link construction site and blanketing nearby homes and significantly impacting

CONSTITUENCY QUESTIONS

810

Legislative Council

Thursday 6 March 2025

residents who live close to that construction area. So many people around this area have been deeply affected by living near what is a really massive construction site. Homes are covered in dust. People are concerned about their local air quality, the impacts on their health, not to mention the noise and disruption that I have raised already in this place that this toll road project is already causing. Minister, people who live near the construction sites are the ones feeling the impacts most deeply. Their once quiet green streets are now dirty construction zones. Will you at least commit to providing window and exterior housecleaning to nearby homes to remove the thick dust and dirt that is caking the outside of residents' houses?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:53): (1450) My question is to the Minister for Youth Justice. The Malmsbury Youth Justice Centre closed in December 2023. Community consultation about the facility was due to commence in early 2024, about the future use of the building. I am advised that there are still security patrols that are taking place at the site. I ask the minister to please advise what community consultation has occurred in the past 12 months, how much money has been spent on security patrolling the site since it closed and to outline the government's plans for the future use of the site.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:53): (1451) My matter is for the attention of the Premier but it does concern both the Minister for Police and the Attorney-General. It concerns the violent uptick in crime in my area. I particularly draw attention not just to the figures in Balwyn, Kew and Glen Iris, with massive numbers of break-ins, but to the case of Michael – not his real name, as reported in the paper today – who said he thought he was going to die as an armed intruder stomped on him and kicked his head inside his home. Two men forced their way into his place in Brighton early on Sunday morning, stealing a meat cleaver from his kitchen. A terrible struggle ensued. I am asking the Premier to step in and make sure that there is action so that people like Michael in Brighton, in my electorate, are not suffering in this way. Crime is out of control. This state government has lost control, and it is time the Premier acted – *(Time expired)*

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:54): (1452) My question for the Minister for Regional Development concerns Regional Development Australia's Grampians region, which covers a substantial part of my Western Victoria region electorate. Minister, on Tuesday I raised the sacking of RDA chair Stuart Benjamin, whose term of advocacy and service was ended recently with no public acknowledgement. Despite your denial of responsibility, you might have had time since Tuesday to check your notes and discover that you are in fact jointly in charge of RDA chair appointments. Since the Victorian taxpayer is funding them, it would be pretty derelict of you not to take an interest. Minister, can you now confirm that you are responsible and that you therefore did jointly choose not to renew Stuart Benjamin's tenure? You reappointed every other RDA chair in Victoria, including long-serving chair Steve Kozlowski. Why did you single out Mr Benjamin for sacking?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:55): (1453) My constituency matter is for the Minister for Roads and Road Safety. Findon Road in the suburbs of Mill Park and Epping in my electorate is a confusing sort of road; sometimes it is duplicated with two lanes, sometimes it is a single lane, and locals spend considerable time every single day in gridlock along Findon Road. This is a very well known local issue and a daily point of pain for my community. The local member does nothing, perhaps because she does not live in the electorate and does not have to use the road. The road funding has undoubtedly been cut. But I ask the minister: could you please finally designate Findon Road as a state arterial road, as it should be, and get on with duplicating the road in its entirety so my constituents can get to and from work and back to their families faster and safer every day?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:56): (1454) My question is for the Minister for Transport Infrastructure. On what date will the signalling works for stage 3 of the Shepparton rail line upgrade be completed, and on what date will the rail line be fully operational? In 2021 Jacinta Allan promised that stage 3 of the Shepparton line upgrade would be completed in 2023, allowing nine weekday services to run, but now it is 2025 and there are no new train services to Shepparton because the signalling works are still not complete. This delay has also prevented the operation of the traffic lights at the rail crossing on Wyndham Street that were installed five years ago but have never been turned on. The government recently announced that it is adding new weekend services on four regional rail lines, but Shepparton has missed out again because the signalling work has not been completed to allow new trains to run. The patience of Shepparton residents has run out. The government must urgently finish the signalling works, turn on the traffic lights and get extra trains running on the Shepparton line.

David Davis: President, just on a point of order, and on rulings and ministerial responses regarding Infrastructure Victoria: under the administrative orders, the Treasurer is responsible for Infrastructure Victoria. Mr Bourman quite correctly asked her a question today about a road matter in the current Infrastructure Victoria report, which was released on Tuesday. On the same day in the same report there is material about energy, and I asked a question of the minister on Tuesday about the same report and in the same way about the impact of those energy matters on the Victorian economy, but the minister, the Treasurer, did not want to answer that. She said, 'Oh, no, it's the responsibility of the energy minister.' However, we are left in a very difficult position because the Infrastructure Victoria body, its reports and all of its activities, are ultimately the responsibility of the Treasurer under the administrative orders. In that sense, we have seen an example of the same report treated differently on two occasions this week. There is an issue of consistency, and I think the administrative orders are quite clear: they are the Treasurer's responsibility.

Harriet Shing: Further to the point of order, President, I also note that in the course of question time this week I have been asked about the Infrastructure Victoria report as it relates to the Suburban Rail Loop, which would seem to indicate that the opposition is able to ask a question of the direct portfolio holder as it relates to a matter that is set out in the Infrastructure Victoria report. It would seem to me that there appears to be a different-courses-for-different-horses arrangement going on. I think if we are going to go down this path, Mr Davis, taking the benefit of asking a portfolio minister directly about a matter in an Infrastructure Victoria report has been something that has been acceptable to the opposition, and therefore it would appear that what you are saying now is not consistent with that position.

David Davis: Further to the point of order, President, it might be that you ask a portfolio minister matters around some of the things in the Infrastructure Victoria report. There is nothing wrong with that. Some of them might be background figures, for example, or you might even ask them about their input or their department's input –

Harriet Shing: No, that is not what you asked me.

David Davis: I am giving some examples here. However, ultimately the administrative orders do stand, and the Premier has allocated Infrastructure Victoria to the Treasurer. I would put to you that Infrastructure Victoria is a matter for questions to the Treasurer, without ruling out other options.

The PRESIDENT: I think that I did say during question time that you have every right, and any member has every right, to ask a minister a question and the minister has a right to indicate that it may not fall inside their responsibility. But in saying that, I think both points Mr Davis and Minister Shing made have some weight to them. I think the best thing to do is to take it into consideration. That is why I was a bit surprised by Mr Bourman's preamble, because I think Minister Shing's point is that she did do that in her endeavours to respond to a question in relation to that Infrastructure Australia

report. Like I said, I think we should put weight on both contributions, take it into consideration and get back to the house, if people are happy that.

Sitting suspended 1:02 pm until 2:06 pm.

Bills**Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024***Second reading***Debate resumed.**

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (14:06): Thank you to everyone who has contributed to this debate, which has been wideranging and has covered a number of areas which interface not just with rental arrangements and the challenges that both renters and landlords are facing in the current climate of cost-of-living pressures and the availability and affordability of housing stock around Victoria but also the challenges around the importance of consistency, certainty and transparency in the operation of the Residential Tenancies Act 1997, the work of VCAT – the role of this quasi-judicial tribunal – and as people were aware from last year’s announcement and as almost every speaker has contemplated in their contributions today the creation of a model for alternative dispute resolution for the purpose of ensuring that, as an alternative to expensive and often complex processes that really do not create circumstances conducive to a level playing field for parties, Rental Dispute Resolution Victoria (RDRV) can as part of the broader remit of VCAT and Consumer Affairs Victoria provide that means by which a relationship might well be able to be preserved between tenant and landlord.

These reforms sit alongside many, many changes that have already been made to the Residential Tenancies Act here in Victoria. Many of those changes have been geared towards harmonising the scheme and the regulatory framework here in Victoria with that of other states, but it has also been important alongside the work to ensure that people can, for example, make minor changes, such as painting a wall or indeed having a pet, that we are also ensuring we have got consistency of approach around the standard and the condition of buildings that people are seeking to call their own as tenants.

We have also seen – and this is something that has received widespread coverage – a situation of increased competition in the rental market, where there has been work to outlaw rental bidding. We have also seen challenges around the offer of increased rent from people who would like to be tenants. As many speakers have outlined, I would imagine many of us have lined up outside a rental property with dozens of others looking for a chance to become a tenant. People arrive with all sorts of preparations in place hoping to gain an edge, and I myself have filled out multiple applications, sorted referees and had everything ready to go so that even before seeing a prospective rental home I have put in an application form. But these are the sorts of things that have become increasingly challenging in terms of the playing field for renters in seeking to overcome vast amounts of competition in order to secure those increasingly precious leases. We do know from data that increases to rent are beginning to stabilise, that the growth in rent is flowing here in Victoria.

We also know that our median house prices are much more competitive in contrast to other jurisdictions. There are a few reasons for that, and they have been the subject of extensive public debate and indeed some of the contributions that we have heard here and in the other place. This is an area of friction which speaks to the complexity of the system. Whether it is people who are seeking to access social housing or people who are looking to move into rental accommodation, whether with others or on their own, rental accommodation which perhaps they can move into which better meets their needs either geographically or in the configuration of the home in question, or indeed people moving into home ownership, at every point along the way we see that where there is change to one part of the system there is consequence in another.

When we do see that homes become more affordable here in Victoria because home values change, we then see a corresponding increase in the number of people who move from private rental into home ownership. This is something that I would like to touch on in response to a number of the comments made in Mr Mulholland's speech earlier. There is some data which perhaps disavows anyone of any illusion about the statistics he has put on home building and approvals in the period between 2010 and 2014 on the one hand and 2015 and 2024 on the other. When we increase the availability of stock, we see that that has a corresponding impact on affordability. This means that where we are creating conditions for people to move from residential tenancies arrangements into home ownership, we are reducing the amount of pressure on the rental market proper.

Here in Australia around 25 per cent of people are renting rather than owning homes, and we also see that aspiration to own a home remains comparatively very high in Australia in distinction from other jurisdictions. I know that in a range of other jurisdictions internationally there have been wideranging reforms to create that level playing field whereby renters have security of tenure even where a property may be sold. In Germany, for example, there is a framework that has been in place for a very long time – *Kauf bricht nicht Miete* – that means that buying a property does not break the rental arrangements that exist; they transfer, upon sale of a property, from one owner to another. That is just one example of the work that is happening globally, and this is where the reasonable grounds component of this bill is very, very important to allay any of the concerns that have been raised here and by a number of stakeholders in the preparation and discussion of this bill that we are here to debate today in the committee stage.

It is important to note that this is by no means a playing field that upon levelling enables a tenant to treat a property with disregard, disrespect or as a base for illegal activity. There are specific provisions that remain in place which, as they are prescribed and where there is a legitimate basis upon which to reply upon them, can be the starting point for an eviction. That is important to note. It is also important to note that increasing notice periods from 60 to 90 days does not in and of itself remove the right of a landlord to in fact end the nature of a contract that has enabled a tenancy to be in place because of their desire to do so. That, coupled with the removal of no-fault eviction and the work around gouging and increases in rent that are unfair – and that is a space that RDRV and VCAT and Consumer Affairs Victoria will be able to be involved in – provides that framework for a better measure of balance in the system.

This is not work that has a finish line. We will see that as regulations are developed, as ongoing work and progress from RDRV continues to roll out once it begins its operation, as we see that work alongside VCAT and its general powers, including by reference to proceeding to a hearing where matters are unable to be resolved and/or a consent order is unable to be made in respect of any agreement that might be struck, that there are pathways for parties who are or remain aggrieved as a consequence of a breakdown, for whatever reason, in a residential tenancy arrangement. When we are talking about the opportunity for people to secure a rental property, it is important, as a number of speakers have referred to today, to think about this through the lens of the very human impact of a system that has not only enabled behaviour to take place that has effectively dislodged people from their residences but often – not always; it is frequently not the case – in a number of circumstances in fact displaced people into a risk of homelessness and rough sleeping because of a no-reason, no-fault eviction scenario.

These changes are guided by the principal objective of the importance of having a home, and this is something which I think everyone in this place would agree is of critical importance. We know that where we can provide housing, where we can provide connection to services and proximity to educational opportunity or public transport, things as simple as that address a whole raft of other actual or potential disadvantages. This is about more than homelessness, although homelessness is often a consequence of a failure to act or a failure to have systems that are geared towards solutions and towards shared, agreed outcomes. It is also about making sure that we are providing certainty and consistency across the system for those investors who are looking to make sure that the asset that they

have can be managed in a way that is consistent with the way that other assets are being managed across the state.

The way in which information can be gathered and relied upon is another part of this bill which I think warrants some pretty careful discussion here today. All too often we see that – and it is not through any bad faith necessarily – information that is not directly relevant to somebody's identity, employment or financial status is sought as part of a rental application. Changes in this bill are very, very squarely directed at making sure that, through a standard application form and through an express prohibition on asking anything beyond specific matters relevant to the capacity to service a tenancy, that will not be permissible – and that is only fair. We need to make sure that people are not creating, directly or inadvertently, a system which is onerous or potentially a source of embarrassment or which potentially requires the disclosure of confidential information. I also want to make it clear that the use of rental platforms and the fact that as a consequence of this bill fees will not be able to be passed on to applicants is another way in which we can assess the very real-world impact of these sorts of challenges when it comes to a highly competitive rental market.

As we bring additional homes on line across the state, we will be addressing parts of the pressure on the system that have led to some very perverse outcomes in recent years. We will see a continuation – hopefully, with further outcomes from the Reserve Bank of Australia that reduce interest rates – of an easing of the pressure on being able to service mortgages at the same time that we see more homes being built.

We want to make sure also that where people do not own a home – and there are many who do not aspire to own a home, although the dominant culture here in Australia does remain one of wanting to secure a mortgage – or where people do want to rent they have the certainty of a system which will apply uniformly across Victoria as it relates to anything from an apartment in the middle of Melbourne right through to a beautiful old home on the river in Mildura. We also want to make sure that wherever possible we can harmonise components of the rental system here in Victoria with those that operate in other jurisdictions.

Safety – with the remaining time that I have – is of essential importance. We are making sure, for example, that we are addressing requirements for smoke alarms to be present in homes and to be able to be checked, with information provided to tenants about the way in which these alarms operate. We have seen tragedies – more than 10 deaths over the last 17-odd years – of people who have not had smoke alarms installed and who have lost their lives. It is a tragedy. That is why these reforms are intended, amongst other things, to address the avoidable risk to safety as a consequence of a lack of the smoke alarm or a lack of a functional smoke alarm.

There are going to be challenges in this space, and this is where also I want to touch on the points of access. Access to properties remains a challenge, particularly in the social housing space where, again, there are people with complex needs and where people's right to quiet enjoyment is something that is treasured and often occurs off the back of extensive trauma and is something that is guarded preciously. This requires a whole-person approach to understanding what access means and the beneficial nature of these changes.

We will continue to work alongside stakeholders, residents and tenants groups. We will work within the Department of Government Services and the Department of Families, Fairness and Housing, and Homes Victoria in particular, and with stakeholders like the Real Estate Institute of Victoria. These changes constitute a better measure of balance than we have had in the system. They recognise the ongoing efforts of so many landlords, owner-occupiers and tenants to do the right thing, and they are about providing a better measure of a level playing field than that which we have at the moment.

Council divided on motion:

Ayes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah

Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (16): Melina Bath, Jeff Bourman, Gaelle Broad, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:29)

David DAVIS: This is the Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024, and by way of introduction I just make the point that this is an omnibus bill; there are many parts to it and parts that deal with quite different matters. There are some parts that the opposition supports, there are other parts that the opposition has no objection to, and there are parts that we have significant objections to. I should just indicate that the opposition has distributed its proposed amendments, and we also thank the clerks for the running sheet there. We just had a couple of adjustments to that which will be of assistance to the chamber. I should, in making this point, just indicate that there are essentially three matters: there is the matter around the residential rental providers and notices to vacate; the second point in our amendments relates to a review; and the third in a sort of category, as it were, is those matters relating to planning and the planning changes that the government has proposed. If, Deputy President, as you have outlined, there are one, two, three, four, five, six, seven acts that are amended by this bill, it might in these circumstances be convenient to acquit most of the questions, of which I think I have 17 for the minister –

Harriet SHING: Only 17?

David DAVIS: Well, it is 17; I could do more if you want me to. Anyway, I have got my own little running sheet here and then the amendments which are separate to that, but it might just be convenient to acquit those on the purposes clause.

Harriet SHING: Sure.

David DAVIS: The first question I would ask is: with whom did the government consult on the bill, and what considerations were given to their feedback? So there may be a list that you have of the organisations that were consulted on this bill.

Harriet SHING: Thank you, Mr Davis, for your introductory remarks and for the measure of clarity that you have provided around the questions you have and the intention to group amendments as you wish to put them. I would like to address the question that you have raised, but before I do that I just want to note that you have referred to an omnibus bill, and you have referred to some of those proposals being acceptable and others requiring further clarification. To that end, I am glad that we have an opportunity in committee to be able to go through these matters. It is unfortunate that you opposed the second reading of this bill and therefore sought to nobble this process as part of the committee, but this is –

David DAVIS: I did not call that division.

Harriet SHING: Well, again, you have said you did not call the division, but having said that, you opposed the second reading of this bill. So in the interests of clarity it is important I think to be clear that while you say now that there are some elements of this bill that you do not have an issue with –

David DAVIS: I have said that before.

Harriet SHING: And you are right, you have said that before, but there are other issues which require ventilation and discussion. Your voting record should indicate very clearly that you sought not to have a debate on this bill but more so you sought for this bill not to be able to proceed at all.

When we talked to the stakeholders and the consultation that has occurred, there was work that went into consultation and discussion across industry with residents, tenants, groups, individuals and of course people who own and manage property, real estate agent groups and others who have put their views about a range of matters that are set out in this bill. When we talked to these people, they indicated broadly that they were supportive of the bill. But having said that, there are stakeholders such as the Real Estate Institute of Victoria (REIV) who have raised concerns about matters such as removal of the no-fault eviction being a change which would have a dampening effect on investor interest here in Victoria, and there are range of stakeholders who have conversely expressed the view that being able to have certainty in the system will help there as well.

We will continue to work with key stakeholders to implement the reforms in the development of regulations. Again, this bill is a point in time. As you would note from the bill itself and from the contributions that have been made in the course of the debate, Mr Davis, this is something which will be enhanced and which will be informed by the practical application of the legislation, in particular in the work of Residential Dispute Resolution Victoria (RDRV), its interface with VCAT and the work of Consumer Affairs Victoria (CAV). I am not sure whether there is in fact a list *per se* of groups, organisations or individuals who have provided comment. Again, it has not necessarily been comment to government, rather public comment. Why don't I see what I can find out for you and whether any such document exists or whether it has been an aggregation –

David Davis interjected.

Harriet SHING: The organisations? Let me see what I can –

David DAVIS: We don't want the names of any individuals.

Harriet SHING: No. I am not suggesting that you do want names of individuals, but let me see what I can find out for you about whether indeed any such document exists.

Mr Davis, in relation to the consolidated list that you have asked for, I am in the process of getting some information. As you have quite rightly pointed out, the omnibus nature of this bill means that there have been various discussions with various stakeholders, but I also just want to, perhaps for avoidance of any doubt, confirm to you that it is part of ongoing discussions, particularly as they relate to implementation. When we get to, for example, June and RDRV moves from the trial into active work across the system, sitting alongside VCAT's functions and its interface with Consumer Affairs Victoria, there will be a whole raft of other discussions that will take place and will need to take place continuously as these changes occur.

It is also important to note, Mr Davis, that there has been ongoing discussion within areas of government that sit adjacent to the department which has immediate oversight of these reforms. So where, for example, Homes Victoria has a role in the development and delivery of reforms to social housing, there will be engagement with bodies and organisations that have a direct wheelhouse of social housing, where the impact of one or more of the provisions in this bill, should it pass, will create change. Let me see what I can get for you, and I am very happy to the extent that we can consolidate something, to see what that looks like. Again, I would hate for you to see that as a finite list, because that might run the risk of facilitating a conclusion that is not perhaps accurate.

David DAVIS: My next question is: when can renters and rental providers expect to see the prescribed rental application and agreement forms? And secondly, how long will they have before it is compulsory to use them?

Harriet SHING: The new form will be a document which, as you quite rightly point out, will create a measure of uniformity across the application process. That form will be prescribed by

regulation, and upon passage of this bill, regulations will be prepared which will contain the detail of that application form. The earliest that that form will come into effect will be at the default commencement of this bill as it amends the legislation, which will be November this year.

David DAVIS: What I am also trying to get to with that is: will they see this and begin using it perhaps before it is compulsory? Is that possible?

Harriet SHING: If anybody were to want to begin using a document which provides better practice, then it would be entirely within their remit to do so. If that in effect means that they are delivering on the objects of this legislation, which have been about harmonising, for example, the sort of information that can be required of applicants for the purpose of securing a tenancy, that might mean that if agents or representatives are looking for information to be provided and they do so in accordance with this form – whether it amounts to the physical layout and formatting of the form or whether it is about the detail being sought, asking information only about the person's identity, financial status or employment and that they are not then asking questions which fall foul of the relevance of a determination about rental or tenancy suitability – that is a step in a direction which is indeed wholly supported by this bill and by the objectives that underpinned the announcements last year and the introduction of this bill in the Legislative Assembly shortly thereafter.

David DAVIS: Will rental providers be given additional guidance or training from the government when these forms are rolled out to ensure they are filled out correctly and compliance is ensured?

Harriet SHING: The short answer to that is yes. It is important to go into some of the things which are proposed to be well understood by people before commencement that again go right to the heart of the objectives of this bill and the reforms more broadly. If we have a lack of awareness around the use of personal information provided by renters in applications – such as, for example, people asking for everything on the basis that something might be missing in order to assess an application within a real estate agent's office or a rental provider in seeking to satisfy themselves that there are not any issues in relation to a proposed tenancy – we are wanting to make sure that people are aware of how they align, for example, with the Commonwealth and Victorian privacy principles. This also sits alongside the national cabinet's Better Deal for Renters priorities.

When we talk about, for example, the provisions in the bill that require rental providers and their agents to take reasonable steps to protect renters' personal information and, moreover, going to the requirement to destroy and de-identify personal information in rental applications within certain periods of time, it is important that we do have an opportunity for people to understand the nature of those restrictions, what reasonable steps look like and the timeframes that apply. For example, when we are talking about destruction and de-identification of personal information in applications, that would be within three years where the rental applicant is successful, 30 days where the rental applicant is unsuccessful or six months where the applicant is unsuccessful but consents to the use of their information to apply for other premises.

We are talking about the introduction of penalties for a failure to manage that information in accordance with the Better Deal for Renters provisions, and there is the creation of an offence for the disclosure of renters' personal information without consent. We are talking again about measures which reflect the seriousness of gathering, using, storing, circulating, distributing, publishing or destroying information. A failure to comply with those requirements to protect, destroy or de-identify personal information provided by renters will be an offence attracting fines of \$11,855 for natural persons and \$59,277 for body corporates.

There is a list of exemptions to the requirement for destruction. For example, where there is a court or tribunal order; where disclosure is authorised under the Residential Tenancies Act 1997 or any other act, including a Commonwealth act; where a residential rental provider or a provider's agent reasonably believes that a disclosure is necessary to lessen or to prevent a serious threat to a person's life, health, safety or welfare or public health, public safety or public welfare; where there is a

reasonable belief that the disclosure is necessary for the prevention, detection, investigation, prosecution or punishment of criminal offences or breach of a law imposing a penalty or sanction; for the preparation for, or conduct of, a proceeding before a court or the tribunal; for the enforcement of an order of a court or the tribunal; where ASIO or the Australian Secret Intelligence Service has requested the disclosure of renters' information in connection with the body's functions; if it is necessary for the conduct of a proceeding before a court or the tribunal; where written consent has been obtained from the renter or the prospective renter to disclose their information for a particular purpose and the information is held for that purpose; where any act, law or order of a court or tribunal otherwise requires the residential rental provider or the provider's agent to hold the renter's information; or where the disclosure is in a prescribed circumstance in regulations. Any other reason not being acceptable, a failure to comply with destruction or de-identification requirements would attract the penalties that I have outlined above.

Mr Davis, the reason that I have just gone through that provision in some detail is to illustrate the complexity of the changes as they relate to one part of what the bill amends around personal information. It is absolutely necessary and appropriate that there is a process of education, resourcing, training and assistance for rental providers and for agents. This is also about making sure that we are assisting them with being able to continue to understand how that works over time as regulations are bedded down. This is all part of the work that has been discussed in the review, and it is also about making sure that VCAT is aware of the work that is being undertaken over time and that we have a good interplay between VCAT, RDRV and Consumer Affairs Victoria.

There are also property-related reforms on new and expanded registration schemes. That includes the introduction, as we announced in the housing statement, of mandatory licensing and training for estate agents, property managers, owners corporation managers and conveyancers. At the moment not all property industry professionals require a licence or registration, which does not provide consumers with the assurance that those who are providing services are suitably skilled. This bill introduces a registration scheme for agents' representatives, and it expands the registration scheme for owners corporation managers to ensure that more people in the property industry demonstrate that they are fit to operate before they provide services to consumers. Mr Davis, you and I would both be aware of examples, as I am sure everyone else would, of people who are undertaking work as it relates to property management or to transactions involving tenancies where the standards have been not nearly achieved around a measure of confidence for either the owner-investor of that property or for tenants.

They are a couple of examples, so it is important to note that registration, training, change and implementation of regulations axiomatically leads to a process of engagement and the opportunity for people to upskill to a point where they are compliant and engaging in the best practice that this bill seeks to achieve.

David DAVIS: I have some questions on the rental bidding and payment cap, and I thought I would ask them here. How will the enforcement of rental bidding be handled? Will Consumer Affairs Victoria have a dedicated taskforce, or will it be handled by the Department of Government Services?

Harriet SHING: As you would be aware, the provisions in the existing legislation, the Residential Tenancies Act 1997, prohibit a rental provider or their agent from soliciting a rental bid from a rental applicant, and that bid is an offer to pay rent in excess of the advertised amount of rent for the property or an offer to pay rent in advance for a period of more than one month. This has been an incredibly widespread practice in a highly competitive rental market, and this is where again, when we are addressing the issues of inequity that arise here, it is important to note that there are two sides to this particular matter.

On the one hand there is soliciting or seeking to solicit higher rental offers or indeed payment in advance beyond the existing provisions of bond plus rent. The other side of this relates to a prohibition, the creation of an offence that amends the act to make it an offence for a rental provider or their agent to accept an unsolicited rental bid or offers of payment of more than four weeks rent from a rental

applicant. There are these penalties to disincentivise rental providers and estate agents from engaging in this practice, and renters will be able to use the new online complaint form on the Consumer Affairs Victoria website to report concerns anonymously. This is again about making sure that we are providing an ease of process for people to raise questions or concerns that they might have as it relates either to any allegation of an attempt to solicit or to offer an opportunity for additional rent or any acceptance of an offer in an unsolicited way from a prospective tenant.

David DAVIS: My further question to the minister is: will the banning of rental bidding impact properties that have been rented out above the market rate due to a rental bid? And should these renters expect their rents to be reduced at the next review period back to market value?

Harriet SHING: Mr Davis, am I to take it from your question that you are referring to tenancies that are already in operation, where rents have been set, for example, at higher than the market rent for surrounding areas? Is that the sort of thing? Okay, I will take that as a yes. The rent review functions of the director of Consumer Affairs Victoria and VCAT are really, really important in making sure that we are ensuring that rent increases are fair. At the moment rent matters are considered by the director of Consumer Affairs Victoria and VCAT in determining whether proposed rent is excessive. They are prescribed in section 47, subsection 3 of the Residential Tenancies Act 1997. They include rent payable for comparative rents in the locality, state of repair and general condition of the rented premises, any changes to the rent and condition of the rented premises or facilities since the commencement of the residential agreement, the number of rent increases in the preceding 24 months, the amount of each rent increase and the timing of those increases.

The bill includes a regulation-making power that will allow prescribed additional matters to be considered by the director of Consumer Affairs Victoria and VCAT in an excessive rent review application. This is about any increases around the size or proportion of that proposed rent increase compared to the existing rent, which perhaps goes to the question that you have asked, Mr Davis, or whether any improvements to the premises have been made since the last increase in the rent. There would also be additional matters prescribed as matters for the director of Consumer Affairs Victoria and VCAT to consider to be progressed in regulations and to be informed by stakeholder consultations. I will come back to that question of stakeholder engagement, noting that in the example I have just outlined stakeholder consultation will be a continuous process. But examples of the matters that may be prescribed include the size or the amount of a rent increase or the difference between the current and the proposed rent; the state of repair and general condition of a property, including any outstanding requests for repairs; and whether there have been improvements made to the property since the last rent increase for that property and the nature of those improvements.

The setting of rent in the first instance is a matter which is not subject to review where it already exists. It is not a retrospective operation. What it does do, however, is provide a mechanism whereby the review of rent for the purpose of any change to the quantum of that rent, whether in reflection of any changes or improvements made to the property or any changes in the market or comparable conditions around the area or in the configuration of that dwelling as compared to other dwellings, is something which is intended to be addressed by this bill.

David DAVIS: If the property were to go back on the market after having been occupied by a rental bidder, would the rental provider be required to advertise it at the market rate or the previous rate offered by the tenant – that is, it was listed at \$400 a week or an offer of \$600 a week was accepted and after 12 months the property is back on the market. What is the rate that it should be listed at?

Harriet SHING: When you refer to the property, and I will quote you, ‘being back on the market’ we are then going into the terrain of the reasons as to why the property might be back on the market.

David Davis interjected.

Harriet SHING: You have just said there may well be many reasons. When we are talking about security of tenancy, we are also talking about banning no-fault evictions and banning the sorts of

circumstances that may mean that people are presented with an unreasonable rent increase or otherwise presented with an eviction notice without grounds – I am sure we will get to that – which then means they feel they have no real or practical choice but to leave that rental agreement. There are two components I think to your question. When you say that a property comes back onto the market and there is a desire to significantly increase the rent, that may well sit alongside the eviction of a tenant and the circumstance whereby the property is re-let at a significantly higher price. That is exactly what this bill, amongst other things, is intending to do: to restrict rent increases between successive fixed-term tenancies. There is an emerging trend where some rental providers have evicted residents at the end of their first fixed-term rental agreement in order to raise the rent substantially when re-listing the rental property. The purpose of the reform is outlined in the housing statement as being squarely focused on addressing that very scenario. If, however, there is a basis for eviction exercised in accordance with the act and that eviction is done in a way that is set out in the act, section 91Z onwards, that may well be where a property can be re-let with different rent.

The Residential Tenancies Act does still provide those grounds, and those grounds include serious damage to the rental property; where a renter endangers the safety of neighbours, the rental provider or their agent or a contractor; threats and intimidation; the condition of premises not being fit for human habitation; a renter owing at least 14 days of rent; failure to pay bond; failure to comply with a VCAT order; successive breaches by the renter; use of a premises for an illegal purpose; permitting a child to reside in a premises where the renter has failed to comply with the terms of a rental agreement; false statements to a housing authority; assignment or subletting without consent; if it is a residential rental provider's principal place of residence; where there is an intention to repair, renovate or reconstruct a premises; demolition; where the premises is to be used for business; where it is to be occupied by the residential rental provider or that provider's family; where it is to be sold – and this is in contradistinction, as I said, to the German model which operates whereby rental arrangements continue before and after a sale where that rental arrangement has been in place as part of those large-scale reforms; where the premises is required for public purposes; where the renter now no longer meets eligibility criteria for housing – and that goes to, for example, the income threshold test for social housing whereby access to that social housing and a capped rent at 25 or 30 per cent of a resident's income up to a certain amount is the threshold and once that amount is exceeded, then they are no longer eligible for that housing; where a renter no longer meets the national rental affordability scheme eligibility criteria or no longer meets the affordable housing program's eligibility criteria; where a renter in transitional housing refuses alternative accommodation; where there is a notice to vacate when a pet is kept without consent; and where there is a prohibition on letting the premises after notice. In those circumstances where a property becomes available following an eviction on reasonable grounds, there is of course an opportunity for a property to be re-let, but again it is about making sure that those grounds for a rental provider to evict have been satisfied, where one or more of those criterion apply.

David DAVIS: Does the government foresee any of the points you have made there leading to an increase in rent prices as rental providers may choose to increase their advertised price to factor in a loss of rental bidding?

Harriet SHING: Outlawing rental bidding is not a new thing on the horizon as a consequence of this bill, Mr Davis. You were in the chamber when we had the reforms before this place as part of a suite of changes to the Residential Tenancies Act 1997. There are more than 100 changes that have been enacted as a consequence of those reforms.

What we have seen in Victoria is an easing of the increase in rents across the state; I think growth has slowed to about 0.6 per cent in Victoria if my recollection of the CoreLogic property data is correct. But we do know that there is still more to be done around managing the cost of living, particularly where rental stress is a significant factor in the challenges that people are facing in balancing their bills and their bank accounts.

As a number of speakers said in making contributions on this bill, financial stress, rental distress and mortgage stress are all hitting hard. We have seen a measure, a flicker, a tiny glimmer of hope in the Reserve Bank's recent decision to lower interest rates by 0.25 of 1 per cent. It is pleasing that all four of the big banks passed that changed rate on immediately. The next interest rate decision by the Reserve Bank will be in April, and that will no doubt have an impact.

We have also seen changes to affordability in Victoria. This is variously classified by public commentators as 'a drop in house values' or 'increased affordability', but what we do know is that as a result of these changes we are seeing more people moving into home ownership but we are also seeing more homes being made available for people to access, and this then creates more opportunities for people to put in applications for more than one home and to have a greater degree of success in securing a home. Also, the vacancy rate across Victoria is beginning to ease. It has not become a landscape in percentage terms that takes us back to acceptable levels for people who are still duking it out with other applicants who are looking to live particularly in and around built-up areas. But what it does signal is that there is more stock available alongside the comparatively affordable price of real estate in Victoria and alongside a slowed rate of growth in rental income and prices.

It is not anticipated that a ban on rental bidding will have any further impact, given that that has been proscribed for some time now. When I reflect on your question, I wonder if perhaps you are talking about rent increases and rent reviews, and those components of rental increases have also been part of a range of discussions that have been had with stakeholders around cracking down on rental providers and estate agents who do the wrong thing. We want to make sure again that rental premises are meeting those minimum standards before they are advertised or let rather than when they are occupied, and it is really important to note that the rent review function of the director of Consumer Affairs Victoria and VCAT will be really critical to ensuring that rent increases are fair.

Going back to the criteria that I took you through earlier, it is about fairness, and the regulation-making power will enable us to see prescribed additional matters to be considered in any excessive rent review application. This is in response to applications for excessive rent reviews, and those matters could be considered within the lens of that process.

David DAVIS: Minister, will the current rental agreements be impacted by the capping of rent in advance? If so, how many of them, and will rental providers be required to pay back the excess rent, or will the provisions only apply to the payment of rent after the bill comes into effect? For example, someone who has paid six weeks rent in advance –

Harriet SHING: It has been four weeks for some time. So if indeed –

David Davis interjected.

Harriet SHING: If indeed somebody has paid more than four weeks because they were asked to or it was a condition of securing a lease for the purpose of a bidding arrangement, then from the point at which this bill becomes operational any further attempt to do that would constitute a breach, but this is prospective legislation. In the event that there were, in effect, rental funds owing to a resident where, for example, a notice period is exercised – that increase from 60 to 90 days is exercised around an increase and that money is not forthcoming – then the renter would have an option to seek repayment of that money. But again what we are talking about is a prospective process, and four weeks has been the quantum for a considerable period of time.

David DAVIS: How will the government regulate and enforce the provisions around soliciting a rental bid?

Harriet SHING: I have taken you through the provisions in the bill that create the offence, not just as they exist for soliciting or offering a bid but also the new offence proposed to be created by this bill of accepting any offer, as an unsolicited rental bid, of payments of more than four weeks rent from a rental applicant. Those penalties are intended to disincentivise rental providers and estate agents from

engaging in this practice, and renters, as I said, can use that new online application form. Consumer Affairs will have carriage of that form on their website and people will be able to report concerns anonymously, but the rental taskforce will also be assisting with enforcement and these new rules will be rolled into that process.

David DAVIS: I ask further: will the application of the increase in notice period impact agreements where a notice of a rent increase has already been lodged, or will it apply to notices given after the bill comes into effect?

Harriet SHING: It will be after the commencement of this bill. As I said, it is a prospective bill for the purposes of the matters that you have raised – well, it is a prospective bill, full stop.

David DAVIS: Will agents be notified about the changes to these provisions to ensure they are issuing the correct documents?

Harriet SHING: The short answer to that is yes, and this will be done through a range of different processes and engagements, including with peak bodies. The Real Estate Institute of Victoria and others are taking a lead when it comes to discussion on, for example, continuing professional development (CPD), the introduction of mandatory initial education and the work around continuing engagement on what standards will apply. That is, as much as anything, about making sure that when it comes to penalties, for example, for misrepresentation in the sale of land, we want to make sure also that we have an opportunity to do more to give homebuyers, in this instance, greater protection from poor conduct. So the work in engaging and discussing these changes with stakeholders will continue. As I said, the regulations will be developed in the course of this year, but there will not be operation of these provisions before the nominal commencement date, the default commencement date in November this year.

It should not go unsaid that people want to do the right thing in all but the smallest number of cases, and this is where the Real Estate Institute of Victoria provides critical support to people who do want to do the right thing to make sure that they can do the right thing and that they have the resources and the information available to enable them to do the right thing. So when it comes to implementation of these reforms, we will work closely alongside those stakeholders. There is a significant interest for stakeholders in the real estate sector to be part of these conversations, particularly when rental yields have never been higher. Investors and owners, whether they are small-scale people who have their life savings in an investment property or they are people who own multiple properties as part of often very complex investment funds, are able to do the right thing and to have the information they need.

David DAVIS: Likewise, will already issued notices to vacate be impacted by these changes or will they not be impacted if they were issued before the bill came into effect?

Harriet SHING: The period of transitional provisions, namely the period in which regulations are being developed until the default commencement date in November, will be the period at which existing provisions continue to apply. Where notices to vacate have been issued between now and November, then current provisions will apply. Where notices to vacate are issued after the default commencement date, then the provisions in the act as amended by this bill will apply. That is where, again, the act will continue to provide those grounds for rental providers to evict renters, but the alternative means to deliver on the housing statement objective by repealing the two remaining no-reason notices from the Residential Tenancies Act will mean that renters will only be able to be evicted on those genuine reasonable grounds. That then provides a greater security of tenure.

It is actually a really simple and direct way to strengthen the security of tenure and to limit those cost-of-living pressures, which I have taken you to in a previous answer. It will extend those protections from arbitrary eviction to all renters. I spoke to this in my second-reading contribution: harmonising the work in Victoria with other jurisdictions is also about delivering on the national cabinet commitment to remove all no-fault eviction mechanisms from residential tenancy legislation. As I said earlier, the Real Estate Institute of Victoria has expressed concerns about the removal of those

remaining no-reason notices to vacate on the basis of what it says are deterrents to investment, but it is about making sure that where there is a notice to vacate issued for those reasons that I have outlined earlier there is still a mechanism to evict a renter.

The Department of Government Services will continue to engage, as I said, with stakeholders, whether direct stakeholders or those indirect stakeholders such as Homes Victoria, to ensure that those current mechanisms in the Residential Tenancies Act are applied in a way that is grounded in that component of fairness that I took you to earlier but also that the changes are managed in a way that people understand and have time to prepare for.

David DAVIS: I just want to take you to the consultation I have already asked about, but I am specifically interested in 91ZZD and 91ZZDA. In relation to them, I also have two other questions. What consideration was given to the impact that the removal of those sections would have on rental providers when they are faced with the end of a fixed-term tenancy that they would like to end without reason? And how many notices to vacate are issued under this proviso? Does the government foresee this causing more cases at VCAT due to contentious notices to vacate? So it is a double-barrelled question there.

Harriet SHING: Can you break it up into – sorry, there are two –

David DAVIS: One was about the consultation. The second is what consideration was given to the impact the removal of these sections would have on rental providers when they are faced with the end of a fixed-term tenancy that they would like to end without reason? And the second point is: how many notices to vacate are issued under this provision, and does the government foresee this causing more cases at VCAT?

Harriet SHING: There is not actually a register as such around exercise of the two current no-reason notices from the Residential Tenancies Act, so this is a part of your question that is difficult to answer when it has not been a requirement for the basis upon which to end a tenancy to be kept in some central location. But what this part of the amendment does, to be clear, is preserve those grounds for rental providers to evict renters. The objective is to bring it into line with other jurisdictions, but it is also to make sure that when people are given a notice to evict, they are given a notice that is underpinned by one of the reasons set out in the act.

David DAVIS: Who is going to pay, Minister, the processing fee for applications and background searches if the government is removing the fee? Does this come back to the rental provider, the agency or the company doing the collection? Will this impact the provision of services as a result?

Harriet SHING: As it currently stands, the rental provider meets those costs, which may be part of an agreement with a landlord as part of its contract to deliver tenancy arrangements and property management services. The provisions of this bill as they relate to the rental application changes and also, adjacently, renters' personal protection provisions is about making sure that renters are not footing the bill through any other arrangement for either making an application or for identity checks or for any of those other prerequisite documents. But it is also about making sure that we are addressing the issue of unnecessary or inappropriate information being sought which does not have anything to do with a renter's identity, financial situation or employment status. It is also really important to note that we do want to make sure that we have an opportunity for a consistent approach to rental applications and that people well understand the operation of a system here in Victoria that aligns with other states but that also ensures that people are not being penalised, particularly in a tight rental market, with the effect of needing to constantly pay for the purposes of making an application.

David DAVIS: What steps will the government take to ensure that agencies and collection companies are complying with the deletion of renters data under the bill?

Harriet SHING: You are going directly to the question about protection of personal information, and as I have taken you through already, the provisions around restricting the use of personal

information require that information to be destroyed after an appropriate time, and this applies both to rental providers and to agents. Again, this is about an alignment with the Victorian and Commonwealth privacy principles and the national cabinet's A Better Deal for Renters. Mr Davis, as I have taken you through as well, a failure to comply with those requirements to protect, destroy or de-identify personal information provided by renters would be an offence attracting fines of \$11,855 for natural persons and \$59,277 for bodies corporate. The enforcement of these matters sits with Consumer Affairs Victoria, and it is also important to note that these privacy provisions are as close as possible to the Privacy and Data Protection Act 2014, which applies only to government entities. Mr Davis, you have just asked about police. Again, the security of information held by police is something which is regulated under –

David DAVIS: No, no – police looking at the enforcement of this provision.

Harriet SHING: Right. Sorry, you have just said police looking at the enforcement of this provision. The work around enforcement will sit in the first instance with Consumer Affairs Victoria. If there is any allegation or concern about criminal conduct or misuse of that information, then it would stand to reason that Consumer Affairs Victoria could seek law enforcement assistance. But there are also some exemptions, and those exemptions include, in terms of not requiring the destruction or de-identification of renters' personal information if, for example, the Australian Security Intelligence Organisation or the Australian Secret Intelligence Service has requested the disclosure of renters' information in connection with that body's function; or there is an act, law or order of a court or tribunal otherwise requiring the residential rental provider or the provider's agent to hold the renter's information; or, for example, there is a reasonable belief held by the residential rental provider or the provider's agent that the disclosure is necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare, or public health, public safety or public welfare. I also want to be clear that, again, police functions are not intended to be displaced in any way, shape or form by the way in which CAV would enforce these provisions, and those exemptions would continue to apply.

David DAVIS: On another matter, when does the government foresee the real estate sector training courses being ready to be implemented?

Harriet SHING: Generally, or part of? Because there are planning ones as well.

David DAVIS: Yes, you can do both.

Harriet SHING: In response to a question that you asked about the planning provisions and the training requirements around registration and the provisions around the sanction for the purpose of changes to identity collection, rent reviews and engagement with renters as part of ongoing maintenance of property and those property-related reforms, I have taken you to the first category in quite some detail. I am very happy to go through it again, but I suspect you might be more interested in the property-related reforms.

These are reforms that are about introducing new registration schemes for those agents' representatives and owners corporation managers. This is something which was outlined in the housing statement, providing for mandatory licensing and training for estate agents, property managers, owners corporations managers and conveyancers. At the moment it is not the case that all property industry professionals require a licence or registration. That means that consumers do not necessarily have certainty that those who are providing services are suitably or consistently skilled. The registration scheme for agents' representatives is an expansion of the registration scheme for owners corp managers to ensure that more people in the property industry can demonstrate that they are fit to operate before they provide services to consumers. That is not just an opportunity for training and for professional development, it is an opportunity as much as anything else for agents and representatives to be able to confirm to consumers that they have the skills and expertise necessary to acquit their obligations under the act, including as it might be amended.

At the moment, if an estate agent wants to employ an agents' representative, that agent is responsible for checking a person's eligibility to be an agents' representative. They also then need to notify the Business Licensing Authority that they have employed that person as an agents' representative. Under the existing system, it is up to estate agents and their representatives to themselves interpret whether a person has met those eligibility requirements. That includes education requirements. For employment as an agents' representative it is something that has also led to misunderstandings, which puts consumers at risk essentially, and this is where protection for renters is able to be increased by improving oversight of agents' representatives before they can provide those services to consumers. Getting ahead of it means that again we are avoiding problems downstream that are often far more difficult and costly to unpick than with that early intervention work that might be done for far less impost. This will mean that the Business Licensing Authority will be responsible for checking that a person can work as an agents' representative, including whether education requirements have been met. The existing registration scheme for owners corporations management only applies to those businesses, so other than sole traders, individuals in owners corporations management industries are not required to register.

There are, as I said, a number of education requirements being introduced. Existing agents' representatives will be deemed to be registered under the new registration scheme, and there will be a discretion for the Business Licensing Authority. There is no registration requirement applying to people currently working in the owners corporation management sector, so we will be extending registration requirements to individuals running those management businesses. Change to licensing regimes for estate agents and conveyancers is limited to an undertaking of continuous professional development (CPD) to maintain a licence. Again, in terms of timeframes, this is about a registration being required by the default commencement date, so 25 November, unless it is proclaimed earlier, and people who are employed and notified that they are employed will be deemed to be registered on the commencement day if you do it before then. Agents' representatives and officers in effective control of owners corp managers will be required to pay a fee for registration. Once they are registered they will be required to pay an annual registration fee to manage their registration, and the quantum of those fees will be set out in regulations.

The introduction of CPD requirements for estate agents and conveyancers will increase the Business Licensing Authority's workload. We expect to be able to recover the cost of the increased workload by adjusting existing licensing fees for estate agents and conveyancers. The quantum of those fee increases, though, will be set out in the regulations, which we have talked about earlier. There will be a public process of consultation on proposed increases, and there will not be any impact on appropriations. Property industry professionals or their employers will be expected to fund the cost of taking initial education and continuous professional development courses, and the quantum of training-related costs will depend on the cost set by training providers.

Back to CPD, Mr Davis, perhaps you would be aware of this work within the health sector and your own experience, where it has been a requirement to undertake regular training across the field in which you practise. As a lawyer I have participated in many CPD courses over the years. It is a points-based system –

David Davis interjected.

Harriet SHING: Mr Davis, you have just asked me if I have learned anything. I am always learning things. There is a panoply of opportunity for people in a CPD environment to learn, and that is exactly what this is also about for the purposes of new agents' representatives.

David Davis: Seminars on the Gold Coast or in Fiji?

Harriet SHING: You have just asked me across the table if I have ever been to any seminars in Fiji. I can assure you I have never been to a seminar in Fiji, and indeed one of the things that I have

enjoyed over the period of my professional practice as a lawyer has been the opportunity to participate in continuous professional development online.

I want to be really clear that we do want to make sure that we are doing this in a way that is accessible. We want to make sure that when we address the commencement date for real estate agents, agents' reps and conveyancers on 25 November 2026, we will also have that well in train by the time that owners corporation managers commencement kicks off on 30 June 2027. There are two different dates there, Mr Davis, just for your information, and they are about six months apart, which is sixish months after the default commencement of the bill into legislation and then a further sixish months from there.

The Gold Coast! Did you go to the Gold Coast for CPD?

David DAVIS: No, never the Gold Coast and never Fiji either, so there you are. When does the government expect to announce what the actual minimum requirements for officer-in-effective-control managers will be? That is one question. The other question, which is parallel with that, I guess, is: in both cases, for agents and for the other group of strata managers and so forth, how will the mandatory professional development be tracked? Will there be spot testing? How will this operate?

Harriet SHING: There will be work that is prescribed in regulations as part of the way in which CPD will be understood and regulated. You have talked about spot checks, but there will be registered organisations that are able to monitor that as well as provide training. That might be the Business Licensing Authority or the REIV, and this will be about making sure that they are as much a part of that work as the people who are participating in it. They are best placed to be able to make sure that the industry is meeting those requirements and is therefore able to demonstrate best practice.

It goes back to the point I made earlier: the vast, vast majority of people who are working across the sector, whether through owners corporations or through the work of representatives and agents' representatives, are doing the right thing, and they work really hard to do the right thing. This is again about making sure that that can be demonstrated, and the regulations will enable us to do that. That consultation, though, will be part of the work between now and the default commencement date.

David DAVIS: This is my second-last question. Noting that the Business Licensing Authority will administer this part of the legislation and so forth – I gather that there may be industry associations that may do part of that too – what funding and resources will be provided to the Business Licensing Authority to administer this part of the legislation? Will that come from the licence fees? What is envisaged as the licence fee? Will it be \$50 a year, \$100 a year, \$1000 a year, \$2000, \$5000 a year? I am just interested to know what you are able to say on the record about the likely fee.

Harriet SHING: The registration scheme fee – is that what you are after?

David DAVIS: Yes. Is it \$100? Is it \$2000?

Harriet SHING: As long as you are talking about the registration scheme, that is all right.

The question of costs associated with registration will be determined through the regulations and as part of a RIS, a regulatory impact statement, which will be part of public consultation and discussion. That will need to be settled, obviously, before the default commencement date in November. Of course this will involve feedback from representatives and peaks across the sector. Importantly also, the CAV – Consumer Affairs Victoria – interface will also have an impost, and that is where the property fund, being the main one, will have some work to do around meeting the costs associated with that work. I hope that provides you with a measure of certainty in that space, but I cannot give you a dollar figure, as you have asked for here today. I am looking to get –

David DAVIS: Even rough parameters, like \$1000 a year or \$2000.

Harriet SHING: To do that would be to seek to trample over a regulatory impact statement process, and I do not wish to do that because that would be unfair on –

David DAVIS: You can't rule out \$5000 a year for agents.

Harriet SHING: I am not ruling anything in or out, because for me to do that would be to send people down a garden path that is neither worthy nor helpful.

David DAVIS: The follow-on question from that is: the registration fees will fund Business Licensing Authority and CAV –

Harriet SHING: CAV is the property fund.

David DAVIS: Okay. Will there be money from licensing into that?

Harriet SHING: No, no. That is –

David DAVIS: Okay. That is all right. I am just trying to understand this. But it will also potentially fund whatever administrative load is required in these business –

Harriet SHING: That is the RIS.

David DAVIS: My final question is: when will Rental Dispute Resolution Victoria (RDRV) be up and running, and how many cases can they be expected to take from VCAT's residential tenancies list?

Harriet SHING: Thanks, Mr Davis, for your question about RDRV. As you may know, RDRV has been undertaking trial work, and it has been a team of about 20 people to date. There will be additional resources brought on board, and they will work closely with VCAT as the work of RDRV ramps up. The commencement of that work will be in June this year.

We do also want to make sure that we are providing as many pathways as possible for people to access that alternative dispute resolution. Again, the purpose of the reforms to the Residential Tenancies Act have been geared towards not just understanding where areas of friction or disagreement exist between a tenant and a landlord but also to preserving the relationship, and where that can possibly be done and where RDRV can assist parties to resolve an agreement, there might well be a process whereby if a VCAT team member who has run a proceeding then resolves the matter, there can be an agreement to settle, there can be an order that gives effect to the settlement, or that people can actually continue, if a dispute is not resolved, to a hearing itself. The bill does not prevent a matter from being listed for a formal VCAT hearing for a member to decide if the parties cannot reach an agreement. Alternative dispute resolution is a really important part of making sure that we are able to assist people to reach an agreement through those forms of alternative dispute resolution that are referred to. There is a Civil Procedure Act 2010, with definitions that include mediation, early natural evaluation, settlement conferences, expert determination and conciliation. That is an inclusive list. It gives VCAT flexibility to use a really broad range of dispute resolution mechanisms and to tailor the dispute resolution process on a case-by-case basis. Any person who is entitled to lodge a VCAT application under the Residential Tenancies Act is entitled to apply.

Importantly, VCAT staff will provide a broad range of alternative dispute resolution mechanisms to RDRV parties. VCAT is already providing training to all staff on RDRV processes, and it is upskilling its resolution coordinators to obtain accreditation as mediators. That accreditation process is something which is very, very well used around a consistent approach to standards in what ADR looks like around Australia. We also want to make sure that there are qualifications held by a principal registrar or the person to whom they delegate, and VCAT is providing training to all staff on RDRV processes. RDRV includes services provided by both Consumer Affairs Victoria and VCAT, and VCAT will provide the ADR component of RDRV.

Also, it is really important to note that VCAT has cleared its backlog, as of last year, and that the work of RDRV will then assist in a further streamlining of VCAT's work, because of the triage process whereby RDRV can assist in dispute resolution and the reduction of workload for VCAT where a formal hearing is not required.

Aiv PUGLIELLI: I will say some of my questions have been crossed off, so I will try not to duplicate any of those. I will start with some planning ones first, and we will see where we go from there. Minister, with regard to ministerial powers and local decision-making, how will the bill's expansion of ministerial powers affect local councils' ability to manage and respond to the specific needs of their communities, particularly in terms of housing and planning?

Harriet SHING: I am glad that perhaps to some extent I have managed to help you to cross items off your list this afternoon. I did see you out of the corner of my eye nodding at one point or another, so it is good that we have been able to do some double duty.

Councils and government are being held more accountable for decision-making during planning scheme amendments through a range of measures that include accountability for decisions to abandon amendments – the ability for a council to unilaterally abandon an amendment regardless of its planning merit will be removed and the minister will have the power to take over the amendment if they consider it appropriate – and a clear pathway for landowner proposals for amendments, so a proponent request to prepare an amendment will become a recognised stage of the process. And that includes the ability for the minister to direct a council to progress the request and require a council to provide reasons for not preparing an amendment, if that assists you with that particular question, Mr Puglielli.

Aiv PUGLIELLI: Are you able to provide an assurance to the house that these provisions you are describing do not compromise the autonomy and strategic planning objectives of local councils?

Harriet SHING: The autonomy of councils is preserved. The extent to which the minister exercises the power to take over an amendment if they consider it appropriate does not displace that autonomy, but what it does do is enable the minister to exercise that decision-making power. It is a fine distinction but one I think needs to be made, because there is not a process whereby local government is required to take decisions in one direction or another. It is that the minister has a power to take over an amendment where there is a determination by the minister that that is appropriate. On those pathways for amendments, there is an ability for the minister to direct a council to progress the amendment and to require a council to provide reasons for not preparing an amendment.

There are two different components to the question that you have asked. A council is in the first instance able to have its views about all sorts of different things within the remit of its statutory framework, but the minister does have powers either to exercise a decision on an amendment or indeed to direct a council to progress a request.

Aiv PUGLIELLI: I have a question on low-impact amendments. Given the introduction of low-impact amendments and the discretionary power vested in the minister to determine what constitutes a low-impact amendment, how will the government ensure that these powers are not abused to undermine effectively local council plans and community input?

Harriet SHING: There is a new low-impact pathway obviously for those less complex planning scheme amendments. This is about a low-impact pathway that is commensurate with the risk profile of less complex amendments. That is about saving councils and proponents time and resources. Those amendments will go through public exhibition, but they will not require planning panel hearings to resolve submissions, and classes of amendments that are suitable for this pathway might also be prescribed in regulations for a streamlined authorisation process. It is, though, about the proportionality component of this discussion. So again, low impact pathways have to be contiguous with the lesser risk profile or complex amendments for the purpose of a more streamlined process.

Aiv PUGLIELLI: Just a question on proponent-led amendments: with the formalisation of proponent-led planning scheme amendments, what safeguards would be put in place to ensure transparency and prevent conflicts of interest given the potential for these to override local council strategic planning initiatives led by local councils and community stakeholders?

Harriet SHING: The current act does not explicitly contemplate landowners requesting a planning scheme amendment; the bill actually formalises the ability for a person to request that a council prepare a planning scheme amendment and requires the council to advise the person and also the minister of their decision on the request. The council would need to provide reasons for not progressing a planning scheme amendment request. This is also about making sure that we have a balance but also a recognition of practical circumstances, and again it is part of the broader amendments in relation to planning scheme amendments that really do streamline a current process that can be really costly and resource-intensive and cumbersome; we are talking about sort of a year and a half at any one point in time from the authorisation decision to gazetted approval, so we need to make sure that we are providing these legislative changes to an end of greater certainty in a way that also reduces delays and costs and again comes back to that question of proportionality. So there is a very clear distinction between low impact and not low impact, so that binary, but then also making sure that we do have a very clear process that does not currently exist in the act around a clear pathway for landowner proposals for planning scheme amendments.

Aiv PUGLIELLI: Just following that one up, though, because part of the question went to prevention of conflicts of interest: are you able to provide further detail regarding that to the house?

Harriet SHING: You have asked me a question which I will have to get you some further detail on but suffice it to say conflicts of interest are a matter which fall within the remit of a number of integrity bodies; it might well be the Local Government Inspectorate or it might be one of the integrity bodies such as the Independent Broad-based Anti-corruption Commission. Their jurisdiction is by no means displaced in relation to any matters that may be the subject of a complaint or an investigation for the purpose of the determination or examination of an actual or perceived conflict of interest and the way in which that may fall foul of the objectives of the act. Let me just see if I can get you some further information, though. Further to the matters that I just put on the record, which are an important part of the integrity framework, I just want to also make it clear that there are own-motion powers for the purpose of investigation and inquiry and also determination with findings and recommendations, including referrals, from integrity bodies. Operation Sandon was one such example of the way in which that inquiry process took place and those investigations, conclusions and reporting occurred. There have been recommendations in that report around disclosures and around the way in which that disclosure framework should be managed around having a record of any actual or perceived conflict of interest. There are also policies that exist and obligations that occur under the Local Government Act for the purpose of disclosures or people recusing themselves from various decision-making environments. We do see that in a range of other matters as they relate to local councils.

Those changes are not within the scope of this particular bill. That would be part of broader planning reforms. This, being part of an omnibus on housing statement reform, is something that I think is confined to the issues that we have before us today. But what I would say for avoidance of any doubt whatsoever is that any allegations of corrupt or unlawful activity fall very squarely within the remit of integrity bodies. There are very, very clear legislative and regulatory frameworks which operate to empower those bodies to undertake a range of activities and to report on them accordingly, and that is exactly as it should be. Obviously there is further work to be done but not within the scope of this bill.

Aiv PUGLIELLI: Just to, I guess, ensure that I have understood where your response was going there: noting what you have said, in terms of the prevention of conflicts of interest regarding proponent-led amendments, the complaint or report being given to any of those bodies, where would that sit? Who would be making that complaint or report if there was actual or perceived conflict of interest regarding one of those amendments?

Harriet SHING: When we are talking about proponent-led matters, the act actually removes the current silence in respect of those matters. This does provide a measure of greater transparency than that which currently exists, because those matters are already part of the system, they just have not been recognised until now. What I would say, though, is that there are obligations to manage contracts in a way that meets contractual obligations, so that is one part of it. There is the statute around

disclosures as they relate to the effecting of an application, and within council frameworks there are obligations to manage actual or perceived conflicts of interest. That was where IBAC went squarely in its analysis of certain parts of the Sandon investigation.

This is, again, about making sure that we can address part of that by actually putting it into the statute. As I have said earlier, disclosures and other administrative processes which create that further measure of transparency are not within the scope of this particular bill, but they were certainly part of the conclusions drawn in Sandon, and the government obviously accepted conclusions from that report.

Aiv PUGLIELLI: Just moving onto VCAT and Planning Panels Victoria's processes, considering changes to VCAT and planning panels processes, how will the government ensure that these changes do not diminish the ability of community to participate meaningfully in planning decisions?

Harriet SHING: Around the questions of proceedings before VCAT, this is about addressing inefficiencies in the management and proceedings of VCAT's planning and environment division. A clearing of backlog has taken place – by the end of last year, that backlog had been cleared, and that was a herculean effort by the tribunal in that regard. But what we have seen is a really significant increase in demand across the planning and environment division over recent years, and that has had a really big impact on commercial and economic activity. The total value of VCAT's planning and environment division claims for 2022–23 was \$7.71 billion. That meant that delays in the planning and environment division had a really considerable impact on economic activity. In 2022–23 the number of cases initiated in the planning and environment division increased by 5 per cent compared to the previous year, and the number of cases finalised fell by 8 per cent compared to 2021–22. 1333 matters were pending, leaving parties waiting up to 27 weeks to have their matters heard.

The issues to be addressed relate to a couple of things. Firstly, case management and the current limitation of explicit powers afforded to VCAT members to actively manage matters and the requirements under the VCAT act led to planning hearings becoming much longer and more complex than was necessary, and they often extended well beyond their scheduled timeframes. For example, VCAT members are presently unable to join objectors as a grouped party even if they each have a similar or identical statement. They are also unable to impose time limits during hearings and they cannot dismiss matters that have no substantive or objective merit. We need to make sure also that we are improving process, and this is where the high administrative burden that exists in that list needs to be reduced.

The changes that are proposed in this legislation will enable VCAT to treat two or more objectors as a group if their statements rely upon similar grounds or raise similar issues. That will also provide VCAT with additional power to actively case manage matters, including conducting all or part of a proceeding entirely on the basis of documents, so on the papers; imposing time limits on parties making submissions or the examination of witnesses at a hearing; identifying at an early stage the issues involved in a proceeding and encouraging parties to cooperate and/or to settle proceedings. The VCAT act will also be amended so that VCAT can order one party to a proceeding to serve notice on another regarding the time and place of a hearing. In addition to that, VCAT may provide a summary of its reasoning for its decision to affirm or vary a decision under a planning enactment.

This will help the planning and environment division to run more efficiently, and it will also reduce those hearing times by providing VCAT members with greater powers to actively case manage proceedings. It is also about making sure that when we group matters we are reducing that backlog and also helping the tribunal to get ahead of its workload so that more matters can be dealt with into the future. It is also going to have a significant impact on time and cost, not just around decision lag but also around the costs and fees incurred by people who are participating in proceedings.

These amendments do not actually mean that matters raised by objectors who are parties to an appeal are not considered by VCAT in making a decision, but rather that the legislation stipulates that VCAT members may only exercise these powers where they support the interests of a just, timely and efficient

proceeding and reasons are provided to the parties. That is again a procedural fairness matter, and that is about making sure we are not hindering the rights of parties. That goes directly to the questions that you have raised around what that framework of fairness and of equity looks like in the course of participating in tribunal matters.

Aiv PUGLIELLI: With the provisions you have outlined, for example, the grouping of matters before VCAT, is it the government's view that those changes do not in any way diminish the ability of community to participate in a way it would find meaningful in planning decisions?

Harriet SHING: There are a couple of things in your question. You have used the words that they 'do not diminish' in any way the capacity of community members to participate in ways that they may see as being meaningful. There is a very subjective element to what you have asked there around what community members themselves may see as subjectively meaningful. I cannot answer that on the basis that there may well be community members who see that it is necessary to participate in a process that is of a record length and complexity in order to have had a meaningful engagement, or that that threshold may never be met. Again, what I would say is that best endeavours have been undertaken to strike a balance. No system is perfect, though, and again I would be on a fool's errand to suggest that this would cure any and all areas of dissatisfaction for people within the community or indeed for people on the other side of a decision like this. This is again where VCAT's process is actually guided by, including through these amendments, the support of a decision 'in the interests of just, timely and efficient proceedings', including with reasons provided to the party. To the extent that 'meaningful' might then sit in the same landscape as the term and the concept of 'just', that is indeed the thing that underpins these amendments.

Aiv PUGLIELLI: Another question with regard to this time transparency and permit processes: can you elaborate a bit more on what the processing criteria for determining if a planning permit application is complete is? Particularly, how will it handle more complex applications?

Harriet SHING: Permit application processes are amended by the bill to the extent that they deal with incomplete applications, so this is the capacity for responsible authorities to undertake an initial check within five business days of receipt of a permit application to determine if the required supporting information and application fee have been provided. That is a threshold matter for the purpose of the making of an application in the first instance. If, after a request, that information is not provided, the application will be considered 'void and of no effect'. That will then reduce the number of further information requests that are currently made for basic information. That is about making sure, again, that where that threshold requirement is not met, a matter does not proceed any further. There are material detriment guidelines which will enable clarification of the matters that a responsible authority must consider when determining whether the grant of a permit may cause material detriment to others, and this will assist responsible authorities in identifying the person or entity to whom notice should be given when giving notice of an application. That is again about making sure that we do have that clarity around process.

Permit expiry is the other matter here, which will extend the default planning permit expiry times for the use and development of land from two years to three years to commence a use or development and five years to complete a development. That is about reducing administrative burden for responsible authorities and also providing more certainty for permit-holders, and it does not actually alter the matters which must be considered if a permit-holder wishes to extend a permit beyond that period.

Aiv PUGLIELLI: I will move now onto some questions regarding renting. We have spoken a bit already about data protection for renters, so I will not duplicate any of those questions we had earlier. In your response to Mr Davis you indicated, regarding enforcement of regulations for data protection measures for renters and ensuring that renters' privacy is not compromised, that that would sit with CAV. Could you elaborate more in practical terms on what that means?

Harriet SHING: Consumer Affairs Victoria has a very strong record of developing, managing and implementing enforcement processes. That might be spot checks. It might be a range of other activities that ensure that they have the best measure of coverage around issues that they proactively seek out or the processes whereby they deal with any complaints of misuse of information or breach of these provisions in the bill as they will be, where we do have passage of this bill, part of the act. The director of Consumer Affairs Victoria Nicole Rich has always been very proactive in this space, and that will be part of the process between now and the default commencement date in November.

Aiv PUGLIELLI: On the spot checks that you have just mentioned, does the government anticipate that any of these will be utilised to ensure the data protection measures are implemented appropriately?

Harriet SHING: Again, that would be a matter for Consumer Affairs Victoria, but spot checks are in fact a part of the work that CAV does in a range of circumstances around its statutory remit. Spot checks are a really good way to understand what compliance looks like. In other parts of this bill what we have seen is that understanding of the impact of rental bidding, for example, and what that means to oversight and to have some crackdown on. We have seen blitzes happen in Fitzroy and in Clayton and in other areas where we do have large volumes of rental properties and large demand for those properties. Spot checks are one asset in the toolkit, is what I would say, but again, that will be a matter for the director of Consumer Affairs Victoria. That would not be a new thing for Consumer Affairs Victoria to be looking to deploy, but having said that, that is not a decision that has been taken or that I intend to try to foresee on my feet here today.

Aiv PUGLIELLI: I think you have foreshadowed my next question. I will not go into rent bidding, because we have covered that ground quite extensively already. But on application fees, can you detail a bit more how the ban on application fees regarding rental arrangements will be monitored and enforced to ensure we see compliance by landlords and agents?

Harriet SHING: One of the things that we do know is that it is so important that we are cracking down on rental providers and agents passing on the cost of checking tenancy databases to a renter and banning rental providers and agents from charging any fees for these services. Again, it is a process which without these penalties has the potential to be financially crippling for people who are looking for a tenancy somewhere, anywhere. When we are talking about a market which has been so competitive for potential renters and for applicants, to have to pay a fee time and time again we can see is a real punitive measure and constitutes real disadvantage for people who do not have the benefit of a mortgage, to the extent that that is something other than a burden to meet in current economic circumstances. This is where, again, the work around applications is something that sits alongside payments being charged in order to process rent. There are two components to this part of the bill. It is also then about making sure that we have got those additional reforms to ban all fees for the payment of rent, regardless of the method used – so all rental payment options must be free.

The process for enforcement and complaint will be through complaints to Consumer Affairs Victoria as well as potentially by bringing that into the rental taskforce. That is then, again, an opportunity for a dual mechanism for people to be able to make complaints about any process whereby payments are requested or are a condition of the cost of checking a tenancy database or indeed for the purpose of the payment of rent.

Aiv PUGLIELLI: With regard to addressing the issues you have outlined, you have mentioned both the taskforce and CAV. Does the government have any anticipation of what types of issues would go to one body or the other?

Harriet SHING: Again, it may well end up being a process of collaboration. It comes down to a range of things: the development of regulations, the work that CAV is already doing and the process whereby the taskforce can have the resources necessary to be able to ensure that these payments are not being required as a condition or a precondition of a rental arrangement or of a lease being issued,

where payment is required for the purpose of processing a rental payment itself. The renting taskforce itself actually sits within and is part of Consumer Affairs Victoria. So that might help you in terms of what that looks like. Again, they sit very closely with the work of Rental Dispute Resolution Victoria and the work of VCAT. This is about making sure that we do have all parts of the system working together, but CAV is the umbrella within which the taskforce operates.

Aiv PUGLIELLI: That does help. Just a query: with regard to raising a complaint about an application fee being put forward, things that we are trying to get rid of with this bill, would it be expected that that would go through the form on the CAV website, similar to the arrangements you have outlined earlier this afternoon?

Harriet SHING: Again, that would be a matter for Consumer Affairs Victoria, but they do have a really comprehensive website. It is designed to be user-friendly; the interface is deliberately accessible. Again, the work of the taskforce is well within CAV, and you can find out plenty on the website already. It is a very useful vehicle by which complaints can be made, and this would be a complaint. It would be up to the director of Consumer Affairs Victoria as to where and how that information would be provided, but access as a point of contact through online engagement is a very common part of the way in which people can seek reviews or indeed escalate complaints or even initiate proceedings as part of the world in which we live now.

Aiv PUGLIELLI: So for some of those processes and for some of the provisions under this bill, are they then reliant on a member of the public knowing what that website is, how to access it and how to fill in that form for their complaint to be managed?

Harriet SHING: Yes, a complainant needs to be able to know, firstly, about their rights, and an alleged transgressor of responsibilities needs to know about their responsibilities and also the sanctions that sit alongside that. This is where again in developing the regulations and in this process between now and the default commencement date in November, it will be a really important opportunity for stakeholders to participate in a process of development and of design of systems and of interface between the public and regulatory bodies, between regulatory bodies and other regulatory bodies, and between agents' representatives and owners corporations again with those bodies. So there is a lot of work to do between passage of the bill and the default commencement date, but again education is another part of this work, making sure that there is a good level of community literacy around these processes and around what they do to provide a set of remedies and to level the playing field. That is not dissimilar to any type of change to a regulatory system. You will recall when the amendments to the Residential Tenancies Act 1997 came through in a raft of reforms that that was as much as anything about a public education campaign around what tenants can and cannot do and around the reforms, for example, on rent gouging. We are seeing a steady increase in consumer literacy but also party respect for what responsibilities look like and what obligations look like, as much as anything because of an awareness of the penalties that will apply for any breach.

Aiv PUGLIELLI: On that community literacy that you have raised, what steps is the government taking to build that so that we know that these laws are in place, that they will work and that they will be utilised by renters for their own justice?

Harriet SHING: Community education is part of the work of government every day in many, many ways, so as the regulations are developed and as those partnerships and that collaboration and consultation continues – whether it is with the Real Estate Institute of Victoria, whether it is through Consumer Affairs Victoria, whether it is through understanding within the planning system and what local councils understand – this will be used in every possible configuration to disseminate information as it is settled and to make sure that we are removing any ambiguity because of a lack of understanding of what the new systems will look like. This is geared entirely towards beneficial access to processes for the purpose of better outcomes. For example, in Rental Dispute Resolution Victoria when we are talking about landlords and their opportunity to participate in an alternative dispute resolution process rather than a legal proceeding, that is being done as much as anything to preserve that relationship

where it can be preserved and to ensure that it is not only conferring benefit on a consumer but also avoids costs for property owners and for those people who are landlords.

Aiv PUGLIELLI: Just on minimum rental standards, can I ask what mechanisms will be put in place to ensure that all rental properties meet those minimum rental standards before they are leased?

Harriet SHING: As you would be aware, since March last year the rental taskforce has been doing a lot of work on the inspection of properties across the state to make sure that those properties meet those rental minimum standards for safety as well as for livability. There have been blitzes, as I said earlier, in Fitzroy and Clayton to make sure that those rental properties meet minimum standards, and this is ongoing work as part of blitzes. We know that blitzes work, and we also want to make sure that in introducing penalties we are disincentivising rental providers and estate agents from advertising rental properties that do not meet minimum standards at the time of advertisement. This is about not just advertisement but also occupancy. Prospective renters can also use a new online complaint form on the Consumer Affairs Victoria website to report concerns anonymously, and this is where again we are doing a lot of work to make sure that we do have that effective consumer interface with the work of those penalties and that improvement in minimum standards.

It will be an offence for a rental provider or their agent to advertise, offer or let rental premises that do not meet those standards at the time of advertisement or when an offer to let is made. That will enable the director of CAV to exercise enforcement powers where a complaint is made to ensure that rental providers meet minimum standards before occupancy occurs. There will also be a power for the director to inspect premises offered for rent to check whether they comply with minimum standards. This is about making sure that renters do not have the burden of having to seek an urgent repair after moving in; you know, if they discover, for example, that there is a vast amount of mould in their bathroom once the immediate smell of air freshener or freshly brewed coffee in a property at inspection has wafted off, people are not left with a home that is not by any measure something that complies with those minimum standards.

Aiv PUGLIELLI: Just looking at I believe it is clause 16 in the relevant part of the bill, staying on this topic, I believe it reads 'reasonably believes the premises comply with the rental minimum standards'. Could you expand on who determines this and how it is determined?

Harriet SHING: 'On reasonable grounds' is one of those tests that requires a decision-maker to assess the circumstances in each case and to make a determination from there about what is reasonable. In this instance that would be a job for the director of Consumer Affairs Victoria or their delegate.

Aiv PUGLIELLI: Moving on to protecting renters from eviction, the bill, as you have indicated, extends the notice period to vacate from 60 to 90 days. The Greens have welcomed that, as I said in my speech. Effectively what that is talking about though is giving tenants more time to process what often is a highly consequential and can be a quite dramatic change for them in relation to their own housing security. We often see landlords using rent increases to effectively serve as an eviction notice to their renters, whereby the rent is increased to an amount that the tenant can no longer pay and therefore they cannot continue their existing rental arrangement. Given the cost-of-living crisis that we are currently in, can I ask what is being done to combat this practice of eviction via rent increase, and is there any provision in this bill that speaks to that?

Harriet SHING: The very short answer is yes. We do want to make sure that the additional time provided in that notice period of 60 to 90 days creates that measure of certainty for people to be able to make plans around the next steps for them as far as accommodation and tenancy is concerned. This is where the rent review processes and restricting rent increases between successive fixed-term rental agreements are really important, making sure that we can address that emerging trend where some rental providers have evicted renters, as you have indicated, at the end of a fixed-term rental agreement in order to raise the rent substantially when re-listing a rental property or by increasing the rent to a point where people cannot afford it and therefore have no choice but to leave.

There are measures in this bill around addressing increases to rent and the rent review process. It is about making sure that we can enhance rent matters that are already able to be considered by the director of Consumer Affairs Victoria to determine whether proposed rent is excessive beyond rent payable for comparable rentals, the state of repair and general condition of the premises, any change to rent and condition of the rented premises or facility since the commencement of the residential agreement and the number of rent increases in the preceding 24 months. Additional matters will be informed by stakeholder consultations, and that might include the size or amount of a rent increase or the difference between the current and proposed rent; the state of repair of a property or the condition of a property, including any outstanding requests for repairs; and whether there have been any improvements made to the property since the last rent increase for that property and the nature of those improvements. This is about making sure that we can have a rent review framework that supports the director of Consumer Affairs Victoria and VCAT in carrying out that rent review function.

Of course there is more work to do in making sure that work can be done to help renters with a really significant set of cost-of-living pressures. That goes on as part of a range of different reforms and measures to assist people, whether that is the private rental assistance scheme, whether that is bond loans in the social housing system or whether that is the power saving bonus, which for example, is one way to assist people. It is indirect, but again, it is part of addressing what the bottom-line impact to households looks like at the end of the day. The rent review process is part of that in making sure, again, that there is a measure of fairness in the way in which rental increases occur.

Aiv PUGLIELLI: Another reform you have mentioned a few times today, both in your summing-up speech and on the floor with Mr Davis, is the model that exists in some parts of the world of transfer of tenure of an existing tenant. You used the German example where property is sold to a new owner. Can I ask why there is not such a provision in this bill?

Harriet SHING: I note you did not actually use the German title for it, and that is okay. I will forgive you on this occasion.

It was a policy decision not to go down that path, but having said that, the reforms that are part of this bill build upon a raft of changes to the Residential Tenancies Act that are all intended to provide renters and also consumers of a rental framework with a measure of certainty, transparency and equity as well as access to remedy at the same time as giving landlords, property owners and owners corporations a measure of consistency across the way in which the system works, operates and has that standing because of consistent training, professional development and registration.

Aiv PUGLIELLI: So that policy decision you have described – what factors led to it?

Harriet SHING: That is not a policy that is set out in the housing statement, and this is guided by the housing statement.

Aiv PUGLIELLI: Now, if we are lucky, I think I have got one more. On owners corporations, under this bill, are you able to highlight any provisions that speak to the structural decision-making power that owners corporations have over, say, a whole building? Do any of these provisions –

David Davis interjected.

Aiv PUGLIELLI: Sorry, I do not want to interrupt.

The DEPUTY PRESIDENT: Mr Puglielli has the call, and people could give him the courtesy of listening to his question. The minister does have to answer it.

Aiv PUGLIELLI: Thank you, Deputy President. I will repeat the question. Under this bill, are there any provisions that address the structural decision-making power that owners corporations have over, say, a whole building?

Harriet SHING: It is not actually in this piece of legislation that is being amended by this omnibus bill today.

David DAVIS: If I just might briefly explain the running sheet and explain to people the set of amendments that we will put. There is a set of amendments. There is a large number of amendments, because this set from parliamentary counsel proposed that we amend clauses individually, one by one. There are three sets of amendments. The first relate to the notice to vacate. It is our intention that we would move an amendment to not have those aspects of the purposes clause that relate to vacation of rental properties, so we would not have those in there. That is a test, but nonetheless, we will also seek to omit clause 25, the relevant clause there. On the Planning and Environment Act 1987 changes, and there are many of these through this long list, I have taken the advice of the clerks, which is to group these, and they are grouped, as you will see, with the yellow on the running sheet. I should just say that there are a number of amendments here and that for convenience it is probably easier to do it that way. There are some amendments in the list that are less objectionable and some that are more objectionable.

I did seek some advice from some planners, who gave me some formal written advice, which was very helpful on these matters, and it is worthwhile to just briefly put some of that on the record. They put it in the form of a table, and they went down the list of proposed amendments and the proposed legislative clauses. The government claims at a number of points that these are related to the red tape commissioner's advice. What the planners and Michael Buxton and his group did is they looked closely at this, and they found that only two of the amendments could really be said to be related to the matters that the red tape commissioner had proposed. Most of the rest, despite the government's attempt to gild the lily as it were and to say that these were all about the red tape commissioner, overwhelmingly were not. I should just touch on a number of these. I will not do all of them, but I will cover a flavour of them.

We do not particularly oppose the new sections 16A and 16E, which request for a municipal council to prepare an amendment and which allow for proponents to apply for an amendment and provide a process for councils to accept and refuse. New subsections 16F(1) and 16G(2) enable low-impact amendments for the purpose of new paragraph 16N(1)(a) and include references to the Minister for the Suburban Rail Loop for SRL-related amendments. We see these low-impact amendments as entirely sinister. We do not think they are to be relied upon with the Minister for Planning or other ministers in this respect. New section 16N has the low-impact amendments, which are included in a class. The minister may determine that a use or development is low impact and may prepare amendments which are nominated as low impact. This is a class yet to be finalised. One of the comments is that it may be added to any time without oversight. The provision gives unlimited power to the minister to decide what is low impact and then to initiate and approve the amendment. We just think this gives unbridled, overriding power to the minister, and in this government we would not give those powers to any minister. The ministers need to be pulled back rather than given greater unbridled powers to override communities and suburbs and councils.

New section 23A provides that after a decision is made on a low-impact amendment a planning authority may prepare or not proceed with an amendment or abandon it. Consequential to the above is the comment. New section 28(1) deals with abandoning amendments – a planning authority must notify the minister of reasons for abandoning an amendment and forward submissions. Whilst this is unobjectionable in itself, we see it as preparatory to new sections 28A to 28D, which provide that if a planning authority abandons an amendment, the minister may become the planning authority to continue the amendment process and decide whether or not to refer the amendment to a panel. Again, a council might decide not to proceed, but the minister can do what they like from there pretty much. At present, if a council abandons an amendment – is the comment – it lapses. The minister may take it up as a separate process, but the new provisions do not require a new process. The sections are a major expansion of the minister's powers, is my comment.

In new section 52A, the minister may issue guidelines about material detriment – whether a person may be materially affected by an amendment. In new 57B(2A), guidelines must be considered when considering whether to grant a permit would cause material detriment. Material detriment is undefined.

Guidelines may define it and may leave determination to be subjective. In section 68(1), permits are to extend from two to five years and, if no time is specified, to three years. Five years is a major change. We might have been quite reasonable about a modest change, but five years is a very long time. In new subsection 96C(1A), a planning authority must consider ministerial guidelines in determining whether granting a permit would cause material detriment. Again, this clause expands ministerial power over the determination of material detriment. In new subsection 97E(1), a minister may refer to a panel any objections or submissions, including late objections or submissions. Again, it expands ministerial power. It could be used for good; it could be used for ill. Under this government it would be largely used for ill, in our humble view.

In new subsection 97E(5), the minister need not consider the report of a panel if the minister considers that delay in considering whether to grant the permit may adversely affect the applicant – the commentary on this is that it expands ministerial power on the basis of subjective determination – or where the delay adversely affects the application. There has been no attempt to specify criteria for such a judgement. In new subsection 23(6), a planning authority must not refer to a panel any submission which it considers frivolous – wholly subjective factors, is the comment, possibly leading to abuse and injustice. There are no criteria for what are regarded as frivolous, vexatious and so forth. In new section 158C, the panel may treat like submissions as one submission if it decides the submissions raised or the wording used in the submissions are substantially the same. This is – in the commentary provided to me – a substantial denial of individual rights. Multiple objections may object to the same issues. Similar wording may be used because of similarity of issues. Slight variations and emphases may be significant. No criteria are outlined, leading to the subjective judgments that are involved here.

In new section 158D, the panel will either receive a nomination or, if there is no nomination, it will select a lead submitter for like submissions. The commentary here is that it is a continuation of potential injustice to individuals. In new section 158E, the panel may decide not to hear any other person for like submissions. If no lead person is chosen, the panel is not required to hear from any other person for the designated like submissions. This – in the commentary – is a continuation of potential injustices to individuals. In new section 158G, the minister may direct the panel to consider submissions or documents or consider ministerial guidelines. Again, the commentary is that this is an expansion of ministerial power, and we would wholly agree that this is a significant expansion of ministerial power. In new section 159A, a panel may direct that a conference of experts be held, excluding the person engaging experts, submitters and legal representatives, and then a report is to be prepared. The commentary that was provided to me says it further entrenches the influence of experts in VCAT hearings. The use of experts has become one of the main problems with administering justice through hearings as most expert evidence is commissioned by applicants and much is orientated to a desired result. I think many know that to be fundamentally true.

In new section 83AA, VCAT may treat two or more objectives as a group if statements rely on similar grounds or raise similar issues. The comment here is to see 518C. I am not going to go through all the detail of that again. In new section 94A, VCAT may take a wide range of measures to manage proceedings, including limiting submission times, prohibiting or limiting cross-examinations, proceeding entirely on the basis of documents and striking out matters which VCAT considers have a lack of substantive or objective merit and no chance of success. This is a major expansion of powers to the detriment of those who would seek remedy through VCAT, and the commentary here is some measures proposed appear reasonable, but the ones listed here may deny justice to individuals if unreasonably administered. That is a set of expert commentaries on many of the amendments here.

But I want to just put this very briefly in a few sentences in the broader context: the government has taken huge powers to itself. It is seeking to change Melbourne. It is seeking to do that at a massive rate. It is not involving communities. It is not involving councils properly. We think that more powers to this government in this planning area are a concern. So that is those planning matters.

Finally, in this list of amendments, probably the least controversial of them all and the one probably the most likely to achieve some support in the chamber is the proposal for a review of the act, and we

think that is a very, very reasonable proposal. Our amendment 10 would seek a review to be conducted by the minister, in consultation with the Attorney-General and the Minister for Planning, on the second anniversary and that that be tabled. That is, we think, a very modest proposal and a reasonable step. I have just tried to summarise those as briefly as I can. Three parts: the residential tenancy part, the planning part and a request for a review. I move:

1. Clause 1, lines 6 to 8, omit all words and expression on these lines.
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.

They are a test for amendments 5, 9 and 11.

Harriet SHING: The government will be opposing the opposition's amendments in this regard, and again I would put on the record my disagreement with a number of the characterisations of the rationale for these changes and their intended and probable effect. We have different views, Mr Davis, but the purpose of this bill very clearly is to make sure that consumers are given a measure of certainty, that renters are afforded a measure of respect and that owners and property managers, real estate agents and people who are part of the broader system have that consistency and transparency that can only make for a better system, better decisions and a complement to the work and the reforms that we have already done.

Council divided on amendments:

Ayes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negated.

David DAVIS: I move:

3. Clause 1, page 4, lines 6 to 12, omit all words and expressions on these lines.
4. Clause 1, page 4, lines 14 to 17, omit all words and expressions on these lines.

These relate to the planning matters.

Harriet SHING: The government will not be supporting these amendments.

Council divided on amendments:

Ayes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendments negated.

Clause agreed to; clauses 2 to 24 agreed to.

Council divided on clause 25:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Clause agreed to.

Clauses 26 to 48 agreed to.

New clause (17:15)

David DAVIS: I move:

10. Insert the following New Clause to follow clause 48 –

‘48A New Part 14A inserted

After section 527 of the Residential Tenancies Act 1997 insert –

“Part 14A – Review of operation of Act

527A Review of operation of Act as amended by Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025

- (1) The Minister, in consultation with the Attorney-General and the Minister for Planning, must cause a review of the operation of this Act as amended by Part 2 of the **Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025** to be commenced after the second anniversary of the day on which Part 2 of the **Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025** came into operation.
- (2) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 14 days after its completion, but no later than the fifth anniversary of the day on which Part 2 of the **Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025** came into operation.”.

Amendment 10 inserts a new clause, and this is for a review of the operation of the act in two years.

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

Council divided on new clause:

Ayes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

New clause negated.

Clauses 49 to 117 agreed to.

Council divided on part heading preceding clause 118 and clauses 118 to 134:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah

Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Part heading and clauses agreed to.

Council divided on part and division headings preceding clause 135 and clauses 135 to 143:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Part and division headings and clauses agreed to.

Council divided on division heading preceding clause 144 and clauses 144 to 149:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Division heading and clauses agreed to.

Council divided on part heading preceding clause 150 and clauses 150 to 162:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Part heading and clauses agreed to.

Council divided on part heading preceding clause 163 and clauses 163 and 164:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Part heading and clauses agreed to.

Council divided on division heading preceding clause 165 and clauses 165 to 169:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Division heading and clauses agreed to.

Clauses 170 to 172 agreed to.

Council divided on part heading preceding clause 173 and clause 173:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

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

Part heading and clause agreed to.

Clauses 174 to 192 agreed to.

Reported to house without amendment.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:40): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:40): I move:

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

I just want to thank all of the staff and advisers who have assisted in the preparation of this bill to get to this point today.

David DAVIS (Southern Metropolitan) (17:41): I was just going to say there are some things in this bill that we strongly supported, but there are other parts that we did not. Unfortunately, many of the planning amendments in there give greater power to the minister and that has forced us into a position to vote against the bill overall.

Council divided on motion:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read third time.

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

Help to Buy (Commonwealth Powers) Bill 2025

Introduction and first reading

The PRESIDENT (17:49): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to adopt specified provisions of the Help to Buy Act 2024 of the Commonwealth, to refer legislative power of the State in the form of an amendment reference to the Parliament of the Commonwealth to make amendments to the Help to Buy Act 2024 of the Commonwealth, to make consequential amendments to other Acts and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:50): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:50): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Help to Buy (Commonwealth Powers) Bill 2025 (the **Bill**).

In my opinion, the Bill, 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 will adopt the primary and residual versions of the *Help to Buy Act 2024* (Cth) (the **Commonwealth Act**) and refer the necessary legislative powers of the Victorian Parliament to the Commonwealth Parliament to the extent necessary to enable the Commonwealth's Help to Buy scheme to operate in Victoria.

The Bill will enable the Commonwealth, through Housing Australia, to establish and administer the Help to Buy scheme in Victoria. The Help to Buy scheme is a shared equity scheme, which involves the provision of financial assistance to individuals from the Commonwealth, through Housing Australia, to assist those individuals to purchase a home. The Commonwealth Act will confer powers on Housing Australia to enter into shared equity arrangements for the purposes of the Help to Buy scheme, and is scheduled to the Bill.

The Bill also makes certain consequential amendments to the *Duties Act 2000*, the *Land Tax Act 2005*, and the *First Home Owner Grant and Home Buyer Schemes Act 2000*.

Human Rights Issues

For the following reasons, and having taken into account all relevant factors, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable and able to be justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

The Charter does not apply to Commonwealth laws, so will not apply to the Commonwealth Act. I note a human rights assessment has been tabled in the Commonwealth Parliament, which found the Commonwealth Act is compatible with human rights and freedoms, and promotes the protection of human rights.

The Bill also makes consequential amendments to Victorian legislation, and in my view, compatibility with human rights should be an integral part of the consideration of the adoption of any Commonwealth law by the Victorian Parliament that will impact on Victorians, so the government has carefully considered the human rights impacts of the Bill.

The following rights under the Charter are relevant to the Bill: right to privacy (section 13), protection of families and children (section 17), and property rights (section 20).

Right to privacy (section 13 of the Charter)

Section 13 of the Charter states that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The Charter recognises that the right to privacy is only affected if the interference is unlawful or arbitrary. Section 13 therefore permits lawful and non-arbitrary interferences with a person's privacy. An interference will generally be lawful where it is precise and appropriately prescribed in law; it will generally be arbitrary only where it is capricious, unpredictable, unjust, or unreasonable, in the sense of being disproportionate to some legitimate aim being sought. The Charter recognises that while an interference with privacy will engage the rights contained in section 13, it may still constitute a reasonable limitation on those rights.

The Bill amends section 50 of the *First Home Owner Grant and Home Buyer Schemes Act 2000* (FHOG Act). This amendment enables a person subject to a duty of confidentiality under the FHOG Act to disclose certain information to the Chief Executive Officer of Housing Australia for the purpose of confirming whether an applicant or participant in the Help to Buy Scheme is an applicant or participant in a home buyer scheme under the FHOG Act.

Housing Australia requires this information to determine that person's eligibility to participate in the Help to Buy scheme.

To the extent that the disclosure of information under the Bill may result in an interference with a person's privacy, any such interference will be lawful and not arbitrary. The provisions that permit the disclosure of information are clearly set out in the Bill and are directly required for the purpose of ensuring that individuals are not approved to participate in both a Victorian home buyer scheme and the Commonwealth Help to Buy scheme.

Protection of families and children (section 17)

Section 17 of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the State, and 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.

This right is promoted by the Bill as it will support the establishment of a Commonwealth shared equity program that will create additional access to housing for Victorian low and middle-income households and families, including children.

Property rights (section 20)

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

The Bill, and the Commonwealth Act, will generally support individuals to purchase homes in Victoria via the Help to Buy scheme. However, once they own a home, the Commonwealth Act could enable their property rights to be impacted where there has been non-compliance with participation arrangements, and other related matters to the Help to Buy scheme. However, any deprivation of property in this context would

be in accordance with law, and the law will be accessible, clear, certain and precise, so that individuals may regulate their conduct while participating in the Help to Buy scheme.

Hon Jaclyn Symes MP
Treasurer
Minister for Industrial Relations
Minister for Regional Development

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:50): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into Hansard:

I am pleased to introduce this Bill, which will adopt the Commonwealth's *Help to Buy Act 2024* to enable the Commonwealth to deliver its shared equity scheme, Help to Buy, in Victoria. It also provides an amendment reference to the Commonwealth Parliament to enable future changes to Help to Buy so it does not become static legislation and can evolve over time.

The Help to Buy scheme will support around 10,000 low to middle income Victorian households over four years to fulfil their dream of becoming homeowners. For a two per cent deposit, Help to Buy will enable eligible Victorians to get into the housing market. The Commonwealth will contribute up to 30 per cent for an existing home, or up to 40 per cent of a new home, of the purchase price in return for a proportionate interest in the property. Victorians will benefit from a smaller deposit, lower mortgage repayments and avoiding the cost of Lenders Mortgage Insurance.

Our Government has long recognised the issue of housing affordability in Victoria, and more broadly in Australia. It is the reason this Government created the Victorian Homebuyer Fund in 2021 and announced our Government's vision to deliver 800,000 dwellings over 10 years in Victoria's Housing Statement in 2023. We have more recently announced a number of measures to assist more people into housing, such as allowing homeowners to build small second homes without a planning permit, introducing a new temporary off-the-plan land transfer duty concession and plans for 50 new activity centres around public transport hubs.

The Victorian Homebuyer Fund has been tremendously successful in reducing the capital outlay for many Victorians looking to purchase a home. The Victorian Homebuyer Fund has supported over 13,500 Victorians to become homeowners so far, with another 2,300 approved to purchase. In the *2024–25 Budget*, the Government expanded the Victorian Homebuyer Fund again with a final \$700 million investment to bring the total investment to \$2.8 billion.

It is now time to pass the mantle onto the Commonwealth to support Victorians into homeownership and I welcome the Commonwealth establishing Help to Buy. Victoria is proud to enable access to Help to Buy in Victoria through adopting the Commonwealth's legislation.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (17:51): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025

Introduction and first reading

The PRESIDENT (17:51): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015** and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:51): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:52): 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 **Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025**.

In my opinion, the **Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025**, 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 purpose of the Bill is to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios Act 2015 (the Act) to introduce new and modify existing nurse to patient ratios and midwife to patient ratios that the operators of certain publicly funded health facilities must comply.

Human Rights Issues

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

The Bill promotes the following human rights protected by the Charter:

- The right to life (section 9 of the Charter); and
- The right to protection of families and children (section 17 of the Charter).

Right to life (section 9 of the Charter)

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Clause 7 introduces a new nurse to occupied bed ratio for intensive care units in certain hospitals and also introduces requirements for team leaders and intensive care unit liaison nurses in those units. The introduction of these requirements will ensure the delivery of high-quality care in intensive care units.

Clauses 6 will improve nurse to patient ratios that apply to emergency departments by requiring one nurse for each resuscitation bed on the morning shift. Clauses 8 and 9 improve nurse to patient ratios that apply to the night shift in coronary care units and high dependency units of relevant hospitals. Clauses 11 to 13 improve nurse to patient and midwife to patient ratios that apply to the night shift in antenatal and postnatal wards of prescribed hospitals. The improvement to the ratios in these areas of specialty will ensure safe and quality patient care and as a result, will promote the right to life of the patients receiving care in these specialty settings.

The protection of families and children (section 17 of the Charter)

Section 17(1) of the Charter recognises that the families are the fundamental group unit of society and that families are entitled to be protected by society and the State.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to protection as is in their best interests, in recognition of a child's special vulnerability because of their age.

Clauses 11 to 13 of the Bill improve nurse and midwife to patient care in antenatal and postnatal wards of prescribed hospitals. These improved ratios will ensure that babies, mothers and pregnant women receive a high quality of care by improving opportunities for dedicated patient care and as a result will promote the protection of families and children.

Other potential rights invoked

The right to equality (section 8 of the Charter)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination and the right to equal and effective protection against discrimination. The

new and modified nurse and midwife to patient ratios in clauses 6 to 13 will distinguish between patients in different hospital settings. This may invoke the protected attributes of 'disability' and 'pregnancy' under the *Equal Opportunity Act 2010* and therefore engage the right to equality and non-discrimination.

However, distinguishing the level of care owed to a patient based on their setting in a hospital is reasonable and justified because patients with different illnesses and conditions require varying levels of care depending upon their clinical acuity and the associated treatment necessary to appropriately manage their illness or condition.

For the reasons outlined it is my view that the Bill is compatible with the Charter.

Hon Ingrid Stitt MP
Minister for Mental Health
Minister for Ageing
Minister for Multicultural Affairs

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:52): I move:

That the bill be now read a second time.

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

This Bill delivers on the Government's commitment to further strengthen and protect nurse to patient and midwife to patient ratios and – in doing so – to improve the safety and quality of patient care for all Victorians as well as workload arrangements for our nurses and midwives. This reflects the fact that safety is – and always will be – our highest priority.

Our nursing and midwifery workforce is at the heart of our Victorian public health system and continues to be the most trusted profession in Australia. There are over 50,000 nurses and midwives in our public health system committed to providing patient-centred, empathetic and individualised care.

Since its introduction in 2015, the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act in 2015 (Safe Patient Care Act) has successfully protected minimum workload arrangements – creating a safe, supportive and productive environment for nurses, midwives and patients.

The Government has already delivered two phases of improvements to the Safe Patient Care Act in 2019 and 2020. As a result of these amendments, an additional 1,100 nurses and midwives have been employed over the five years of implementation within general medical/surgical wards and specialist areas of palliative care, haematology, oncology, acute stroke, aged care, rehabilitation, emergency and maternity services.

This Bill proposes a third phase of amendments, delivering the Government's election commitment to create better staffing and stronger ratios in Intensive Care Units (ICUs), High Dependency Units (HDUs), Coronary Care Units (CCUs) and Emergency Departments. It also provides more support for hardworking midwives to improve the quality of care for parents and their babies.

The Bill advances the intent of the Safe Patient Care Act and demonstrates the Government's focus on safe and high-quality patient care in five key ways.

First, the Bill introduces staffing ratios into ICUs through the establishment of a 1:1 ratio for ICUs on all shifts in Level 1 and Level 2 ICUs.

Second, the Bill improves staffing ratios in resuscitation bays in Level 1 hospitals with Emergency Departments on morning shift by prescribing one nurse for each resuscitation cubicle on a morning shift in hospitals specified in Schedule 3 Part 1 of the Act.

Third, the Bill improves staffing ratios in postnatal and antenatal wards by enshrining a 1:4 midwifery ratio on night shift in prescribed health services. Maternity Capability Level 5 and 6, as well as Level 4 services that are part of a larger multicampus metropolitan health service will be prescribed for this purpose.

Fourth, the Bill introduces an in-charge nurse on night shift in standalone High Dependency Units and Coronary Care Units. An increase in overnight rostered nursing staff will help reduce clinical risk, improve patient safety and ensure patient and staff wellbeing.

Finally, an in-charge nurse, a team leader and liaison nurse will be introduced in addition to the specified ratios on shifts in Level 1 and Level 2 ICUs to provide essential support to staff, patients and their families.

The Bill also updates the list of hospitals in the Schedules to the Act to ensure they reflect current nomenclature.

A staged implementation process will occur to enable health services to plan and prepare for these improvements. The improvements will be phased in at 25% of the additional staffing implemented from the day after Royal Assent, 75% from 1 December 2025 and 100% from 1 July 2026.

Together these ratio improvements in the Safe Patient Care Act will contribute to the 457 additional nursing and midwifery FTE in the public health system committed at the 2022 State election.

This Bill provides the opportunity to further improve the workplace conditions for our hardworking nurses and midwives, and to make a substantial and positive impact on the provision of safe and high-quality care for all patients in Victorian public hospitals now and into the future.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (17:52): On behalf of my colleague Ms Crozier, I move:

That debate on the bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024

Introduction and first reading

The PRESIDENT (17:52): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Terrorism (Community Protection) Act 2003** and the **Control of Weapons Act 1990** and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:52): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Harriet SHING: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:53): 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 Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024.

In my opinion, the Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024, as introduced to the Legislative Council, is partially incompatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

1. Overview

The Bill makes multiple amendments to Part 2AA and Part 4A of the *Terrorism (Community Protection) Act 2003*. Amendments to Part 2AA are technical only, arising consequentially from amendments made to the *Australian Security Intelligence Organisation Act 1979* (Cth).

Amendments to Part 4A of the *Terrorism (Community Protection) Act 2003* include:

- refining the Voluntary Case Management (VCM) program eligibility criteria to service individuals who are 'vulnerable to violent extremism' rather than those 'at risk of radicalising'
- enabling the provision of programs and services to 'key persons', such as family members of a participant on the VCM scheme, and

- various amendments to the functions of the Secretary to the Department of Justice and Community Safety under Part 4A to promote end-to-end oversight and accountability of the VCM scheme.

The Bill also amends the designated area planned and unplanned without warrant or suspicion weapons search provisions of the *Control of Weapons Act 1990* by:

- modifying the advertising requirements for planned designations (for events and non-events) to remove the requirement to publish notices of planned designations of areas in newspapers and, instead, to require publication on a website maintained by Victoria Police
- increasing the time for which the operation of a planned designation for an event can apply, including time either side of an event
- reducing the minimum time that must elapse from the end of a planned designation before another declaration can take effect in the same area, from 10 days to 12 hours
- reducing the threshold for planned designations so that they can operate in relation to new and emerging events where there is intelligence of a likelihood of weapons-related violence or disorder occurring at those events
- increasing the duration of planned and unplanned designations from 12 hours to 24 hours to enable Victoria Police to better respond to prolonged community safety risks
- providing a penalty of two penalty units for the offence of obstructing or hindering a protective services officer exercising powers to stop and search a person or vehicle or seize and detain a thing in a designated area.

The purpose of the amendments to the *Control of Weapons Act 1990* is to enable Victoria Police to exercise current significant powers to conduct planned and unplanned weapons search operations in designated areas more easily, for longer periods and in expanded circumstances. I consider these amendments necessary to enhance Victoria Police's ability to detect and deter weapons offending in public places in light of recent and very concerning incidents of weapons offending and community fear about the misuse of weapons.

Victoria's scheme has been operational and effective for 15 years with very little change and the amendments in this Bill arise out of a consideration of the scheme with a view to making some meaningful improvements based on years of operational experience. The amendments are necessary to respond to persistent and concerning weapons carriage in the community.

2. Human Rights Issues

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

The amendments to both Acts raise a number of issues in terms of compatibility with the Charter. In this statement, I deal first with the issues raised in respect of the *Terrorism (Community Protection) Act 2003* because that conforms with the structure of the Bill; however, the most significant Charter issues arise in relation to the amendments to the *Control of Weapons Act 1990*.

Terrorism (Community Protection) Act 2003

The right to protection of families and children (section 17) are relevant to these reforms.

This reform promotes the right to protection of the family (section 17 of the Charter). The government is obliged to protect families as the fundamental group unit of society. The Bill advances this obligation, by amending the *Terrorism (Community Protection) Act 2003* to allow parents, guardians, caregivers or other key persons in relation to young people (under the age of 18) on a VCM plan to be eligible for services and programs. Such services and programs may include parental support and family counselling, which ultimately promote a resilient and cohesive family unit. The Bill further advances this right by enabling the Secretary to disclose information to a parent or guardian about the reason for a child's referral to the Secretary, and the content of their VCM plan, where a child cannot provide informed consent to participate in the VCM program.

This reform additionally promotes the right to protection of children (section 17 of the Charter). The government is obliged to treat children and young people in a way that takes their best interests into account. The *Terrorism (Community Protection) Act 2003* currently provides that, in the case of a person under the age of 15, informed consent to participate in the VCM program must be provided by one of the person's parents or guardians. The Bill reforms this, providing that informed consent to participate in the VCM program for a person under the age of 18 can be solely provided by the person if they demonstrate capacity to provide informed consent (as determined by the Secretary). This recognises the agency of people younger than 18 years old, whilst protecting those who are incapable of providing informed consent from making decisions they do not fully understand.

However, the amendments discussed above do interfere with the right to privacy under section 13 of the Charter, which provides that a person has the right not to have their privacy, family, home or correspondence

unlawfully or arbitrarily interfered with. Importantly, interferences with privacy do not amount to a limitation on that right if the interference is lawful and is not arbitrary. An interference will be lawful if it is permitted by a law which is adequately accessible and precise. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. An interference may be arbitrary even if it is not unlawful.

As noted above, the Bill enables the Secretary to disclose information relating to the reason for a child's referral to the VCM program or the content of a child's VCM plan to the child's parent/s or guardian/s. The ability to disclose information is necessary in cases wherein a child does not have the capacity to give informed consent to participate in a VCM program. In this case, it is necessary for the child's parent/s or guardian/s to understand why the child was referred to the VCM program. Should they provide consent for their child to be involved, the child's parent/s or guardian/s will need to be involved in the co-development of a VCM plan; for this to occur, the Secretary needs to be able to disclose the content of the VCM plan.

Furthermore, the ability to disclose information to a child's parent/s or guardian/s ultimately supports the efficacy of the VCM program. Parent/s and/or guardian/s are key enablers to the success of CVE early intervention. It is important to bring them on board at the outset of engagement, given that they usually have the closest and most impactful relationship with their child. Disclosing information about the nature of the referral and the content of the VCM plan also helps build trust between the parent/s and/or guardian/s of child referrals or participants on the VCM program. This trust further bolsters the efficacy of early intervention.

This reform therefore interferes with the right to privacy in a clear, justified and proportionate manner.

In conclusion, the amendments contained within the Bill to Part 4A and Part 2AA of the *Terrorism (Community Protection) Act 2003* do not limit any Charter rights.

Control of Weapons Act 1990

Overview of the designated area weapons search scheme

The *Summary Offences and Control of Weapons Acts Amendment Act 2009* introduced sections 10C to 10L and Schedule 1 into the *Control of Weapons Act 1990* to empower police to stop and search persons and vehicles in public places that fall within areas that have been temporarily designated on the basis of a likelihood of weapons-related violence or disorder occurring in the designated area. The designated area search powers do not require police to have first formed a reasonable suspicion that the person to be searched is carrying a weapon, nor do police require a warrant to search a person for a weapon in a designated area.

I note that police officers and protective services officers on duty in designated places also have powers to search people in all public places if they have reasonable grounds for suspecting that a person is carrying or has in their possession a weapon contrary to the *Control of Weapons Act 1990* under sections 10 and 10AA respectively of the Act. These are the powers that are properly utilised when those circumstances arise.

Sections 10D to 10F of the *Control of Weapons Act 1990* empower a senior police officer (ranked Assistant Commissioner or above) to declare an area to be a designated area for a maximum period of 12 hours. There are two forms of designation - 'planned designations' and 'unplanned designations'. Planned designations may be made where there has already been more than one incident of weapons-related violence or disorder in the proposed area over the last 12 months, or where weapons-related violence or disorder has been associated with a particular event on previous occasions (section 10D). Additionally, the officer making the designation must be satisfied that there is a likelihood that such violence will recur.

Unplanned designations are to deal with the situation where the police receive intelligence that an incident involving weapons-related violence has occurred or is about to occur. An unplanned designation can be made where the officer is satisfied that it is likely that violence or disorder involving weapons will occur in the area and that it is necessary to designate the area for the purposes of enabling the police force to exercise search powers to prevent or deter the occurrence of that violence or disorder (section 10E).

Sections 10G to 10L of the *Control of Weapons Act 1990* authorise the police and protective services officers on duty in a designated place, in public places that fall within a designated area, to stop and search for weapons: persons and things in their possession or control (section 10G), and vehicles (section 10H). The police and protective services officers are empowered to seize any item detected during the search that they reasonably suspect is a weapon (section 10J).

A police officer or protective services officer who detains a person or vehicle under section 10G or 10H of the *Control of Weapons Act 1990* in order to conduct a search must, if requested by the person, inform them of their name, rank and place of duty and provide that information in writing, and, if not in uniform, produce their identification for inspection, inform the person that they intend to search the person or vehicle for weapons and are empowered to do so under the *Control of Weapons Act 1990* and give the person a search notice unless one has been offered and the person refuses to take it.

A search notice provides the person to be subject to a search with the following information: that the person or vehicle is in a public place that is within a designated area, a declaration is in force under section 10D (planned designation) or 10E (unplanned designation) of the *Control of Weapons Act 1990*, that police officers and protective services officers on duty at a designated place are empowered to search the person and any thing in the possession or control of the person or the vehicle (if applicable) for weapons and it is an offence for the person to obstruct or hinder a police officer or protective services officer in the exercise of these stop and search powers.

Schedule 1 to the *Control of Weapons Act 1990* sets out detailed requirements that police and protective services officers must comply with in conducting weapons searches. The search powers that may be exercised by police without any reasonable suspicion that a person or vehicle has a weapon in designated areas are graduated to ensure that initial searches may only be conducted by way of an electronic metal detection device which is capable of detecting the presence of metallic objects. The initial electronic device search is a search of a person or thing by passing an electronic device over or in close proximity to the person's outer clothing or thing. It is the least intrusive form of search designed to fulfil the objective of the scheme to address the likelihood of violence and disorder involving the use of weapons in a designated area.

Only after an electronic metal detection device search has been conducted and, as a result of that search, a police officer considers that a person may be concealing a weapon can the police officer conduct a pat down search, search of outer clothing and search of any thing in the person's possession, such as a bag (clauses 4 and 5 to Schedule 1 to the *Control of Weapons Act 1990*).

Clause 6 of Schedule 1 to the *Control of Weapons Act 1990* sets out safeguards that police must, so far as reasonably practicable, comply with to preserve dignity during an outer search.

Strip searches are permitted under the search scheme but may only be conducted after an examination of things and outer search of the person has been conducted and the police officer reasonably suspects that the person has a weapon concealed on their person and the police officer believes on reasonable grounds that it is necessary to conduct a strip search of the person and the seriousness and urgency of the circumstances require the strip search to be carried out. Clauses 8 to 10 of Schedule 1 to the *Control of Weapons Act 1990* set out detailed requirements that apply to the conduct of strip searches.

A police officer may request a person who is to be subject to a strip search under Schedule 1 to disclose their identity if that is unknown to the police officer (section 10K). It is an offence for a person to, without reasonable excuse, fail or refuse to comply with a request to disclose their identity, provide a false name or an address that is not the full and correct address.

Special rules apply to searches that are to be conducted on children and persons with impaired intellectual functioning to ensure that, as far as possible, outer searches and strip searches are conducted in the presence of a parent, guardian or independent person, or in the case of unplanned designated areas, or other person who may be a police officer in the case of searches conducted in unplanned designated areas.

The designated area provisions of the *Control of Weapons Act 1990* (section 10J) also empower police and protective services officers to seize and detain any item detected during a search that is reasonably suspected to be a weapon. If after examining the item the police officer or protective services officer determines that the item is not a weapon, the item must be returned to the person without delay.

Section 10KA provides for other powers that may be exercised in relation to a designated area. These powers, which were inserted into the *Control of Weapons Act 1990* by the *Crimes Legislation Amendment (Public Order) Act 2017*, permit a police officer to direct a person wearing a face covering to leave a designated area if the officer reasonably believes the person is wearing the face covering to conceal their identity or to protect themselves from the effects of crowd controlling substances (for example, oleoresin capsicum spray) and the person refuses to remove the face covering when requested to do so. A police officer may also direct a person to leave the designated area if they reasonably believe the person intends to engage in conduct that would constitute an affray or violent disorder offence under sections 195H or 195I of the *Crimes Act 1958*.

Extension of powers within designated areas

As I explained earlier, Part 3 of the Bill makes six substantive amendments to the planned and unplanned designated area weapons search provisions of the *Control of Weapons Act 1990*:

- modifying the advertising requirements for planned designations (for events and non-events) to remove the requirement to publish notices of planned designations of areas in newspapers and, instead, to require publication on a website maintained by Victoria Police
- increasing the time for which the operation of a planned designation for an event can apply to include a reasonable additional period, as determined by the Chief Commissioner, either side of the event

- reducing the minimum time that must elapse from the end of a planned designation before another declaration can take effect in the same area, from 10 days to 12 hours thereby permitting more frequent designations of areas to be declared
- reducing the threshold for planned designations so that they can operate in relation to new and emerging events where there is intelligence of a likelihood of weapons-related violence or disorder occurring at those events rather than a past history of incidents of violence or disorder involving weapons having occurred at the event
- increasing the duration of planned and unplanned designations from 12 hours to 24 hours to enable Victoria Police to better respond to prolonged community safety risks by doubling the maximum period of time during which weapons searches can be conducted in a designated area.
- providing a penalty of two penalty units for the offence of obstructing or hindering a protective services officer exercising powers to stop and search a person or vehicle or seize and detain a thing in a designated area.

Accordingly, the amendments have the effect of firstly, broadening the time and circumstances in which police and protective services officers will be able to conduct random searches in designated areas; and secondly, broadening the time and circumstances in which police officers will be able will be able to manage public safety issues in respect of those who conceal their faces and who intend to engage in violent conduct.

I will deal first with the human rights issues arising from the conduct of random searches.

Conduct of random searches

The extended operation of the search powers is relevant to the following rights:

- privacy (section 13(a))
- liberty and security of person (section 22)
- protection of children (section 17)
- freedom of religion and cultural rights (sections 14 and 19)
- freedom of movement (section 12)
- equality before the law (section 8)

When the designated area search scheme was introduced by the *Summary Offences and Control of Weapons Acts Amendment Act 2009*, the relevant Minister noted that, while the power to conduct an initial electronic device search may not amount to a sufficiently seriously intrusion to engage the right to privacy, the power to conduct pat down searches and search outer clothing and belongings does amount to a serious intrusion. The Minister concluded that this outer search power was incompatible with the right to privacy because it empowered police to interfere with a person's privacy in way that was arbitrary, although not unlawful. The power to conduct a strip search was not considered incompatible because such searches can only be conducted on grounds of reasonable suspicion and in accordance with the necessity principle.

Subsequent amendments relaxing constraints on the use of the search powers, introduced by the *Control of Weapons Amendment Act 2010*, were considered to exacerbate the identified incompatibility. For those amendments, the Minister acknowledged that to the extent the random search powers are themselves arbitrary (and therefore incompatible with section 13(a) of the Charter) it must follow that any attendant deprivation of liberty is also arbitrary.

However, my view is that on balance, the scheme and the present amendments are arguably compatible with the right to privacy and the right to liberty and security. I have reached this view because since the previous Statements of Compatibility, there has been further consideration by the United Kingdom Supreme Court and the European Court of Human Rights of the proportionality of interferences with the right to privacy occasioned by stop and search powers, and the reasoning in those cases supports re-evaluation of the initial assessment of incompatibility.

In addition, while not addressed when the scheme was first introduced, I consider that the scheme and the amendments contained in this bill are compatible with the rights to freedom of religion and belief, cultural rights, equality before the law and freedom of movement.

Importantly, however, I consider that the amendments contained in this Bill are incompatible with the right to protection of children and families (section 17). I accept that the amendments maintain, if not exacerbate, the incompatibility identified when the scheme was first introduced.

Despite this incompatibility – and in the event that the scheme is also not compatible with the rights to privacy and liberty and security – I consider that these search powers remain necessary, and the amendments to extend

the scheme are in the best interests of the community as violent incidents involving the use of weapons in public places has not abated and is of grave concern to the general public.

It is imperative that Victoria Police has the powers it needs to prevent and deter weapons offending in public places, especially in areas that people regularly traverse and where people congregate in significant numbers, such as public transport hubs and shopping complexes. I am satisfied that the amendments in this Bill will enhance Victoria Police's ability to detect and deter weapons offending in public places and have a positive effect on community safety by enabling police to conduct weapons searches in planned and unplanned designated areas more easily, for longer periods and in expanded circumstances.

Right to privacy and reputation (section 13)

As noted above, 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. In addition to protecting the privacy of information, this is a very broad right concerned with upholding personal physical and psychological autonomy. The internal limitations on the right apply so that an interference with the right to privacy does not amount to a limitation on that right if the interference is lawful and is not arbitrary. An interference will be lawful if it is permitted by a law which is adequately accessible and formulated with sufficient precision to enable a person to regulate their conduct by it. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The search powers in designated areas are designed to be exercised unpredictably and in being exercised in this manner, operate as a significant deterrent to the unlawful possession and carriage of weapons. The powers enable the removal of weapons from public places that would otherwise remain undetected because, if well concealed on a person or in their bag, police would be unlikely to form a suspicion in the absence of other factors.

This unpredictability was initially considered to give rise to incompatibility, with regard to power to conduct pat down searches and search outer clothing and belongings. To the extent the exercise of the power is expanded by the amendments, the amendments would exacerbate this incompatibility.

However, with reference to more recent international authorities than those considered in 2009 and 2010, I am of the view that the interference with a person's privacy occasioned by the expanded power is not arbitrary, in the sense of being disproportionate to the aim sought, because it is sufficiently circumscribed and subject to adequate safeguards.

In 2010, the assessment of incompatibility was informed by the decision of the European Court of Human Rights (ECtHR) in *Gillan and Quinton v United Kingdom* [2009] ECHR28 (12 January 2010). In that case, the Court considered the use of police stop and search powers under terrorism legislation, which were exercisable without any reasonable suspicion of unlawful behaviour in a defined public area and permitted pat down and outer clothing searches for any articles which could be used in connection with terrorism. The authorisation for use of the powers could be given for reasons of expediency rather than necessity, and once given was renewable indefinitely. There was no prior notice of the authorisation, meaning that a member of the public would not be aware until they were stopped for a search by a police officer. The Court found that the powers violated Article 8 of the European Convention on Human Rights (ECHR), which protects people's right to respect for their private life, family life and correspondence. The Court considered that the search powers lacked sufficient safeguards to constrain the discretion of the police officers executing the searches and protect individuals against arbitrary interference.

Since that decision was handed down, there have been two further decisions that inform the approach that should be taken when assessing the adequacy of safeguards against arbitrary interferences with privacy occasioned by stop and search powers.

In the case of *Roberts v Commissioner of Police of the Metropolis and Another* [2015] UKSC 79 (17 December 2015), the United Kingdom Supreme Court unanimously ruled that a legislative scheme which permits police to stop and search people and vehicles without suspicion in a defined public area, and conduct searches for dangerous weapons, did not constitute a breach of Article 8 of the ECHR regarding respect for private and family life. Authorisation for use of the powers could only be given where a senior officer reasonably believed there were a risk that dangerous weapons were being carried in the area or serious violence may take place, and the authorisation would last for 24–48 hours. The Court found that there were numerous safeguards in place to sufficiently limit the search power, including the grounds for making an authorisation (more tightly framed than in *Gillan*) and the controls on any searches undertaken, which were limited to searches for offensive weapons and not other articles. The Court emphasised the importance of Codes of Practice which directed police to use stop and search powers fairly, responsibly and without unlawful discrimination. Further, the Court observed that while random powers of stop and search carry with them the risk that they may be used in an arbitrary manner, those powers must be read in conjunction with

the obligation to act compatibility with the Convention rights of any individual, equivalent to s 38(1) of the Charter.

Most recently, the ECtHR considered the case of *Beghal v the United Kingdom* [2019] (28 February 2018), which dealt with UK border agency stop and search powers under terrorism legislation. Those powers enabled the search and interrogation of a person at a border, without reasonable suspicion, to determine if they have been involved in the commission or preparation of acts of terrorism. Detailed and invasive searches and interrogation for up to 9 hours, without access to lawyer, were permitted, and the relevant Code of Practice did not require officers to keep to a minimum all interferences with fundamental rights. Referring directly to *Gillan*, the Court noted that while a requirement of reasonable suspicion is an important consideration in assessing the lawfulness of a stop and search power, there was nothing in that case to suggest that that existence of reasonable suspicion is, in itself, necessary to avoid arbitrariness. Rather, arbitrariness is an assessment to make with regard to the operation of the search scheme as a whole. Considering the search scheme in this case, the Court concluded that there was a violation of Article 8, emphasising that extended interrogation could occur in the absence of a solicitor and an individual could be compelled to answer questions.

Applying the approach in *Beghal* and considering the operation of the amended designated area search scheme as a whole, I am comfortable that there are sufficient limits and safeguards to curtail any arbitrary interference with the right to privacy.

While the amendments extend certain limits on the operation of designations, the grounds for making a designation are still tightly framed. A designation is available only where there is a likelihood that violence or disorder will occur and it is reasonably necessary to enable use of the search powers in that particular area. The maximum duration is limited to 24 hours or to the duration of a specific event and notice of every designation is publicly advertised.

Moreover, the amendments will not impact the operation of the existing robust statutory safeguards that apply to the conduct of searches within designated areas. Only after an electronic device search has been completed and, as a result of that search, a police officer considers that a person may be concealing a weapon, can a pat down and outer search be conducted. The least invasive search practicable must always be conducted, in a manner that affords appropriate dignity and privacy. A record of the search must be completed, including the grounds relied upon for conduct of the search, and a search notice provided to the person.

In addition to the statutory requirements, Victoria Police manuals give clear guidance on conducting searches in a manner that is compatible with human rights, advising that officers must always consider and act compatibly with the Charter; persons must not be selected for a search based solely on their race, religious belief or activity or physical features; and searches must be appropriately recorded, which extends to recording the factors considered in deciding to conduct a search, including proper consideration of human rights.

Finally, the conduct of any search by a police officer or protective services officer is subject to s 38(1) of the Charter, and the requirement to act in a way that is compatible with human rights.

Accordingly, I consider the amendments to be compatible with the right to privacy under s 13(a) of the Charter. Even if the search scheme as extended by the amendments were incompatible with the right to privacy, this government would nevertheless wish to proceed with the amendments. To address the community's concern about violence in public places, it is necessary to ensure that police officers and protective services officers are empowered to stop and search people without suspicion because of the ready concealability of so many weapons. The amendments will support the operational effectiveness of these critical police powers.

Right to liberty and security of person (section 21)

Section 21(1) of the Charter provides that every person has the right to liberty and security and section 21(2) provides that a person must not be subjected to arbitrary arrest or detention.

Police officers and protective service officers may detain a person for so long as is reasonably necessary to conduct a search in designated area, and so the amendments extend the time and circumstances in which a person may be detained for this purpose.

As I have considered that the search powers are not arbitrary, my view is that any attendant detention that follows exercise of the search powers does not provide for arbitrary deprivation of liberty, since the power to detain is limited to what is reasonably necessary and police officers and protective service officers are obliged by s 38(1) of the Charter to act compatibly with human rights when conducting a search.

Because the powers of detention are strictly confined to what is reasonably necessary to conduct an authorised search, no separate question of incompatibility with section 21 of the Charter arises.

Accordingly, I consider the amendments to be compatible with the right to liberty and security of the person under s 21 of the Charter.

If I am not correct on this point, I still consider that these critical police powers necessary to enhance Victoria Police's ability to detect and deter weapons offending in public places.

Protection of families and children (section 17)

Section 17 provides that families are the fundamental group unit of society and are entitled to be protected by society and the State. Section 17(2) provides that every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by the child by reason of being a child. This section recognises that children and young people can be particularly vulnerable because of their age.

The applicability of the designated area weapons search scheme is not limited to adults but can apply to a child below 18 years of age who is within a designated area during the period that a declaration is in force.

While additional safeguards operate for outer searches and strip searches of children, which must always occur in the presence of another person, it has previously been accepted that the search powers are incompatible with section 17(2). I accept that when the search powers are exercised in relation to children in the expanded ways that this Bill will allow, the existing incompatibility with section 17 is compounded because of the particular vulnerability of children.

However, as was the case when the powers were introduced and subsequently amended, the government strongly believes that random search powers are important to prevent and deter acts of violence, and to support the protection of children.

Freedom of religion and belief (section 14), cultural rights (section 19) and equality before the law (section 8)

Section 14 of the Charter protects the right of a person to demonstrate their religion or belief in public. Section 19 provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language. Section 8 provides that every person has the right to enjoy their human rights without discrimination, including on the basis of religious belief or activity.

Knives are an important religious symbol for certain faiths, for example, baptised Sikhs who carry a kirpan, an object which resembles a dagger. While an exemption operates under the *Control of Weapons Act 1990* to permit the carrying of kirpans for religious observance, the use of the search powers within designated areas may have particularly intrusive impact on people who carry knives for religious reasons.

However, although the Bill will extend the circumstances in which this intrusion may occur, I consider any limitations placed on the right of a person to demonstrate their religion are reasonable and justified (and therefore compatible with relevant rights) in view of the importance of detecting and deterring weapons offending.

Freedom of movement (section 12)

Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it. People's ability to move freely within designated areas may be limited if they are subject to a search, including under the broader circumstances permitted by this Bill.

Given the temporary and restricted application of these powers and the need to protect the safety of all persons within designated areas, I consider any limitations placed on a person's right to freedom of movement are reasonable and justified (and therefore compatible with this right) on the grounds of public safety and that there are no less restrictive measures available.

I will now deal with the human rights issues arising in relation to the powers to manage public safety.

Powers to manage public safety

The Bill broadens the time and circumstances in which police officers may use existing powers to issue a direction to leave a designated area in two situations. In the first situation, a police officer who reasonably believes a person is wearing a face covering to conceal their identity or shield themselves from capsicum spray may issue the person a direction to leave. In the second situation, a police officer who reasonably believes a person intends to engage in violence that would constitute the offences of affray or violent disorder may issue the person a direction to leave. If a person refuses to comply with either direction they may be charged with an offence punishable by 5 penalty units.

The rights engaged by these powers are:

- freedom of movement (section 12)
- freedom of religion and belief (section 14)
- cultural rights (section 19)
- equality before the law (section 8)

- freedom of expression (section 15) and right to peaceful assembly (section 16)
- protection of families and children (section 17)

When the direction to leave powers were introduced in 2017, the scheme was considered compatible with these rights, and my view is that the amendments contained in this Bill, to the extent they extend the operation of the powers, are also compatible.

Freedom of movement (section 12)

People's ability to move freely within designated areas may be limited by the extended operation of the powers to issue directions to leave. As with the limitation imposed by the search powers, I consider any limitations placed on a person's right to freedom of movement are reasonable and justified on the grounds of public safety and that there are no less restrictive measures available.

Freedom of religion and belief (section 14), cultural rights (section 19) and equality before the law (section 8)

These rights are relevant to the power of a police officer, in a designated area, to order a person to remove a face covering. This power is only available if the officer reasonably believes the person is wearing it to conceal their identity or shield themselves from capsicum spray, and if the main purpose of wearing the face covering is for cultural or medical reasons, the power should not be used. Police receive guidelines and training on the appropriate use of this power.

While the amendments contained in this Bill will extend the circumstances in which this power can be used, the amendments do not remove any of the safeguards in place, including that a police officer cannot direct a person to remove a face covering for cultural or medical reasons, and that a person can choose to continue wearing their face coverings if they leave a designated area. I therefore consider that any limitations placed on the right of a person to demonstrate their own religion are reasonable and justified.

Freedom of expression (section 15) and right to peaceful assembly (section 16)

Section 15 provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 16 provides that every person has the right of peaceful assembly and the right to freedom of association with others.

These rights are relevant to the powers to issue directions to leave, particularly where a direction is to leave a protest. However, police can only use these powers to address public safety issues in the two situations I have described, and it is important to note that the powers will protect the rights of all other protestors to demonstrate peacefully.

To extent that the existing limitations on these rights are maintained or extended by the amendments contained in the Bill, I consider that those limitations are reasonable and justified.

Protection of families and children (section 17)

While the powers to issue directions apply to all persons, including children, while present in a designated area, those powers also protect children who are present in a designated area. To the extent that the operation of these powers limits the rights of children, I consider that those limitations are reasonable and justified.

I consider the amendments to the *Control of Weapons Act 1990* in this Bill to be an appropriate and measured response to persistent and concerning unlawful weapons possession, carriage and use in public places in Victoria. The amendments are informed by 15 years of Victoria Police operational experience in managing these risks, and I trust will better protect Victoria's citizens by further deterring and detecting unlawful behaviour.

Hon Enver Erdogan MP

Minister for Casino, Gaming and Liquor Regulation

Minister for Corrections

Minister for Youth Justice

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:53): 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 a range of reforms which are designed to strengthen both the *Terrorism (Community Protection) Act 2003* (Vic) and the *Control of Weapons Act 1990* (Vic).

Strengthening the operation of the Voluntary Case Management scheme and the Countering Violent Extremism Multi-Agency Panel

The *Terrorism (Community Protection) Act 2003* (TCPA) provides for two therapeutic intervention pathways for Victorians who are at risk of radicalising towards violent extremism. These intervention pathways are the Voluntary Case Management (VCM) scheme and the Support and Engagement Order (SEO). The TCPA also establishes the Countering Violent Extremism Multi-Agency Panel (CVE MAP) which currently provides advice and case management oversight to the Secretary of the Department of Justice and Community Safety regarding coordinated services and case management of individuals subject to the VCM scheme. The CVE MAP, SEO and VCM scheme have been operational since September 2022. The Bill makes important changes to ensure that the operation of the VCM scheme aligns with best-practice approaches to similar therapeutic CVE programs.

The Victorian Government recognises the need for therapeutic intervention to address the vulnerabilities that underpin an individual's trajectory towards violent extremism. The current eligibility criteria for the VCM scheme prevent individuals who may benefit from a therapeutic CVE intervention from being eligible for and participating in the program. This includes individuals who are at an early stage in their trajectory towards violent extremism through to those who may have previously engaged in CVE programs. The Bill notably expands the eligibility criteria to enable the VCM scheme to service a wider cohort of individuals.

The purpose of a VCM plan is to reduce the extent to which a person is vulnerable to violent extremism by addressing their underlying needs through tailored interventions. A holistic approach is recommended to address these needs. Another important change the Bill makes is to allow programs and services to be provided to a key person of a participant of the VCM scheme. Examples of these key persons include immediate family members or caregivers. The introduction of this concept is important, as family and friends can have a protective impact on an individual, by lessening their susceptibility to violent extremism, or helping them disengage from a pathway to violent extremism. It is therefore important that these key persons have the adequate tools and knowledge to best support their loved ones to disengage from violent extremism.

The provision of services and programs to key persons will be determined on a case-by-case by the DJCS Secretary, if the Secretary determines that the provision of services or programs to these people will have a therapeutic benefit on the participant. An example of services or programs provided to a family member might include parent support regarding neurodiversity where neurodiversity has been found to influence a participant's vulnerability. This is an important step in a holistic approach to addressing an individual's underpinning vulnerabilities.

When providing an individual with therapeutic intervention, it is best practice to involve them in any decisions regarding their wellbeing. The Bill amends the legislation to ensure that in developing a voluntary case management plan, the Secretary must do so in collaboration with the participant.

The reforms in the Bill ensure that the legislative requirements of the CVE MAP and VCM scheme reflect the dynamic and evolving nature of violent extremism. In particular, the Bill reforms the functions of the DJCS Secretary to allow the Secretary to ask the CVE MAP for advice at any time, rather than at set intervals. This will ensure that the advice provision can be agile and flexible, and that requests for information by the Secretary are proactive. It is important for the Secretary to be able to consult the CVE MAP at any stage during the end-to-end case management process, rather than just when deciding whether to accept a referral, developing or varying case management plans. It will also allow the Secretary to ask for generalised advice regarding best-practice case management, or specific violent extremist cohorts, rather than individualised advice regarding a participant.

These reforms build on previous reforms to Part4A of the TCPA via the Justice Legislation Amendment (Police and Other Matters Bill) 2023, which introduced reforms to address limitations around information sharing by the CVE MAP, provided flexibility and efficiency around appointments to the CVE MAP, and clarified procedures for CVE MAP meetings. The reforms also enabled a court, hearing a matter regarding an SEO, to direct a person to give evidence.

The provision of holistic, therapeutic intervention ensures that Victorians who are vulnerable to radicalising towards violent extremism receive bespoke and impactful intervention as early as possible. The therapeutic nature of these interventions is demonstrated by its cache of support services including, mental health treatment, alcohol and drug treatment, and pro-social activities such as sporting clubs. By intervening early for these individuals, and reducing their vulnerability of radicalisation, the Victorian community is safer from the threat of terrorism and violent extremism.

The Bill also makes minor technical amendments to the TCPA to replace outdated references to questioning warrants under the *Australian Security Intelligence Organisation Act 1979* (Cth).

Making further improvements to combat weapons offending

I turn now to some very important amendments that this Bill will make to the *Control of Weapons Act 1990*. Earlier this year the Government brought a Bill which amended the *Control of Weapons Act 1990* to make it very clear that Victoria will not tolerate the possession, carriage and use of machetes in public places without a lawful excuse. There can be no doubt in anyone's mind that while machetes may have a legitimate use in various horticultural, agricultural and similar settings, they have no place in the hands of people who wish to do harm, nor can they be carried on our streets by anyone in self-defence. They absolutely cannot be purchased by children or sold to children. The government, Victoria Police and the vast majority of Victorians who are law abiding will not tolerate weapons violence. However, and very unfortunately, weapons violence persists in our public spaces.

This Bill introduces further measures that will build on our already robust planned and unplanned designated area weapons search scheme to give police greater flexibility to combat weapons offending when and where there is heightened risk to community safety.

It is important to appreciate that Victoria was the first jurisdiction in Australia with the foresight to develop a legislative scheme giving its police force significant powers to search people and vehicles for weapons in at risk areas known to police to be weapons offending hotspots.

Almost fifteen years ago, on 16 December 2009, provisions of the *Control of Weapons Act 1990* commenced operation empowering the Chief Commissioner of Police to declare areas as planned or unplanned designated areas if the Chief Commissioner is satisfied there is a likelihood that violence or disorder involving weapons will occur in the area because of one or more previous occurrences of such violence or disorder in that area. Events, such as music or other festivals, can also be designated where there is a likelihood of violence or disorder involving weapons occurring at the event if this has occurred at previous instances of the event. During the operation of a declaration, police officers, and to a more limited extent, protective services officers, have the power to search persons and vehicles for weapons and to seize those weapons, removing them from circulation in the community. These powers operate to both detect the unlawful carriage of weapons and deter people from having weapons in the public arena in the first place. Police have used these intelligence driven powers to great effect since that time.

Only in very recent years have some other Australian jurisdictions taken steps to introduce their own weapons search schemes, similar to Victoria's, to combat concerning levels of weapons offending in their public places.

It is timely then to introduce this Bill, which builds on our existing scheme, to make meaningful improvements which will ensure that police powers to respond effectively to unlawful weapons possession, carriage and use is best suited to contemporary weapons trends and community safety needs.

The Bill amends the planned and unplanned designated area scheme in six distinct ways to improve operational flexibility and police responsiveness to weapons offending risk. I will briefly explain each of these amendments in turn.

The Bill removes the requirement to publish a notice of a declaration of a planned designated area in a daily newspaper circulating throughout Victoria and in a daily newspaper circulating outside of the metropolitan area, if applicable, and instead requires publication of the notice on the Victoria Police website. This is consistent with the approach taken by some other jurisdictions and recognises a shift from the popularity of hardcopy newspapers 15 years ago to a more online world today. The Bill will not alter the additional requirement to publish a notice of a planned declaration in the *Government Gazette* as this is the standard legislative approach for providing notice of this type of declaration and provides legal certainty for the exercise of search powers in designated areas.

The Bill amends the provisions that currently exist for planned event declarations to provide that each period of an event declaration operates during the event and during any time before and after the event that the Chief Commissioner considers reasonable. At present, event declarations may only operate strictly during the exact timing of the event itself. This amendment will allow for the Chief Commissioner to determine an appropriate period of time before and after an event for an event declaration to additionally operate to maximise community safety.

For example, significant crowd numbers may congregate before an event or linger afterwards or it may be important to provide a safe environment for the ingress and egress of events with high attendance numbers or where the event occurs at a remote location with limited entry and exit points, which is not uncommon with rural music festivals. The Bill gives the Chief Commissioner the flexibility to tailor the duration of a declaration based on the unique characteristics of each event and its particular risk profile.

Another amendment in this Bill will enable planned event declarations to be made for new and emerging events based on intelligence information of a high identified risk. At present planned event declarations may be made for events that have been marred by violence or disorder involving weapons at previous occasions.

ADJOURNMENT

858

Legislative Council

Thursday 6 March 2025

The Bill retains that still very effective ground and adds a new ground, enabling the Chief Commissioner to declare an area where an event is to be held if the Chief Commissioner is satisfied that, by information known to the Chief Commissioner, there is a likelihood that violence or disorder involving the use of weapons will occur in that area during the period of intended operation of the declaration. This is an intelligence led approach placing Victoria Police on the front foot to combat the threat of weapons related violence or disorder.

The Bill also promotes sustained efforts to detect and deter weapons related violence or disorder in areas of high risk through reducing the time that must elapse between declarations of planned designated areas. At present, police are unable to conduct a planned operation in an area until a minimum of 10 days has elapsed from the end of a previous planned operation in the same area. The Bill reduces this minimum 10-day gap to a minimum of 12 hours. The reduced timeframe is more aligned with some weapons search schemes introduced in other Australian jurisdictions and is intended to improve community safety in high risk areas and for periods of heightened risk. For example, a more consistent police presence and random weapons searching activity may have considerable benefits during school holidays or long weekends in certain areas. As is currently the case, police will still be able to conduct an unplanned designated area operation in the area during the gap period if circumstances require such an operational response.

Also consistent with some other jurisdictions and to enhance operational flexibility, the maximum duration of both planned and unplanned designations of areas will increase from 12 to 24 hours. Within an available maximum 24-hour window, the Chief Commissioner must continue to limit the period for each designation to no longer than is reasonably necessary to enable police and protective services officers to effectively respond to the threat of violence or disorder involving the use of weapons. This change will provide greater public safety and reassurance in circumstances where there is a risk of a significant event of violence or disorder, including where there is a critical incident or high-profile crime committed and there is a risk of retaliation. Victoria Police will also be in a better position to tailor both planned and unplanned operations to the intelligence it has on hand.

Finally, the Bill rectifies an anomaly whereby section 10L(3) currently has no specified penalty for the purported offence of a person without reasonable excuse obstructing or hindering a protective services officer in the exercise of powers to stop and search a person or vehicle or to seize and detain a thing. The *Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017* gave protective services officers limited powers to participate in the designated area weapons search scheme alongside police officers, and inserted the offence in section 10L(3) into the Control of Weapons Act 1990. However, in what must have been an unintended oversight, no penalty was specified. The Bill rectifies this anomaly by fixing a penalty of 2 penalty units for the offence mirroring the penalty that currently applies in respect of the similar offence set out at section 10L(1) in relation to police officers.

This is an important community safety focussed Bill demonstrating this Government's commitment to ensuring Victoria Police has contemporary and effective powers to detect and deter unlawful weapons possession, carriage and use in our communities. The Government will continue to take all appropriate steps to maximise Victoria Police's capacity to combat weapons offending.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (17:53): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:53): I move:

That the house do now adjourn.

Rikkie-Lee Tyrrell: President, I have a point of order on unanswered adjournments 1396 and 1276, which I would like the minister to address, please.

The PRESIDENT: If the minister could follow that up.

Firewood collection

Rikkie-Lee TYRRELL (Northern Victoria) (17:54): (1490) My adjournment this evening is for the Minister for Environment, and the action I seek is for the minister to direct the Department of

Energy, Environment and Climate Action to open more firewood collection areas in the Northern Victoria Region. Yet another year and another disappointing announcement for firewood collection areas in my electorate of Northern Victoria. After a season of devastating fires one would think that both the minister and DEECA would be open to allowing my constituents to collect firewood from the already overloaded forests and parks, but here we go again. The residents of the Moira, Campaspe, Gannawarra, Swan Hill and Mildura local government areas find themselves with minimal, if any, free firewood collection points within a reasonable travelling distance. Many of the residents needing these free collection points are elderly, pensioners, people with disabilities or families. They simply do not have the spare funds to be travelling hours out of their way to collect firewood or pay the exorbitant prices charged by firewood sellers. Many of these people rely solely on firewood for warmth and cooking. It seems my constituents in Northern Victoria are being further ignored and disadvantaged by the city-centric Minister for Environment. We are in a cost-of-living crisis partially caused by this government, and people are faced with the choice of either buying food or warming their homes. Perhaps it is time the minister left his city office and took a drive through the areas his portfolio covers. The action I seek is for the minister to direct DEECA to open more firewood collection areas in the Northern Victoria Region.

Youth Fest

Jacinta ERMACORA (Western Victoria) (17:55): (1491) My adjournment matter is for the Minister for Youth. The action I seek is for the minister to provide me with an update on how many organisations in the south-west benefited from the Victorian Youth Fest last year and the impact this has had on young people in my community. The Allan Labor government is backing young Victorians to step up, take charge and bring their communities together with Youth Fest 2025. Applications for Youth Fest 2025 have just opened. Grants of up to \$2000 are now available to support youth-led events that will empower young people in our community to have a say in planning and shaping Youth Fest celebrations in September this year. It offers a unique opportunity for our young people to prioritise turning ideas into exciting projects with support from organisations in their region. It was terrific when Minister Suleyman visited Warrnambool a couple of years ago to celebrate Youth Fest and she visited an exhibition called *Artolescence*, which was hosted by the F Project in Timor Street in Warrnambool. It gave young people a unique opportunity to launch their exhibition for the community to enjoy and appreciate their art in a public space. To celebrate Youth Fest 2024 I had the pleasure of visiting another impressive exhibition at the F Project. This time the exhibition was actually being curated by one of the talented artists from the year before, a wonderful example of Youth Fest's commitment to young people. Ongoing support is making all the difference. This support is particularly important in regional and rural areas where there is always an abundance of support for young people enjoying sports but often less support and opportunities for those interested in the arts.

Mickleham Road duplication

Evan MULHOLLAND (Northern Metropolitan) (17:57): (1492) My adjournment is directed towards the Minister for Transport Infrastructure, and the action I seek is for the minister to finish the planning and get underway stage 2 of the Mickleham Road duplication in my electorate. As the minister is aware, I stand up almost every day while I am in this chamber and speak about traffic issues in the north, and the northern end of Mickleham Road is a good example of that when you have got a government that literally has fast-tracked and improved a brand new 8000-home precinct structure plan in the Craigieburn West PSP but provided no infrastructure to be able to deal with that traffic. They are not learning from the mistakes of places like Kalkallo or places like Beveridge and going, 'Hey, let's put in the infrastructure before people actually move in.' They are repeating all of the same mistakes. The communities around Mickleham Road, particularly around Greenvale, have been expanding rapidly, and there simply is not the infrastructure to support them. I am pleased that, thanks to my advocacy and interventions, we have recently had a win in Greenvale, with the developer Pask Group, Hume City Council and the state government, finally, after a VCAT mediation, agreeing to approve the Providence neighbourhood activity centre, which will allow residents of the Providence

estate to have a supermarket and a shopping centre. It has been a long, drawn-out process of over 10 years to make this happen.

We had a situation where this state government wanted supermarket trucks to go through a suburban street, and even when it was modelled that supermarket trucks would go through roundabouts and go down narrow suburban streets, they still did not want another intersection on Mickleham Road. Despite there being plenty of intersections further down and plenty of intersections on Somerton Road and Cooper Street as well, they just did not want one there, which would have denied residents a supermarket. This is a massively growing area, but unfortunately the government is good at building estates but not good at turning those estates into communities.

I particularly want to thank the Greenvale Residents Association and its president Tamara Nolan for her outstanding advocacy. Thanks to Mayor Jarrod Bell, Cr Jim Overend and particularly former mayor of Hume Joseph Haweil for their advocacy and cooperation in helping achieve this outcome for the northern suburbs that Labor MPs and the state government were not able to do. This is a great result for my community in Greenvale.

United States trade

David LIMBRICK (South-Eastern Metropolitan) (18:00): (1493) My adjournment matter is for the Minister for Finance in the other place. The new Trump administration in the United States is making them an unreliable trading partner, even to their greatest allies. If they fulfil their promise to apply tariffs to agricultural goods, it will damage our economy and the livelihoods of thousands of Australians. This is particularly bad for Victorians, because the United States is our second-largest export destination. No other Australian state has a larger proportion of exports to the US, and no-one will be hit harder than country Victorians. They produce more than \$1.5 billion worth of meat products for export to the US each year, mainly beef, lamb and goat meat. Tariffs will affect not just farmers but also processors and others along the supply chain. My request for action from the minister is to urgently activate staff in Global Victoria teams around the world to find alternative markets and report back to our exporters.

Community food relief

Wendy LOVELL (Northern Victoria) (18:01): (1494) My adjournment matter is for the Minister for Carers and Volunteers, and the action that I seek is for the minister to commit to providing food relief agencies with ongoing recurrent funding commencing in the 2025–26 state budget. Food shares and similar food relief organisations provide an incredibly valuable service to Victorians most in need of help. They receive food that might otherwise go to waste, as well as donated food, and distribute it to Victorians in need. The Victorian Council of Social Service’s poverty maps show that food insecurity is particularly bad in regional Victoria, where over 80 per cent of rural and regional local government areas had poverty rates of 10 per cent and above.

I have been a longstanding supporter of the incredible work done by my local Shepparton Foodshare and other food relief organisations around northern Victoria. Over the last five years I have continuously advocated for the Victorian government to provide funds for the construction of new warehouses for Bendigo Foodshare and Shepparton Foodshare, so I was very glad to see both organisations receive a mix of state and federal government funding, along with generous donations from the community. Bendigo Foodshare was able to move into a new warehouse that opened last year, and Shepparton Foodshare will relocate to their permanent home in the coming months. Shepparton Foodshare has always operated and continues to operate without any recurrent funding from government and relies on its own fundraising efforts, community generosity and philanthropy to cover its ongoing operational costs. There is a trend for an increase in demand, but last year saw a 30 per cent jump in daily food orders as the cost-of-living crisis hit families hard.

Food shares cannot continue to meet rising demand without long-term operational investment. For this reason, a number of regional food share organisations, including Shepparton, Albury–Wodonga,

Bendigo, Geelong, Mildura and Warrnambool, have formed the Regional Food Security Alliance to advocate for more and ongoing funding to keep their doors open to continue to serve their communities. Members of the Regional Food Security Alliance face the same problem of depending on an annual cycle of one-off grants that leaves them vulnerable to changes in government policy and budgeting. Without predictable and reliable funding, it makes it difficult for these organisations to operate a consistent and reliable service for those who depend on their help. It also makes it hard to plan for the future, expand their services and attract key permanent staff, who understandably are reluctant to join an organisation that may not be able to pay their salary next year. Recommendation 21 of the final report of the inquiry into food security recommended that the Victorian government provide the food relief sector with recurrent funding to ensure it can address both current demand and future challenges. Members of the Regional Food Security Alliance are seeking ongoing recurrent funding from the Victorian government commencing in the 2025–26 state budget.

Family violence

Anasina GRAY-BARBERIO (Northern Metropolitan) (18:04): (1495) My adjournment matter is for the Minister for Prevention of Family Violence, and the action I seek is a briefing on how key indicators of misidentification of victim-survivors are being monitored. Family and sexual violence is a crisis in Victoria. It disproportionately affects Aboriginal women, migrant and refugee women, women with disabilities, gender-diverse women and criminalised women. What is less discussed is the systemic failure that occurs when these victims, already facing immense barriers, are misidentified as perpetrators. It is important to acknowledge that the same group of women who are criminalised are also more likely to be victims of abuse, violence and trauma. Victoria Police estimate that misidentification occurs in 12 per cent of family violence reports. Among Aboriginal women the rate is even higher – 20 per cent have been wrongly identified as the aggressor. These figures are likely under identified and the true figures are likely to be higher. This is not a mere procedural error; it is a devastating miscarriage of justice. Victim-survivors who are misidentified may have intervention orders placed against them, lose custody of their children, be removed from their homes and struggle to access support services. The real perpetrator, meanwhile, remains free to continue the cycle of violence. We must ask: why does this happen?

The same systemic biases that criminalise these women also enable their misidentification. Police responding to a scene may misinterpret self-defence as aggression, particularly when the victim is distressed, unable to articulate the experience due to language barriers or reacting to trauma. A common tactic used by non-Aboriginal men in relationships with Aboriginal women is weaponising state institutions. Knowing that their partner fears police and child protection involvement, perpetrators manipulate these systems to exert coercive control. This results in Aboriginal women being disproportionately removed from their homes, incarcerated and separated from their children.

Misidentification leads to children being placed in out-of-home care, severing cultural ties and deepening intergenerational trauma, echoing the stolen generations. For migrant and refugee women, it isolates them from community networks, increasing their risk of homelessness, financial instability and further violence. We need urgent reforms, training for police that works, accountability in the justice system and culturally responsive community-led interventions that centre lived experience. Women experiencing violence should not be retraumatised by the institutions meant to protect them. When we fail these women, we fail their children. Minister, I welcome your briefing.

Community safety

Joe McCACKEN (Western Victoria) (18:07): (1496) My adjournment matter is for the Minister for Local Government. I would like to congratulate Ballarat City Council for its swift and just action regarding antisemitic commentary. As has been reported in the media, Ballarat City Council has terminated a \$285,000 grant to BREAZE, Ballarat Renewable Energy and Zero Emissions, an activist environmental group in Ballarat, over the conduct of one of its board members, who has been reported as sharing antisemitic material online and making derogatory comments against Jewish people. The

post on X blamed Jews for the rise in antisemitism and called Israel ‘a stain on the planet’. Threads on the post included a statement from the board member tagging foreign minister Penny Wong, which said that the Israel Defense Forces continued to:

Dehumanise and torment people of Gaza in similar style to the way Nazis dehumanised Jews during the holocaust.

The board member who retweeted a post said the antisemitism was a reaction to harmful Jewish behaviour and a rejection of Jewish supremacy. When the comments were raised by council with BREAZE, they refused to sack the board member, citing no reason and no power to sack the board member, and the board member refused to resign. The council were left with no choice but to terminate the funding agreement, and rightly so. The board member’s X page has since been wiped. Later in February the board member decided of their own choosing to step down because, according to news reports, they did not want BREAZE to lose funding. The council stuck with their decision and should be applauded. The action that I seek from the minister is that they write to all 79 councils within Victoria with the view of preventing grant funding going to groups that will not stand against antisemitism.

Knife crime

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:09): (1497) My adjournment is to the Attorney-General, and the action I am seeking is for the minister to take some immediate measures – measures, I might add, that the coalition and the community have been calling for – to develop stronger laws to crack down on Victoria’s violent knife epidemic. This is also in response to the Premier’s hint last week when she conceded that a review of bail laws was needed to address knife crimes across the state. The Allan Labor government is failing Victorians with its flawed ideology and lack of action. It is almost a daily reality that we read about stabbings in Victoria, with young people losing their lives over senseless acts by knife-carrying perpetrators. We only have to look back at last week where a 25-year-old male getting off a bus at Wyndham Vale was set upon by two youths and stabbed to death. He was apparently not known to the offenders.

Since 2015 police are said to have taken almost 120,000 edged weapons off Victorian streets, with that number reaching record levels last year. Frighteningly, police seized 14,797 knives, swords, daggers and machetes last year, which is the highest number seized over the last decade. In this recent record bust, in a factory warehouse in Dandenong South, police from Springvale divisional response unit seized 930 weapons, which included samurai swords, zombie knives and katana swords. One of the concerns that police have with this seizure is that some of these weapons were being sold to children. Police are ‘zeroing in’, according to Natalie Dollard, the response inspector, not only on those who carry and use edged weapons, but also on those who are illegally selling them. Police became aware of the supplier after seeing an online company selling prohibited weapons without a permit or licence. Reports indicate that admissions to Victorian hospitals of people with stab wounds doubled in the past decade. The rising number of teenagers involved is a worrying trend. A record number of knives were taken off Victorian streets in 2024, with almost 40 blades found and destroyed each day. What about the numbers that we do not know about and that are not being detected because they have not actually been seized? In my area, I have to say, we have got record numbers here as well, because in 2024 there was six times the amount of home invasions compared to 10 years ago. Since 2017 the amount of thieves brandishing weapons when entering homes has nearly doubled.

The *Herald Sun*’s analysis of break-ins by suburb revealed that Dandenong was the worst hit suburb in the state and Clyde North was almost second worst hit, behind by only one house invasion, with Berwick being close behind as a primary target suburb. Last year alone, Victoria Police seized so many weapons that it equated to 40 knives, machetes and other blades that were removed from the community each day. Attorney-General, I call on you to address this issue with the utmost urgency before more lives are lost.

Community safety

Georgie CROZIER (Southern Metropolitan) (18:12): (1498) My adjournment matter this evening is for the attention of the Minister for Health. I have just been listening to Mr McCracken's excellent adjournment matter on the issue around antisemitism, and mine also is related to that, but within the health system. I have spoken about this in the past in this place and in recent weeks, after many revelations have been aired, including the actions of Dr Mohamed Ghilan who was at the Alfred hospital. After his horrifying antisemitic posts, he left there when an investigation by AHPRA was undertaken. After the 7 October terrorist attacks Dr Ghilan shared posts showing the slain Hamas leaders. One said:

Humiliation will never be for us.

Another post read:

I am Hamas, they are Hamas, we are all Hamas.

And:

Live like Sinwar or die trying.

These are very offensive and concerning remarks for every Victorian in the way that we live in the wonderful, democratic state of Victoria, and there is no place for these sorts of comments in this country.

After Dr Ghilan left the Alfred, he started working in another public health service at St George's Health, which is under the auspices of St Vincent's Hospital. On 21 February he went on two weeks leave. Well, that two weeks is now up. The action I am seeking from the minister is to understand his employment status within the public health system and to understand whether he has been posting or making comment that is antisemitic or pro-Hamas propaganda related. I think this is a very serious matter. I think it is very concerning for many people that work within our health system, especially those providing care for all Victorians and not judging them on any religious or political beliefs. It has no place within the Victorian health system. I think the minister needs to act. I do not know what she is doing, apart from saying a few things. It really does need to be attended to in the most serious way. I urge the minister to provide reassurance to all Victorians, especially Jewish Victorians, that this doctor is not practising or conducting this propaganda, like he has done over the last 18 months.

Manufacturing sector

Richard WELCH (North-Eastern Metropolitan) (18:15): (1499) The action I seek is from the Minister for Industry and Advanced Manufacturing. There was a news report yesterday which said:

Australia's nuclear-powered submarines are one step closer to fruition, with work starting on the academy to train builders ...

in Osborne, South Australia. It stated:

The \$480 million facility is being described as the cornerstone of the nation's naval future under the AUKUS partnership, and promised to provide students in South Australia with safe and sustainable employment for life.

...

It aims to accommodate 800 to 1000 students, mirroring the successful model of the Barrow-in-Furness academy in the United Kingdom, where students contribute to building Britain's nuclear-powered fleet.

So there we have it. The skills, the supply chain, the expertise, the investment, the future economic growth – there it goes, over the border to South Australia. Victorians are right to wonder: why wasn't it us? Why weren't we, the state with the education and engineering skills and advanced manufacturing industries, at the front of the queue? But we were not, and as far as anyone can tell we did not even try. Where was the ambition for the state? Where was the breadth of view to understand the strategic long-term importance to Victoria? Perhaps because the government's ideological blinkers blind it so

much the mere word ‘nuclear’ means it cannot possibly allow Victorians this opportunity. Did we miss out because the adverse investment conditions it has created in Victoria made it impossible, or is it that the Victorian state government is so economically illiterate it does not even understand the significance of the opportunity to begin with? I suspect it is all three. But it is Victorian workers and young people who were denied careers who miss out. It is Victorian businesses that miss out.

The reason this matters is that with the Victorian economy, particularly the manufacturing sector, any analysis says that we have massive potential, but it is essential to increase the supply of engineering skills to develop a sustainable domestic supply chain ecosystem. The bottom line is that the successful scaling up of these industries is essential to continued prosperity in this coming century, and we have just missed out on an incredible opportunity to help deliver that. We have also made ourselves a mere bit player in the biggest project in Australia’s history, and the government needs to explain why. The action I seek from the minister is to explain how we missed out on this investment and locating this training centre in Victoria and what steps he will take to address the lost skills, investment and long-term economic opportunities.

Victorian Fisheries Authority

Bev McARTHUR (Western Victoria) (18:18): (1500) My adjournment matter is for the Minister for Outdoor Recreation in his capacity as minister responsible for the Victorian Fisheries Authority. Minister, are you happy to preside over the reckless gutting of Victoria’s fisheries department, a 50 per cent staff cut, slashing 73 enforcement officers to just 36 and closing five critical stations around Port Phillip and Western Port bays for three feeble community hubs? This is not a restructure; it is an invitation to chaos, and it is your government’s doing. The VFA might be copping the criticism here, but let us be honest: we all know this is happening because your government has run out of money – our money. Deficit, debt and crippling interest payments are one side, but the other is the spending. Exhibit A is the \$216 billion Suburban Rail Loop, a money pit draining resources which could finance fisheries, for example, for several centuries. At what point will you admit all the other cuts? The trade-offs are having such a serious impact on Victoria’s economy and our quality of life that this glorified hole in the ground is not worth the pain.

My constituent David Burgess, a 47-year VFA veteran, calls the cuts ‘insane’. He wrote:

... once word gets out that you can do what you like out in the bays it will be a free for all with illegal fishing and the illegal sale of recreational caught fish which will at some point lead to a serious public health issue.

A diver can nab 100 kilos of abalone, \$3000 worth in just a few hours, feeding a black market that will ravage our marine environment. Organised crime, already rampant with tobacco, will arrive. As David told the ABC:

If you have no one out there you can have all the rules you like ... it doesn’t work ...

Yet, Minister, you are cutting half the workforce of enforcers completely and replacing the other half with ‘engagement officers’. That is not policing, it is a pamphlet patrol. The VFA claims 90 per cent of fishers comply, but compliance collapses without enforcement. Crayfish, whiting and abalone stock levels will crash. Export accreditation is at risk too, potentially endangering many millions in economic activity, and all the while 900,000 recreational fishers and fishing organisations across the state – voters who you are normally pretty keen to butter up – are in open revolt. The action I seek, Minister, is that you return to the reality-based community and recognise that enforcement exists for a reason. I ask you to reverse these cuts and protect Victoria’s fisheries.

Housing

Gaelle BROAD (Northern Victoria) (18:21): (1501) My adjournment is to the Minister for Housing and Building. There have been news reports this week that Victoria’s housing crisis is at a tipping point. People are camping in bushland near Bendigo. People are living out of their cars at Lake Weeroona. I have also been contacted about the homeless living behind Lansell plaza in Kangaroo Flat being given tents to live in. The homeless are living on the streets in the suburbs of Bendigo

because there is nowhere else for them to go. The state government's increased taxes and regulations are having a massive impact, adding to our current housing crisis. Real estate agents have again contacted me, desperate for reforms. It has become the norm for them to receive 90 applications for a one-bedroom unit in Bendigo. All the additional taxes and regulations that are being placed on rental providers are causing them to leave the property market, making less rentals available and leading to more people being forced onto the social housing waitlist, which has now ballooned to nearly 64,000 families in Victoria.

I note that the recently released Infrastructure Victoria draft plan calls for more development in areas with existing infrastructure, yet I am yet to receive a response from the government regarding the old Sandhurst Centre, an empty property in the centre of Bendigo that could be developed. It took 12 months to receive a response, which said, 'This question should be directed to the Minister for Development Victoria and Precincts' – 12 months. But it is land like this, close to hospitals and transport services, where progress could be made. On the streets here in Melbourne, metres from this Parliament, I walked past three people last night asleep on the pavement, so we know this issue is right across Victoria.

The Premier has also made reforms to the planning scheme and said that they will take planning powers from councils who try to block more homes being built. From the data, it appears as though councils are approving permits but there may be other reasons why homes are not being built. According to reports in the *Age*, Victoria has a lengthy roll call of taxes on land and property transactions and the Urban Development Institute of Australia calculates that property taxes make up more than 40 per cent of the total government tax take.

In 2021 a Big Housing Build project was announced for Virginia Hill in Eaglehawk. Sixty-four properties were demolished, and the land has sat vacant now for a couple of years with temporary fencing surrounding the site. The government plans to more than double the number of houses on the site, and local residents have raised concerns that the site may still be contaminated because it was formerly a mine site. The government website indicates that consultation is due to take place this year. The action I seek is for the government to share the findings of these soil studies at the site and to advise how and when key stakeholders and local residents can participate in the consultation process.

Manorvale Primary School

Trung LUU (Western Metropolitan) (18:24): (1502) My adjournment matter this evening is for the Minister for Education, and it concerns commitments made before the last election for the Manorvale Primary School community in Werribee in my electorate which the Allan Labor government has yet to deliver. The action I seek is for the Deputy Premier to revisit the funding pledge of \$12.1 million made by the former member for Werribee to Manorvale Primary School and to deliver on their commitments in this year's budget. This Labor government pledged that if elected they would provide Manorvale Primary School in my electorate with \$12.1 million for urgent maintenance and building repairs that the school has been needing for a long time. The building works would consist of a new entrance to the school, an administration building and four new specialist spaces – visual art and technology, a library, a storage room and first aid – and would fix a building that contains asbestos. The funding would see the start of demolition of the building containing asbestos and the construction of the new classroom and library. The school has patiently waited for confirmation from the Department of Education and the Allan government that they have funded these important works, as promised. I understand the former member for Werribee visited the school as recently as last August to hear about their concerns but failed to deliver on his promise before resigning from his role in December. I hope the new member for Werribee will make this matter a priority and demand answers from this Labor government about the cause of the delay in delivering for this school in my community.

The delay in funding has resulted in the school making short-term fixes to major issues that arise, meaning the students and teaching staff are walking on uneven floors and enduring water leaks from

ADJOURNMENT

866

Legislative Council

Thursday 6 March 2025

ceilings across the school. In 2025 it is unacceptable that a school must endure such substandard facilities. Our students and our teachers and staff deserve better. Manorvale Primary School simply ask the government to commit to the full \$12.1 million in funding they promised and deliver every cent in the May budget. I strongly urge the Labor government to provide this funding they promised to my constituents at the wonderful Manorvale Primary School.

Greater Western Water

David DAVIS (Southern Metropolitan) (18:27): (1503) My matter for the adjournment tonight is for the attention of the Minister for Water, and it concerns Greater Western Water. I am in receipt of correspondence from Mr AD Way, who lives in Richmond but has property in the area. He has written to the Minister for Water the Honourable Gayle Tierney because he has had a series of problems with his billing. He talks about the outstanding issues with Greater Western Water:

My issues with GWW have not been resolved to my satisfaction.

In the letter that she sent him, she wrote:

Customers deserve transparency from their water providers. In mid-2024, GWW merged two computer systems used by the former City West Water and the former Western Water for billing. It is clear this IT merger has triggered billing issues, and customers like yourself are rightly frustrated.

This was some time ago. She said:

In response, the Government has requested the Board of Greater Western Water to commence an independent review of its operational response to the resulting billing and payment issues. The Lead Reviewer is Claire Noone, a strong advocate for consumer rights through former ... roles at Consumer Affairs Victoria and the Australian Competition and Consumer Commission ...

The Review is an important step – but we know customers need more immediate support.

So they have set up additional staff and a call line. GWW is:

... opening its offices in Footscray and Sunbury for face-to-face service days, to provide ... support with bill and payment issues.

This has also been escalated higher, to the Department of Energy, Environment and Climate Action, in the form of Grant Breheny, the director of governance and compliance in the water and catchments group at DEECA. But Mr Way is not happy with this, and I do not blame him. He talks about Claire Noone's review and he has a series of questions. So the action in my adjournment tonight is for the Minister for Water to respond publicly to Mr Way's questions, one of which is:

On what exact date was this review commissioned? Why has it taken so long to institute the review?

He said:

I formally request a copy of the review's terms of reference, reporting structures and deadlines.

And I think they should be released publicly. He went on:

I formally request to be informed of the review's recommendations.

I formally request to be informed as to how the review's recommendations are to be implemented and according to what processes and timelines.

I also note there is seemingly no reference to this review either on the GWW or the DEECA websites.

And he wants to know why. So the minister needs to respond to Mr Way, but also in a public way she needs to actually explain how this mess – this absolute disaster – has come about, and the Noone review needs to become transparent and public.

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:30): Mrs Tyrrell raised a matter for the Minister for Environment. Ms Ermacora raised a matter for the Minister for Youth. Mr Mulholland raised a matter for the Minister for Transport Infrastructure.

ADJOURNMENT

Thursday 6 March 2025

Legislative Council

867

Mr Limbrick raised a matter for the Minister for Finance. Ms Lovell raised a matter for the Minister for Carers and Volunteers. Ms Gray-Barberio raised a matter for the Minister for Prevention of Family Violence. Mr McCracken raised a matter for the Minister for Local Government. Mrs Hermans raised a matter for the Attorney-General. Ms Crozier raised a matter for the Minister for Health. Mr Welch raised a matter for the Minister for Industry and Advanced Manufacturing. Mrs McArthur raised a matter for the Minister for Outdoor Recreation. Mrs Broad raised a matter for the Minister for Housing and Building. Mr Luu raised a matter for the Minister for Education. Mr Davis raised a matter for the Minister for Water. I will refer them accordingly.

The PRESIDENT: The house stands adjourned.

House adjourned 6:31 pm.