Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 16 October 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

CONTENTS

Thursday 16 October 2025

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

Petitions

Parentline

Katherine COPSEY (Southern Metropolitan) presented a petition bearing 242 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the closure of Parentline. Parentline is a government funded phone service that currently serves approximately 18,000 Victorian parents and guardians each year. This closure is extremely shortsighted and is causing irreparable harm, panic, anxiety and confusion for Victoria's parents, guardians and children. Psychologists and counsellors will immediately be out of work and other phone counselling services will be put under undue pressure to manage the fallout.

The petitioners therefore request that the Legislative Council calls on the Government to do whatever it can to keep Parentline open so it can continue to serve Victorian parents and guardians.

Katherine COPSEY: I move:

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

Motion agreed to.

Guru Nanak Lake

Ann-Marie HERMANS (South-Eastern Metropolitan) presented a petition bearing 1610 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the unilateral changing of the name of Berwick Springs Lake by the Minister for Planning. This name change creates division within our multifaith community, ignores the historical significance of the name, and was done with no community consultation with either local residents or property owners. The petitioners are aggrieved by the failure to consult with the local community on this significant name change and the disrespect it demonstrates. The petitioners are also aggrieved by the division created in our multifaith community by a decision that appears to privilege one faith over others. Finally, the petitioners are aggrieved by the complete disregard for the historical significance of the name Berwick Springs. The name originates from 1855 when William Clarke named his property 'The Springs' after the natural springs in the area. Edward Greaves continued this heritage in 1903, maintaining the name for his homestead on Stockyard Drive. This significant documented history, confirmed in a 1993 heritage study, has been disregarded by this decision.

The petitioners therefore request that the Legislative Council call on the Government to revoke the unilateral renaming of Berwick Springs Lake, implement proper local community consultation regarding any future naming decision regarding the lake found in the Berwick Springs Reserve and investigate the processes which led to the unilateral approval by the Minister for Planning.

Ann-Marie HERMANS: I move:

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

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Liquor Control Reform Act 1998 – Report, 2024–25 by the Chief Commissioner of Victoria Police, under section 148R of the Act.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 105.

Surveillance Devices Act 1999 – Report, 2024–25 by the Game Management Authority, under section 30L of the Act.

Terrorism (Community Protection) Act 2003 – Report, 2024–25 by Victoria Police, under section 37F of the Act.

Voluntary Assisted Dying Review Board – Report, 2024–25 *(replacement for copy tabled on Thursday, 11 September 2025)*.

Business of the house

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:40): I move:

That the Council, at its rising, adjourn until Tuesday 28 October 2025.

Motion agreed to.

Members statements

Armstrong Creek community hub

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:41): It was a pleasure to visit Modularity by Rendine recently to check in on the exciting progress of the new Bloinks community hub and kindergarten. This is a fantastic community hub, and it will be arriving three years earlier than planned thanks to cutting-edge modular construction techniques. Backed by a $4.2 million Allan Labor government Building Blocks capacity grant, with the support of the City of Greater Geelong, this innovative modular hub will deliver a three-room kindergarten for 99 children, maternal and child health services, allied health suites and multipurpose community spaces. Constructed locally in Moolap, this project is supporting local jobs while ensuring that Armstrong Creek families will have access to quality early learning and vital support services right on their doorstep. This is a terrific example of what can be achieved when local and state governments work together. I look forward to seeing the Bloinks community hub open its doors to Armstrong Creek families in January next year.

St Charbel Parish, Greenvale

Evan MULHOLLAND (Northern Metropolitan) (09:42): It was an honour to attend the St Charbel Parish inaugural gala dinner to celebrate the official launch of the new parish church and community centre project, which will serve the Middle Eastern community in Greenvale and surrounds in the northern suburbs. It is a lasting initiative that I am proud to personally support. I was privileged to join His Excellency Bishop Antoine-Charbel Tarabay and also Liberal leader Brad Battin, my colleagues Moira Deeming and Richard Welch and of course Abouna Charles Hitti, who provides such a great support for his community.

Kali Mata Mandir

Evan MULHOLLAND (Northern Metropolitan) (09:42): It was also great to join my colleague Richard Welch, as well as local councillors Sam Misho and Jim Overend at Kali Mata Mandir temple in Craigieburn. We received a warm welcome and enjoyed meeting the performer Kanth Kaler. I also had the pleasure of hosting the Kali Mata Mandir community in Parliament last week and was honoured to meet with Pujya Rajan Jee, and my notifications on Instagram are still going off from his collaboration.

Northern Metropolitan Region multicultural communities

Evan MULHOLLAND (Northern Metropolitan) (09:43): It was great to celebrate seniors week at a social gathering for the elderly in the Assyrian, Chaldean and Syriac community in Craigieburn, hosted by Bloom Community Care and the Beth-Nahrain Assyria Association. I would like to thank Dalal Samaan for the warm invitation, and I pay tribute to the work he does for our community.

Retail and hospitality workers

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:43): If you are a casual worker in a fast-food joint – Domino's, McDonald's, KFC and the rest – and you are under 16, you are earning $13.28 an hour, while your adult workmates, who are 22, will earn about three times as much, at $33.19 an hour. This is for workers with the same skills and the same responsibilities. I am not talking about a difference between staff and supervisors; I am talking about two workers both making the pizzas, both taking the orders, doing exactly the same tasks, and yet the young person will be earning $20 an hour less thanks to so-called junior wages. It is not like young people are receiving 'junior discounts' on their food costs or bills or any other costs they may be paying. That is just not happening. Young people still have to pay the same amount as the rest of us for everything else in their lives, all while being paid only a fraction of the pay of their workmates over 21. It is just not fair that young people are being paid less for doing the same jobs as adults. Everyone deserves a fair day's pay for a fair day's work, and so-called youth wages should be abolished.

Balibo Five

Ryan BATCHELOR (Southern Metropolitan) (09:45): Fifty years ago this morning, five Australian-based journalists were murdered by the Indonesian military in the town of Balibo, Timor-Leste. Greg Shackleton, Gary Cunningham, Tony Stewart, Malcolm Rennie and Brian Peters, working for Channel 7 and Channel 9, were in Balibo seeking to report the truth of the pending Indonesian invasion of the former Portuguese colony that had just declared its independence, staying in a house that Greg had famously adorned with the Australian flag to try and keep them safe. They were taken from that flag house, marched down the street and executed, and their bodies were burnt. Another journalist, Roger East, came looking for them months later, and he was murdered too. They were there to report the truth, and they gave their lives for their journalism. Now Balibo is a beautiful town 10 kilometres from the Indonesian border. The old Portuguese fort has unparalleled views of the surrounding areas and the Savu Sea – deadly views, it turns out, if you have got a camera and can see an invasion being prepared.

I had the great honour of getting to know the story of the Balibo Five, of getting to know their families and their struggle for truth during the time I spent living in Timor-Leste in 2013 and 2014 and whilst working for Balibo House Trust, a trust established by the Victorian government for the families of the Balibo Five to purchase and restore the flag house, which is now a community centre and museum. I want to pay particular tribute to the late Shirley Shackleton, who did more than anyone in her lifelong pursuit of the truth. I have stood in the shell of the house where the Balibo Five were murdered. Their memory will not be forgotten and their truth will be told.

Don McKinnon

Gaelle BROAD (Northern Victoria) (09:46): I rise today to congratulate Don McKinnon on being awarded life membership of the Australian Poll Dorset Association, a fitting honour for more than six decades of service to the sheep industry. From founding the Derby Downs stud in 1960 to pioneering Poll Dorset genetics, Don helped shape the industry. He has been part of the Bendigo Agricultural Show Society since 1967, and his vision and leadership were instrumental in relocating the Australian Sheep and Wool Show from Melbourne to Bendigo in 1999, a move that revitalised the event and transformed it into the largest sheep show in the world. Don's legacy is one of innovation, dedication and community service, and I congratulate him on this well-deserved recognition.

Otis Foundation

Gaelle BROAD (Northern Victoria) (09:47): Last weekend I had a wonderful night celebrating 25 years of the Otis Foundation, and I wish to congratulate everyone who has contributed to this remarkable milestone. What started around a kitchen table in Bendigo has grown to a national not-for-profit, providing the gift of time away to help those with breast cancer rest, reconnect and heal. Over the last 25 years Otis has provided over 30,000 nights of accommodation at donated properties across Australia. I commend the founder Andrew Barling, chair Anne Baker, CEO Claire Culley and the many volunteers, supporters and staff on 25 years of extraordinary compassion and service.

Pregnancy and Infant Loss Remembrance Day

Jeff BOURMAN (Eastern Victoria) (09:48): Yesterday, 15 October 2025, was Pregnancy and Infant Loss Remembrance Day. It is to remember all those little ones that did not have a chance, whether it was from stillbirth, miscarriage, SIDS, ectopic pregnancies or all those other sorts of things. For every year that I am in this place, I will do my best to mark this day. It has been eight years for me, and I know that it will never go away. For those that are out there, I know what it feels like.

Wild Deer Expo

Jeff BOURMAN (Eastern Victoria) (09:48): I also on the weekend went to the wild deer show in Warragul, and it was heaving. I only went on the Saturday, and it was busy. As usual there was a wide cross-section of society there – all cultures, all ages, all genders – and it was just good to see that these things are still having a great effect. I had a great time, talked to a lot of people, flew the flag, all that sort of thing, and I look forward to the next one.

Albert Clarke

Jacinta ERMACORA (Western Victoria) (09:49): Today I would like to acknowledge the remarkable life and enduring legacy of Albert Clarke. Alby was a proud Gunditjmara elder in south-west Victoria. Born in Carlton, Alby was raised in Framlingham on Keerray Woorroong land, his mother Alice's country. Alby's life was deeply shaped by connection to culture, country and community. He championed health and wellbeing, particularly through exercise as a means of managing diabetes, inspiring many to live healthier lives while reinforcing the healing power of connection to country. If you were living in Warrnambool over the last 20 or 30 years, you would see blue-haired Alby either walking or running on the roads or riding his bike. Alby was a lifelong advocate also for truth-telling and recognition of Aboriginal ownership of land, land cared for by his ancestors for thousands of years. His achievements were formally recognised with two Order of Australia medals, while his sporting feats and advocacy continue to inspire generations. In this historic year, as Victoria prepares to enter the nation's first treaty with First Peoples, I honour Alby's voice, his service and his sacrifices. Vale, Alby Clarke.

Manufacturing sector

Ann-Marie HERMANS (South-Eastern Metropolitan) (09:50): Under the Allan Labor government, Victoria is becoming a state of blockers, not builders; protesters, not producers; regulators, not innovators. We once built cars and homes. Now, if retail can stay open, we are pouring lattes and spreading avocado on toast. While the south-east manufacturing output exceeds Western Sydney and South Australia, its title as the nation's manufacturing powerhouse wanes. Deloitte Access Economics says that the south-east faces several pressing threats that could constrain its future progress. Industrial land shortages, skills shortages, freight bottlenecks and rising energy costs are real and present dangers. We cannot have a workforce that is armed with degrees that are becoming worthless when we have no job-ready skills. Expanded access to industry internships would guarantee high-skilled employment for high school students. Increased capacity on our arterial roads, highways and rail corridors would ensure goods are transported productively. If it had any sense, the government would leave Spring Street and join me in a meeting with industry leaders, local governments, Greater South East Melbourne and South East Melbourne Manufacturers Alliance. They would immediately

strip layers of red and white tape that lead to additional input and costs. We will launch a review to be – *(Time expired)*

Education system

David LIMBRICK (South-Eastern Metropolitan) (09:52): I was honoured to be invited recently to address the audience at the Brisbane Conservative Political Action Conference 2025, and I was joined by my colleague Mrs Deeming. I managed to hear many different speakers there, but one in particular that I was very impressed by was a man called Corey DeAngelis. I happen to be a bit of a fan of this man. One of the things that he has been doing in the United States is leading the school choice revolution, and it is inspiring to hear what sort of changes can be made and what sort of benefits can be made by allowing more choice for parents in schools and how these schools can be managed and operated. The results speak for themselves in the United States. Some of the success that they have been having with school choice in America is just inspirational. He has also been kind enough to meet with my party's policy team to give them some advice. Indeed the Libertarian Party now has some draft school choice policies in train that we hope to be publishing very soon. It is my hope that Victoria can learn from what is going on with school choice in America and improve the performance of schools in Victoria through allowing more choice for parents.

Erica Lowing

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (09:53): I have learned this week of an outstanding achievement and contribution to the Victorian education system from a former teacher of mine, who at nearly 71 years of age is still teaching. However, Erica Lowing is hanging up her duster and chalk after a 47-year career with the education department. This Friday 17 October will be her last official day teaching. She has given many decades of exceptional and dedicated service to the state and will be a loss to the profession, particularly in Mansfield. Her teaching career began teaching English as a second language to Vietnamese refugees and migrants in the 1970s at Noble Park Language Centre and Westall High School. She completed 27 years at Benalla college and taught programs at Benalla East Primary, where she taught me Indonesian from years 7 to 11. I was not too bad at Indonesian back then, indeed because of her. She was also brave enough to take a group of 16-year-olds to Indonesia on a study trip, and she returned us unscathed – just, probably. I next came across Mrs Lowing at Mansfield Secondary College; I was there to announce some funding for the school and she was there. Obviously I recognised her and she recognised me. She went from Benalla College to Mansfield College. In 2023 she was awarded the Australia-Indonesia Institute All Indonesian Language Teaching Award for services to Indonesian language. Her passion for language and seeing children thrive and learn has always driven her. She has decided to pursue her other numerous interests – *(Time expired)*

Western Victoria Region schools

Joe McCRACKEN (Western Victoria) (09:55): I love education and I love seeing young people get the best possible start in life, and I dedicated 10 years of my life to that pursuit. Over the parliamentary break I had the opportunity to attend a number of schools in my electorate: Marian College in Ararat, Gordon Primary School, Eynesbury Primary School, Timor Primary School and St Mary's Clarkes Hill, all wonderful institutions where teaching flourishes. There are wonderful staff who are doing their absolute best, teaching eager students who want to take their place as tomorrow's leaders. On our side of the chamber we have four former teachers: Ms Bath, Mrs Hermans, Mrs Deeming and of course me. We take education seriously, and we want to see an education system where teachers are valued and students have the potential to reach their best possible point in life. I want to acknowledge every single teacher and support officer in the state. In whatever capacity you support our students, it is appreciated, and we on this side of the chamber thank you for the challenging work that you do every single day.

Kaiden Morgan-Johnston

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (09:57): I rise today to pay tribute to Kaiden Morgan-Johnston, a young man who lost his life on the cusp of his prime in Morwell. Kaiden died in the most tragic of circumstances. Along with his best friend Tyrese Walsh, Kaiden experienced violence and ultimately lost his life. I cannot imagine the grief and the pain and the anguish and the distress being felt by Kaiden's family, his friends and those who loved him and looked up to him, including the thousands of people who were so privileged to see the Boorun Boys dance throughout Gippsland and further afield. Kaiden was a leader. He inspired through his actions and connection to country, to culture, to songlines and to pride. Through engagement, whether with *The Goanna Dance* or with connecting with other young men, Kaiden inspired so many to reach for opportunities and for goals and to success being achieved in any way that a young Indigenous man might want. My thoughts are with his family. We grieve together. There is so much work to be done from here.

Gender identity

Bev McARTHUR (Western Victoria) (09:58): I can do no better than quote from today's *Australian* newspaper article by Stephanie Bastiaan:

> Last week the Australian Human Rights Commission announced Michelle Telfer as a finalist for its human rights award. Less than four months ago, in a landmark Family Court judgment, Justice Andrew Strum slammed Telfer as an activist who misled the court after she appeared as a witness in a case involving a 12-year-old boy whose mother sought to begin puberty blockers even though no formal diagnosis of gender dysphoria had been established through years of treatment.
>
> Strum ordered the boy to be removed from his mother's custody and prohibited the child from receiving any further "gender-affirming" treatments …
>
> Around the globe, the so-called gender-affirming model of care for children and young people presenting with gender dysphoria is collapsing under the weight of its own evidence, or lack of it. Numerous reviews, including the landmark Cass review in Britain, have concluded that the research underpinning the use of puberty blockers, cross-sex hormones and surgeries for minors, far from being a settled science, is of very low quality and insufficient to justify their routine use.

Telfer should be facing a jury, not an award. It is not right that this woman, who works at the Royal Children's Hospital, be recognised for an Australian Human Rights Commission award.

Kaiden Morgan-Johnston

Melina BATH (Eastern Victoria) (10:00): I rise to acknowledge the passing of Kaiden Morgan-Johnston: a son, a brother, an uncle, a partner, a cousin, a friend and an Indigenous leader. On 27 September his life was tragically cut short. He was well known for his sense of humour, his love of family, his love of culture and dance, his enjoyment of hamburgers and chocolate milkshakes and his acts of kindness and passion for country. He was full of life and his family are heartbroken. He was a cherished member of the Boorun Boys, and through dance he celebrated his culture. He was passionate for his environment, and he loved his partner Jayla and walking their rescue dog. While attending Kaiden's funeral yesterday, meeting a commitment to his mother Sascha, we heard his family so beautifully reflect on his life, but they also spoke about justice. A call for justice in handwritten banners that stood on the side of the stage had a handprint of Kaiden's and also those of his family. The mourners in the overflowing Kernot Hall listened to celebrant Kellie Eddy. She shared the words of member for Gippsland Darren Chester, who knows Kaiden's family well. Darren said:

> Kaiden deserves to be remembered for the way he lived, not how he died.

We have so much work to do as a nation to end violent crimes in our homes, in our schools and on our streets. This senseless death is just another reason why we should never give up. My heartfelt condolences to Sascha, William, Kaiden's brothers and sisters, Jayla, his extended family and his community.

Change Life Victoria

Renee HEATH (Eastern Victoria) (10:02): I wish to thank and celebrate Mi Smart Life and Change Life Victoria for their MindCafe projects coming up in Cardinia. The team has now hand-delivered flyers and surveys to streets adjoining 12 local parks. The response has been encouraging, with residents engaging on mental health, belonging and local problem-solving. MindCafe does what good community work should do: listens first to identify needs, co-designs solutions and then connects people to counsellors, social workers, budget advisers and local services. I want to thank Patrick and the volunteers who have walked the streets, being part of heartbreaking conversations and inviting people into community again. I also want to thank Change Life Victoria for their professional support that means people can be met where they are. This is a fantastic low-cost intervention that is building connections, reducing isolation and giving families the tools they need to thrive. I look forward to my next catch-up with the MindCafe and to seeing how many local stories are being heard and how they are being turned into local solutions within Cardinia.

Business of the house

Notices of motion

Michael GALEA (South-Eastern Metropolitan) (10:03): I move:

> That the consideration of notices of motion, government business, 278 to 1108, be postponed until later this day.

Motion agreed to.

Bills

Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

> That the bill be now read a second time.

Melina BATH (Eastern Victoria) (10:03): I am pleased to rise to speak on behalf of the Liberals and Nationals on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025, which amends the Domestic Animals Act 1994. As I have a little bit of time on my side, I would just like to make some comments in relation to the importance of dogs and cats in our lives – and as companion animals – and indeed reflect on the past bill that we debated some years ago but also the importance of some of these amendments. The Liberals and Nationals have amendments for this bill.

The Royal Australian College of General Practitioners produced a report recently, and it talked about the pet effect and the health-related aspects of companion animal ownership. For everyone here, I am sure, as we heard in the lower house, that there will be many and varied discussions about the importance of companion animals in our lives. This report, through the GPs, explores how companion animals, especially dogs and cats, can positively influence our physical health, our psychological wellbeing and our social health. Some of the topics that it covers are the physicality of looking after another furry creature – the physical importance of getting out and getting active, particularly if you have a dog; improvements in cardiovascular health; lowering of blood pressure and reducing of stress in terms of having that companionship; increased physical activity for dog owners; enhanced immune system development in children; and of course the psychological health of reducing loneliness, of having that other creature to stare into your eyes and know your soul as an important antidote to isolation and depression. In terms of social health, if you have ever been out walking a dog, they are a conversation starter down the rail trail. They are an important way potentially for people – not always; there can be reduced social interaction – to start a conversation about a dog. I am sure that there have been many positive relationships formed from that starting conversation. And indeed there is social

cohesion and family cohesion. For those people in here who own a pet, I would say half of their conversation at the end of the day is talking about the antics of their dog or cat. In our case it was 'Who's fed Buddy? Has he had a walk or is it my turn?'

This bill relates very much to the rehoming of dogs and cats and the importance of animal welfare throughout that process. There have been many important and longstanding rehoming organisations. One of them was the temporary custodian of our dog called Buddy. We had Buddy for 14 years. He chose us. He was about one year old at the time at the Keysborough animal shelter. He latched onto my hand and latched onto our hearts. This is a very similar case. We buried him last year, 12 months ago, and it was like there was a death in the family. I am sure there will be similar commentary around that.

One of the things that I do want to also comment on is a charity called the Companion Animal Network Australia, CANA. It certainly puts a very high emphasis on the importance of pets in the lives of ageing people – again reflecting some of the work from the Royal Australian College of GPs – and the significance that that plays. Also there were inroads made with the Retirement Villages Amendment Act 2025 last year, which enabled pets to continue an attachment, because often why dogs actually end up in rehoming situations, and you hear it time and again, is that the previous owner was too old or frail to look after them and in many cases reluctantly had to relinquish their animal. Of course there are horrendous stories. You only need to scroll through your social media to see these sorts of stories, of animals being neglected and the RSPCA or others needing to come in. They certainly draw on the heartstrings of anybody with a heart, and I acknowledge the very good work that these organisations do.

On the flip side to this I was on an inquiry some years ago – this house's Environment and Planning Committee – into the decline in ecosystems, which looked at threatened species. That report was out in 2021. A really important point that I do not think we should lose sight of is that cats are fantastic and make a difference in people's lives, but they are also bespoke, very clever and evolved predators. Dr Matthew Rees from Melbourne University was one of our presenters. He talked about feral cats, those that are left or escape. He related the fact that foxes and feral cats are estimated to jointly kill 2.6 billion mammals, birds and reptiles across Australia – so it was a broad scope – every year. This figure certainly underscores the massive ecological toll that these introduced predators have. They are killing machines and they are adaptors, and it certainly is a red flashing light. There are various ways to inhibit that and control them, and I know that Landcare Australia and indeed Landcare Victoria are looking at some significant ways to reduce that impact on our native species from these feral cats. The other quote that came out of that inquiry – it was just a general survey – said that cats have an extraordinary impact on Victoria's native fauna, in particular adding to the decline in threatened species, international migratory birds and other native species. There are also implications for the spread of disease, which may have impacts on the native fauna.

A couple of weeks ago I was up with my colleague Tim McCurdy in the lovely town of Bright, and it is doing it tough at the moment, as is Porepunkah. Hopefully people are returning to Bright and Porepunkah. We visited a constituent to speak about issues in my portfolio, and this family had the most amazing internal–external, I will say, palace for their cats. The cats had a pathway, a stand that went up to a hole in the wall, and that hole in the wall traversed across and outside into a palatial cat palace, so the cats could go in and out at their free will. They were able to experience and be outside and feel the fresh air and feel the wind and scratch on their poles out there, but they were completely and utterly contained and therefore protected from being able to get away. I just want to thank that family for doing that hard work and looking after the welfare of their animals but also nature and stopping the degradation of the birds around the place.

In relation to the specifics of this bill, it amends the Domestic Animals Act and it establishes an authorisation scheme for pet-rehoming organisations that assist in finding permanent homes for cats and dogs. It improves information sharing with local councils about animals in foster care and provides data collection on rehoming outcomes – are these homes long-term, sustainable and effective, and are there good outcomes? There is some more collection around that. It clarifies the entry and enforcement

powers of authorised officers, and it repeals the existing foster care registration scheme and establishes a pet-rehoming register.

My colleague and the shadow minister in charge of this bill Emma Kealy, Shadow Minister for Agriculture, in her contribution spoke about the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 and some of the frustrations that were felt by the community through that process. Yes, the aim was to strengthen the animal welfare rules and to close loopholes that allowed puppy farms and to distinguish them from rehoming organisations or foster care, enabling them to continue to breed and do so with a reduced capacity, but one of the comments that was made was that when that legislation was debated, the community foster carers for animals certainly felt that there was insufficient consultation and communication. The Municipal Association of Victoria felt that there was insufficient conversation and communication, and also others raised concerns with regard to that.

In relation to the bill, part 2 of the bill exempts foster care animals, and it removes the requirement for registration of a dog or cat that is kept in an animal shelter or council pound or in foster care under agreement, such as an entity in line with the relevant code of practice. Part 3 looks to introduce a pet-rehoming organisation authorisation scheme and a framework around that, and the Secretary of the Department of Jobs, Skills, Industry and Regions will oversee the applications, renewals, conditions and revocations. In order to be a rehoming organisation under this bill the organisation must be a registered charity with an ABN, report outcomes on the fate of the adopted events and manage that information, notify councils of animals in foster care and of dangerous dogs, hold unique source numbers and also look at other requirements such as desexing and vaccination to improve rehoming activities and ensure that hopefully those pets are safe and well and available for rehoming. What it also does is repeal the existing foster carer scheme, and that is something that we want to have more conversation on during the course of this debate.

The minister in her second-reading speech spoke to the Taskforce on Rehoming Pets and the background and its context. It was established in 2021, and it was looking at the barriers to rehoming cats and dogs across Victoria, how to reduce unnecessary euthanasia, how to review regulatory burdens faced by volunteer organisations and how to identify gaps in coordinating between councils and shelters and community foster carers. This bill brings in and implements five of those 17 recommendations from the taskforce, and we await with continued interest when the remainder of those recommendations will be implemented and what that will look like.

In relation to part 4, it establishes a pet-rehoming register, and that is managed by the secretary. It contains details of authorised organisations, renewal revocations and information again about their fate. It can be accessed by limited authorised officers, councils and inspectors, and this includes penalties as well. Part 5 clarifies how and when authorised officers can enter and the particular types of residences that it can enter as well, and there are other amendments in terms of part 6.

I remember at the time – and it has been raised since by good people that have provided letters and emails to me in relation to this bill – the concern around the black market. Even though these bills come in with legislation, rules, there are still recalcitrant people and I think people of very low morals who are prepared to run the black market on these operations. Clearly they are profitable. Clearly there is a black market of clandestine puppy farms, and they are going on to various sites and offering these animals up and meeting in car parks and swapping them over. Really there is a shadow of understanding and a shadow in terms of government accessing these groups, enforcing the rules and calling them out and penalising them. Indeed in 2023 the RSPCA seized 29 dogs from a suspected illegal breeding operation in the Macedon Ranges. Animals were found to be in cramped conditions, unsanitary conditions and poor health. There have also been other groups, and I am sure others will make some comments on those, that have highlighted that online platforms, such as Gumtree and the like, are being used to sell puppies from unregulated breeders. I have travelled out to visit some of the established breeders – I want to make reference to one in a moment – and have seen the care and the nurturing and the consideration that they take when they are breeding these dogs under all the

regulations and the bar that has been set. Like all times, sometimes legislative intent versus reality is there, enforcement gaps are there, traceability failures are there and stakeholder exclusion is there.

In relation to the bill, under the current and soon-to-be repealed system, foster carers register individually with their local council, but this abolishes that scheme – that is in part 3, division 4 – and replaces it with a system where carers operate under the umbrella of an authorised pet-rehoming organisation. That means if you are an individual carer, you cannot hold a rehoming authorisation yourself; instead, you must affiliate with or operate under an organisation. To legally foster and rehome animals you must join as a volunteer and be part of an organisation that has an ABN. You must sign a foster care agreement with that organisation. You must offer and follow the code of practice. This is all, in a sense, important to have a high standard, but what we also know is you must provide all the goodness that is required and be there. What you cannot do is register yourself anymore with your local council. You cannot pay a local council fee for each animal, you cannot apply directly to the department and you cannot rehome animals independently or outside the structure.

The Liberals and Nationals – and again I want to thank my colleague Emma Kealy for her work in this – are going to put through an amendment. I am happy for those to be circulated. What we are seeking to do with these amendments is to ensure that the existing foster care registration scheme can exist alongside the new pet-rehoming authorisation scheme. The foster care registration scheme applies to persons who provide that foster care, which is not dependent on being a foster care network. While the new scheme added by the bill provides for authorisation of organisations, the Liberals and Nationals will seek to amend the definition of 'pet-rehoming organisation' in clause (6)(c) so that it includes a reference to community foster care networks. The definition would then read:

> pet rehoming organisation means a person or body, including a community foster care network, that –
>
> (a) is established for the purpose of finding permanent housing for dogs or cats; and
>
> (b) arranges temporary housing and care for dogs or cats in private residential premises instead of other premises …

As a result, the clauses of this bill would include references to community foster care networks with references to a pet-rehoming organisation and would not need to be amended. So in effect it is keeping the old system but also making sure that the new system can run concurrently and in support. Thank you for that, and I hope that explains our rationale behind that.

Some of the concerns that we have heard in terms of the volunteer sector have come – and I am assuming that many members here who have been listening and looking in their inboxes have been concerned – from the community. One of them is from someone from Victorian Dog Rescue, Found Hearts, Guardian Angels Animal Rescue and others – and that is Linda Buchholz. Her concern relates to the proposed voluntary authorisation scheme not being truly voluntary. She has questions. Why was the rescue sector not offered a self-regulatory pathway similar to Dogs Victoria? What protections will remain for groups that do not join the authorisation scheme? How do the amendments in this bill align with the statewide goal of saving more animal lives? What support will be provided to volunteer-run rescues to meet new compliance demands? And will the government consult further with grassroot rescue organisations before implementation? Those are some of the questions. I have put them here, but I am happy to ask them in the committee stage of the bill. There is another one from a lovely lady, a French bulldog breeder in Victoria, Sharryn Aurisch. I will just make some comments on her work. She is concerned. I quote her letter to us:

> Meanwhile, the real problem – backyard breeders – continues with little to no accountability. They are:
>
> - Breeding dogs in substandard conditions
> - Selling unvaccinated, unmicrochipped animals
> - Advertising without source numbers or microchip numbers
> - Operating unchecked across platforms like Facebook, Gumtree, TikTok, and Instagram
>
> This is not just a regulatory failure – it's a welfare crisis.

They are some of her concerns. The letter continues:

> I would like to point out that during the consultation period for these legislative changes, I was never contacted, despite being a licensed, compliant, long-standing breeder with a vested interest in industry reform. This exclusion of legitimate stakeholders is deeply concerning.

She says:

> I formally request:
>
> 1. That this matter be brought before Parliament for further investigation and review.
> 2. That I am updated … on what action is being taken to address these gaps in the current system.
> 3. That the government commit to implementing independent audits for applicable organisations and develop a transparent, enforceable strategy to regulate backyard breeders operating illegally …

I think that the wish of all members in this place is to make sure that there is a reduction of these black market and unregulated breeders that do no good to an industry that is attempting to do the right thing.

We do not oppose the bill outright. We will pursue the amendments that I have outlined. We want there to be a more fair and flexible system. Our key amendment is that we retain the current voluntary community foster care registration scheme alongside the new pet-rehoming authorisation scheme. We feel that this dual model can promote flexibility and choice.

Finally, I would like to thank the many thousands of volunteers across Victoria who rescue abandoned pets, who pay the vet bills out of their pockets and who open their homes to neglected and abused animals. One of my former staffers, who was with me for a very long time, is over in Bali right now doing that very good work. She has rehomed, I would say, hundreds, and her particular style of animal are the working dogs and kelpies. She has been devoted. She has travelled interstate. She has looked after those animals and taken great care in the way she seeks to find a match. Kelpies, as we know, are very busy and devoted animals, but they also need that work. You need to be able to source and then match an animal with the right home. I know from Carolynne that certainly at times there is a trial, there is an assessment, and if it is not working out between the new home and the animal, then they are withdrawn and the search goes on.

Our volunteers do an amazing job, and there are many very successful operations and successful relationships. We want to support those organisations and the community foster carers as well. We are sure that these amendments strike the balance. As I said, we will not be opposing the bill, and I will have more to say during the committee stage.

Michael GALEA (South-Eastern Metropolitan) (10:29): I also rise today to speak on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025. The reforms in this bill represent a significant step forward for animal welfare in Victoria. Its essence is to embed the dedication of our rescue groups and shelters into the legislative framework, recognising the vital role that they play by giving them the support that they need to continue their very important work. Indeed, this is not the first day this week that we have discussed matters such as this, so it does appear quite timely that this bill is before the Council today.

The bill will repeal the current voluntary foster care registration scheme from the Domestic Animals Act 1994 and will, in its place, introduce a voluntary authorisation scheme for pet-rehoming organisations. This will mean that for the first time these groups will be formally recognised under the Domestic Animals Act 1994. The bill today reflects years of consultation, and it also reflects the findings of the Taskforce on Rehoming Pets, which delivered its final report a few years ago after a wide engagement with the sector. Recommendations 17 and 11 of the taskforce report called for a regulatory framework to recognise and support rehoming organisations. Since that time the department has been conducting interviews, workshops and surveys, and it established a specific rehoming pets working group back in 2023, which has also informed the legislation that is before us today.

This government is committed to supporting the sector and its people, many of whom volunteer their time and dedication to take in, rehabilitate and find new homes for cats and dogs in Victoria. Touching off from my comments yesterday on a different matter, I also wish to reiterate my support and my heartfelt thanks for the work that they do, as someone who has donated to organisations many times in the past. Indeed my parents recently adopted a young cat – maybe not quite so young; I think he is about six years old – and they are very excited to have young Charlie with them now. He is doing very well. He had a bit of a rough life in his early years, but he has now settled in quite nicely, which has been really lovely to see and welcome him as part of the family as well.

This is a bill that recognises for the first time in Victoria the significant contribution that Victoria's pet-rehoming organisations make in finding permanent homes for cats and dogs. It will deliver on five recommendations of the taskforce by establishing a regulatory framework for PROs – pet-rehoming organisations – in that aforementioned act, the Domestic Animals Act 1994. The framework will introduce a voluntary authorisation scheme for the PROs, and it will do so through amendments to the act, repealing the current provisions that established the voluntary foster carer registration scheme. That FCRS as it stands currently regulates the individual carer rather than the PROs, meaning that regulatory oversight is not focused on the organisations that oversee all aspects of the pet-rehoming process. It has not been widely adopted in its current form, and we know that the PRO sector has advocated strongly for this particular change during consultation.

The pet-rehoming authorisation scheme will centralise animal foster care activities under authorised and regulated rehoming organisations, including authorised pet-rehoming organisations, animal shelters and pounds. Foster carers will continue to play a valuable role in the cat and dog rehoming and care process, but the proposed changes will alleviate regulatory and administrative burdens for voluntary foster carers and recognise the critical role of PROs. Those PROs authorised with the scheme will be able to access specific benefits to reduce their financial burdens and also to enhance and maximise their ability to rehome animals that are under their care. Organisations that choose to participate in the scheme will receive specific benefits to support the rehoming practices, similar to what pounds and shelters currently have and in line with taskforce recommendations – benefits such as a 12-month exemption to paying council registration fees for cats and dogs awaiting rehoming, which will make a huge difference in particular, as well as limited access to the declared dogs register to help ensure aggressive dogs are not rehomed, and the ability to hold adoption days in prescribed pet shops to support the housing of more animals and to support the organisation as well. These benefits will mean that authorised PROs will have similar opportunities as pounds and shelters to rehome cats and dogs, in line with the taskforce's recommendations. Those PROs who choose not to participate in the new scheme will continue to be able to rehome pets as they have always done, but they will not have access to those benefits that those who take part in the scheme will have. PROs authorised within the scheme will be required to meet certain requirements, including the reporting of animal fate data – again, a topic that we discussed extensively yesterday – harmonising requirements amongst all pet-rehoming services, including shelters and pounds.

We know that a growing number of cats and dogs in Victoria need new homes. Indeed the statistics that we went into just yesterday illustrated that all too horrifically well, and it is vital that local and state governments have that better understanding of where these animals are and how they are being rehomed. The changes that this government has already brought in allow us to have more of that data that was used in yesterday's motion, but also acknowledging the need for more data, such as is provided in this bill, will provide a greater sense of transparency. That is very much needed. To qualify for authorisation, organisations must be registered charities with the Australian Charities and Not-for-profits Commission. This will ensure accountability and foster public trust in the system. It highlights that rehoming work is driven by a commitment to serving the community and not for profit.

The bill will also clarify powers of entry for authorised officers to enter premises, excluding any building or vehicle used as a residence, to determine compliance with the Domestic Animals Act. This is in response to one particular incident where a council-authorised officer (AO) did not enter a

backyard to seize a dog suspected of an attack as the officer believed they had to obtain a warrant. This resulted in the dog escaping the backyard in the time it took to get the warrant – which was a matter of hours – and reattacking. There is no expansion of any powers to seize, just a clarification that backyards are accessible without a warrant for the purpose of seizing a dangerous dog.

The bill will require the secretary to maintain a pet-rehoming information register, which will record the granting, renewal and cancellation of authorisation for pet-rehoming organisations. This information register will support notification requirements from pet-rehoming organisations to state and local government. The information register will also support the reporting requirements of pet-rehoming organisations, pounds and shelters to state government on the fate of animals in their care. This central repository for all reporting information requirements of the pet-rehoming authorisation scheme will eliminate administrative complexity and the burden faced by authorised organisations, most of which are led and operated of course by incredible volunteers.

This bill will also, as I mentioned, enable those PROs to hold adoption days in pet shops that are prescribed as domestic animal businesses under the act, and this will provide similar rehoming opportunities to the PROs, as are currently available to pounds and shelters. Adoption days at pet shops will provide a wider exposure to animals available for adoption by authorised pet-rehoming organisations and support the rehoming of more animals. PROs will be able to promote their activities on these adoption days and educate the community about the work that they do in rehoming pets. Consistent with the current offences that are set out in the act, penalties will apply to any authorised pet-rehoming organisation that sells or gives away a dog or a cat at a pet shop under these ages. The notification and reporting requirements are proposed before an adoption day and to confirm any sales, for want of a better word, or rehomings. The aim of this is to support compliance and monitoring by the state government and local councils. AOs will have the power to shut down adoption days if they reasonably believe that the welfare of animals is at risk.

Another feature of the bill will be a benefit aimed at reducing the financial and administrative costs for scheme participants. As I mentioned, this scheme will allow participants to access an exemption from registering foster cats and dogs with their local council for the first 12 months that an animal is held within foster care and in that time whilst a permanent home is being sought. Currently the requirement is for all dogs and cats to be registered with their local council if the animal is over three months of age, and we know that many animals come into voluntary care for very short periods, which means that council registration can be unnecessarily burdensome and cost prohibitive. This is a very commonsense measure aimed at supporting those incredible people who are doing so much to support cats and dogs in need.

That is one thing that is a particularly important part, but I also mentioned the declared dog register, and this bill will provide for authorised PROs to have limited access to inspect the declared dog register to review the declared or menacing status of a dog that has been surrendered to them. Providing this information not only helps with broader transparency but is also necessary, as it is intended that the PROs be prohibited from rehoming dogs that are declared on the register, consistent with the same requirements that are on pounds and shelters, which are prohibited from rehoming aggressive or extremely antisocial animals. To appropriately manage privacy and information security, an authorised PRO will not have access to the entirety of information on the register or be able to amend information on the register themselves, such as the identifying information of a dog owner, as an example, and they will only have access to the declared dog register to determine the status of the dog. Organisations that choose not to participate in the pet-rehoming organisation authorisation scheme will not be able to access these benefits either.

This is a bill that I know has come forward before us today after extensive consultation with the sector, following indeed the taskforce report and the working group's activities over the past couple of years. Consultation has taken place with 54 pet-rehoming organisations, 292 foster carers, 26 pounds and shelters, 54 local government areas and four animal welfare groups. The reforms will create a structure that works with the sector rather than imposing unnecessary obstacles, as the previous system has done

in too many cases. It ensures that care is delivered to high standards, whilst providing flexibility and benefits that make rehoming more sustainable. It also sends a clear message that the government values and supports the work of shelters, foster networks and adoption groups.

I would just like to briefly note as well that we have received an amendment just now from Ms Bath. My understanding is that we have not been given much time to work through this amendment, and I understand that we will not be supporting this amendment, as it runs across and counter to some of the recommendations of the taskforce. I understand that the government will not be in a position to support this particular amendment.

Volunteers give up so much of themselves to take animals into their care, into their homes and into their lives – animals at their times of greatest need. They are far too often the unsung heroes of our society. Just as we touched on this matter yesterday, I really appreciate the opportunity today to acknowledge the work that they do day in, day out, sometimes under very trying conditions. It is my profound hope and genuine belief that under the provisions of this bill that work will be better supported by government and made easier so that we are not getting in their way but giving them the support and resources that they need as they do this incredible and valuable work for the community. I commend the bill to the house.

Georgie PURCELL (Northern Victoria) (10:43): I too rise to speak on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025, and I hope that in doing so I can offer the perspective of someone in this place who has a long, close and continuing relationship with the hardworking pet-rehoming sector. It is of course a sector that is diverse and is dedicated, and while there are often mixed and varied views within it – like with all volunteer organisations – it is one that is absolutely united in deep care for our beloved companion animals and ensures the best possible outcomes for all of them, particularly those that have been forgotten, put into the too-hard basket or abandoned.

I grew up in a family that, from a really young age, instilled in me the mantra of choosing adoption over shopping, and that is something I have done my entire life. Our dogs and cats were always rescued from pounds and shelters and rescue groups. But my formal relationship with our state's pet-rehoming sector did not actually commence when I took on my role in this place; it was when I was president of the animal welfare organisation Oscar's Law, long before entering Parliament, when I worked with the government on the legislation to stamp out puppy farms across the state. Through my work fighting the cruel puppy-farming industry, with its many, many survivors that came to us as an organisation, I came to know the many different specialised rescue groups and organisations across Victoria, who were always more than willing to help with rehabilitation and care work, sometimes in the most complex and difficult of cases. It is because of their work that I actually now share my home with three rescue dogs: Aggy, a 15-year-old cavalier; Stella; and Steve. All of them are puppy farm survivors. They came to me not through large organisations or pounds and shelters but through micro rescue groups, which this bill is about today. My relationships with them have only been strengthened over my time as an Animal Justice Party MP and with my work for the Animal Justice Party.

Of course in the last term of Parliament, when I was working for our first member of Parliament, Andy Meddick, the Taskforce on Rehoming Pets was formed out of one of our motions. It was very, very similar to the one that we passed in here yesterday, calling for pound and shelter reform and to improve livability and rehoming outcomes for pets across the state. That taskforce, which was chaired by the Animal Justice Party, undertook consultation and pursued opportunities to improve those survival outcomes for our companion animals, as well as researching ways to support the groups within the pet-rehoming sector. It delivered its final report in 2021 with 17 recommendations, all of which the government supported or supported in principle in its response.

This bill before us today directly acquits, I believe, four of those recommendations. It is probably important for me to say it would have been my preference if some of the other recommendations, which more directly focus on relieving the pressures on rescues, were prioritised, but this is the bill

before us today. It is really important that we get it right and that we continue to support the rehoming organisations that it impacts, because our pets are companions, they are sources of comfort and they are often the threads of fabric within our family life. Many Victorians will tell you that they are in fact richer – emotionally, socially and morally – for sharing their lives with a dog or a cat. But the systems that govern their welfare, rehoming and protection have struggled to keep pace with community expectations and with the very real-world challenges faced by rescue groups and by foster carers.

This bill today seeks to strengthen and support the rehoming sector so that more animals find safe, loving homes and fewer endure uncertainty, neglect or worse. I think it is really important for us to acknowledge that this bill is not about punishing the pet-rehoming sector or making it harder for them to operate, but I do acknowledge that change is hard. In saying this, I have a lot of sympathy for their mistrust and for their cautiousness when it comes to dealing with the government. I understand why they may feel that frustration, particularly when we are making these laws at a time when we have been begging for other issues within the companion animal space to be addressed and they have not been addressed, such as rampant indiscriminate breeding, which absolutely increases the pressure on our rescue groups, or the recent introduction of the commercial dog breeding logo, which essentially gives a government tick of approval to some of our state's worst breeders. In fact the breeders – or the puppy farmers – of Aggy, Stella and Steve, who I just spoke about, actually hold the commercial dog breeder logo. That is a really significant flaw within those puppy farm laws that I spoke about earlier.

I understand that there are genuine, legitimate criticisms from the rescue community that this bill also comes at a time of crisis within our sheltering systems, which this bill does not impact. We canvassed that issue pretty significantly yesterday, and it is a fair argument to say that those pounds and shelters are in far more desperate need of reform and of change. We have seen absolute horror stories over the past month from organisations like the Lost Dogs' Home, and they are not the organisations that are being impacted by this legislation that we are talking about today. However, it is also my view that regulating and professionalising the sector will, in the long run, make it stronger, and that is because our rescue groups are skilled, capable and more than qualified. They know dogs and cats better than most of us, they know dogs and cats better than a lot of large shelters and pounds and they certainly know our cats and dogs better than many government agencies. This allows them to be taken seriously, and importantly, it instils further trust and pushes back against the excuses that we hear, often from organisations like the Lost Dogs' Home and other large pounds and shelters, that they cannot hand over animals to rescue groups because they do not operate under a model of regulation. That is something that they have consistently said when refusing to hand over animals that are on the kill list and opting to kill them instead of handing them to rescue. They claim they cannot guarantee their welfare, that there is no code, there is no regulation and there are no laws in place that can guarantee their safety. They say that somehow animals will be better off dead than in the hands of an experienced rescue group or foster carer. Too many times we have heard this justification for killing. Large pounds and shelters claim that because they are bound by a code of practice but rescue groups are not, they cannot be trusted with animals with so-called behavioural issues. I believe that creating a model of regulation will prove what we have always known: that those organisations are wrong, and there will be even less excuses for them to use to continue to discredit our hardworking rehoming organisations.

This bill proposes replacing the current foster care registration scheme under part 5B of the Domestic Animals Act 1994, which has had low uptake. In fact there are only around 50 carers using the scheme across the state. This is not necessarily because that scheme is bad. It is actually because the majority of councils do not offer it, and it has been ineffective in providing support and benefits to the pet-rehoming sector. However, I have done a lot of consultation and had conversations in relation to this bill. Noting feedback from the community and the rescue groups who are utilising the FCRS in some of the LGAs who are utilising it, I will be moving an amendment extending the repeal timeframe of the FCRS for one more year until 2028 so the two schemes can run concurrently for some time, giving plenty of time to adjust and move over to the new system. This would allow more time for the limited number of carers in the existing scheme to move over to this new model.

The new model proposed in its place, which this bill does create, is a voluntary authorisation scheme for pet-rehoming organisations under which groups may apply to become authorised. I really, really, really want to emphasise that this authorisation scheme is voluntary. While organisations that do choose to become authorised under this scheme will be eligible for benefits and incentives, such as reduced registration burdens, it is not and will not be a requirement for pet organisations to do so. Existing pet-rehoming organisations that do not become authorised under the new scheme will be able to continue their operations as they currently are right now without implication or penalty. Authorised pet-rehoming organisations, while qualifying for benefits, will also have defined obligations, for instance reporting standards of care and disclosure of data. The aim of this is to achieve better information traceability and transparency about animals being rehomed across our state. Reporting the outcomes of animals that go into care is not about placing an undue burden onto pet-rehoming organisations but achieving a more fulsome picture of the rescue workforce across our state. However, I do understand it could result in an increased administrative workload for some organisations, particularly those that are small and volunteer run. I will have a number of questions in the committee stage of the bill about how the government intends to support organisations with this transition and ensure that nobody is penalised for things like small mistakes or genuine errors under this new system.

It is my hope that the information collected through this process will be used by the government and by the department as a powerful tool to help shape better support for groups, for foster carers and for volunteers in their incredible efforts, while also considering the policy solutions that reduce the burden on their ever-growing workload, which has been in a bit of a crisis state over the past few years. Some of the benefits that will be accessible for authorised pet-rehoming organisations under the scheme will be reduced council fees and the ability to hold adoption days without a permit. This is an important acknowledgement of the important work of rescue groups and rehoming organisations, but I would also encourage the government to consider the ways in which they can support rescue groups that are just unable to become authorised under this scheme.

I am also aware that grant funding is not something that is written into legislation but rather is set by the government of the day and is not guaranteed. We have to consistently fight for the continuation of animal welfare funding and grants from the state government. I will also be seeking assurances in the committee stage of the bill that it is not the government's intention with this legislation to only offer funding options in the future to authorised organisations after the scheme is in place. We do not want to create a scenario where those who cannot meet the requirements and criteria miss out completely or are worse off. That would be a really, really bad outcome.

It is important for us to acknowledge that not becoming authorised does not mean that an organisation has poor operations or a lesser standard of care. For rescue groups with a lower intake who might specialise in a particular breed or a certain animal or have less volunteers or fewer foster carers, the expectations placed on them under this legislation just might not be worth the benefits and the effort in becoming authorised. Their work can and should still be supported, not just by the public but by the government too. While this bill takes good first steps, it is also important to acknowledge that rescues come in all shapes and sizes. We should be doing all we can to support those in the sector, not just those with the funding, resources and ability to comply with the regulations under this scheme.

Finally, as I mentioned at the outset, the government must also prioritise the remaining and arguably more important recommendations from the Taskforce on Rehoming Pets. It cannot just start and end here. There are some really important things that were suggested to the government through this important piece of work, which I was very closely involved in, that would actually reduce the burden on rescue groups and their workload in the first place. These recommendations more directly address those needs, particularly the small rescue sector, such as funding, resourcing, volunteer burden and overwhelming intake of animals.

As mentioned, I have a number of amendments to this bill, and I ask that they be circulated now. The first amendment reinforces that the authorisation scheme that this bill creates is absolutely voluntary. We decided to do this amendment based on some concerns from the rescue sector that the original

legislation did not make that clear. This is an important clarifying amendment to give assurances to rescue groups that the choice to join this scheme is their own and they will not be penalised if they choose not to.

The second amendment extends the repeal time from the foster carer registration scheme, or FCRS, to 10 April 2028 while keeping the existing commencement date for the new authorised pet-rehoming organisation scheme. While there has been low uptake of the FCRS due to limited council participation, there are a small number of rescue groups and foster carers using it, and this will allow them one more year to move away from the FCRS and onto the new scheme, should they choose to join it. I am aware that the opposition has also circulated an amendment in relation to the FCRS, which we can discuss more in the committee stage of the bill. I do just want to flag that this option is one that we also explored, of continuing the two schemes running concurrently, and we did see that that was going to be somewhat problematic and potentially defeat the purpose of this entire bill.

The third amendment fixes the references to 'domestic animal business' in sections of the bill to 'rearing domestic animal business or pet shop', ensuring that rearing domestic animal businesses are captured in these clauses. This is essentially what we deem to be a bit of a drafting error that we noticed and hope to fix to ensure that this bill is only applied to those who it was deemed to apply to.

As I stated from the beginning, this is an important piece of legislation that I know the rescue community has been very, very engaged in and very, very communicative about. It has a lot of support from sections of the pet-rehoming sector, and then of course I completely understand there are other parts of the pet-rehoming sector who are less convinced that this is necessary. It is my hope, through this contribution and through the amendments today that will hopefully pass, that we can strike the right balance of addressing the needs of those concerned while creating a system that will better support the state's rehoming workforce, while also ensuring those who cannot join this new scheme will not be impacted; can continue their operations; can continue to receive government support and, importantly, do the work that they care about, and that is rehoming pets, ensuring they get the best chance at life; and can continue their important work across the entire state. I will have a little bit more to say in the committee stage of the bill, and I look forward to exploring it with colleagues then.

Tom McINTOSH (Eastern Victoria) (11:01): I am glad to stand and support the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025. I would like to be able to start this contribution by recognising some of our pet-rehoming organisations in Victoria, to list them and to recognise them. But one of the key reasons why we are here is because that is currently not able to occur, because we do not have those systems and those processes in place.

We had the work of the taskforce over time, a number of years ago, which came out with its recommendations, and we have this legislation here before us today – out of those recommendations comes this legislation. The bill will deliver five recommendations from the taskforce by establishing a regulatory framework for pet-rehoming organisations, and that will be in the Domestic Animals Act 1994. The framework will introduce a voluntary authorisation scheme for our pet-rehoming organisations in Victoria through amendments to the Domestic Animals Act and repeal current provisions that established the voluntary foster carer registration scheme. The voluntary foster carer registration scheme regulates the individual carer rather than the pet-rehoming organisations, meaning regulatory oversight is not focused on the organisations that oversee all aspects of the pet-rehoming process. The foster carer registration scheme – a bit of a mouthful – has not been widely adopted, and this change was strongly advocated for by the pet-rehoming organisation sector during consultation.

Pet-rehoming organisations that choose to participate in the scheme will receive specific benefits to support them and their rehoming activities, and these benefits will mean that pet-rehoming organisations will have similar opportunities as pounds and shelters to rehome cats and dogs, in line with the taskforce recommendations. Pet-rehoming organisations who choose not to participate in the scheme will continue to be able to rehome pets as they have always done but will not have access to its benefits.

The bill has been formed by extensive consultation with the pet-rehoming sector and organisations involved in rehoming pets in Victoria. New regulations will be developed to set out more detailed requirements for the framework. Changes to the act will not come into force for 14 months to allow for the development of the supporting regulations, and input from the pet-rehoming sector and the Victorian community will be sought in relation to the development of these regulations.

The bill also clarifies powers of entry for authorised officers to enter premises – that will exclude any building or vehicle used as a residence – in order to determine compliance with the Domestic Animals Act. This is in response to an isolated incident where a council-authorised officer did not enter a backyard to seize a dog suspected of an attack, as the officer believed they had to obtain a warrant. This resulted in the dog escaping the backyard in the time it took to get the warrant – a matter of hours – and reattacking. There is no expansion of powers to seize, just a clarification that backyards are accessible without a warrant for the purpose of seizing a dangerous dog.

I think it is also worth acknowledging why we end up in the situation where animals or pets need to be rehomed. In an ideal world we would not need to rehome any pets – they would already be in a home where they are cared for and loved and in turn deliver their family and carers all the love that we know pets give. It is probably a good occasion just to touch on the fact that taking on a pet is a serious commitment. I think there was great work done, particularly by Jaala Pulford and others in the last term or the term before that, to ensure that we get the conversation going about how it is not just popping out on a whim or having a Christmas present idea for a pet. But there are other unforeseen reasons why people with the best intentions are not able to care for their pet and have to put it up for adoption. That can be something like people moving overseas or ill health, and of course death can see a pet without anyone to care for it. Domestic violence can be another situation that leads to that. There are various family circumstances, household circumstances or individual circumstances that can lead to someone who had the best intentions to care for their animal – I should have probably included financial in there, because taking on a pet is, apart from a significant time commitment, also at times a very significant financial commitment. We know that any of us can find ourselves in unexpected financial difficulties in our lives, and we do not want pets to suffer unintended consequences. Therefore the ability to have the pet rehomed in any of those situations I have outlined, when people's life circumstances change, is really important.

Personally I have known two close family members who have gone out and adopted greyhounds, and they have loved them and the whole extended family has loved them. It has brought about a great deal of joy for everyone around birthdays and various events and of course taking them out for the walk to the park and getting to meet other dog owners and hearing their stories about whether they have purchased their pets or from those that have rehomed pets. On the individual basis or the family basis or the broader community basis, not only do pets bring people together, but the story of adoption or care for that matter is a beautiful thing. I have not done that myself. I was a respite foster carer for some time, a bit of a different world. But opening up your home, whether it is to people or animals, to share your space and take the time to care for others, is a really nice thing, and it is a conversation starter with other people and a way to check in on other people around you and just make a more connected community and society, really.

All of this sits alongside other programs that are run, whether it is microchipping, funding of shelters or vaccination programs, things that we have collectively put in place over time to ensure that our pets are healthy, we understand ownership and there is prevention of disease. At every step we can look to improve health, much as we do with our human population, and ensure vaccination programs are in place so that we are avoiding unnecessary illness, avoiding unnecessary injury and avoiding unnecessary death; all these programs are very, very important.

For me, growing up on a farm, I had a strong connection with a whole lot of animals. We had a motion in here yesterday, and I talked about my pet sheep – I only named a couple of them – Nibs and Lamby. I did not get on to Donatello and Raphael. I think the Teenage Mutant Ninja Turtles might have been a bit of a craze at the time, so a few names like that came out. Of course we had dogs, cats, chooks and

all manner of things running around. It cannot be underestimated the connection that makes – I do not want to say only for kids, but it is particularly for kids – with that love of animals, that inquisitive nature and that understanding, care and empathy. I think that goes also for, as I mentioned yesterday, our wildlife. I think when we have a respect and a care for animals, whether they be pets or wildlife, and a cause for concern for the local environment those animals live in – and hopefully that extends then to a care for the local environment that we all live in – we all benefit from that and those lessons that are learned.

It can be at any time of life that someone has a pet and finds incredible love, connection and meaning in their life. I think particularly as people age they can at times find themselves more isolated, and having a pet as a companion is just such an incredibly rich thing. For a pet to have come from a situation where it did not have a home and to be given the opportunity for a new home, with that pet being properly chipped, properly vaccinated and properly registered, is an opportunity for a meaningful, love-filled life. We know that, again, like humans, animals that have had a difficult journey at the start of their lives can take some time to settle and to adjust to a new lifestyle and to become and feel safe and know that there is adequate food, adequate shelter and no perceived or actual harm. That is a beautiful story to hear. Well, it is horrific to hear stories of neglect and mistreatment in the first place, but to hear those stories of pets settling into homes with their new carers is fantastic. It parallels and opens human existence.

The rehoming organisations that are that connection point are so important to not only the animals but the future owners and carers. As I said at the start of this, I do not have a list of them by name, but on recent committees I have been on we have heard from a number of them and recently – it is not exactly the same – been out at wildlife rescue shelters meeting the people who are doing work on the ground out in our regional communities. It comes back to human care and human empathy and people wanting to do the best thing by others, which is something that is beautiful and should be acknowledged and should be celebrated. As this bill talks about, there are benefits to support those people doing that good work, and we have nothing but thanks and admiration for the work that is done.

I think there are a lot of areas where the government is and has invested in seeing better outcomes for animals – pets and wildlife – but I have run out of time, so I will not go into that. I will just close by saying to everyone who does this work in and for our community and for animals a very big thankyou, and I give my recognition. I hope this legislation leads to better awareness and better recognition, and I will leave my contribution there.

Katherine COPSEY (Southern Metropolitan) (11:16): I rise to speak on behalf of the Victorian Greens to the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025. The Greens will be supporting this bill. Before I go into the details of what the bill does today, I do want to pause and recognise and thank the thousands of volunteers, foster carers and rescue groups and organisations across Victoria. We all know these are people who provide a home to dogs and cats in need, and they put in countless hours feeding, training, cleaning, driving to vet appointments and comforting animals that have often been through trauma. Often they do this without any pay or much recognition. But their work is essential, and without them, many, many more animals would be left without a comforting home and a second chance. On a personal note, all my life the animals that I have lived with and loved have been rescues.

Turning to what we are here today to do in the chamber, this bill seeks to achieve a number of things. It introduces a new authorisation scheme for pet-rehoming organisations. Under the current law, Victoria has a foster care registration scheme that allows individual foster carers to register through councils. However, as we have heard through the debate today, the uptake of that scheme has been low, and many rehoming organisations have said that this current design is not working well. This bill proposes to repeal the current foster care registration scheme and introduce a replacement voluntary authorisation scheme for organisations that rehome cats and dogs. Shelters and foster and rescue groups will be able to apply to be authorised under the law, and once authorised those groups and organisations can gain access to certain benefits like reduced burdens from council registration

requirements, the ability to run adoption days in pet shops or other venues and support with reporting. Those benefits come with obligations: the need to meet standards, to collect data, to report on outcomes for animals and to meet transparency requirements that will improve our understanding overall of how our fostering system is working in Victoria.

We also note Ms Purcell's sets of amendments. One of those amendments will extend the existing foster care registration system for 12 months to provide an additional period of transition time for organisations that are on the current scheme and who choose to take up the new one – there will be that extra 12-months time. The Greens think that is a sensible improvement, and we will support that amendment.

The bill also creates reduced registration fees for certain classes of dogs. The bill ensures that regulations that can prescribe certain classes of dogs, such as microchipped dogs or other defined categories, can reduce registration fees. This is a cost-relief measure, and it also aligns with incentives for responsible pet ownership, such as microchipping.

The bill provides better data reporting and oversight, and one of the key gaps that we have heard around this sector is that there is not at the moment a functional and consistent set of statewide information. Our ability to have information around animal outcomes has been increasing and improving in Victoria over the years, and the bill continues that trend. Currently it is difficult to understand how many animals are in foster or shelter care, how long they stay there, how many are successfully rehomed or their fate data – that is, whether they are returned, adopted, euthanised or so on. The bill requires that if organisations choose to become authorised organisations, they will submit that information. It allows councils therefore also to be informed about which animals are in foster care in their area, and this will hopefully improve local oversight as well as improving our statewide understanding and alignment in terms of data collection and publication.

In relation to entry powers for authorised officers, in limited circumstances this bill provides some clarification for the powers that authorised officers have and clarifies that the entry to backyards, where there is a safety concern, is allowed and provides clearer legal footing for officers, reducing ambiguities that have previously constrained local responses and action when we have seen dog attacks or dangerous animals. Some councils were unclear whether there was lawful authority to act in certain cases. If there is a concern about dangerous animals – for example, dogs that have threatened or bitten people – it is clarified that officers have powers to act in backyards without needing a warrant, though they cannot actually enter a person's home without proper legal authority, I note. The bill does build in procedural safeguards around this. Notice needs to be provided and there needs to be an opportunity to respond. There is also a requirement to provide reasoned decisions, as well as that exclusion of home interiors. Lastly, the bill harmonises rules across municipalities and organisations so that there are consistent expectations, and hopefully this will reduce fragmentation and mean that our rules are less ad hoc across Victoria.

The Greens believe that this bill will improve outcomes for animals, and we congratulate the government on progressing these recommendations from the taskforce. With better data, the sector and all of us will know where animals are more quickly. We will know how quickly they can be rehomed, and we will discover where bottlenecks exist. This will, we hope, help government, councils and the community to target support where it is needed. Volunteer rescue groups, foster carers and shelters do enormous and amazing work, and they often do so with minimal resources. This bill formally acknowledges their role in Victorian law, and it also tries to ease some of that burden by offering some exemptions from registration or administrative requirements, which will hopefully ease that burden.

I acknowledge and reinforce that this new authorisation system is voluntary, and what I would ask the minister and the department to ensure is that training and support that is put in place in the implementation of this scheme is sufficient so that smaller groups and grassroots foster networks and

so on are not unfairly burdened and can easily and quickly gain information around the scheme and support to become authorised should they choose to.

I also note that rehoming organisations, shelters, councils and the department need time to prepare. In the principal bill, the commencement date is April 2027, which gives about 18 months lead time to allow for transition, to allow regulation development, application processes, capacity building and sector adjustment. As noted, Ms Purcell's amendment will have the effect, if successful, of providing that buffer period where it will be 12 months later that the existing scheme ceases.

Much of how the scheme works – the thresholds and reporting obligations, penalty structures, registration fee classes and exemptions – will be fleshed out in regulations. I will just note that the success of this bill in action will depend heavily on ongoing good consultative drafting of those regulations. Again, I urge the minister and department to continue to ensure sufficient time and resources are allocated to those mechanisms and consultation, noting that there has been a long period of consultation in the development of the bill that is with us today.

Just turning to the amendments that have been circulated, we understand that Ms Purcell's amendments have the effect of reinforcing or clarifying that the authorisation scheme created by this bill is indeed voluntary. They have the effect of extending the repeal timeframe for the foster care registration scheme to 10 April 2028, while keeping the existing commencement date for the new scheme that is being brought in by this bill, and also a clarifying amendment substituting references to domestic animal business in clauses 68KD(2) and 68KF(1)(c) to breeding domestic animal business or pet shop and ensuring that rearing domestic animal businesses are captured in these clauses. The Greens welcome these improvements to the bill, and we will be supporting Ms Purcell's amendments today. To the amendment that has been circulated this morning by the Liberals–Nationals, we have only had a short time to consider it. However, we have concerns that it creates duplication and is inconsistent with the purpose of the bill, which is providing this replacement framework for a scheme that has had low uptake. We will therefore not be supporting the Liberals–Nationals amendment.

In closing, I just want to thank the government again for the progress that has been made on this. The recommendations that are acquitted by this bill are four, I understand it, from the recommendations of the Taskforce on Rehoming Pets. However, there remain a lot of good recommendations and direction provided by that taskforce that are still to be implemented, so I urge the government to continue work to implement the remaining recommendations from the Taskforce on Rehoming Pets. We welcome this bill and will be supporting it, and I will leave my comments there.

Sheena WATT (Northern Metropolitan) (11:26): Thank you very much for the opportunity to rise and speak in support of the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025. The relationship Victorians have with their animals says a great deal about who we are as a community. Our pets are not just companions but part of our families, part of our homes and our daily lives. They bring joy, structure and at times a great deal of chaos but also unconditional love. Caring for animals is one of the most human things we can do. It is an act of empathy that connects us all. Yesterday I spoke on the horrific tragedy that affected Murphy, a case that reminds us all of why animal welfare matters so deeply. It is a tragedy that reminds us of why there needs to be transparency and consistency across every part of the system that handles animals. Yesterday Murphy's carers were brave enough to come into this place and witness the changes that are being made to better protect against cases like Murphy's ever happening again. I thank Ms Purcell for her continued advocacy on these issues and the many activists that work tirelessly to achieve better outcomes and conditions for animals.

When reflecting on the contributions made in this place and in the other place, it is clear that every member has their own story to tell, whether it is about a much-loved family pet, a local rescue organisation or the volunteers who make this place possible. That is because animal welfare touches every corner of our community. It is something that unites us, regardless of where we live or what we do. That sense of care and responsibility does not end at the front door. It extends beyond our home.

It extends to the way we as a state support those who work on the front lines of animal welfare. Across this state thousands of Victorians dedicate their time and energy to giving cats and dogs a second chance. They volunteer at shelters and they foster animals in need to make sure that every animal has the opportunity for a safe and loving home. Their work is quiet, but it is so important, and it deserves a framework that supports it, one that makes their work easier and more consistent and properly recognises their contributions right across the state.

I want to take a moment to also acknowledge and honour the incredible animal welfare organisations, volunteers and community groups that make such a difference every day. One that immediately springs to mind is the RSPCA and the immense work they do in providing care, advocacy and education to protect our animals across the state. I, however, want to take a moment to acknowledge that, in Melbourne's north, groups like the Lort Smith Animal Hospital in North Melbourne, Second Chance Animal Rescue in Craigieburn and Wat Djerring Animal Facility in Epping – and there are also countless other smaller rescue and foster networks – do remarkable work caring for animals in need. These organisations do not just provide shelter and veterinary care but give frightened and abandoned animals the chance to heal and to find a home. Their staff and volunteers show extraordinary care, often going above and beyond to make sure every cat and dog that comes through their doors is treated with love and with dignity. Their work is driven by compassion, and this government is proud to stand alongside them. It is this compassion that underpins the bill before us, a framework to better support animal welfare and responsible rehoming.

This year's state budget provided $16.7 million over two years towards safeguarding the future of Victoria's agricultural sector and supporting animal welfare. This includes significant funding for RSPCA Victoria, which is in addition to the existing $2.3 million the organisation receives every year from the government. The Animal Welfare Fund's grants program continues to provide vital support to Victoria's pet-rehoming organisations, with $5 million committed over four years through the 2023–24 state budget, and in 2025, 33 organisations shared in $1.6 million in funding through round 12 of the program, including nearly $1.14 million directly to benefit and support not-for-profit shelters, community rescue groups and rehoming organisations. This investment helps those on the front line continue their important work.

From banning cruel puppy farms to introducing Victoria's first *Animal Welfare Action Plan* and making Victoria the first state to introduce mandatory reporting of animal fate data for dogs and cats in shelters and pounds, we know the importance of animal welfare. Our government has a record of delivering strong and practical animal welfare reforms, and this bill continues that. In 2021 the Minister for Agriculture established the Taskforce on Rehoming Pets to examine how we could better support the rehoming of cats and dogs across Victoria. The taskforce brought together representatives from animal welfare organisations, veterinarians, councils and community foster networks, all with a shared goal of improving outcomes for animals in need. Later that year the taskforce delivered its final report to government, setting out a series of practical recommendations to strengthen pet welfare and improve pathways for rehoming. It looked closely at how we could increase transparency in the movement of animals between shelters, pounds and rescue groups, how we could ensure that rehoming processes are safe and consistent and how we could continue to support rescue organisations to operate under a stronger and more professional framework. Importantly, the taskforce also explored ways to expand rehoming opportunities for animals previously used in research and teaching, recognising that every animal deserves a chance to live out its life in a safe and caring environment. The bill before us today delivers on five of those key recommendations. It is the next step in turning the taskforce findings into practical, compassionate reform that strengthens animal welfare across Victoria.

One of the central reforms in this bill is the introduction of a new voluntary authorisation scheme for pet-rehoming organisations, or PROs. This bill amends the Domestic Animals Act 1994 and repeals current provisions that established the voluntary foster carer registration scheme. You see, the previous model focused on individual carers rather than the organisations that manage the full rehoming process. It saw very limited uptake, and through consultation the sector made it clear that reform was

needed. The bill shifts the focus to pet-rehoming organisations and the groups that take in, care for and rehome animals. This is change that is strongly supported by the sector, and under the new framework, organisations that choose to become authorised will gain access to a range of practical benefits. These include an exemption from council registration fees for foster cats and dogs during their first 12 months in care, helping to ease costs for volunteers and foster networks. They also will have the opportunity to hold adoption days at registered pounds, shelters and pet shops and those wonderful community events where animals get to meet their new families without having to go through some really unnecessary permit processes. You see, each authorised organisation will receive a three-year, no-cost source number through the pet exchange register, reducing unnecessary burdens and ensuring traceability remains strong across the system. Finally, authorised groups will have limited access to the Victorian declared dog register, allowing them to check whether a dog surrendered by a member of the community has been declared dangerous or menacing. That means better safety, transparency and confidence for everyone involved in the rehoming process.

A new pet-rehoming information register will also be established and maintained by the Secretary of the Department of Energy, Environment and Climate Action. This register will record each authorisation granted, renewed or revoked and ensure that participating organisations meet clear standards, including requirements around pre-adoption practices such as desexing, vaccination and animal fate reporting. These measures will promote greater consistency across the sector and provide a clearer picture of how animals are being cared for and rehomed across the state. Importantly, I just want to say participation remains voluntary. The new scheme presents an additional pathway for pet-rehoming organisations to become authorised and to receive those benefits that I mentioned, which will support their organisations' activities. Pet-rehoming organisations that do not participate in the scheme may continue to rehome animals as normal but will not receive the same benefits as those participating in the scheme.

The bill also introduces some important technical amendments to strengthen and support compliance, clarifying the powers of authorised officers under the Domestic Animals Act 1994. These are the local government and animal management officers who work every day to keep our community safe. These are the people who step in when a dog is declared dangerous or when a welfare concern is raised – and can I take a moment to acknowledge those workers and thank them for what they do. I do recall meeting some of them a couple of years ago, and I know that that is a role that fills them, often, with great joy, and it is such a wonder to see that role continue to be supported with the bill before us.

This bill makes clear that authorised officers may enter a residential backyard without a warrant when necessary to seize or contain a dangerous or menacing dog, and at the same time it confirms that officers cannot enter a building or vehicle used as a residence without a warrant. These compliance updates are practical and they are necessary. They give authorised officers the clarity they need to keep our community safe, while respecting the privacy and rights of residents. It is about getting the balance right. These amendments respond directly to concerns raised by councils and animal management officers during consultation, ensuring that they have the clarity and authority needed to act swiftly when animal welfare or public safety is at risk.

This bill recognises the extraordinary work of those who dedicate themselves to the care and rehoming of animals across Victoria every day. Shelters, rescue groups and foster networks open their doors to animals in need of safety and love. It takes incredible empathy, energy and compassion to care for animals who have known fear or neglect, and to help them find their way to a new beginning. It is their work that turns uncertainty into hope for these animals, and this bill will support high standards of care while offering flexibility and practical benefits that make rehoming more sustainable into the future. It also sends a clear message that the work of these organisations matters and that the people who dedicate their time, energy and expertise to helping animals are supported. I would like to say to those people and organisations who give their time to care for animals in need: thank you. This bill is for you and for every life made better by your work. I commend this bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (11:39): I also would like to rise to speak on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025. Yet again, we get another bill with these mysterious 'authorised officers' gaining new entry powers. And unfortunately, this bill clarifies these entry powers, but it does not clarify them in a way that I would like. What it should do is it should clarify that they need a warrant before going into someone's backyard, but no, it does not do that. It clarifies that they are allowed to go in without a warrant, so it will make it easy for the government in the future. Whenever you give these powers of entry without warrants, the Libertarians will oppose them.

Secondly, I would like to acknowledge the large number of people that have contacted my office with concerns about this bill. One of the primary concerns that they have been having is around the handover of animals from pounds to rehoming and shelter organisations for animals that are not desexed, chipped or vaccinated. They have expressed concerns that this requirement would be problematic because the pounds would not have the resources to desex and vaccinate them before handing them over. My understanding is that it is quite common for these rehoming organisations to do that work themselves, but it is also my understanding that this is an existing problem. Although I do acknowledge that, and I am opposing the bill, as they asked me to, I am probably opposing it for different reasons than what they had concerns about. Nevertheless I would like to acknowledge the large number of people with those concerns, and maybe we can clarify some of them during the committee stage of the bill. That is all I have to say on this one.

John BERGER (Southern Metropolitan) (11:41): I rise today to speak on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters Bill) 2025. This bill is about the government using its levers and powers to work with pet-rehoming organisations for better animal welfare outcomes. Currently the Domestic Animals Act 1994 is the primary piece of legislation where the standards for responsible ownership of dogs and cats are set out. It is under this act that the existing Domestic Animals Regulations 2015 exist, and these regulations are set to expire at the end of the year. Our pet-rehoming organisations here in the state of Victoria do very important work, and with this bill the government is recognising their work and recognising the fact that those rehoming organisations that are doing the right thing deserve to be rewarded. We all know that these organisations – those who are doing the right thing, at least – do incredible work, so it is altogether fit and proper that we should do this.

The bill has been a long time in the making. It is a piece of legislation that was conceived as a result of consultations with the sector over four years, and it is dedicated to the proposition that animals in the care of humans deserve to be treated humanely. The primary policy purpose of this bill is to implement a regulatory framework for this sector, including a voluntary authorisation scheme. This scheme, while voluntary, will provide incentives to encourage organisations to participate in it. It is important that we work with these organisations, not against them. Many of these places are primarily run on the sweat of volunteers, who give up their own time to do the work because they believe it is important. When we deal with this sector, it is important to keep that in mind, because one thing you certainly would not want to do is to make it harder for people who are volunteering their time for an important cause. This means that while this bill will give those organisations who do register with the authorisation scheme new responsibilities, we will also be helping them and offering them assistance in meeting those responsibilities.

In order to access the benefits of the new scheme, participating organisations will have to meet certain requirements. These can include the reporting of animal welfare outcomes and potentially other matters such as animal fate data and important pre-adoptive activities, which can include desexing and vaccinations. The aim of these requirements is to protect animal welfare and ensure that rehoming organisations are holding themselves to high standards. In return for this the scheme will be offering incentives and assistance, aiming to reduce financial and administrative burden on those organisations. An example of this would be removing the requirement to register an animal in their care with the council if it is only in their care for less than 12 months. This is the sort of thing that would allow a

rehoming organisation to reduce its administrative costs as well as financial costs without sacrificing on the quality of service they are providing. We all know too well that some of these animals who pass through these facilities stay for a very long time. Others pass through quickly. For those who enter it and exit quickly, it makes no sense to expect these mostly volunteer-run organisations to have to go through the bureaucratic process of registering them again and again.

Included in this bill is the repeal of the existing voluntary foster care registration scheme. The reason why we are proposing this repeal is because the scheme has had a very low uptake, so we have seen it not being as effective as it could have been. While this individual scheme has not had the levels of adoption that we might have hoped, this does not detract from the important work that the animal foster carers do every day. Looking back at the scheme, it is fairly obvious that it was not altogether a bad idea. It had the right intentions and the right concept behind it, and it was clearly implemented as part of the commitment to the fair and humane treatment of animals and support for those who take care of vulnerable animals. But the scheme cannot have the positive effect that it was designed to have if it has not had the uptake that we hoped for. As we know, the thing with voluntary schemes is that you cannot force people to join them. If we do not see uptake of a scheme, the responsibility is on us as the Parliament and us as the government to redesign it in a way that those who are involved in pet rehoming, those who know the system's needs better than anybody else, will choose to sign up to it.

Foster carers have crucial roles to play in pet rehoming, because pet rehoming is a sector that, sadly, is growing and the more people we have who can help take pressure off our pounds and shelters, the better. The benefits of putting an animal in foster care far outweigh the benefits of leaving them in a shelter. Many of the foster carers themselves love what they do and love taking care of animals. I have never been able to really get inside the head of a dog, so to speak, so I cannot speak to this from a place of authority, but I can imagine that many animals might prefer being able to live in somebody's home as a member of the family to being stuck in a shelter for months, if not years, on end. That is why we are transferring responsibility for regulating the foster care section of the animal rehoming sector under the new voluntary authorisation scheme. Under this piece of legislation, foster carers will be able to be a natural extension of the animal rehoming sector and will be able to continue in their important work with a reduced administrative burden. The reduced administrative burden is important because those people who are already doing an extremely generous act should not be punished with paperwork. Making processes simpler and smoother will not just benefit the foster carers, it will benefit the system as a whole because it will make the role more appealing, more enjoyable and less of a drain.

The bill will also create a pet-rehoming information register to be managed by the department. This will also assist pet-rehoming organisations to manage their notification and reporting responsibilities to both the state and local levels of government by serving as a central location for all the reporting requirements under the new scheme. This measure will make keeping track of the system far simpler, putting all the information in one place instead of allowing it to be dispersed across different organisations. Simplifying and standardising processes is important work which will better facilitate the pet-rehoming sector performing its functions and services. Additionally, because of the new requirements we are placing on rehoming organisations, we are also granting them new rights. This will include allowing rehoming organisations to participate in the adoption days of commercial pet shops. Further, these organisations will be able to better promote their activities, allowing them to reach a broader range of people who might be looking to adopt a pet.

The strict conditions which currently apply in situations of pet sales will still apply in these circumstances. The change being made here is only to pet adoptions and the ability for these organisations to place animals in need of a new home in front of interested potential new owners. The actual adoption process has not been changed. The existing rigorous rules will continue to apply, and it is right that they should continue to apply, because genuine commitment and accountability matters in these issues. Existing rules for the minimum age of the animal on the day of sale will continue at their current levels. New notification and reporting requirements are being proposed for adoption days and after adoption to ensure that everything is being run with integrity and in the spirit of animal

welfare. Authorised officers will be given the ability to shut down adoption days if they have a reason to believe that they are being conducted in a way that jeopardises animal welfare. Authorised officers are also being given the right of entry into buildings other than those used as residential homes in order to ensure that the responsibilities of those taking care of animals in need of rehoming are being met. A warrant will still be required for an officer to access someone's private home. Authorised officers have an important role to play in ensuring compliance and integrity in this field.

Similar to when dealing with issues relating to vulnerable people, issues relating to vulnerable animals require close scrutiny and strict standards to ensure that those in a position to be exploited are being protected. These issues are complicated, and there are times when a line needs to be drawn. Crimes against animals offend the conscience, and it is important that domestic animals in human captivity are treated in a humane manner that lives up to the community's expectations. We pass legislation such as this because we as Victorians choose to be a state that sees compassion and empathy as virtues to be held up as standards.

With this sort of bill, I think it is safe to say that most Victorians do not have this issue at the top of their minds every day. Day to day I know Victorians and my constituents in Southern Metro care about education, health, jobs, transport infrastructure, community safety, housing and workers rights, but just because this is not a highly salient issue that captures the close attention of the public or the media or that affects most people's lives every day, that does not mean it is not worth us spending our time on. If anything, it says more about who we are as legislators and what we do when nobody is looking. It is fair to expect that nobody will win any points in the opinion polls for how they vote on this bill. That does not mean that the work does not matter or that passing the bill is not important. Similarly, if there happen to be any members of this chamber who for some reason believe that pet-rehoming organisations have had it too good for too long and need to be taken down a peg, they have every right to speak out and vote against this bill. Personally, I will be supporting this bill because I think it is the right thing to do and because I think that these organisations do important work and deserve our support.

The average person on the street who is not involved with the pet-rehoming sector could easily be forgiven for not taking a deep enough interest in the minutiae of the regulations governing this sector. What most members of the public could agree with, however, are some of the core values and principles behind this – values like compassion and the idea that animals who are under human care deserve to be treated humanely and not face exploitation or neglect and the principle that volunteers who give their time and effort to an important cause, such as this one, deserve systems and regulations that support them rather than burden them. Further, members of the public also rely on strong regulations governing this sector because they want to know that by adopting a pet from a certain organisation or business that they are not contributing to animal exploitation. Senseless cruelty against animals, especially those animals who are in care, is something that most people instinctively understand is wrong. As important as the practical changes being made to the law are – so that we can facilitate the better and the more effective functioning of the pet-rehoming sector – so too are the other value propositions behind this bill. This bill is saying that we are going to continue to work on this issue until we have a system that not only functions effectively but also meets the expectations of the community from a values point of view.

To recap, this bill makes some simple, pragmatic changes to restructure how Victoria's pet-rehoming sector will go into the future. It aims to support the work of the pet-rehoming organisations, recognising their work and the work of their volunteers as central. It creates a new volunteer authorisation system, which will provide significant incentives to organisations to sign up. Making the scheme voluntary places the onus on the government to create a scheme that pet-rehoming organisations and foster carers would want to participate in, rather than one they would be obliged to participate in, because these volunteers who do the work do not deserve to be punished for their generosity, their hard work and their commitment to caring for animals; they deserve to be rewarded and supported for it.

Further, we are abolishing the existing voluntary registration scheme for pet foster carers and incorporating this into a new sector-wide scheme. This is because pet foster carers play a crucial role in the pet-rehoming system. They ensure that pets do not just have temporary accommodation but temporary homes. They also play a role in ensuring that the ethical treatment of animals is always at the heart of the system. Both for pet foster carers and pet-rehoming organisations, this bill places an emphasis on reducing bureaucracy and administrative burden. This is important because so many of these organisations are volunteer run and cannot afford to pay somebody to do this sort of work. Finding ways to reduce paperwork without negatively impacting on the ways to ensure accountability in the system is important to ensure that the system can operate more effectively and efficiently.

Although this bill reaffirms the Allan Labor government's commitment to treating animals who are under human care with compassion, these animals do not choose to be placed into shelters or choose to be abandoned by their owners, so it is on us as the state government to ensure that they are cared for. For the reasons I have outlined already, for its commitment and practicality and for the commitment to fulfilling our values as a state, I commend the bill to the house.

Rachel PAYNE (South-Eastern Metropolitan) (11:55): I rise to speak on the Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025 on behalf of Legalise Cannabis Victoria. I have a little bit of history with rehoming animals as someone who grew up in a dog show family. We had Pekingese and French bulldogs, so one of my superpowers is that I can actually see any breed of dog, whether it be a mixed-breed or a purebred dog, and know exactly what breed that is and what category it would be shown under, as someone who grew up in that environment.

Harriet Shing interjected.

Rachel PAYNE: I think it is a bit of a superpower, Minister, yes. It is one of those things that I do have a lot of fun with, playing with friends. Rehoming pets was something that I experienced a lot growing up in a family where there were a lot of animals around, making sure that there was rehoming available and making sure that the right people were also offering those homes and that there was that duty of care provided.

Referring back to the bill, it implements recommendations 7 to 11 of the 2021 Taskforce on Rehoming Pets final report. This taskforce investigated how to improve pet welfare by addressing pet-rehoming pathways and survival rates. It found there was strong cross-sector support for the regulation of pet homing to improve consistency in animal care and increase opportunities for collaboration with councils, shelters and pounds. The bill responds to these findings by introducing a regulatory framework for the pet-rehoming sector and a benefits-based voluntary registration scheme. The proposal in this bill of a voluntary scheme reflects concerns raised during consultation by the taskforce. There were concerns raised by stakeholders that regulation could impose an administrative and resource burden on rehoming groups, reducing their ability to care for animals and straining resources, particularly for smaller volunteer-run organisations. This scheme will replace the existing foster scheme, which has suffered from low uptake since its introduction as part of the puppy farm and pet shop reforms of 2017.

For registration under the new voluntary scheme, pet-rehoming organisations will need to meet certain requirements, including registration as a charity with the Australian Charities and Not-for-profits Commission and reapplication every three years. Additional requirements for authorisation will be developed in a regulatory framework. This will include reporting on the location of animals and may include reporting of animal fate data and requirements of pre-adoption, including desexing and vaccination. The benefits of authorisation will include being able to hold pet adoption days without the need for an animal sale permit and an exemption from registration of foster animals with local councils. Importantly, this bill also clarifies powers for entry of authorised officers, ensuring that adoption days where animal welfare is at risk can be shut down if needed.

While the minister has cited extensive consultations with the pet-rehoming sector over the last four years, there still seems to be uncertainty and confusion from the sector about what this bill intends to do. Smaller organisations who do not have the resources to acquire and maintain authorisation under this scheme have raised similar concerns to those identified in the 2021 taskforce report. They want to make sure that it is truly voluntary and that they will not be punished for not having the resources to join the scheme. The changes in this bill are intended to support and not punish the sector, but it is disappointing that the government consultation appears to have stopped after the bill was developed. There is a clear need for greater transparency and communication.

An authorisation scheme for the sector is long overdue, and it makes sense that organisations that go to the effort of getting registered receive additional benefits. At the same time we need to support smaller organisations in the pet-rehoming sector to ensure that they are not put at a major disadvantage because of these reforms. A good place to start with this is making sure the sector is informed of these changes and what the consequences will or will not be for them.

Business interrupted pursuant to standing orders.

Members

Minister for Children

Absence

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): I advise the house that the Minister for Children will not be present during question time today. I will answer questions on her behalf.

Questions without notice and ministers statements

Economic policy

David DAVIS (Southern Metropolitan) (12:00): (1077) My question is to the Treasurer. Treasurer, I refer to the financial report for the state of Victoria tabled yesterday. Why have you broken your solemn commitments to stop the misuse of Treasurer's advances?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): I thank Mr Davis for his question. Mr Davis, what the AFR details is Treasurer's advances line by line from 2023–24 to 2024–25. It makes it clear about post-budget decisions as well as contingency releases in relation to infrastructure milestones and the like. You will recall that in this year's budget we changed the reporting to be more transparent, to make it really clear about the use of Treasurer's advances. There is the column of unforeseen, urgent circumstances, which would be familiar to this chamber in relation to, as a good example, drought support, versus the contingency releases, which also use the Treasurer's advance mechanism, which is about keeping –

David Davis interjected.

Jaclyn SYMES: It is not a slush fund, Mr Davis. I will take you up on that interjection. It is financially responsible, when you are issuing contracts, to hold all of the money centrally and release it as milestones are reached. That is encouraging contract overview and project overview. You can identify risks. You can respond to concerns. I do not think you will find an economist in the nation that disagrees with that being the right way you should manage your projects.

In relation to the numbers of Treasurer's advances, they have reduced year in, year out following the pandemic, and in fact if you look at last year's figures compared to this year's figures, which are clearly available in the AFR, the post-budget non-milestone contingencies are reduced by 33 per cent, Mr Davis. So to assert that Treasurer's advances have not been reduced is incorrect; they have been. And therefore, despite the fact that the AFR covers data before my commitment to more transparency, accountability and indeed making sure that they are used for proper purpose, we have continued to use less and less, year in, year out.

David DAVIS (Southern Metropolitan) (12:03): I further ask the Treasurer: the Treasurer's advance payments include $32 million for the delivery of the Australian Grand Prix, $44.3 million for the metropolitan tram franchise, $124.3 million for the Social Housing Growth Fund, $9 million for a free camping trial and $2.4 million for regional car parks. Minister, these are among others in the $2.6 billion of Treasurer's advances relating to post-budget decisions, and I ask which of these genuinely meet the 'urgent and unforeseen' criteria.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:03): Obviously a lot of the measures that you have outlined are really important to the Victorian community, and it is good. And as I demonstrated, in terms of the reporting requirements, you have a list of everything that has been decided post budget. There are a number of reasons that you might make decisions for financial allocations outside of the budget process, particularly in relation to making sure that you do not miss out on match funding for federal government funding, for example. There might be responses to a range of cost pressures that were unforeseen. One of the examples that I think we have talked about in this place before is the enrolment numbers in public schools. You would not want to not be able to respond to enrolment growth and the like. Mr Davis, I think your question has certainly indicated the transparent nature of all TAs.

Economic policy

David DAVIS (Southern Metropolitan) (12:05): (1078) Treasurer, I refer to the $106 million shortfall in payroll tax revenue revealed by the financial report for the state of Victoria yesterday. It is a sign that Victoria is struggling and our economy is on track for massive debt and at risk of a credit downgrade. It is explained in the documents as being due to softer than expected employment outcomes. My response is: yes, Treasurer, this is obviously softer than expected employment outcomes. But do you take responsibility for the fall in payroll tax revenue, which is fundamentally due to the government jacking up payroll tax to the point where the revenue starts to decline?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): I thank Mr Davis for his question and indeed his acknowledgement that the government has made cuts to payroll tax and increased the tax-free threshold recently. We have the lowest payroll tax thresholds in regional Victoria compared to all of the other states. Mr Davis, if you had listened to my response on Tuesday, which includes the latest data, you would recall that I could point to 123,000 new businesses created in Victoria since June 2020. I could talk to you about the additional 32,400 Victorians who found a job in August, which is the highest job growth in the nation. This jobs boost has propelled Victoria's total employment to 3.82 million – a record high. We have the highest participation rate of all of the other states in relation to those people that are in the workforce, and that is all because of a number of government policies such as Best Start, Best Life and the ability for women to re-enter the workforce earlier than perhaps they would have planned. Free TAFE to ensure that people are getting the skills to fill the skill gaps that have been responded to. Mr Davis, the economy is strong. There is always more to do, but there are plenty of opportunities for those that want to talk up our state to join me in that endeavour.

David DAVIS (Southern Metropolitan) (12:08): I ask the Treasurer: why did you authorise the engagement of external consultants at the cost of $104,000 to prepare various briefings to credit rating agencies related to the retention of the state's credit rating? Is this the need for glossy presentations, a sign of incompetence or both?

Jaclyn Symes: On a point of order, President, I would be more than happy to answer the question, because it is a relevant question to me as Treasurer, but in no way does it relate to the employment numbers that Mr Davis referred to in his substantive question. This sounds like a completely new substantive question, which I would be happy to answer if he wants to use his next slot for it.

Members interjecting.

The PRESIDENT: The trouble I have got is that everyone is really yelly today. I kind of did not register when Mr Davis asked a supplementary. I might ask him to ask it again, and then I will consider the point of order.

David DAVIS: As I indicated in my substantive question, the fall in payroll tax is a sign of the economy in trouble and the risk of a credit rating downgrade. I therefore ask the Treasurer: why did you authorise the engagement of external consultants at the cost of $104,000 to prepare various briefings to credit ratings agencies related to the retention of the state's credit rating? Is this a sign of the need for glossy presentations, or is it a sign of panic and incompetence, or both?

The PRESIDENT: Going to the minister's point of order, she found it hard to relate it to the substantive question about payroll tax. It seems to be on a different topic, and it does not seem to reflect anything from the minister's answer.

David DAVIS: On the point of order, President, I pointed in my substantive to the risk of a credit rating downgrade. That is the point.

Sonja Terpstra: Further to the point of order, President, Mr Davis was asking the Treasurer questions about consultants. I still cannot understand how the supplementary relates to the first part of the question, which was about payroll tax. I think it should be ruled out.

The PRESIDENT: I am happy to uphold the point of order. Simply referring to something that you have said previously and then going to a different topic does not necessarily make it relative to the substantive question. But if Mr Davis wants to have another crack at aligning it with his substantive question, then I am happy to hear it.

David DAVIS: I said in my original question that the fall in payroll tax revenue is a sign that Victoria is struggling. Our economy is on track for not just massive debt but the risk of a credit rating downgrade. I ask the minister: why did you authorise the engagement of consultants to deal with the problems with your credit rating?

The PRESIDENT: I am sure the Treasurer is happy to respond. I think the issue is that you only get 1 minute, and that makes it harder when it is a substantive, but I am sure the Treasurer will have a crack in 1 minute.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:12): Mr Davis, Victoria's credit rating has remained stable, as confirmed by the three ratings agencies that do indeed rate us. In relation to bringing in –

David Davis interjected.

Jaclyn SYMES: I reject the premise of your question, because you are introducing facts that have no substance. The way you have characterised any engagement is wrong. The way that you have referred to glossy documents is wrong. I am trying to be generous in actually responding to a question that probably does not have standing, given it should be a substantive question, and your interjections have made that even more difficult. In relation to expertise to support the department, this is more than an appropriate use of resources.

Ministers statements: regional development

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:13): During the parliamentary recess while some were in Barbados I was in Geelong with the member for Lara and the member for Geelong to see firsthand how the Allan Labor government is building homes, infrastructure and community right across Victoria. At Armstrong Creek we are building a brand new sports centre. At Ormond Road we are replacing 18 ageing dwellings built in the 1950s with 54 bright, modern and accessible new homes thanks to an investment of $36 million under the Big Housing Build. In Newtown 77 social housing homes are under construction, with $22 million from the Social Housing

Growth Fund. In Geelong, Bendigo, Morwell, Ballarat and Wodonga we are transforming underutilised land with new homes, parks and places for people to come together. We are not just building homes but building communities in every single corner of our state. Together these developments will deliver more than 830 homes across regional Victoria, including 10 per cent affordable and social housing. Development Victoria, the state's property developer, is progressing planning approvals for housing at Waurn Ponds, Bendigo and Morwell, with work set to commence later this year and into 2026.

We are not stopping at housing. Through the regional sports infrastructure program, Development Victoria is delivering 16 new and upgraded sports facilities across regional cities and towns, making them even better places to live, work, stay and play. So as well as Armstrong Creek Sports Centre, we are delivering upgrades to Mars Stadium in Ballarat, the Bendigo showgrounds and Bendigo stadium, the Morwell Gun Club and the Gippsland Sports and Entertainment Park; a new multipurpose sporting complex at Waurn Ponds; and improvements at the Stead Park Corio hockey facility. These are investments that foster community pride, support local jobs and keep kids active and healthy. The choice is clear: we have a plan, they do not. While the Liberals cut and the Greens picket, we deliver. We are building a better future for every Victorian, no matter their postcode, and we will not stop.

Fire services

Rikkie-Lee TYRRELL (Northern Victoria) (12:16): (1079) My question today is for the Minister for Environment in the other place. On Thursday last week it was revealed that forest fire management and DEECA grounded their entire fleet of 290 Mercedes-Benz G-Wagons and 59 Unimogs due to safety concerns. This came just 24 hours after the Premier warned Victorians of a dangerous and active fire season. Can the minister confirm how long forest fire management will be without these vital firefighting vehicles?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:16): I thank Ms Tyrrell for her question. It is a question for the Minister for Environment. It will be referred to him, and he will respond consistent with the standing orders.

Rikkie-Lee TYRRELL (Northern Victoria) (12:16): I thank the minister for passing that on. Government spokespeople have told the *Herald Sun* and the ABC that the holes left in the firefighting fleet will be plugged by CFA and SES crews. But I have spoken to volunteers from the CFA, and they have told me that this is not possible with their ageing fleet of trucks. Will the minister outline what strategies are planned to use CFA and FRV personnel and equipment to cover the loss of forest fire management capability in order to ensure Victorians' safety during the upcoming bushfire season?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:17): I thank Ms Tyrrell for her supplementary, which, again, will be referred to the Minister for Environment for an answer.

Health system

Georgie CROZIER (Southern Metropolitan) (12:17): (1080) My question is to the Treasurer. Treasurer, has the Victorian government contacted the ATO to request a private tax ruling to ensure that no employee from any site will be financially disadvantaged by the Bayside Health merger when it takes effect from 1 January 2026?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:18): We have another situation where the Shadow Minister for Health is picking up on an issue in her portfolio and trying to make it a Treasury question. If she would like some specifics about Bayside Health, it would probably be worthwhile either asking the Minister for Health or indeed writing to the Minister for Health for a response in relation to the operations of that health service.

Georgie CROZIER (Southern Metropolitan) (12:18): Clearly the Treasurer, who is looking completely bemused, did not have a clue about it, so that is a no. Treasurer, Peninsula Health has 10,000 employees who will be impacted by the formation of the new Bayside entity and as a result cannot access the same salary sacrifice packaging benefits as those employees from other health services that will be merged under the Bayside Health entity. Why is there a discrepancy in the entitlements for nurses, doctors, allied health staff and other hospital employees who work at Peninsula Health?

The PRESIDENT: My concern is that the minister indicated it is a responsibility of another minister. I think that was the answer. A supplementary question not in line with the answer is a problem.

Georgie Crozier: On a point of order, President, if I may, I am very happy for the Treasurer to refer this to the health minister, for you to get the Treasurer to speak to the health minister and get an answer for the Parliament.

The PRESIDENT: Through the minister representing the Minister for Health in this chamber, I think there is an opportunity for the actual question to be passed on in line with the standing orders to the Minister for Health. A minister can get up and say, 'That's not my responsibility,' and that is the answer, that is the end of it, that is it. It depends on whether the minister is prepared to refer it and the person asking the question is prepared for that. Are you happy for both of those questions to be referred to the Minister for Health?

Georgie Crozier: Yes.

The PRESIDENT: Is the minister happy to pass those on to the Minister for Health?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:21): I am happy if the Treasurer is happy.

The PRESIDENT: Thanks, everyone. That is the sort of society I want to live in.

Ministers statements: corrections system

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:21): Four million square metres – that is how much graffiti community corrections crews have removed from public spaces since 2004. To put that into the universal Victorian measurement of large areas, that is the equivalent of 240 MCGs. We all know graffiti is a bugbear of local communities right across our state. It can spoil our beautiful public spaces and make them feel less welcoming and safe for all. Last week I was thrilled to join one of our community work crews as they were cleaning up the Dean Street underpass on the Moonee Ponds Creek Trail. Under the supervision of Colin, one of our many skilled and hardworking community corrections staff, this group made light work of a heavily graffitied wall, leaving the area cleaner and fresher for everyone to enjoy. In partnership with local councils and other public bodies, more than 600 sites across Victoria are identified and cleaned up every single week.

People subject to community corrections orders are undertaking community work like this every day. It is not just about people completing their court-mandated hours and making reparations for their past behaviour, it is also about setting them up for a better future by learning important skills that will assist them in future employment opportunities. The community corrections team works with more than 500 community and not-for-profit groups to deliver unpaid community work right across Victoria. The graffiti removal program is just one great example of the work being done. So next time you are out and about and notice that a once graffiti-stained wall is now a pleasing shade of grey, you will know who to thank; it is probably the handiwork of our local community corrections workforce. I say thank you.

Greater Western Water

Melina BATH (Eastern Victoria) (12:23): (1081) My question is to the Minister for Water. Minister, how can Victorians have confidence in your oversight when a $150 million billing system for Greater Western Water was launched without a completed plan to manage customer data and with no contingency for backup, leaving thousands of customers in distress? Can you guarantee these issues are now resolved?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:24): What I am going to do is take the chamber through a couple of steps first. In mid-2024 GWW merged two computer billing systems used by the former City West Water and the former Western Water. It is clear that this has not gone the way it should have, and customers are rightly frustrated. I expect the highest customer service from our water corporations, and Greater Western Water has apologised to the community for not meeting those expectations. That is why this government requested GWW to commission an independent review to get to the bottom of this issue and prevent it from happening again. This review was made public to provide transparency to the community. The review has made 25 recommendations around governance, planning, capability and resources, and communication and customer support. Greater Western Water has accepted all recommendations.

With its new senior leadership team now in place, GWW has commenced a return-to-service plan and is now working to rebuild trust with its customers. GWW has worked with the independent regulator to offer customers bill relief through a $130 million package. This is currently being consulted on with the Essential Services Commission and reflects Greater Western Water's commitment to take responsibility, resolve the issues and make lasting improvements. Greater Western Water has hired additional staff, extended call centre hours and increased the volume of calls that can be taken. GWW has also opened its offices in Footscray and Sunbury for in-person support.

GWW is required to regularly report on clear, measurable progress until this is resolved. This means resolving outstanding issues for impacted customers quickly and fairly, keeping the community regularly informed and being fully accountable through transparent reporting. Our focus is on ensuring any systemic issues underlying bill and data issues for Greater Western Water customers are fully resolved to restore customer confidence in a high-quality, affordable and reliable water service.

Melina BATH (Eastern Victoria) (12:27): Minister, given the water ombudsman's warnings that complaints are not letting up, why has your government refused to come clean to affected GWW customers, and could you explain exactly when they will receive full compensation, not just consultation?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:27): In terms of support for customers, GWW recognises that what has happened is completely unacceptable. GWW recognise that it is their responsibility to fix it for their customers, and customers will not pay for it. As part of GWW's proposed enforceable undertakings with the Essential Services Commission, the following applies: if a customer did not get a bill for any 2024 charges, GWW will not collect those charges; two, customers who get a bill for charges between January 2025 and June 2026 with a delay of four to 12 months will get credit from $80 to $240 on their account, based on how long the delay was; and three, GWW will not send bills for charges more than 12 months after the billing period ends. This $130 million package is currently being consulted on by the Essential Services Commission and reflects Greater Western Water's commitment – *(Time expired)*

Police resources

Jeff BOURMAN (Eastern Victoria) (12:28): (1082) My question is for the minister representing the Minister for Police, Minister Erdogan. Victoria Police members are under enormous pressure. Crime is through the roof. Our chief commissioner has conceded that the levels of offending we are seeing in our community are entirely unacceptable. The police force remains critically understaffed, with more police leaving than are recruited. Over the last 12 months 200 more police have resigned or

retired than have been recruited. There are now more than 1200 vacancies in Victoria Police. Victoria Police has made changes to its recruitment process, yet it remains unable to assess and induct applicants quickly enough to meet demand. So my question is: what is your government doing to ensure our community is supported by fully resourced police during a crime crisis?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:29): I thank Mr Bourman for his question and his interest in these matters regarding Victoria Police. I will make sure they are referred to the police minister in the other place for a response in line with the standing orders.

Jeff BOURMAN (Eastern Victoria) (12:29): I thank the minister for passing this on. My supplementary is: would the government support the chief commissioner's direction to remove red tape, which delays important processes and results in the long processing times in recruiting?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:30): I thank Mr Bourman for his supplementary question, and I will ensure that is passed on to the police minister in the other place for a response.

Ministers statements: Victorian Training Awards

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:30): In Victoria we recognise and celebrate vocational education and training. Each year we acknowledge the excellence in our world-class system with the Victorian Training Awards, the Learn Local Awards and the Wurreker Awards, all held recently. The Victorian Training Awards recognise the outstanding achievements of apprentices, students, teachers, employers and training providers in Victoria's vocational education and training system. It was inspirational to hear their stories and to acknowledge the people who support them. The Outstanding Achievement in the TAFE and Skills Sector award went to Margaret O'Rourke OAM, who has demonstrated excellence in leadership in her 15 years in the sector, including as board chair at Bendigo Kangan Institute. BKI had a great night, winning the Large Training Provider of the Year award, and BKI teacher Tarmi won Teacher/Trainer of the Year. The Learn Local Awards are 19 years strong, recognising the adult community education sector's contribution to alternative education pathways. Learn Locals operate out of not-for-profit community organisations right across Victoria. Every day they give the community a leg-up by providing low-cost literacy and numeracy and employment pathway courses close to home. I was also proud to attend the 20th annual Wurreker Awards night recently that celebrates First Nations training and the people and organisations who contribute to it. This night highlights how high-quality skills and training can open new pathways for Koori people. I would like to congratulate every winner and finalist for their hard work and thank all the teachers, trainers and supporters who have helped in making their achievements possible.

Syrian repatriations

Evan MULHOLLAND (Northern Metropolitan) (12:32): (1083) My question is to the Minister for Multicultural Affairs. Minister, it was reported in the *Age* that Victoria Police received advance notice on the recent return of ISIS brides into Victoria. The Assyrian, Chaldean, Syriac, Yazidi, Druze, Alawite, Shia Muslim and other communities, who we have welcomed into Australia, have been persecuted out of their homelands at the hands of the Islamic State death cult. It is also widely documented that many of these ISIS brides assisted their husband fighters with the enslavement of these very persecuted minorities, which is adding to the trauma of these affected communities. Have you or your department consulted with these affected communities about the return of ISIS brides to Melbourne?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:33): I thank Mr Mulholand for that question, and what I would say in response to that is that these are matters that are squarely within the responsibility of the

Commonwealth government and federal agencies. Of course it is not unusual for our federal agencies, including the AFP, to work closely with VicPol on matters that relate to immigration, but these are not matters that are within my responsibility as the multicultural affairs minister here in Victoria. But I can understand that these issues would cause some consternation for those communities who have fled the horrors of ISIS, and our government works hard across a range of different communities, who have arrived here under very challenging circumstances, when it comes to working with them on settlement services and on broader social cohesion efforts. In terms of the decisions around people returning from other parts of the world, I would suggest that your questions would be better referred to the Commonwealth.

Evan MULHOLLAND (Northern Metropolitan) (12:34): The Department of Home Affairs and minister have consistently acknowledged that they need the cooperation of the state government for repatriated detainees from Syria as they need assistance with support services, deradicalisation programs and engagement, housing, schooling and trauma support that will be required to manage the ISIS brides. What action is the government taking, like deradicalisation programs, engagement and trauma support that will be required to manage them, given they have been living for years as part of a terrorist death cult?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:35): Again, Mr Mulholland, settlement services are also the primary responsibility of the Commonwealth. Our government during the 10 years that the coalition were in power in Canberra had to step up and supplement that effort, and we continue to do so through important programs supporting asylum seekers and refugees who arrive here in Victoria in great numbers. We support a number of important organisations, including the Asylum Seeker Resource Centre, Refugee Legal and AMES. The primary funder is the Commonwealth. We have recently urged the Commonwealth, at a meeting of all state and territory multicultural affairs ministers, to actually step up their effort in this area and reinstitute some of the levels of funding that existed before the coalition ripped them away.

Gambling harm

Katherine COPSEY (Southern Metropolitan) (12:36): (1084) My question is for the minister for gaming. Minister, you recently watered down your own trial for carded play across Victoria by removing the existing government commitment to have preset loss limits as a mandatory element of the trial. Many councils are publicly commenting now about how disappointed and let down they are given their communities are at the coalface of gambling harm. Minister, which councils did you consult with about your decision to remove the setting of loss limits as a mandatory element of this trial?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:37): I thank Ms Copsey for her question and interest, but I do believe she has mischaracterised the trial that is taking place. It is an important trial that builds on the leading reforms of our government in terms of tackling gambling harm, and it builds on the fact that we have already implemented mandatory closure times, slowed down spin rates and are now implementing load-up limits on gaming machines. This trial is a very important piece of that work as we are the only jurisdiction in the nation to have a carded trial of this nature. That is important; it is about giving control back to Victorians. The reason why I say 'mischaracterisation' is because it was always intended that this trial would be about mandatory carded play. That is what is taking place across the three LGAs. I do want to thank them. That is Dandenong city council – very familiar to Mr Tarlamis in this chamber; they have been very strong – and Monash and Ballarat councils. They have been very passionate about the advocacy about gambling harm more broadly and especially the harm caused by pokie machines and electronic gaming. This reform has been led and there has been broad consultation by the department in relation to this. I understand a lot was done at a peak body level consultation with the Alliance for Gambling Reform and the MAV. In terms of the trial itself, it is run by the department and the 43 venues that are participating. They are the primary participants in

terms of making sure the trial works. I thank the local councils for their advocacy, and I look forward to engaging with them.

Katherine COPSEY (Southern Metropolitan) (12:38): Minister, no doubt the councils would have preferred that you engaged with them prior to changing the scope of the trial, which is what a number of them have been very vocal about now, including the City of Monash, which you just named. I think I will take that as an admission that you did not consult with councils prior to changing the scope of the trial. Minister, did gambling industry interests advocate to you that elements of this trial be removed?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:39): In terms of the participants and the venue operators, I understand that they were engaged by the department about the settings for the trial, so all 43 venues and their representative bodies were engaged at a departmental level for input into making sure the trial is as successful as possible. So far – we are still midway through the trial, so it is still too early to make a robust evaluation – I understand that the trial is going well. Department of justice staff have been in place to help the venues to make sure the trial works so that patrons are informed and can engage and so that we can get a robust evaluation at the end of this process.

Ministers statements: mental health services

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:40): I rise to update the house on the Allan Labor government's commitment to deliver free community-based mental health care for all Victorians. Last week I had the pleasure of joining the hardworking member for Monbulk Daniela De Martino as we opened the doors on the new permanent location of the mental health and wellbeing local in Lilydale. The local will support the Yarra Ranges community with a range of clinical wellbeing mental health supports via walk-ins and in-person appointments, telehealth and outreach services – all free of charge with no Medicare card or GP referral required. Services at the Lilydale local are delivered by a multidisciplinary team of experienced mental health professionals, wellbeing staff and peer support workers, and they are designed to meet the diverse needs of that community. We are proud that we have already delivered 15 locals in 17 locations across the state, which have supported over 27,000 Victorians to access free mental health supports in their community.

We are not stopping there. Building on the existing locals, I recently announced that seven new locals will open before the end of the year. Once fully up and running, they will provide a full range of clinical and wellbeing supports delivered in person, via telehealth and through outreach. The new locations will bring the total number of locals to 22 across 24 locations, meaning more Victorians than ever will be able to access the help they need when they need it and where they need it, without the need for a referral. I am proud to be part of a government that is building a mental health system that is community based, person centred and guided by lived experience. I would like to thank the team at the Lilydale local for showing us around and for the work that they are doing every day to create a strong and welcoming space for the Yarra Ranges community.

Written responses

The PRESIDENT (12:42): That ends ministers statements and question time. Minister Tierney will get from the Minister for Environment answers in line with the standing orders for Ms Tyrrell. Similarly, for Ms Crozier, from the Minister for Health, Minister Stitt will get answers on both her questions, in line with the standing orders. Minister Erdogan will get Mr Bourman answers from the Minister for Police in the scope of the standing orders.

Constituency questions

South-Eastern Metropolitan Region

Michael GALEA (South-Eastern Metropolitan) (12:42): (1879) My question is for the Minister for Public and Active Transport. The question relates to the summer start for the new projects that we have coming and in particular the announcement that weekend travel on public transport across Victoria will be free across the summer period. This is a great way to celebrate the opening of the Metro Tunnel and to give Victorians that extra opportunity to check it out for themselves – to ride on the trains on the Pakenham, Cranbourne and Sunbury lines, interconnect with them and use this terrific new tunnel. Minister, how will this benefit my constituents?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:43): (1880) My constituency question is for the Minister for Regional Development, and it relates to the regional worker accommodation grants, or indeed the lack thereof, around the prom coast area in South Gippsland. South Gippsland has been overlooked for the regional accommodation grant, and despite there being much spruiking from the government about interest in new developments down there – potentially offshore wind – the local council and community are very keen to be on the front foot. Despite an anticipated 1600-person increase in workforce around the Barry Beach area, you have ignored our region. Minister, when will you prioritise the regional worker accommodation grants and when will you fund it?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:44): (1881) My question is for the Minister for Environment. Constituents in Port Campbell and Warrnambool have raised concerns with me about debris, confirmed by Woodside to be plastic clamps used in their decommissioning works on the Minerva field, washing up on their beaches. Woodside admitted a recordable incident report to the National Offshore Petroleum Safety and Environmental Management Authority on 31 March 2025 stating that approximately 65 kilograms of plastic piggyback clamps had been released into Commonwealth waters. Despite this Woodside commenced decommissioning in Victorian waters in April using the same methodology, resulting in a significant loss of additional plastic clamps and an estimated 186 kilograms total plastic waste being recovered. Minister, what steps is the government taking to ensure Woodside takes responsibility to prevent future plastic pollution during decommissioning projects in state waters?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:45): (1882) My question is for the Minister for Environment. Minister, Victoria is one of the most bushfire-prone areas in the world, and in particular the electorate of Eastern Victoria includes huge areas of public land with increased bushfire risk. With drought affecting large parts of the state, including parts of Gippsland, and the fire season upon us, people are concerned about bushfires. Minister, can you please outline the state's readiness for the 2025–26 bushfire season with a focus on the seasonal risk and preparedness in Eastern Victoria? Victoria has always experienced bushfires, and with climate change these are getting more frequent and damaging, further highlighting the importance of preparedness for each upcoming season.

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:46): (1883) What I am excited to talk about today or in fact ask the Minister for Mental Health about, because this is a constituency question, is mental health locals. I was very pleased to hear the minister talk a short time ago about that very subject. I am also very excited that in July of this year, after much lobbying and encouragement – we like to encourage those who do good things – eventually, a couple of years later and a couple of years after it was promised, we got our mental health local. It will be in Maroondah. What we do not know yet is where it will be in Maroondah. My question on behalf of my constituents in the electorate of

Ringwood is all about where our mental health local will be in Ringwood. It is a critical service. It brings together all those kinds of services we all want and need for our community to help with suicide prevention and with assistance to our youth. I look forward to opening it with the minister as soon as we can in December. I cannot wait to do that, and I welcome her to Ringwood.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:47): (1884) My constituency question is for the Minister for Planning. On 1 January last year the commercial logging of Victoria's native forests finally ended on public land. However, since then logging companies have used loopholes in our laws to continue their destruction of our native forests. This includes a recent case which saw logging approved on private land near Warburton using a permit from 1977. Another shire also accepted a proposal for native timber harvesting on a private property after the minister chose not to intervene. In fact despite the ban there is nothing in our planning provisions prohibiting the logging of native forests on private land. Victoria is the most cleared state in Australia. The government must act now to stop any further logging of native habitats. Will the minister amend the Victorian planning provisions to ensure there is no further destruction of native forests in my electorate of Northern Victoria?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:48): (1885) Shortly after the Premier announced that the Metro Tunnel will be opening in early December and those beautiful pictures of the new State Library station were beamed across the media I was chatting to some residents in Caulfield who are particularly keen to go and check out that brand new State Library station. We know that Caulfield station connects to the Metro Tunnel, so they can go and check out all five of those new stations on the Metro Tunnel. What they will be able to do is take advantage of the free public transport on the weekends over summer as part of the summer start of the Metro Tunnel – free for everyone, everywhere, every weekend over this summer. My question to the Minister for Public and Active Transport is: how will the free public transport benefit the community of the Southern Metropolitan Region?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:49): (1886) My constituency question is for the Minister for Roads and Road Safety: when will the stretch of potholes on the Great Alpine Road at Eurobin be fixed and the 80-kilometre speed restriction lifted? In 2025 Victorians enjoyed the best snow season in recent years, but visitors travelling to the snow had to suffer driving on some of the worst roads in Victoria, which have degraded terribly after a decade of Labor neglect. One of my constituents recently told me that a section of the Great Alpine Road at Eurobin has been slowed to 80 kilometres for the last three years because there is a 50-metre stretch of potholes that have still not been fixed. This is completely unacceptable, and it is embarrassing for Victoria that visitors who come here to enjoy the snow first have to pass through the obstacle course of Victoria's dangerous and damaging rural roads. The minister must instruct the Department of Transport and Planning to urgently inspect and repair this stretch of road before the summer season arrives.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:50): (1887) My constituency question today is for the Minister for Roads and Road Safety, and my constituents ask: when will Doyles Road at Shepparton be repaired to a satisfactory state? Last week a constituent reached out to my office to express concerns with the conditions of Doyles Road at Shepparton from the Midland Highway to the Goulburn Valley Highway. This is the main truck route, which removes hundreds of trucks from the central business district and residential areas of Shepparton and Kialla. The 9.4-kilometre section raised by my constituent is plagued by deep potholes and rutting, causing serious traffic hazards. Such dangerous road conditions could lead to accidents, vehicle damage and possibly serious injury or fatalities. It is simply unacceptable that a vital, important bypass has been left in a state of such

disrepair for so long. Minister, my constituents ask: when will Doyles Road at Shepparton be repaired to a satisfactory state?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:51): (1888) My constituency question is to the Minister for Police, and it concerns the shocking increase in machete and knife crime in the northern suburbs. My community in Greenvale were horrified at the recent machete melee at Greenvale Secondary College, which was plunged into lockdown with two students injured. Our students deserve to be safe on campus and focus on their education, but under this government we have seen an explosion in knife-related crime and a weak response from this government. That is why the Liberals and Nationals have proposed commonsense measures to keep Victorians safe, including Jack's law, to give police and PSOs the tools they need and the technology they need to get knives off the street. This government expects those offenders that came to Greenvale Secondary to voluntarily go up the road to Craigieburn police station to put them in a machete bin. We will give police the powers they need. I ask the minister to urgently commit to following our lead and giving Victoria Police the powers they need to keep Victorians safe.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:52): (1889) My constituency question is for the Minister for Roads and Road Safety. It is no secret that country highways in western Victoria are crumbling. The Pyrenees Highway looks like a patchwork quilt, the Midland Highway could double as a ploughed paddock, the Sunraysia Highway is more pothole than pavement and the Glenelg Highway – well, that is a test of faith and also a test of your car's suspension. While Melbourne gets billions, we are dodging craters big enough to see from the moon. Country Victorians are paying the same taxes, yet our roads look like they have survived a meteor shower. Minister, when will country drivers in my electorate be able to drive on something that resembles more of a road and less of a geological experiment – or should we start applying for heritage status for our potholes, given they have been there that long?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:53): (1890) My constituency question is for the Treasurer, and it is regarding the blunder in the issuing of land tax bills impacting some 1500 taxpayers to the tune of $82 million across the state. Like many MPs, I have received many calls from residents who received incorrect land tax bills or have concern about their bills. In many cases they objected to the assessments under the new land tax thresholds. My question to the Treasurer is: could she update my constituents with some clarity on how many residents in the Western Metropolitan Region received incorrect land tax bills in the past financial year, as per complaints received by the State Revenue Office? I think it is only fair that if the government impose a great big tax to cover their $187 billion debt they ensure the SRO are capable of assessing correctly and managing these complaints promptly.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:54): (1891) My question is to the Minister for Health. In February this year the government proudly announced the paramedic practitioner program as a world-first model to help address Victoria's health crisis, particularly in regional areas, to fulfil a 2022 election commitment. I have been contacted by a local charity which has been working on establishing an urgent care centre in Gisborne with paramedic practitioners forming a critical part of the team. They have just learned that the state government and Ambulance Victoria have paused, which has effectively defunded and ceased, the paramedic practitioner program, and through regulations the department intends to restrict paramedic practitioners to work only for Ambulance Victoria. This decision has derailed plans for a locally driven urgent care centre that would help alleviate the pressure on emergency departments and reduce ambulance ramping and service delays. Minister, regional health services are under intense pressure. I ask that you reconsider this decision to ensure that the

paramedic practitioner program continues and their valuable skills be used to fill critical gaps in our health system.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:55): (1892) My question is for the Minister for Police. In Pakenham my constituents often tell their children not to go near Cardinia Road station after school, because groups of teenagers have been gathering there at night. Fights break out, and there are often machetes. Locals and police say that it is the same offenders that keep coming back because they keep getting bail. This government has changed bail laws five times in recent history, but crime in Pakenham has risen by 3821 incidents in the last year alone. Can the minister please provide me statistics on how many of the total criminal incidents in the Cardinia police service area over the past three years have involved offenders that were already out on bail?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:56): (1893) My matter is a question to the Minister for Police. It relates to the rising crime rate in the City of Monash and indeed in other areas in my electorate, but particularly in the City of Monash there has been a significant surge in violent crime and retail crime. I ask the minister: what steps are being taken to ensure that the crime rate in the City of Monash is managed? It has been a very big increase. People are very concerned and scared. I have held two forums now with large numbers of the community, one in Mount Waverley and the other in Ashburton. Large numbers of people attended, and crime was the most commonly raised issue, as well as a highly significant issue, by people at those forums. The government has lost control of this in the City of Monash. There is real concern. At one of the forums the man who was on Channel 9 as thugs tried to carjack his car with his wife and daughter in there spoke with great eloquence. I think people are concerned and scared, and I think it is time the minister acted.

Sitting suspended 12:58 pm until 2:02 pm.

Bills

Domestic Animals Amendment (Rehoming Cats and Dogs and Other Matters) Bill 2025

Second reading

Debate resumed.

Rachel PAYNE (South-Eastern Metropolitan) (14:02): This is our second attempt at introducing this kind of scheme for the pet-rehoming sector in the last few years. We need to make sure it is done right so we do not end up back here in a few years introducing another replacement scheme because this one also suffered from low uptake.

Before concluding on the issue of pet-rehoming and desexing requirements that may be included under the scheme, I am running a cat desexing appeal in collaboration with the RSPCA peninsula pet safety program. Anyone interested in donating can head to my social media for details. This program does amazing work to regenerate, rehome and desex cats. As the warmer months approach, so does kitten season. My two girls Minnie and Chiquitita – yes, after the ABBA song, but we do call her Cheeky – were first fostered by us when Minnie was just eight months old with four kittens. Thankfully we were able to give the kittens and the mother cat a loving home. I managed to rehome three of those kittens – Chiquitita has stayed with me. As for Minnie, the mother cat, it was my honour to give her a home. Cat desexing is essential to prevent unwanted litters. The RSPCA receives enormous amounts of surrendered or abandoned litters each year. Funds raised by the peninsula pet safety program mean that those cat owners who are feeling the cost-of-living pressures can access cat desexing free of charge. If you can even spare a small amount, your contribution will go a long way to helping this program, reducing the strain on the pet-rehoming sector.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (14:04): I thank all members who contributed to the debate in this chamber and in the other place. It is great to see so many people supporting pet-rehoming organisations, who do just such a fantastic job and selfless work for our companion friends. There were a number of matters raised by a number of speakers – the opposition as well as the crossbench – during their contributions, and I will try and respond to most of them in the time that I have.

Some members have raised concerns regarding the repeal of the foster carer registration scheme. This scheme enables registered foster carers to access the $6 registration fee. It has had low uptake amongst both local councils and foster carers. According to the 2024 data, only 51 foster carers are registered with this scheme. Only 13 of Victoria's 79 councils administer the scheme. Under the new pet-rehoming authorisation scheme, participating organisations would not be required to pay a registration fee for animals under their management and direction for the first 12 months the animal is in foster care. This presents a cost saving for organisations and foster carers. It is important to note that this change was strongly advocated for by the sector during consultations, which included some 54 pet-rehoming organisations, 292 foster carers, 26 pounds and shelters and 54 local councils. I thank those organisations for the time they gave to attend workshops, provide written submissions and complete surveys so that the pet-rehoming taskforce could fully consider how to best develop this scheme.

I understand that there will be some amendments put by the Animal Justice Party on this matter, and I understand that the government will be supporting them. I again reiterate that this scheme is voluntary and it is designed to be of benefit, not to add burden. The scheme will not restrict the activities of organisations that do not choose to become authorised. They would continue to operate as they currently do under the existing legislation. Pet-rehoming organisations that choose to participate in the scheme will receive specific benefits to support their rehoming activities, but again, organisations who choose not to participate in the new scheme will continue to be able to rehome pets as they have always done but will not have access to its benefits.

There has been discussion around the new requirements to provide details on foster animal locations within seven days. It must be noted that this timeframe was at the recommendation of the rehoming pets working group, and the department is developing a dedicated website, compatible with currently used platforms, so that this is not an onerous task. It is also not the intention that penalties be applied to organisations who, for one reason or another, do not fulfil this task in a timely manner but that the department works with an organisation to achieve good results. We know that people are busy. We know that animals can move between foster homes, and we know the majority of organisations are doing their very best. I am also advised that the department will work with the IT development team to explore options for batched notices to be made for foster dogs and cats under the management of authorised pet-rehoming organisations to make reporting as streamlined as possible. The department is also exploring ways in which online platforms can exchange data with existing IT platforms used by pet-rehoming organisations so that the reporting is not duplicated.

These changes to the Domestic Animals Act 1994 will not come into force for 14 months; this is to allow for the development of the supporting regulations, with input from the pet-rehoming sector and the broader Victorian community. This will ensure that we get it right and organisations have the time they need to adjust. I am also advised that organisations may still choose to notify councils by other means if they prefer to not do so electronically or for some other reason are unable to notify via the website. This can include calling their councils.

I know that members have raised concerns about rescue groups being financially impacted by noncompliance. I am advised that infringements would be just one component of an overall compliance and enforcement strategy developed by the Department of Energy, Environment and Climate Action. Working with participating stakeholders by providing education and support to meet the legislative requirements of the scheme would be a key part of DEECA's compliance strategy. In the event of repeated noncompliance, verbal and advisory letters or warnings would take place before

any infringements or prosecutions would be pursued. The department will always seek to work with an organisation to ensure compliance can be met before taking punitive measures.

As I said, the department is developing an online reporting option that will be developed in consultation with the sector. I also know that there have been some concerns raised around public release of animal fate data. To clarify, the bill does not set out that animal fate data reported by authorised pet-rehoming organisations would be made publicly available. It only requires the reporting of animal fate data and sets out that this data would be kept on the new rehoming pets register.

There has also been some discussion around the aspects of the Domestic Animals Act that fall outside the remit of this bill. We understand that there is more work that needs to be done in this regard, and we undertake to do that work in partnership with the pet-rehoming taskforce and the broader pet-rehoming community so that we can achieve the best possible outcome for rescue animals. This includes work on what the responsibilities of councils are around desexing and microchipping animals before release to pet-rehoming organisations. We hear loud and clear the organisations' concerns about animals being euthanised rather than being rehomed, and we acknowledge that there is further work to be done in this space. Indeed, Ms Purcell raised this as a motion yesterday – it is a very important topic – which the government supported in this place.

We also note the concerns around organisations that do not sign up – that they will be excluded from grant rounds. Our animal welfare grant rounds exist to improve and increase the capabilities of our pet-rehoming sector, not to punish organisations wishing to grow and cater properly for animals in their care. The bill does not make any changes to grant funding opportunities to organisations working hard to give pets a second chance. The aim of this authorisation scheme is to give surety to councils, pounds and shelters about who they are handing over animals to and how those animals will be appropriately cared for. Again, those who do not wish to join the authorisation scheme will not be penalised, but they will not have access to the scheme's benefits.

I know that there are some concerns and questions around how the government can support organisations to meet the requirements to be authorised, including charity organisations. We do recognise that registering as a charity can be a lengthy and confusing process, and I am advised that the department, DEECA, stands ready to assist organisations in this process. The department is committed to assisting smaller organisations to navigate the application process through education materials, workshops and other appropriate mechanisms. The planned staged commencement of the bill is also there to enable applications to be made before the full scheme comes into effect on 10 April 2027. We also understand concerns around organisations that operate shelters not being captured by this scheme. Some rescue organisations have adapted their operating model to become registered as domestic animal shelters. The scheme does not capture animal shelters, as these organisations are already regulated by the Code of Practice for the Management of Dogs and Cats in Shelters and Pounds.

Further, there has been commentary on who runs this scheme. The pet-rehoming taskforce requested that the state government be responsible for administering the scheme, including assessing applications and granting authorisation to eligible pet-rehoming organisations. This is to reduce the operating burden on the sector. Assessments will consider a range of matters, such as if a person named on the application has committed an offence or has been issued with a notice to comply under the Domestic Animals Act or Prevention of Cruelty to Animals Act 1986, as well as other state and territory equivalents. In addition, government must consider if a person named on the application has been convicted or found guilty of an offence against a local law made under section 42 of the DA act. The government must also consider if a person named on the application is a member of an applicable dog or cat breeding organisation. The sector will have the capacity to seek further requirements as they see fit following community consultation.

The bill does enable government to set fees for applications and renewals, as required by our cost recovery policy, which requires government departments to efficiently and fairly recover costs associated with regulating and delivering services, but these will be strictly defined within the

regulations – again, after extensive engagement with the pet-rehoming sector and community consultation.

In relation to clarification on powers of entry, I understand that there have been some concerns around the powers of entry of authorised officers. Again, there has been some disinformation around this aspect of the bill. There is no expansion of powers to seize and no intention for this to be used to hinder the work of foster carers. This section of the bill is just a clarification that backyards are indeed accessible for authorised officers without a warrant, for the purposes of seizing a dangerous animal, after some officers experienced some confusion around requiring a warrant to seize an animal, which subsequently and unfortunately escaped and attacked again.

We look forward to continuing our partnership with the animal welfare sector to further ensure that we are taking care of vulnerable animals in a way that aligns with community expectations. I understand members will have some questions and amendments in committee. I hope that my contribution in summing up has answered some of those questions and concerns, but I am sure that we will have an active committee session. I commend this bill to the house.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Gaelle Broad) (14:15): I have considered the amendments on sheet GP05C, circulated by Ms Purcell, and in my view they are not within the scope of the bill. In certain circumstances an instruction to committee of the whole under standing order 14.11 is sufficient to empower the committee to consider amendments. The practice of the house is that an instruction motion can only instruct the committee to consider amendments reasonably connected to the subject matter of the bill. In this case the amendments exceed that threshold. Therefore standing orders will need to be suspended to allow the committee to consider these amendments. Ms Purcell may seek leave for a motion to suspend standing orders to enable the amendments to be considered in committee of the whole.

Georgie PURCELL (Northern Victoria) (14:16): I move, by leave:

> That standing orders be suspended to the extent necessary to provide that it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Cemeteries and Crematoria Act 2003 to provide that the act does not prevent the placement and burial of animal remains in places of interment.

Motion agreed to.

Committed.

Committee

Clause 1 (14:17)

Georgie PURCELL: With the cooperation of the committee, I will seek to speak to these amendments as a grouping. The first one is a simple amendment which just reinforces what has been discussed throughout the debate of this bill – that the scheme that this bill creates is absolutely voluntary. This is just a clarifying amendment to ensure that that is the case, based on consultation with a range of pet-rehoming organisations since the bill was drafted, and to alleviate any concerns that they might have about that.

My second amendment to clause 1 is the one that is being considered out of scope, which allows for a pet's remains to be buried in a cemetery. Currently, burying an animal in a public cemetery, even placing an urn in a coffin is illegal, and the only legal way for owners to currently be laid to rest with their pets is to either be buried on private land with the owner's permission or to be scattered with the

ashes of a pet outside the gates of a cemetery. But this does not mean that cemeteries are not conducting joint human–pet burials – they are – but they are being forced to choose between complying with someone else's final wishes or complying with the law. So we really see this amendment, if passed, as reducing risk for a number of volunteers who work within the cemetery sector in Victoria. This has also meant that public cemeteries which are illegally burying pets with people are not recording the plots, which is leading to further risk down the line where a pet has been buried in a family plot and is not on the interment record – in future a different cemetery manager may tend to that plot and discover that someone has honoured that wish of someone.

There are also no protections for makeshift pet cemeteries as private land is not classified the same as public cemeteries. Just recently we have seen the need for this amendment in a case where a cemetery outside of Bacchus Marsh was actually destroyed by developers because that land was deemed more valuable as development than operating as a pet cemetery.

This is an amendment that is basically drafted identically to a recent one that passed in New South Wales, and it would be bringing us into line with the change that they have just made.

The DEPUTY PRESIDENT: We will not get you to move those amendments until we get to the amendment part, but I just thought it would help to explain them to everyone in the house so we know where we are going.

Jeff BOURMAN: I will get some quick questions on Ms Purcell's amendments over with if we are all happy with that. I only have a few questions, and I am supportive of the amendments, so these are not trick questions. Obviously, there are various animals that people call pets. If you have a cat, dog or whatever, it is usually smaller than the size of a human. Is there intended to be a size limit on the animal?

Georgie PURCELL: This amendment, if passed, would simply allow for cemeteries to make this change. It does not compel them or mandate them to make this change. It would still be up to individual cemeteries and cemetery trusts to decide if they will carry on with joint pet burials. As I said, this is something that is actually already happening. Based on the cases that we know of, and after pretty extensive consultation and speaking to a range of cemetery workers and volunteers and funeral directors, these are largely requests for smaller animals such as cats and dogs, and more so they are requests for urns to be placed within coffins, not so much the burial of a large animal. In the event where that was requested, that would of course be a decision for the cemetery and would be one for the plot that a family or an individual has taken out. But it would be a pretty unique situation because, as I said, this has been going on and we have never once heard of a large animal being requested for this case. However, I just want to reiterate that this will still leave the decision-making power in the hands of those individual cemeteries, and some of them may choose not to allow joint pet burials at all.

Jeff BOURMAN: I know the answer to this. I just want to put it on record. In what form can the animals be buried – ashes or body? Because what if someone says, 'I want to be buried with my horse, sitting on it, holding a sabre' – notwithstanding that it is a prohibited weapon? Is this going to be for any form, whether it is ashes or an actual body?

Georgie PURCELL: As mentioned, the most common request that we see with this is for urns with ashes of companion animals to be placed within something like a coffin and then buried with the owner. I myself have about five different urns within my house, and I would like to make a request to be buried with those animals one day. Hopefully that does not happen too soon, but this is the way that we most commonly see this request. However, there are instances of the body of an animal being requested as well, and that would be, as mentioned, a decision for a plot or a family plot and the cemetery manager to allow that to happen. Changing this law would just stop it being prohibited from happening. Importantly, that would then allow for those animals to be recorded in plot records, which are extensively kept by cemeteries, so that if there is a change of hands with cemetery managers or volunteers, they know exactly what to expect when they might go to dig a grave or disturb a plot and

know that an animal is in there. So it is in both forms, and both do happen. I have a cemetery in my own electorate that has a range of animals that have been buried illegally. That is in two different forms, but most commonly we see this in the form of ashes, because people will make the request when their animal dies before them.

Jeff BOURMAN: One last question, and then I will make a quick statement. Will it be allowable for the animal to be put down and to be interred with their human?

Georgie PURCELL: I am actually really glad it was asked, because it is important to get this one on the record. There is actually nothing already prohibiting this in the law. An owner of an animal can request euthanasia of an animal for any reason at all, which is obviously a concern to us, but it is separate to this legislation. There are no instances of people who are dying – thus far, that we know of – requesting that their animal be euthanised as a result of that. But the reality is that requesting this is currently already legal, and this change in the law would not have any impact on that. However, given that we have said this is already the case and already happening, we do not expect to see an increase in people requesting that their animal be euthanised to be alongside them. What it would allow for is that if someone dies before their animal, that animal can then be placed with them when the animal does eventually die anyway. It is just really important to reiterate that any animal owner can request a euthanasia of their animal for any reason already, and we do not see any adverse impacts of that under this change.

Jeff BOURMAN: If I can just make a statement as to why I am supporting this as well. For those that have been to the Presidio of San Francisco, there is a tiny little graveyard in there and it has pets from the 1930s, 40s, 50s and 60s. It is important to remember, going back to then, that even the military people that had been coming and going to wars loved their pets enough to put them in a little graveyard. It is sad and sweet, but it is also showing the connection we have with our companion animals. I also have a bit of a connection. We lost our dog Leia a little while ago, and I spread her ashes with the ashes of my son, at different times. That is why I am big on this. I can see there is a very good reason why we spread them at the beach. I feel this is something people should be able to do.

Georgie CROZIER: I have been listening to the debate on and off. Ms Purcell, I have been speaking to your office, who have provided me some information. I want to come from my responsibility as Shadow Minister for Health, which has responsibility for cemeteries. I am somebody, like most of us, who has got pets and adores them. They are part of the family. Growing up on a farm, I had a menagerie of pets.

Georgie Purcell interjected.

Georgie CROZIER: Yes, I adored all of them. Nevertheless I was not thinking about this piece of legislation when I was younger. I will build on one of the points Mr Bourman was making – if you predecease your pet. I mean, the pet is unlikely to die at the same time. You are saying it is just not ashes in an urn to be interred, it could be a body. So where will animals that are not to be cremated be stored? I am looking at this from a health and safety aspect. I am wondering if you have consulted with cemetery trusts and the like and how you think that particular aspect would be catered for, given you said it is not just ashes, it is also bodies of animals. I am looking at it from a health and safety impact and how that would impact not only those working in the funeral industry but, more broadly, the spread of disease within the community.

Georgie PURCELL: The way that this change would operate is that it would allow for animals to be placed within plots in a similar way as humans are. If an animal was to die before a human does and the request was for the whole body to be part of that plot, it would simply allow for that animal to be placed in the plot and to be part of the plot records of the cemetery. This is a really important change because, as I said, this is currently already happening in a way that is not regulated, and it is causing issues with plot records down the line. It would not be a matter of storing the body in a separate place until a human passes, it would be a matter of a person having that request and already having a plot

and the animal would be buried within it. On the question more broadly on cemetery trusts and the like, I know that I probably come in here with thoughts that are wacky to lots of people, but this is actually not one that I have come up with myself. It was brought to me by constituents within the cemetery sector across northern Victoria. The one I have consulted with most extensively has been Castlemaine cemetery and the trust and the cemetery manager there, who has linked me up with many others. They have been asking for this as a protection measure for themselves because they are already doing it. They are volunteers for the most part, taking on very meaningful and important work, but they are also putting themselves at risk every time they honour someone's final wish. They are risking fines or risk losing their role in doing so.

Georgie CROZIER: I have just got one last question if I may. You spoke about the country, or Castlemaine cemetery, and there is a little bit more room there. In metropolitan Melbourne we have got very limited space. Has there been any modelling on the impact of this amendment you are proposing to city cemeteries that are already under huge pressure with space?

Georgie PURCELL: Certainly when I embarked on doing this work I did not understand the complexity of the cemetery space, and it is something that I have really learned a lot about. But this change would simply be allowing for cemeteries to make the decision. Of course there is not a one-size-fits-all approach for every cemetery and every cemetery trust. In the case of cemeteries that are already short on space and think that they could not meet this requirement, they would still have the power to say, 'No, this is not something that we will be doing at our cemetery.' But if they would like to make that decision, it just would not make it illegal for them to do so. It is just giving the option to these cemeteries to make that change. Then it puts the power with the individuals who are making those requests and considering the afterlife wishes and end-of-life wishes. If the cemetery that they planned on being buried at or having their remains placed at did not accommodate this, they could find somewhere that would perhaps allow them to do so.

Gayle TIERNEY: Just in terms of some feedback in respect to the pet burial amendment, we accept the amendment moved by Ms Purcell. We acknowledge and understand the important role that pets play in people's lives and that for some members in the community, there is a wish to have their pet's remains alongside them when they die. The government has been aware of community interest in making this change for some time, particularly over recent months, and has already begun exploring the feasibility of allowing pets to be buried in public cemeteries. The New South Wales government has made a similar change to their Cemeteries and Crematoria Act 2013, which came into effect on 1 September this year. The Victorian government have paid close attention to how this change has been implemented to determine any lessons we can learn from their experience. The Department of Health here, if this is passed, will begin work in consultation with cemetery trusts to update relevant regulations and develop guidance for the sector on how this change should be implemented in Victoria.

Melina BATH: Thank you for bringing this forward. It was good to have that discussion and that health aspect considered as well. From our perspective this is about enabling cemetery trusts to facilitate that; it is not about ordering or mandating that. It really needs to be a bespoke solution depending on the particular cemetery. I think we can all sympathise with people who really have a deep attachment with their animals, and where it is permissible and workable that should continue. So we do not have any opposition to this amendment.

Katherine COPSEY: I spoke to Ms Purcell's amendments that she circulated earlier in my contribution to the debate, and I just wanted to put on record that the Victorian Greens are also in support of the out-of-scope amendment that Ms Purcell has circulated. This is a really sensible change and a compassionate one. It is going to rectify an issue that is clearly dear to many people's hearts and mean that people, when they leave this life, can still have that connection to the companion animals that will have brought them so much joy, and I am sure the companion animals as well appreciate that connection between human and pet. We are supportive of this amendment, which will enable what we understand is an existing situation to be continued lawfully.

The DEPUTY PRESIDENT: If there is no further discussion on Ms Purcell's amendments, we will move to general questions on the bill.

Melina BATH: In relation to the rehoming authorisation scheme and it being voluntary, the bill does restrict section 84Y agreements to prescribed persons or bodies, which seems to be effectively excluding non-authorised groups from partnering with councils. Rescue organisations have argued that this will make participation mandatory in effect, in practice. Can the minister confirm that rescue groups which do not join the scheme will still be able to hold section 84 agreements and receive the various desexed and microchipped animals from pounds?

Gayle TIERNEY: The answer is no. It simply introduces a head of power.

Melina BATH: In relation to section 84Y(ca) many rescue groups still feel that there is an inconsistency between the theory and the practice, and rescue groups routinely take un-desexed and un-microchipped animals to prevent euthanasia. Why doesn't the bill actually amend section 84Y to reflect the established practice, and will the minister rectify this before the scheme commences?

Gayle TIERNEY: The issue that you raised is beyond the scope of the bill that is before us today. However, we have undertaken to have further discussions around the matters that you have raised, but they are not pertinent to the bill before us this afternoon.

Melina BATH: I am sure that may give some solace. In terms of those discussions – and I realise it is outside the bill – what would they look like, and how would rescue groups be able to have this feedback? You have spoken about consultation and that being important. How can these groups get an understanding about this?

Gayle TIERNEY: The rehoming pets working group will continue, Ms Bath, and that would be the main vehicle for those discussions. It is ongoing work, and we look forward to those discussions.

Melina BATH: Volunteer groups again have raised concerns about the new administrative arrangements, such as multiple council notifications per animal within seven days – I think you spoke to that a little bit – and penalties for late reporting. I know you said there is going to be an educational period and you are not out to get anyone, in those terms. Many of these groups do not have paid staff and do not have digital systems. Has the department conducted any assessment about the reporting obligations on volunteer rescues? How could that be done to reduce that red tape for this process?

Gayle TIERNEY: Part D of the bill deals with this matter. There is online information that is being developed, and also there will be email systems and other forms, recognising that there might be individuals or organisations that would not necessarily even have access to a computer.

Melina BATH: The bill allows for organisations with an ABN or an Australian Charities and Not-for-profits Commission (ACNC) registration to become authorised without defined standards for welfare, governance or operational capability. What welfare and governance standards will be required for authorisation, and who will audit ongoing compliance with this?

Gayle TIERNEY: It will be the Department of Energy, Environment and Climate Action (DEECA) that will handle the compliance issues in respect to the scheme. In terms of the applications, in my summing-up speech I went into detail as to what the checks and balances will be, and in particular whether people have offended various acts and clauses in acts as they pertain to criminal activity and behaviour towards animals.

Melina BATH: This again comes from concerned people who have written to me. They are concerned about the lack of independent auditing on larger breeder associations like Dogs Victoria or Master Dog Breeders and Associates, which currently self-regulate. Will the government introduce independent audits of applicable organisations to verify their adherence to the welfare and breeding standards?

Gayle TIERNEY: Again, that is out of scope. There is not any suggestion of making any changes in respect to this matter.

Melina BATH: The bill – and I think you spoke to it in your contribution – talks about the 2021 taskforce and that there were some recommendations that were achieved in this bill. In fact I think the minister in the other place spoke to it in her second-reading speech. But there are about 12, I think, outstanding. Which five taskforce recommendations have been implemented through this bill, and is there a timeline – and if so, what – for the other 12 recommendations from the taskforce?

Gayle TIERNEY: The bill before us today is recommendations 7 through to 11. Further recommendations are being worked through and consulted in terms of the sector. As you would be very well aware, this is a sector that has got strong views and very divergent views, and it does take that little bit more in terms of time. I think that because of the work that has been done across the sector there is an understanding that they will get to the issues generally and that it is working very well in terms of the level of input and consultation, including not just imparting information but genuine workshops.

Melina BATH: I will put in a plug for one of the organisations in my electorate, and I will feed that back to her so she can feel very confident that she will be listened to when she approaches.

Just going back to the rescuers, forgive me, but let me clarify: will rescuers lose their right to take un-desexed or un-microchipped animals? Councils may choose euthanasia. This was an issue that has been raised in this debate, and it has been raised certainly with people through me – so will rescuers legally retain the right to take un-desexed and un-microchipped animals from pounds? What safeguards will prevent unnecessary euthanasia happening?

Gayle TIERNEY: Again, there is nothing in the bill that deals with this, so nothing would change as it stands at the moment, Ms Bath.

Melina BATH: I think you spoke to my question here: in terms of extending the powers of entry onto private property – I am going to rephrase you – you have really re-established or clarified what is possible, rather than it being an overreach without a warrant. Is that the government's stance?

Gayle TIERNEY: Absolutely.

Melina BATH: When will the government update the regulations to allow authorised rehoming organisations to be listed on animal microchips? I say that because my understanding is that only individuals and not organisations can be listed on animal microchips, so will there be a point in time when rehoming organisations are listed?

Gayle TIERNEY: The rehoming working group is in discussion on this. They understand that it is an issue that needs to be resolved, and the department is working with them to work out the technology aspect that is associated with this matter.

Melina BATH: I raised this in my contribution. I fear you are going to say it is outside of the scope of the bill, but it is a significant issue. It is one that I think across the board should be a concern and hopefully is a concern to the government. Stakeholders have often talked about how the bill is certainly regulating rescues, but we have got the backyard breeders that unfortunately still exist and I have heard are still flourishing. Are there new enforcement measures with the government to target illegal backyard breeders and ensure compliance resources are not focused on the rehoming organisations to the extent that they are not going to be focused on the black market, illegal breeders?

Gayle TIERNEY: It will come as no surprise, Ms Bath, that I say it is beyond the scope of what is before us today. That is not to say that we are not interested in this, but in terms of the breeding issue per se, that is within the confines of local council as opposed to this exercise. This exercise is with the rehoming working party, which is dealing with rehoming.

Georgie PURCELL: Minister, there have already been a few questions on this and I obviously have an amendment on it also, but I just want to definitely confirm that the authorisation scheme created under this bill is voluntary for pet-rehoming organisations to join.

Gayle TIERNEY: Yes, the proposed scheme is voluntary. Pet-rehoming organisations that operate in Victoria can choose to apply for authorisation in the scheme. The authorisation scheme proposed in the bill presents an additional pathway for pet-rehoming organisations to become authorised and receive benefits set out in the scheme, which will support their organisation's activity.

Georgie PURCELL: Could you also confirm that there will be no penalties or repercussions for pet-rehoming organisations that choose not to be authorised, and will they be able to carry out their operations as they currently are, taking in pets in need from a range of different places?

Gayle TIERNEY: The pet-rehoming organisations that do not participate in the scheme may continue to rehome animals but will not receive the same benefits as those participating in the scheme. The scheme will not restrict the activities of organisations that do not choose to become authorised. They will continue to operate as they currently do under existing legislation.

Georgie PURCELL: Could you also confirm whether or not a pet-rehoming organisation that does not become authorised will not see an impact on their ability to apply for funding through Animal Welfare Victoria? Obviously, funding arrangements are a decision of the government of the day and are not legislated, but more so, can you confirm that it is not the government's intention with this bill to limit who can apply for grant funding from Animal Welfare Victoria or any other grant sources?

Gayle TIERNEY: It is not the government's intention to use the scheme as a means for limiting funding to organisations. Grant guidelines are approved for each grant round by the minister of the day. The bill does not make any changes to grant funding opportunities to organisations working hard to give pets a second chance.

Georgie PURCELL: Minister, how will the government equip and train rehoming organisations to meet the requirements of becoming authorised? Some feedback that I have had in correspondence and consultation is that this will be a change, particularly for the smaller organisations, even the ones that do want to join. So it would be great to get some clarification on what support will be provided, particularly to small rescue groups, as the largest burden will be placed upon them in comparison to larger organisations. They are the ones who are volunteer run with limited resources and may have to consider things like appointing new volunteers specifically with the task of ensuring compliance under the scheme.

Gayle TIERNEY: That is a very practical issue that no doubt has been raised by a number of people with their local MPs. The bill will commence operation on the day or days to be proclaimed or on 10 April 2027 if not proclaimed earlier, to allow organisations exactly what you are seeking: time to adjust. Following passage of the bill, regulations will be made to regulate reporting and animal rehoming requirements for authorised pet-rehoming organisations to align with the bill's commencement, in close consultation with the pet-rehoming sector. The department is committed to assisting smaller organisations to navigate the application process, through education materials, workshops and other appropriate mechanisms. We will also strongly encourage members to make their electorate officers available to assist with applying for deductible gift recipient status. The planned staged commencement of the bill is also to enable applications to be made before the full scheme comes into effect on 10 April 2027.

Georgie PURCELL: Minister, this has already been canvassed, and I note you mentioned it in your summing-up as well, but just to firmly get on the record the government's intention in further clarifying entry and search powers in this bill: can you confirm that this will not result in inspections on foster carers, rescue groups or private residents and this is merely just a further clarifying amendment to existing arrangements?

Gayle TIERNEY: This amendment has not been introduced to target specific groups, such as pet-rehoming organisations or foster carers; nor will it impact on Victoria's property owners. Rather, the amendment clarifies that council-authorised officers have the power to enter the whole or part of any premises or any vehicle, excluding a building or vehicle that is occupied as a residential home. This will affirm authorising officers have the power to enter residential backyards to seize dangerous dogs. This technical amendment will ensure community safety by providing certainty to all councils, allowing them to respond in a timely manner to dog attacks and to seize an animal where necessary. It does not expand any current powers.

Georgie PURCELL: Can the minister confirm that rescue groups will be able to batch their notifications to the register to reduce any administrative burden upon them? And will updates on multiple cats and dogs be able to be uploaded at the same time? For example, some rescue groups believe they will need to put on a volunteer one day a week, as I have already mentioned, to meet their requirements. They would like some assurance that this scheme will be as streamlined for them as possible to ensure they can focus on the more important parts of their duties of rehoming cats and dogs.

Gayle TIERNEY: It is the intention that the pet-rehoming register established in the bill will be an online platform for use by authorised rehoming organisations participating in the scheme. The department is working to develop the online platform and its functionality to ensure reporting and notification requirements can be provided as simply as possible.

Georgie PURCELL: I just want to confirm: will there be a range of ways in which notifications will be able to be sent to the pet register?

Gayle TIERNEY: There will be, and I also want to indicate that the department will work with the IT development team to explore options for batch notices to be made for foster dogs and cats under the management of authorised pet-rehoming organisations to make reporting as streamlined as possible. The pet-rehoming register established in the bill is intended to be an online platform for use by authorised rehoming organisations participating in the scheme, and the department is exploring ways in which this online platform can exchange data with existing IT platforms used by pet-rehoming organisations, so that reporting is not duplicated.

Georgie PURCELL: Could you please give an indication of the fee required for authorisation within the scheme?

Gayle TIERNEY: Let me check on the requirement. The bill itself does not set the fee, Ms Purcell, but what will happen is it will be contained within the regulations. On the regulations, the department commits to having full and proper consultations with the pet-rehoming taskforce as well as the wider public in respect to that.

Georgie PURCELL: Can the minister guarantee that government funding will not be tied to registration with the scheme?

Gayle TIERNEY: The bill makes no mention of the way in which it would differ. The situation that currently exists in terms of government moneys and grants remains the same.

Georgie PURCELL: Just going back to the reporting requirements, Minister, can you confirm that the government will take a flexible and reasonable approach to enforcing these reporting requirements given the significant challenges faced, as I mentioned, by smaller volunteer-run rescue groups?

Gayle TIERNEY: In the event of repeated noncompliance, verbal and advisory letters or warnings would take place before any infringements or prosecutions are pursued. The department will always seek to work with an organisation to ensure compliance can be met before taking punitive measures.

Georgie PURCELL: Minister, as previously noted, smaller rescue groups bear the greatest burden in meeting obligations such as reporting requirements as they are largely volunteer-run and do have those limited resources. What support will be given to these smaller groups to ensure they can meet

their notification of foster care arrangements and sales reporting obligations within seven business days and thereby avoid incurring the penalty of 3 units?

Gayle TIERNEY: Infringements would be one component of an overall compliance and enforcement strategy developed by DEECA. Working with participating stakeholders by providing education and support to meet the legislative requirements of the scheme would be a key part of DEECA's compliance strategy. In the event of repeated noncompliance, verbal and advisory letters or warnings would take place before infringements or prosecutions were pursued.

Georgie PURCELL: Minister, this has been spoken about quite a bit in this, and there has unfortunately been I think a bit of information go around about what this bill does and does not do in relation to agreements entered into with councils. Does the bill stop non-authorised organisations from entering into those agreements with councils?

Gayle TIERNEY: The government does not dictate to councils who they can enter into an agreement with, and this bill does not change this.

Melina BATH: I have found an extra one. In terms of financials, the taskforce recommended equitable treatment as best as government can, but financial incentives certainly appear to be limited to authorised organisations, and non-participants will lose their discounted registration fees and grant eligibility. This relates to these existing foster carers and the soon-to-be-repealed, potentially, community foster care networks. Are they going to lose all those benefits? Are they going to lose discounted registration fees and grant eligibility? Could you confirm that, Minister?

Gayle TIERNEY: I am advised that there is no change to the grants.

Melina BATH: So existing foster carers will retain their $6 registration rate regardless of participation? Is that what you are saying, Minister?

Gayle TIERNEY: No, because we are repealing the foster scheme.

Melina BATH: So they are not going to receive that?

Gayle TIERNEY: In terms of the amendment, there is a further amendment in respect to how long moneys for registration would stay in place for.

Melina BATH: Therefore our foster carers will lose that cheaper $6 registration ability. Will they lose grant eligibility as well?

Gayle TIERNEY: Let us be clear: in terms of the last bit, the answer is no. What is being proposed in the amendment is to extend the discount for registration for a 12-month period.

Melina BATH: But in effect, after that 12-month period, once 2028 kicks in, any discounted rate has all vanished. Is that correct?

Gayle TIERNEY: Because the purpose of the bill is to create a new regime that shifts to organisations as opposed to self-regulation.

Melina BATH: So you do not have to join an organisation; you can still be an existing foster carer. But is there clarity around how much they will be charged, if this amendment goes through, after 2028 – after that period?

Gayle TIERNEY: For the record, for a foster carer with a pound or shelter there will be no registration fee.

The DEPUTY PRESIDENT: Ms Purcell, just before you ask another question, can I ask that you circulate the amended version of your amendments.

Georgie PURCELL: Could I ask that the amended version of my amendments be circulated now.

I just had a question that I think might, when clarified, alleviate some of the questions around the foster carer registration scheme (FCRS). Can the minister confirm that there are only 51 foster carers across the entire state who are currently using it, and that under the amendment proposed by me, if passed, they would be allowed another year. I guess in the government's view it has had quite a limited uptake. Although noting those $6 registrations are important to those 51 people, there are not many foster carers on it.

Gayle TIERNEY: That is correct, and I mentioned that in my summing-up contribution prior to coming into committee. I should also mention that there are only 11 local councils that are participating out of 79 councils across the state.

Melina BATH: Minister, I think you said 13 – so 11 or 13. The 51 foster carer networks – in actual fact that does not just mean 51 dogs or 51 cats. They could each be homing a lot, so each of those 51 could have 50 animals that they have rehomed or 100 or the like. My question to the minister is about the fees that they will then be paying if they do not become a part of a rehoming organisation. Could the minister explain what those fees would be? Would it just be the same fee that a council administers to anybody, that is, somebody who lives in my council, if they were a regular person, is it the same cost? Does the government have any idea as to what those costs are? I have not registered a dog for 16 years, so can you just help me understand what the fee structures are for these existing foster carers?

Gayle TIERNEY: I am advised that councils will have the ability to determine what that rate will be. It is not a departmental issue.

Melina BATH: It will not be zero. It will be whatever council specifies?

Gayle TIERNEY: That is for them to determine.

Georgie PURCELL: I withdraw my amendment 1 on sheet GP08C. I invite members to vote against clause 1.

The DEPUTY PRESIDENT: If you support what Ms Purcell is proposing, you should vote no, because we are omitting the clause.

Clause negatived.

New clause 1 (15:16)

Georgie PURCELL: I move:

2. Insert the following New Clause before clause 2 –

"**1 Purposes**

The purposes of this Act are –

(a) to amend the **Domestic Animals Act 1994** –

(i) to provide for an authorisation scheme for pet rehoming organisations to assist those organisations to rehome dogs and cats; and

(ii) to further provide for Councils to be informed about animals in foster care in their municipal districts; and

(iii) to provide for the collection of information about the outcome of efforts to rehome dogs and cats; and

(iv) to clarify the powers of authorised officers in relation to entering premises for certain purposes; and

(v) to provide for other minor and related matters; and

(b) to amend the **Cemeteries and Crematoria Act 2003** to provide that that Act does not prevent the placement and burial of animal remains in places of interment.".

New clause agreed to.

Clause 2 (15:17)

Georgie PURCELL: I move:

2. Clause 2, line 17, omit "2027" and insert "2028".

Amendment agreed to; amended clause agreed to; clauses 3 and 4 agreed to.

Part heading preceding clause 5 (15:18)

Georgie PURCELL: I move:

3. Part heading preceding clause 5, omit "**Pet**" and insert "**Voluntary pet**".

Amendment agreed to; amended part heading agreed to; clause 5 agreed to.

Clause 6 (15:19)

Melina BATH: I move:

1. Clause 6, page 5, line 13, omit "body" and insert "body, including a community foster care network,".

This basically incorporates the community foster care networks into the definition. This will test later amendments, but I will still move them – or at least one of them, on the foster care continuation. I think we have heard that there are only 51 of these carer networks; however, they could be supporting a fairly large number of animals for rehoming. If they do not choose to take on the new scheme, they will be set registration fees which could be of significance after the time of expiry of no registration. I think it is still worthwhile. I think the government still can walk and chew gum on this one. I do not think it actually hurts.

Georgie PURCELL: I just want to speak briefly on this one, because I absolutely understand the intention of this amendment; it is actually something that I explored as well. After looking at the impacts of this change, it would essentially be creating a bit of a two-tiered system, where there would be two different systems for foster carers to sign on to. It would also limit other councils from signing up to the FCRS. Obviously we would have liked to see that when the FCRS was in existence, but there has been low uptake on that one. While I am a bit conflicted in my position on this one, I just want to make it clear that I really do understand the intention behind this. I know that there have been a lot of varied views on how this should operate, which is why I tried to seek a middle ground with my own amendment.

Katherine COPSEY: I already addressed this during my second-reading speech as well. For the record, the Greens will not be supporting this amendment. We prefer the approach that has been found through Ms Purcell's amendment and note that there is an extended transition period should that amendment succeed.

Gayle TIERNEY: The government has already spoken on this matter on a couple of occasions, and we will not be supporting this.

Council divided on amendment:

Ayes (13): Melina Bath, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Amendment negatived.

Clause agreed to.

Clause 7 (15:29)

The DEPUTY PRESIDENT: Ms Purcell, I invite you to move your amendment 4, which was tested by your amendment 1.

Georgie PURCELL: I move:

4. Clause 7, lines 3 and 4, omit "**Pet rehoming organisations**" and insert "**Voluntary pet rehoming organisation authorisation scheme**".

Amendment agreed to.

Georgie PURCELL: I move:

5. Clause 7, page 10, lines 26 to 28, omit "domestic animal business (other than an animal shelter or Council pound)" and insert "rearing domestic animal business or pet shop".
6. Clause 7, page 10, after line 28 insert –

"(3) In this section –

rearing domestic animal business means –

(a) a breeding domestic animal business; and

(b) a domestic animal business to which paragraph (e) of the definition of domestic animal business applies.".

7. Clause 7, page 13, lines 21 to 23, omit "domestic animal business (other than an animal shelter or Council pound)" and insert "rearing domestic animal business or pet shop".
8. Clause 7, page 14, after line 19 insert –

"(4) In this section –

rearing domestic animal business means –

(a) a breeding domestic animal business; and

(b) a domestic animal business to which paragraph (e) of the definition of domestic animal business applies.".

As with all the other amendments, I have canvassed the reasoning for them in detail.

Amendments agreed to; amended clause agreed to; clauses 8 to 23 agreed to.

Division heading preceding clause 24 (15:30)

Melina BATH: I move:

2. Division heading preceding clause 24, omit this heading.

My amendment will be a test for the many remaining amendments.

Council divided on division heading:

Ayes (13): Melina Bath, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

Noes (23): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt

Division heading negatived.

Clauses 24 to 33 agreed to.

New clause 33A (15:34)

Georgie PURCELL: I move:

9. Insert the following New Clause after clause 33 –

'**33A Persons who may inspect the information register**

(1) Section 68U(2)(b) of the Principal Act is **repealed**.

(2) In section 68U(3) of the Principal Act **omit** ", (b)(ii)".'.

New clause agreed to; clauses 34 to 37 agreed to.

New clauses 37A and 37B (15:35)

Georgie PURCELL: I move:

10. Insert the following New Clauses after clause 37 –

'**37A Offence to disclose information**

In section 100B(1) of the Principal Act (where twice occurring) **omit** "5B,".

37B Permitted disclosures

In section 100C of the Principal Act (wherever occurring) **omit** "5B,".'.

New clauses agreed to; clauses 38 to 41 agreed to.

Clause 42 (15:35)

Georgie PURCELL: I move:

11. Clause 42, lines 2 to 10, omit all words and expressions on these lines and insert –

'After section 68U(2)(b) of the Principal Act **insert** –

"(ba) for purchasing or obtaining from an authorised pet rehoming organisation, the source number of the pet rehoming organisation;".'.

Amendment agreed to; amended clause agreed to.

Clause 43 (15:36)

Georgie PURCELL: I move:

12. Clause 43, line 14, omit "Part 5BA" and insert "Part 5B, 5BA".

Amendment agreed to; amended clause agreed to.

Clause 44 (15:36)

Georgie PURCELL: I move:

13. Clause 44, lines 17 to 18, omit "Part 5BA" and insert "Part 5B, 5BA".

Amendment agreed to; amended clause agreed to; clauses 45 to 50 agreed to.

New clauses 50A and 50B (15:37)

Georgie PURCELL: I move:

3. Insert the following New Part after Part 6 –

'**Part 6A – Amendment of Cemeteries and Crematoria Act 2003**

50A Power to make cemetery trust rules

After section 26(2)(g) of the **Cemeteries and Crematoria Act 2003 insert** –

"(ga) the placement and burial of animal remains in places of interment;".

50B New section 78A inserted

After section 78 of the **Cemeteries and Crematoria Act 2003 insert** –

"**78A Placement and burial of animal remains**

Nothing in this Act prevents the placement and burial of animal remains in a place of interment.".'.

New clauses agreed to; clause 51 agreed to.

Long title (15:37)

Georgie PURCELL: I move:

4. Long title, after "dogs and cats" insert "and the **Cemeteries and Crematoria Act 2003** in relation to the placement and burial of animal remains".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (15:39): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (15:39): I move:

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

Council divided on motion:

Ayes (36): Ryan Batchelor, Melina Bath, John Berger, Jeff Bourman, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (1): David Limbrick

Motion agreed to.

Read third time.

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

Casino and Gambling Legislation Amendment Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (15:46): I rise to speak on the Casino and Gambling Legislation Amendment Bill 2025. From the outset I want to make it very clear that the Liberals and Nationals will not be opposing this bill. There are sound reasons for that position, which I will outline throughout the speech. This is an important piece of legislation with significant

implications for Victoria's gambling sector, our economy and the many Victorians employed within it. To begin with, it is important to acknowledge the background and context that has actually brought us to this point. The history of Crown Casino is well known to most Victorians, and Crown has become an institution of Melbourne. It is Victoria's largest single private employer. Crown Casino has made a substantial contribution to our state's economy. Tens of thousands of Victorians depend on it for their livelihoods, whether they work directly within the casino itself or indirectly through associated industries such as hospitality, tourism, construction and security. Crown is far more than a casino in the narrow sense of the word. It is an entertainment complex that includes world-class dining, accommodation, retail and live events. It is a destination for both local residents and visitors from interstate and overseas. For many people it represents Melbourne's entertainment heartbeat. Of course gambling forms part of its operation, but it is only one element of a much larger ecosystem that sustains thousands of jobs and attracts millions of visitors to our state each year.

That said, it would be remiss of me not to acknowledge the serious failings that led to the Royal Commission into the Casino Operator and Licence. Crown's misconduct was well documented and rightly condemned. There are no excuses for what occurred, and the penalties imposed were entirely justified. The royal commission uncovered behaviour that fell short of community expectations, and it was appropriate that strong regulatory reform followed. The important point today, however, is that Crown accepted those findings, has not appealed them and is actively working to comply with all recommendations that have been handed down.

The bill is not about undoing or weakening those recommendations. It is about ensuring Crown can properly and effectively meet its compliance obligations without causing unnecessary economic harm or job losses. The central purpose of this bill is relatively straightforward. It seeks to extend the timeframe for Crown to implement certain reforms required by the royal commission, particularly those related to mandatory carded play and cashless gaming systems. The original timeline proved to be a bit too ambitious given the current technological constraints. The hardware and software required for full implementation are highly specialised, and the process of installing, testing and certifying new gaming tables and chips has proven a lot slower than anticipated or than anyone would have liked.

While electronic gaming machines already operate under mandatory carded play, traditional tables and games such as blackjack and roulette require entirely new infrastructure. These games rely on live dealers and physical chips, and integrating them into a cashless system requires tables to be equipped with card readers and new chip-tracking technology. At present the technology capable of supporting that system is actually still being rolled out, and Crown could not possibly achieve the full compliance required without it. This is the key reason why the government, through its bill, is proposing an extension from 1 December 2025 to 1 December 2027. Crown is not seeking to evade its obligations – it is very up-front about its obligations – nor is this any sort of attempt to delay reform indefinitely. It is a practical extension to allow the company to meet its obligations properly, using the right technology, with adequate testing and staff training.

Let us consider the alternatives if this extension were not granted. Crown could theoretically close down its traditional gaming tables, which would be disastrous. Doing so would cost an estimated 1000 jobs at a time when Victorians are already grappling with Labor's cost-of-living crisis, and when businesses across the state are struggling to keep staff employed this would be an absolutely disastrous outcome. I say to anyone in the chamber who might be considering opposing this bill for moral or ethical reasons: have some empathy for those 1000 staff who would lose their jobs. I say to those people who might be considering opposing this legislation because it has got something to do with gambling: we all support gambling harm prevention. I have spoken in this chamber countless times about the need for real reform when it comes to gambling harm and have made lots of suggestions to the government on ways that it could do better and expand reforms that it is currently doing. But this is not about that. There are other times for moral and ethical arguments about gambling and gambling harm. This is not one of them, because what people would be doing by voting against this bill is putting 1000 people out of work here in this state. No government, no opposition, no responsible

parliamentarian should welcome the loss of 1000 jobs right before Christmas, especially in Victoria's largest private workplace. I hope that anyone considering voting against this bill considers the dignity of those 1000 people who would lose their jobs before Christmas if this bill is not passed.

The other option would be for Crown to take a chance, and that is to get their croupiers and their dealers to make sure they get all the details from people that actually play at a blackjack table or roulette table, which is of course very risky. There is always a chance of human error, and that is a $100 million fine. I do not think there are too many businesses in Victoria that would be able to face that. That is why Crown, not in a threatening manner, have just said this is what they have to do if they cannot get the extension due to the technology shortfalls at the moment. I am not saying it is not there, it is just not being rolled out in a timely way. The trial needs to take place, and that is what the extra two years is all about.

It is also important to understand that there is currently only one global manufacturer capable of producing the specific smart tables required for this system, and supply chain constraints have added further delay. This is not a case of Crown dragging its feet, it is a logistical issue compounded by post-pandemic manufacturing bottlenecks. As I said before, they have committed to royal commission recommendations, accepted the wrongs they have done in the past and have actually come a long way in implementing recommendations of the royal commission. You can literally track the progress they are making along that journey, and I think that needs to be commended. You can clearly see – any common person, any normal person looking at the evidence can clearly see – the steps they have made and can clearly also see the reason for this extension as well.

The extension also ensures that Melbourne's entertainment precinct remains vibrant and economically strong during the summer months and the upcoming major events season. Crown plays a central role in Victoria's tourism offering, whether it is the Australian Open, the Formula One Grand Prix, the AFL Grand Final, the Melbourne Cup Carnival – which I am looking forward to; it is coming up – and thousands of visitors attend Crown every day. The casino's restaurants, hotels and venues attract international guests and generate valuable tourist spending. Keeping the engine running benefits not only Crown's employees but also small businesses across our city. You only have to look at the vibrancy of small businesses in and around Southbank to see the multiplier effect that Crown has on our city.

The royal commission also required the development of what is known as the Melbourne transformation plan, which began in December 2023. This plan is a comprehensive, multiyear reform and redevelopment strategy, mandated by the Victorian Gambling and Casino Control Commission. Its aim is to redesign Crown Melbourne into a safer, more transparent and globally competitive entertainment destination. Under the plan, Crown must enhance player safety, implement strong compliance frameworks and ensure all operations are ethical, lawful and culturally responsible. There are improved training programs for staff, regular audits and a requirement for quarterly progress reports to the VGCCC. These reports are publicly available every six months to ensure transparency.

Crown has already made major strides in transforming its culture and operations. It has implemented mandatory carded play across all electronic gaming machines, including strict spending and time limits, and removed continuous play features. Patrons must take mandatory breaks of 15 minutes after 3 hours of play and 2 hours after 12 hours of play. Cash transactions are now limited to $1000 per 24-hour period. These are significant harm minimisation measures that go well beyond what existed only a few years ago.

Beyond compliance, Crown has also heavily invested in redeveloping its entertainment offering. The closure of Rosetta and the opening of the Henley in 2024 marked a shift towards showcasing local produce and creating a more relaxed, community-friendly atmosphere. The plans are well underway to revitalise the Southbank precinct, with upgraded river walks, new dining spaces and a more open, engaging public environment. Crown's ambition is to rebrand itself not merely as a gambling venue

but as a comprehensive entertainment and hospitality destination comparable to global leaders like Marina Bay Sands in Singapore.

From a technological perspective, Crown has invested $52 million in IT upgrades across its Melbourne, Sydney and Perth operations. These include new HR systems, rostering tools and digital payment infrastructure. It has also committed $40 million to acquiring smart table technology to deliver the new carded play systems. The process of replacing chips and installing card readers and training those staff is well underway. Clause 1 of the bill sets out its main purposes. It amends the Casino Control Act 1991 in relation to corporate associates, disciplinary action, player activity statements, cashless gaming and carded play. It also amends the Gambling Regulation Act 2003 to update club gaming machine entitlements and make minor technical changes. Clause 3 includes new definitions of 'corporate associate', 'fully automated table game' versus 'semi-automated table game' and 'traditional table game'. These definitions help us understand the new dawn of Crown gambling, which helps to reduce money laundering. Clause 4 explains the difference between associates and corporate associates and the rules around 5 per cent more interest in the casino operator. I might skip going through all the clauses.

As I was saying, it is quite the process to go from physical chips to carded play and digitising the entire process of those gaming tables. There are still more technologies rolling out as we speak. That is why the extension is required. As I mentioned, there is only one global manufacturer in the world with the ability to do what Crown is aiming to do. Of course we had this thing called a pandemic, and that caused a global supply chain shock, which meant that the timing was just not going to work.

Crown are actively working with providers. There are also challenges associated with securing delivery of the necessary hardware and the provider's limited output capability, because there is only one manufacturer who can do this job. There is a lot of pressure to try to get hands on these tables and comply with the royal commission. This is a world first, so it is important that we get it right. The technology is available for baccarat. I know Crown intends to begin a phased transition to full compliance across the casino by 1 December 2027. That is what this bill is seeking.

I might skip a few things for the chamber's benefit. As I mentioned earlier, there are a number of measures that Crown has contributed to harm minimisation. Its rollout of carded play across its poker machines has been going rather well. Each of these measures contributes to harm minimisation. Gambling harm is not confined to the individual gambler. It ripples through families, workplaces and communities. By giving players the tools to set limits and track their spending, the system provides a safeguard that protects not just the individual but their loved ones as well.

Some commentators, a bit bizarrely, have suggested that extending the deadline could increase the risk of money laundering. I believe that argument misunderstands the intent of this legislation. The reforms are not being watered down. They are being implemented more carefully to ensure that they function as intended. Rushing through technology that is not yet proven would create loopholes, not close them. The extension allows for a smoother, more secure rollout and would ultimately strengthen regulatory compliance.

The Casino Gambling and Legislation Amendment Bill 2025 is a sensible, necessary and measured response to the realities of the technological implementation. It maintains the integrity of the royal commission's recommendations while recognising the practical challenges of introducing what are world-first systems in a highly complex environment. The Liberals and Nationals will not oppose this bill, because we think it strikes the right balance between enforcing accountability, protecting jobs, supporting harm minimisation and ensuring that Melbourne's entertainment hub remains vibrant and compliant. This is about responsibility, not leniency. It is about doing things properly and not cutting corners. Again, I say for anyone thinking about opposing this bill, the consequences of 1000 jobs being lost just before Christmas this year are very difficult to contemplate. I think it is up to those that want to oppose this to explain their actions and why they would want to see those 1000 jobs go.

I want to thank my colleague Tim McCurdy in the other place for his engagement on this issue. I want to thank the government for their briefing of the opposition on this issue and Crown itself as well. We support the continuation of reform at Crown Casino, we support the work of the VGCCC in holding the operator to account and we support the thousands of Victorians whose jobs depend on a stable and well-regulated entertainment sector. For these reasons we will not be opposing this bill.

Katherine COPSEY (Southern Metropolitan) (16:06): I rise to speak on the Casino and Gambling Legislation Amendment Bill 2025. Victorians expect this Parliament to put the interests of the community ahead of those of the gambling industry. They expect the government to protect families from harm, not to postpone the hard-won protections that the government has already promised. This bill does contain some modest good steps. It strengthens the power of the Victorian Gambling and Casino Control Commission, which is the regulator, against Crown and its related companies, including new powers to discipline corporate associates. The bill creates a new category called 'corporate associate', for example, a holding company, and if one of these companies fails to cooperate with the regulator, does not provide required information or is found unsuitable, the VGCCC can issue a censure letter or a fine of up to $1 million. The bill also lifts penalties so that the regulator, which can already fine Crown up to $100 million, is able to impose an additional $1 million per day if Crown ignores directions tied to its Melbourne transformation plan. Those changes are a response to the royal commission era and the long list of breaches that led to Crown's $450 million AUSTRAC penalty.

The Greens support stronger enforcement and clearer lines of accountability, but this very same bill delays life-saving harm reduction measures by delaying the implementation of royal commission recommendations against money laundering, which we know fuels organised crime cartels, and it pushes back the start date for key cashless controls, from limits on cash accepted on the floor to identity verification and paying larger wins electronically, from 1 December 2025 to 1 December 2027. It also defers the application of the carded play division at the casino to 2027, even as it technically clarifies that carded play is required across table games.

In plain terms, the bill slows the rollout of the very tools – cashless gaming and mandatory player cards – that help people set limits, curb money laundering and stop losses from spiralling. It is a huge step backwards. Let us remember why carded play matters. When people (1) must use a card and (2) crucially, must set a precommitment limit and (3) must verify who they are and receive large payments electronically rather than in cash, the data will then show who is playing, how much and whether interventions are needed to reduce gambling harm and avoid money laundering. Experts have been clear for years: precommitment and design changes outperform posters and pamphlets. They are the measures that actually reduce harm. Technical rollout issues should be solvable. Jurisdictions already run precommitment systems, and the only real question is whether we have the political will to switch it on now, not in two years.

We really should be honest in this chamber about the scale of the problem. Victorians lose billions of dollars to poker machines every year, with the heaviest losses in lower income suburbs, and Labor MPs have called out the severity of this moral issue in their own caucus. Meanwhile our budgets in this state continue to count on gambling taxes over the forward estimates, and we see that Australians are once again the largest per capita losers for gambling losses in the world. This is precisely why delayed protections are so dangerous. The longer we wait, the more people continue to be harmed and the more reliant this budget becomes on that harm.

Stakeholders have been vocal in response to this bill. The Alliance for Gambling Reform and their chief advocate Tim Costello have condemned these delays, saying we cannot keep postponing reforms that prevent addiction and save families from financial ruin. They are absolutely right. We heard the same message when the government missed earlier milestones and then delayed and watered down the statewide carded play trial. The pattern, unfortunately, from that glossy and exciting media release in 2023 has been delay, consultation with industry interests and more delay while losses keep mounting.

At its core, carded play and cash rules are not just about harm minimisation, though. They are also part of frontline controls against money laundering. This bill pushes back two pillars of that control at the casino until 1 December 2027 – the $1000 per day cash acceptance cap and the rule that winnings or credits over $1000 must be paid electronically and only after ID is verified. Those two levers make it much harder to wash cash via rapid buy-in and cash-out methods or to cycle illicit money through machines and walk away with clean funds. The explanatory memorandum says that this delay is to support effective operationalisation, but a delay is still a delay, and during that time the status quo remains easier to exploit. Even the government's own notes make clear that these settings are about phasing out large cash payouts and tightening traceability. The explanatory memorandum says that the bill expands how cashless gaming accounts can be funded, such as EFT from a patron's own bank account, 'to support the eventual phasing out of large cash amounts at the casino'. In other words, the destination is traceable, non-cash play, but this bill moves the arrival date out by two years at precisely the moment when we had the opportunity to lock in protections against money laundering.

We do not have to guess, unfortunately, in this state, about the risks. The Royal Commission into the Casino Operator and Licence heard direct evidence from Victoria Police that the casino's cash-heavy environment has long been attractive to criminals wanting to turn illicit notes into apparently legitimate funds. And that, unfortunately, is a situation that persists in our suburban hotels and clubs where poker machines are still available. One experienced officer from Victoria Police explained the standard method in plain terms: bring in dirty money, convert to chips, play briefly, cash out and walk to the bank with a casino cheque. They said that this basic laundering would 'happen on a daily basis'. This is sworn evidence in the commission's money laundering chapter. Carded play and electronic payouts directly frustrate this old cash-and-carry strategy. The commission also adopted the Bergin Inquiry's findings that Crown facilitated money laundering through its Southbank and Riverbank accounts 'over many years', with Crown later accepting those conclusions and acknowledging significant deficiencies in its anti-money laundering response. That history is exactly why Victoria built a transformation regime and tougher compliance settings. Putting critical cash and identity rules on ice until 2027 runs against the grain of those findings.

Beyond the casino here in Melbourne we have a national warning. The New South Wales Crime Commission concluded in 2022 that criminals funnel billions of dollars of dirty cash through poker machines in pubs and clubs, calling poker machines one of the last remaining safe havens for cleaning cash. Its top recommendation was mandatory cashless gaming with enhanced data and identification, because traceability – who played, when and how much – breaks the business model of criminal cash. This principle applies equally to the casino floor. Postponing carded play and electronic payout rules until 2027 means postponing the best practice anti-money-laundering response that Australian crime agencies themselves have urged. 'Anti-money-laundering' is not an abstract compliance box. It is about choking off the revenue streams of organised crime, which we spend a lot of time hearing about in this place – drug trafficking, human exploitation, fraud and violence. AUSTRAC's actions and the crime commission's findings show that the gaming sector has been a recurring target. The community expectation after the royal commission was that Victoria would take the shortest road to a traceable, ID-verified gambling environment at the casino. This bill takes us on the long road, and every extra month keeps that door ajar for criminal cash while honest patrons and the broader community bear the cost.

The Greens do support what is good in this bill. We support the stronger enforcement against Crown and its corporate associates. The corporate associate framework closes a well-known accountability gap by allowing discipline through the corporate chain, with letters of censure and fines of up to $1 million for associated companies that do not cooperate or notify changes. That helps the regulator keep pressure on associates, not just frontline licence holders. We support sharper sanctions for ignoring transformation plan directions. The added $1 million per day fine ability is the kind of lever the regulator needs to ensure reform deadlines are real and not treated as optional or the cost of doing business. We support training and supervision standards for table games and the authority to limit table occupancy. These are practical measures that improve oversight and reduce risk for staff and patrons.

But those elements are not enough for us today to support this bill in full. We frankly cannot accept the grievous and industry-friendly shortcomings of this bill, which kicks core harm-reduction measures out to 2027. The costs of waiting are borne by the same families we hear about in electorate offices: parents facing rent arrears or missed mortgage payments because a partner's losses spiked, retirees burning through their savings and kids going without. Carded play with mandatory precommitment, mandatory limits and daily cash payout controls are not abstract reforms. They are seatbelts, and we would never vote to delay seatbelts for two years after we had come to the agreement that they saved lives.

What we say to the government is that you should have kept the strong parts of this bill and gotten rid of the delay. Crown has been given four years notice to get things in place for this change. Put the people first. Let us deliver carded play with precommitment – the reforms that our state was promised. You should have delivered them on time and given the regulator the teeth and timelines it needed to protect the community. The Greens oppose this bill in its current form.

Ryan BATCHELOR (Southern Metropolitan) (16:17): The Casino and Gambling Legislation Amendment Bill 2025 amends the Casino Control Act 1991 to support the implementation of the Royal Commission into the Casino Operator and Licence recommendations and ensure that the regulator, the Victorian Gaming and Casino Control Commission (VGCCC), has the powers it needs to hold the casino operator to account. The bill also amends the Gambling Regulation Act 2003 to improve market flexibility, making it easier for community clubs who want to step back from gaming to do so without increasing the statewide cap on pokies.

I think it is fair to say that this government is leading the nation on tackling gambling harm. We established a royal commission into Crown Melbourne, and we have accepted and are delivering on all 33 of its recommendations. We are overhauling the oversight of Victoria's gaming industry, holding Crown accountable for their behaviour and what was unearthed by the royal commission. These reforms will strengthen scrutiny. They will ensure that the royal commission reforms can be delivered in full and for the long term. They also give the Victorian Gaming and Casino Control Commission, the VGCCC, stronger powers, ensuring that we have a watchdog with the authority to hold Crown to account.

We know that Crown is working towards delivering on its commitments under the Melbourne transformation plan, a program of improved compliance, operations, customer experience, gambling harm and investment over the coming years. To make sure those commitments are met this bill increases the penalties for noncompliance, with a direction from the regulator that will impose a penalty from a $10,000 one-off fine up to $1 million a day. This means that Crown cannot drag its feet implementing these reforms – real reform, real change.

We are also extending regulation to Crown's corporate associates, allowing discipline of parent holding companies and third-party partners. The bill strengthens money laundering safeguards by enabling cashless funding sources, paving the way for the commencement of daily cash limits. Together, these changes to casino scrutiny will give the government watchdog greater powers to monitor Melbourne's casino activities and ensure stronger accountability. Crown Melbourne, in figuring out how it is going to set itself up for the future and the place that it will hold both in terms of employment but also as an entertainment destination here in Melbourne, established its Melbourne transformation plan, including over 100 initiatives. It includes a program of improved compliance operations and customer experience, gambling harm minimisation and investment. To incentivise Crown Melbourne to continue its transformation and deter loss of momentum and delays, this bill ensures that noncompliance with a direction issued by the regulator that relates to this transformation plan can be met with specific and strong disciplinary action, such as additional fines for every day of noncompliance with that direction. It sits in the context of broader gambling-related reforms that this government has been implementing.

From September this year, the government rolled out its landmark gambling reforms, including a trial of mandatory account-based play in selected venues, giving players in pubs and clubs greater visibility over their gambling and empowering them to make safer choices. We need to minimise the risk to people that are vulnerable in our community, because we know that if left unchecked, destructive gambling can destroy lives. We know that many community organisations do a lot of heavy lifting when it comes to tackling gambling harm, stepping in and providing support to those families who are devastated by the losses that are inflicted upon them. The bill before us today builds on and extends those reforms by making sure the next stages are implemented effectively. It makes sure that with the right technology in place gambling harm reduction reforms are delivered in full and stand the test of time. These include mandatory carded play on traditional table games, such as roulette and blackjack, and the daily cash limit across the casino floor.

On the implementation of these reforms, the government is always clear: the reforms' implementation is dependent on their practicability. Some of these reforms are dependent on technology that needs to exist in order for them to be implemented and as yet does not, which is why we have adopted a staged implementation approach. Without using technology to deliver the harm reduction and the safety-based initiatives, enforcement of any restrictions would rely on manual processing that would be prone to both error and abuse, undermining the efficacy of the reform journey, making reforms harder to deliver and ultimately putting them at risk. By updating the commencement timeline, the bill provides the time needed for the technology to be rolled out and tested and for staff and for patrons to transition in an orderly and safe way. The reforms will still be delivered in full, but they will be delivered in an appropriate timeframe. We will ensure that Crown is held to account and that Victoria continues to lead the nation in the reduction of gambling harm. Importantly, the bill retains a power for the commencement date to be brought forward if the technology is ready earlier. This is real reform that helps people and protects our community.

The bill will also be opening up further pathways for community clubs to exit gaming. We know that many community clubs for some reason in the past had in their possession poker machine and electronic gaming machine licences, and many want to get rid of them. They do not want them anymore, both in their community and in their club. The problem is that many of these community clubs cannot always find a buyer for their entitlements, so the bill will help that process by increasing the maximum entitlements a single club operator can hold, creating more flexibility in the entitlement market, making it easier for community clubs to step back from pokies. So they can still find a buyer whilst preserving a range of other benefits that the clubs provide. This style of approach has worked before in other settings. Importantly, the change does not add a single new machine. The statewide cap on the number of poker machines and the number of electronic gaming machines remains in place, and there are no changes to caps at venue or LGA levels.

As I said, this Labor government here in Victoria is leading the nation on gambling reforms, and this bill builds on Victoria's record. No other state has gone as far as we do to keep Victorians in our community safe from harm and to keep operators accountable. We have established the strongest gaming and casino regulator in Australia, the VGCCC, and we have already delivered reforms that have reshaped gaming in pubs and clubs, such as mandatory carded play at Crown on EGMs and a statewide precommitment system, currently at a voluntary level, available on all EGMs. We have introduced our mandatory closure periods to between 4 and 10 in the morning. We have got load-up limits of $100, down from $1000, which slow losses and limit harm; slower machine rates for electronic gaming machines, reducing the amount that you can lose per hour; limiting cash withdrawals in a 24-hour period; and a statewide pokies cap for the better part of the next 20-odd years, freezing the total number of poker machines in the state.

Building on our reforms at Crown specifically, we are including mandatory registered carded play on all EGMs, binding precommitment limits on EGMs, load-up limits are being reduced, slowing the rates of play and reducing loss and we are also including things like activity statements for regular players to show how much time and money they have spent, hopefully providing a bit more visibility

to those individuals so they can set the limits that they wish to have. There are also limits on hours of play and a ban on junkets.

These reforms are clear. They continue to have Victoria lead the nation in attempts to reduce harm from gambling. The reforms in this bill will benefit Victorians. They will hold Crown accountable for their transition and for their future decisions. We think they are in line with community expectations. We can minimise the harm from gambling. We do not shy away from action in this area. I commend the bill to the house.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:27): I want to take this opportunity to thank all members for their really thoughtful contributions, and especially Mr Mulholland. I think he really outlined in quite a bit of detail the significance of this legislation and its importance for the economy but also spoke about striking that right balance and interest. Also Mr Batchelor eloquently put a strong case for why these reforms build on the work our government has already done in terms of reducing gambling harm. Therefore I will be brief in my summary remarks so that we can move on.

I appreciate that not necessarily everyone in this chamber agrees, but this bill does strengthen the integrity and accountability of Victoria's casino oversight framework. It increases penalties, tightens the rules around casino associates and supports the safe and effective rollout of mandatory carded play and a daily cash limit across the whole casino floor. These reforms deliver on our commitment to hold the casino operator to the highest standard of integrity. The bill also updates the club entitlement framework while maintaining the statewide freeze on the total number of gaming machines in our state. This change provides greater flexibility in the market, giving clubs more options to sell entitlements or, if they choose, to exit gaming altogether. It also provides an opportunity for those responsible actors to take on those licences.

I want to thank those who have engaged throughout this process, including the independent regulator and all stakeholders.

These are practical, responsible reforms that build on the Allan Labor government's record of nation-leading action on gambling harm, from statewide shutdown hours and reduced load-up limits to stronger limits on hours of continuous play at the casino. This is about creating a safer, more transparent and accountable gaming industry for the long term. I, as minister, am committed to driving further reforms that ensure that our casino operates safely, accountably and sustainably, and on that note, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:30): I move, by leave:

> That the bill be now read a third time.

Motion agreed to.

Read third time.

The ACTING PRESIDENT (Jacinta Ermacora): 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.

Statute Law Revision Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Ryan BATCHELOR (Southern Metropolitan) (16:31): It is a great pleasure to be able to speak on the Statute Law Revision Bill 2025, another momentous piece of legislation, another attempt to make sure that the statute books here in Victoria – the great state of Victoria – are in the sort of pristine condition that we expect them to be, because fundamentally we all, as legislators, should take our jobs seriously to make sure that the laws that are in force in the state of Victoria have all of the appropriate spelling, grammar and punctuation and that references to things like the relevant Commonwealth administrative tribunals appear in our statute books in the correct manner. That is the purpose of the statute law revision bills, which do come through on a regular basis.

Listening to Mr McCracken's contribution on this bill on Tuesday, he was a little bit derisive, I think, in his contribution about the need to undertake bills such as this. He did in his contribution seem to suggest that it demonstrated somehow that the government did not have a very full legislative program. I think what this week, the next sitting week and the extra sitting week after that are going to demonstrate to him is that in fact we do.

It is important, as we legislate, that we make sure that the laws that currently stand, the acts that are in force, are kept up to date with matters in particular that do change. And as I said, one of the things that this bill does is amend references that currently exist in state law to bodies that have had their name changed. Often that is done by entities other than the state of Victoria. One of the amendments we have before us here is to change references to the Administrative Appeals Tribunal (AAT), which was a Commonwealth body established under Commonwealth law until it was stacked full of Liberal Party hacks and had to be overhauled by the former Attorney-General, so the new Administrative Review Tribunal that now exists at the Commonwealth level is in place. It is only appropriate that the Commonwealth's ART be accurately and correctly described in Victorian law so as to not confuse the good citizens of Victoria. When they, in looking up a piece of Victorian legislation that is in force, see a reference to the Administrative Appeals Tribunal, as it then was, they may get confused and decide that they do not know what they are talking about. As I said before, the AAT, as it then existed, had to be abolished because it seemed to be a place where former Liberal Party apparatchiks went to – I will not say 'die' but 'enjoy'.

Harriet Shing: Mr McGowan made it back here.

Ryan BATCHELOR: And so did the member for Prahran, so there is life, apparently, after the AAT. But that is what this Statute Law Revision Bill is designed to do. One of the things that the Statute Law Revision Bill does do is make some amendments to the Caulfield Racecourse Reserve Act 2017. I thought I would take a brief moment in this debate to ensure that people across the land were aware of the great work that the Caulfield Racecourse Reserve Trust does. The trust oversees the planning, development, management, operation and care of the reserve at the Caulfield Racecourse for racing, for recreation and as a public park. Many in the community are not aware that whilst Caulfield is a racecourse and part of the land is leased to the Melbourne Racing Club for the purposes of conducting events like the Caulfield Guineas, the Caulfield Cup and a whole lot of other race day events throughout the year, the rest of the land that exists, including inside the track – for those of you who have been through the underpass under the track and parked your car in the middle on the way to race day, or those who like to walk their dogs in the middle of the racetrack – is public land and a public park, and it is controlled by a public entity, the Caulfield Racecourse Reserve Trust.

What the trust has particularly done in the last few years has been to seek to improve the public realm at the racecourse, such that things like what is now a vibrant market can occur in the middle of the racecourse reserve on a regular basis and that there are signage, access tracks and access gates. I have

had the opportunity, with some local residents, at Caulfield Racecourse Reserve to have a walk around and have a look at the ingress and egress points to the racecourse reserve, the public elements of the racecourse reserve. There are some ponds and a sort of wetland and quite a nice little bit of birdlife. There is some new fencing, there are some signage activities and there are improvements that have been made to the pedestrian underpasses. There are a couple of pedestrian underpasses underneath the racetrack, there are at-grade pathways that you can use across the top of the racetrack and there are gates from the edge of the reserve out onto Queens Avenue in particular, which is the one that I went through on that day.

I was there on that particular day because one of the things that we have done with the residents of Caulfield East has been to protect the trees that exist along the eastern side of the Caulfield Racecourse Reserve whilst we installed a new shared user path for the benefit of local residents and local cyclists from Neerim Road to Normandy Road along Queens Avenue, which sits next to the Caulfield Racecourse Reserve. Why this was important was because it fixed a link in the strategic cycling corridor along the Frankston line to enable cyclists to get along the new cycling corridors that have been generated along the Frankston line along this last stretch of connection to the Djerring trail. A new shared user path was put there, and this was done as part of the Level Crossing Removal Project at Glen Huntly and Neerim roads, which was completed a couple of years ago by this Labor government, removing dangerous and congested level crossings in Glen Huntly. It included – and I know Minister Shing will be particularly interested in this – one of Melbourne's last remaining tram squares. It was removed on Glen Huntly Road as part of this level crossing removal. I know that many across Melbourne are absolutely delighted at the fact that that tram square has been removed. But as part of the entire Level Crossing Removal Project, this last bit of shared user cycle path was put along Queens Avenue. The original plan was to cut down 200 trees to get it done, and working with the local residents, working with the local council and working with Minister Pearson, who was then the Minister for Transport Infrastructure, we worked through a solution that enabled the shared user path, the bicycle path, to be built, connecting the Frankston line cycling trail up to the Djerring trail on Queens Avenue while protecting these trees which were at the side of the Caulfield Racecourse Reserve.

This matters even more today because that cycling path will now help cyclists get to Caulfield station, where, in December, they will be able to get a train through the Metro Tunnel. We will have a connection for cyclists coming up the Frankston line to a destination at the Caulfield train station to enable them to get on the train and hit one of the five brand new train stations that have been built right here in Melbourne and that will open in early December, through the Metro Tunnel. You can get it from Caulfield station, go to Anzac, go to Town Hall, go to State Library, go to Parkville and the universities and the hospitals at the Parkville precinct, or even all the way over to Arden, which is a long way from Caulfield. I know that, for example, Ms Watt is an ardent supporter of the Arden station. We would not have that cycling access if we had not built from parts of the Frankston line, those suburbs like Ormond and Glen Huntly, to a train station that will deliver them on to the Metro Tunnel – unless we had built this last bit of cycle path from Neerim Road to Normanby Avenue on Queens Avenue at the side of the Caulfield Racecourse Reserve. That is why this trust is a really important part of managing the public realm and of improving public amenity and public services, and why, in making technical amendments to its act, this bill will enable that trust to continue to do that sort of important good work here in Melbourne.

There are a range of other things that this bill does. One of the other things that the bill does is make amendments to section 118 of the Health Complaints Act 2016 to correct a punctuation error. As well as removing grammatical errors in the Health Complaints Act, this government is also removing barriers to health care through the community pharmacy pilot. Earlier this year our state budget announced an expansion of the community pharmacy program to make it permanent. It is an initiative that has so far helped 44,000 Victorians access medical treatment and advice from their pharmacist directly without needing to go to a doctor, saving them time and saving them money. Since the pilot began a couple of years ago pharmacists in the pilot have delivered free consultations, treating things like UTIs, issuing contraceptive pills, treating skin conditions, and providing travel vaccinations,

nausea support and relief from allergies – something I know is on both the minds and the throats of many in the city at the moment, as the plane trees, the wind and the hotter air deliver scratchy throats to lots of Melburnians and a lot of people in this chamber. If you want help with things like that, it is now a whole lot easier to go and get some care and support from your pharmacist, because what the Labor government has done through the community pharmacy program is remove barriers to accessing health care at the pharmacy, saving people time and money, just as this bill removes a semicolon from the Health Complaints Act 2016. Removing semicolons, removing barriers – that is the spectrum of what we can do as a government and as legislators. I think it demonstrates to you that no matter where we are, the government is absolutely focused on improving the lives of Victorians.

There are many other things that the bill before us does in terms of removing and revising areas. My notes do go into some detail to get into some discussion about some matters relating to the CFA, but I feel like it is probably not in the spirit of getting out of here in one piece on a Thursday afternoon to start that debate, other than to say we know that as our fire season approaches, climatic conditions across the state, particularly lower-than-average rainfalls over winter, are creating an exceptionally dangerous fire season. The fire season itself has been extended, has been brought forward, and we know that firefighters right across the state, whether they be our career firefighters or our volunteer firefighters, are going to be doing everything they can right throughout the fire season to make sure that our communities stay safe. This bill makes some amendments to the Country Fire Authority Act 1958, and particularly as we are about to embark on what I hope is not but could be a dangerous fire season, they know that they have got our support.

This bill before us today is an important part of keeping Victoria's statute books clean and up to date. It is an important part of making sure that the laws in Victoria are as they should be, and I commend the bill to the house.

Melina BATH (Eastern Victoria) (16:46): I rise this afternoon to make a brief contribution on the Statute Law Revision Bill 2025. These sorts of bills are probably the most innocuous and benign of any that pass through Parliament. I understand that it fixes typos, it corrects grammar, it updates cross-references and it does some housekeeping, and we do not oppose those minor details. It is a bill that amends many different acts and gives us the opportunity to walk down the path of discussion on some of those acts while acknowledging the work done in order to fix up these typos. It is no surprise to this house that I am going to make a contribution on various elements, including Parks Victoria, the Country Fire Authority – in fact I will certainly have a discussion on the Country Fire Authority – the Conservation, Forests and Lands Act 1987 and the Forests Act 1958. All of those things that happen out in the bush in regional Victoria are important to both regional Victorians and, I should think, city folk alike.

The Parks Victoria Act 2018 – there are some grammatical changes in there. What we need to understand about Parks Victoria are the changes that need to occur out in our parks and our forests. Indeed Parks Victoria outsources its fire controls – so its fire protection, its fire mitigation, its bushfire preparedness – to the Department of Energy, Environment and Climate Action and DEECA's bushfire and forest services group. In doing so it outsources the bushfire agency of FFMV, Forest Fire Management Victoria. It was probably 10 days ago now that we had the Premier make a comment, look down the camera and say, 'I'm really concerned for Victoria,' in effect, or words to the effect of, 'It's going to be a dangerous bushfire season. I'm concerned for everyone. We need to be vigilant. Advice has come through that it is potentially a dangerous bushfire season.' I have contacts who I speak with both in the CFA and in the department, and in the next breath we were to learn about the fleet of FFMV Unimogs and G-Wagons. These are light tankers and heavy tankers that were purchased some eight years ago by the Victorian government to do the work. One holds 4000 litres, the other one is about 600 litres, and they do the work of bushfire mitigation and preparation. This is the time now, while it is not raining in the middle of winter, before peak summer comes, when Victoria needs to be prepared and get prepared. But what has happened to the fleet? We do not know how

many, but there is a discussion of around 300 of these vehicles being withdrawn, taken offline to be repaired in some form of structural capacity.

The government has known about this in the past because some years ago they took another batch off for repair. Now, I do not care if there are people who think that these vehicles are the best thing since sliced bread. Clearly the government did some years ago when they spent $32 million on it. They said, 'No, we're not going to look at the Toyota LandCruiser. We're not going to look at something like that. We're going to go for something new.' Somebody had done some assessment and said they were the ant's pants. Right now we have, as the Premier has stated, a dangerous fire season coming on. There should be hundreds of people out there using these vehicles for fire mitigation and bushfire preparedness. But no, they have been taken offline. Indeed there is a letter going around, a request going around, from Forest Fire Management Victoria to ask CFA volunteers in their region, 'Would you mind helping out if we need that work? Would you mind being there?' This is an organisation that has had significant cuts to it, cuts to its ageing infrastructure. Its fleet – talk about slightly ageing. I will read you some actual data rather than doing it from memory. Let me tell you about it. But CFA volunteers have been asked to backfill while these vehicles are off line.

Let me talk about the ageing fleet of the CFA. The CFA manages over 2000 vehicles – 1700 of them are tankers and over 200 are pumpers, and 230 of the fire trucks are more than 31 years old, with the oldest being 35 years old. An additional 244 trucks are aged between 26 and 30. Over 11,000 CFA trucks are in the red line and need replacing. Then we can talk about the funding in relation to these. To maintain a maximum age of 20 for tankers and 15 for pumpers, the CFA needs at least $55 million a year to replace 100 every year. Current levels are less than half of what is needed. The government has announced $10 million. They have put their shingle out: 'Aren't we fabulous? $10 million for CFA vehicles.' That is roughly, on average, 20 tankers. But we need to replace 1100 trucks. So if you have got these vehicles, they are aged. You ask the government to replace them. It is going to take decades at this current level. And then we go back to the Parks Victoria Act 2018, which this bill is going to do a little bit of workshopping, a bit of cosmetic surgery, on. Well, let us also look at what is happening in Parks Victoria.

Over the past two years, FFMV has only completed 67 per cent of its planned burns, a mere 26 per cent of its priority planned burns and has failed to meet its fuel-driven risk targets in metropolitan Melbourne region as well as in Victoria's regions – in Yarra, in Latrobe, in Midlands and in Ovens Valley. Where have I got this from? This has come out of Parks Victoria and FFMV reports. These are facts. In actual fact the Minister for Environment was asked a question in the lower house during question time. I roughly quote him because I have seen it and listened to it. He said, 'This is not newsworthy that departments share resources.' Well, this is not sharing. This is one whole fleet going off line due to faults and then coming back and just asking the CFA volunteers to use their ageing resources to backfill. That is not sharing. That is a burden. That is the broad shoulders of the CFA organisation being asked to carry the load because of this government's ineptitude. That is not sharing, Minister. It is newsworthy, because we have people that live in the regions. We have people who live in my patch in Eastern Victoria Region who clearly remember the 2019–20 fires where 2 million hectares of forests were incinerated. Sadly and tragically, lives were lost and homes and infrastructure were lost. So when we talk about whether this is newsworthy, a Statute Law Revision Bill is not necessarily newsworthy, but we are not sharing resources. You are pushing the burden of resources onto the CFA. They have broad shoulders, but they also deserve respect and they deserve resources being delivered to them. As we move through some of these other topics and other bills that the Statute Law Revision Bill deals with, let me put some other things on the agenda. There is one topic I will see if I have got time for at the end.

One of the things that this bill does is amend the Youth Justice Act 2024 and make some incorrect cross-references correct – well, fantastic for that. When we look at youth crime in our state, it is going to need more than some incorrect cross-references corrected. It is going to need an overhaul. Let us look at some of the statistics of youth crime. It is deplorable that these are the facts, but they are the

facts. Youth crime has increased by 40 per cent – 7185 additional offences. Aggravated burglary has increased by 218 per cent. Motor vehicle theft has increased by 76 per cent. Retail crime has gone up by 20 per cent. If you wander down the streets of many towns in my communities and you go into those communities, you will know and you will hear the stories that people are really frustrated by. These are small business people. What do they do? They pay taxes – they pay rent, they pay taxes, they pay rates. These small businesses are going to be hit with a doubling of their emergency services tax. Not only are they being hit with crime now in waves and proportions that you have never seen before – and it is the truth – but they are also having to put up with a tax. Let me go to some other issues. Retail stealing incidents have increased by 46 per cent and assault at retail settings by 21 per cent. It is crime that does not need to happen.

Let us look at some other things that the Statute Law Revision Bill 2025 looks to address. Let us look at some of these issues. It also makes small amendments to the department of agriculture. It changes the name in this section. Of course what it has also done over the period of time that I have been in here, since 2015, is it has made a very proud department, the department of agriculture, become the back door, the back room and the outhouse in terms of this government's focus – it is a crying shame. We produce the best food in the world, we are a productive state and we have farmers who carry the heavy and very responsible burden of producing our food and fibre, and yet we have cuts to the agricultural service sector, we have cuts to staff, we have a diminished role for Agriculture Victoria and we see farmers losing trust in the government in relation to a whole raft of things, not only the tax that they have been hit with – and we have seen rallies and the like with the emergency services tax. We also have a government who is choosing to run roughshod over farmers in relation to renewable energy zones and misleading statistics. These are some of the issues that are frustrating people. In terms of primary industries, we also can see there has been a departmental name change. As I said, there has been such an ideological bias to look away from our farming communities.

The last comment I will make on this one is on the Status of Children Act 1974. It fixes a heading, a capitalisation error, in section 21 of that act. We heard about and we know the importance of protecting children. We know that since 2018 there have been complaints received by QARD, which of course is the quality assessment and regulation division within the Department of Education. That is the regulator looking after the early childhood sector and education sector. We know – statistics tell us; these are facts – that there has been a 45 per cent increase in complaints, and yet compliance action over the same period has declined by 67 per cent. And we know that the Ombudsman has spoken about this and indeed made recommendations to government three years ago.

Well, we now have a committee before us. We have a select committee, which I am proud to be on representing the Nationals. I know my colleague Ms Crozier is on it as well and that we need to drill down, and this government not only needs to drill down into some typos but it needs to drill down and ensure that our children are safe and that our sector is well educated, is compliant and is at the very top of its game, with checks to ensure that when a parent drops their precious child off at an early learning centre, an education centre or a day care they have the best of care. This government has again fallen down on this. I commend the bill to the house.

Sheena WATT (Northern Metropolitan) (17:01): I have been waiting for this all day. All day I have been waiting to make a contribution to the Statute Law Revision Bill 2025. Can I thank Ms Bath for her contribution before us, because it gave me some time to reflect on what it is that we are changing. I will tell you what: in all seriousness, this is an important part of the ongoing housekeeping of the Parliament and our role making sure that our laws remain accurate and accessible for everyone who needs to read them. I was delighted to see just how big a change this will be. It is good to know that the Statute Law Revision Bill 2025 is part of the ongoing cycle of legislative maintenance that ensures Victoria's laws remain modern and workable. Each year our statute book grows through new reforms, amendments and consolidations, and with that growth comes the need to correct technical errors and remove some redundancies in the system. You see, this bill does not alter the substance of

the law, but it ensures the integrity of the system that underpins it. It reinforces the accuracy and reliability of our legal framework, and that in turn protects public confidence in the law itself.

The bill's purpose is simple: to tidy up the statute book. It does not create new rules or new penalties. It just fixes the small things, clears up old references and keeps our law in good working order. One might say it is like minding our p's and q's, dotting the i's, crossing the t's and in this case fixing the t's that were crossed in the wrong place. Every so often – and I am recalling some of these from earlier on – the Parliament passes a statute law revision or amendment bill to correct some small errors, things like missing commas, outdated departmental names and odd cross-references that sort of wandered off into the wrong section. These are the kinds of details that most people will never notice. But for the lawyers, the public servants and the Victorians who rely on clear legislation to make a difference in the lives of Victorian people, it is the difference between – well, I could explain it, but I have got to tell you, there are at any given time hundreds of acts currently in force in Victoria, and with that, many laws written and amended over generations. It is inevitable, simply inevitable, that a few typos and tangled cross-references will creep in, so periodically we get together in this place and we get ourselves ready for a fun time, as always: the debate on the Statute Law Revision Bill. This time it is in 2025. Previously it was in 2015, 2017, 2023 and 2024. On a couple of those occasions I had the opportunity to speak, and every time it was supported right across the chamber, because no-one wants to stand up and make the case for keeping spelling mistakes in our laws.

I have read some of the contributions from those in the other place, and can I take the time to thank the Office of the Chief Parliamentary Counsel in consultation with multiple departments. That collaboration has ensured that we have got this bill before us today and that each amendment reflects the current responsibilities and operational structures right across government. The Scrutiny of Acts and Regulations Committee has also reviewed the bill – I do recall that meeting quite well, I must say – to ensure the amendments are purely technical rather than substantive policy changes. The committee describes its job in plain terms: to ensure that amendments are strictly confined to the correction of minor errors or omissions, such as cross-referencing, some spelling, some drafting or some grammatical errors. The bill makes a number of small but necessary amendments across a range of acts – 22 in fact – to correct typographical, grammatical, numerical and cross-referencing errors. To give you a sense of the whole bunch of those 22, I am just going to pick out a few that come to mind here, including one mentioned by Mr Batchelor, the Caulfield Racecourse Reserve Act 2017. There is the Child Employment Act 2003, the Country Fire Authority Act 1958, the Family Violence Protection Act 2008, the Fisheries Act 1995, the Serious Offenders Act 2018 and the Status of Children Act 1974, and just for good measure the final two that I am thinking of are the Triple Zero Victoria Act 2023 and the Youth Justice Act 2024, two acts which I recall making contributions to in this place.

It also makes minor wording updates in a number of other acts, like replacing references to the administrative appeals tribunal, which some of us in this place may know has been repealed, with references to its successor, which is the Administrative Review Tribunal Act 2024 – there you go. It might not sound thrilling, but for the lawyers, administrators and anyone who relies on these provisions, those updates matter. Across that time we have also had a number of changes to departmental and agency names. This bill brings the orders up to date with current arrangements under the Administrative Arrangements Act 1983, including references to the old Department of Environment, Land, Water and Planning, which are being updated to the Department of Energy, Environment and Climate Action, where I find myself many, many weeks of the year. References also to the former Department of Justice and Regulation are being corrected to the Department of Justice and Community Safety. Similarly, the bill amends the Circular Economy (Waste Reduction and Recycling) Act 2021 to update references to Alpine Resorts Victoria following the abolition of the old Alpine Resort Management Board in 2022. Here is a quick one: the Aboriginal Heritage Act 2006. This bill has a small correction from the important term of 'specified' act to 'special' act to improve the alignment under the Land Acquisition and Compensation Act 1986.

While the Statute Law Revision Bill 2025 may not be the most exciting bill before this chamber, it is an essential one, making sure that our laws say what they mean and mean what they say. I have absolutely loved joining my previous contributions to the importance of statute law reform and revision by making a contribution now for the 2025 edition. With that, I will leave my remarks there and commend this bill to the house.

Trung LUU (Western Metropolitan) (17:07): I rise to make my contribution to the Statute Law Revision Bill 2025. This is an omnibus bill, and it will make several changes that update the acts currently containing grammatical and typographical errors, cleaning up a broad range of legislation. This bill updates and cross-references outdated department names, board appointments and so on. The bill amends various acts in areas which interest my constituents and me, in relation to police, corrections, emergency services and taxation to name a few. This bill quickly goes through and makes various amendments to acts in relation to corrections, court services, crime, family violence protections, serious offenders, surveillance devices, tobacco, Triple Zero Victoria and to the Youth Justice Act 2024. I mention a few of these specifically because I want to take the opportunity to reflect on some of these acts and their impacts on the broader Victorian community.

At the moment I want to closely concentrate on the Crimes Act 1958, firstly, and mention that the changes in this bill to the act are minimal. It merely updates and reflects that justice responsibilities now lie with the Department of Justice and Community Safety. What is more important to the Victorian community right now in fact in relation to the Crimes Act is the rising rate in crimes in Victoria and the government's response or lack thereof to the crime crisis. The bill addresses Oxford commas here and there. Some think it is of paramount importance, but it just benefits those in the chamber and the government MPs. What I hear from my constituents in the western suburbs is the impact of the crime crisis. People are scared because they know what the state is: a crime is committed every 50 seconds in Victoria. Just look at the recent figures released on motor theft in Victoria: two cars stolen every hour in this state and an increase of 55 per cent in insurance claims for car theft over the past 12 months. Aggravated burglaries are being carried out every single hour. They are the things that actually affect my constituents and those in the wider community. While this bill makes various amendments to make more fluent and more efficient legislation, these matters that concern my constituents in relation to the Crimes Act 1958 are not responded to under the bill.

I know words matter, to use that expression, commas matter and administrative values matter. But what also matters to my constituents is what is happening out there in the real world. The crime crisis facing Victorians right now is severe, it is prolonged, it is frightening, it is front and centre in Victorians' minds. That is why I think we must never lose sight of what we were elected here to do: to keep Australians safe, to keep Victorians safe. I hear my constituents loud and clear. They want action from this government by being tougher on crime, doing away with the spin and the smokescreens and putting some effort into addressing escalating crime.

I speak of this because in the last month my constituents have been complaining of various crimes in my electorate, in Point Cook and Werribee. The member for Caulfield in the other house gave me assistance and we participated in two community forums and heard firsthand from my constituents of their life experiences. Many are victims of crime. I can assure this chamber that placing commas in those 70 acts and ensuring the correct spelling and formatting of lines in every act are important changes, they are front and centre, but they are not front and centre in my constituents' minds. What concerns them is being victims of carjackings, home invasions, aggravated burglary. These are always on their mind, and that is what comes into my office regularly as constituents come and speak to me. Youth offenders, youth justice, getting bail repeatedly are always on their lips. People being stabbed, being robbed and being concerned about their family's safety are always front of mind for my constituents. These fears are real and are constantly highlighted by the tragic incidents.

I understand it is something we need to do with this bill, but seriously, the people in my electorate do not want to hear of commas being put front and centre. They want to hear what is being done to address the issues of gang fights resulting in serious injuries to young people out there. Sometimes it is a

question of priorities, which we need to mention when talking about the crime crisis. We see this government spending countless hours debating laws and the amendment of 70 acts by way of administrative oversight instead of tightening weak laws, strengthening youth justice and supporting our hardworking police officers.

I will keep this short. In rounding up, police resources are being stretched in the alpine area at the moment looking for Dezi Freeman, who killed two police officers. For the benefit of the house, here are the alarming but nevertheless important statistics that highlight the important things in my electorate. In Victoria, youth crime is an issue. It is up 18 per cent for offenders under the age of 18, and it has gone up 42 per cent in the decade since the Andrews and now Allan Labor government began. Crimes against the person committed by juveniles are up 74 per cent. These are all things at the top of my constituents' minds. When they come and see me they mention these numbers. They are not just coming from me here, they are coming from my constituents. These are front and centre. So slashing $50 million off the police budget when the police are experiencing thousands of vacancies in their ranks, stations are closing down and they are minimising hours, again, these are front and centre.

Going back to this bill, it does not introduce any new policies. It replaces references to repealed Commonwealth tribunal legislation with the Administrative Review Tribunal Act 2024, to reflect alignment with the Commonwealth system. Multiple acts now cite the Administrative Review Tribunal Act 2024, replacing outdated Administrative Appeals Tribunal references.

I also want to mention that we do support this bill. We understand the need to fix these errors. But there are issues out there front and centre in relation to my constituents. I just want to mention that as to how we relate to these various acts we are amending. We will not stand in the way of these amendments. I thank the government for allowing members to make remarks on what is truly important to Victorians.

John BERGER (Southern Metropolitan) (17:15): I rise to speak on the Statute Law Revision Bill 2025. This bill is important to ensure continuity within the parliamentary documents. A foundation point of our democracy is that the laws must be knowable. Laws are not just written for the trained eyes of judges, lawyers and bureaucrats; they are written for and need to be written to be easily understood by the people they govern. Statutes need to be accurate, clear and accessible to the public, and this includes maintaining their structure and consistency. The result of this is sometimes these housekeeping bills come through. Some might dismiss them, but they have always been part of the parliamentary practice. Without bills like this one, things can become cluttered. Victorians require an up-to-date statute book that does not include inconsistencies and long-abolished bodies and clauses.

It is worth noting the role clarity plays in everyday life for Victorians. When tenancy policy is written plainly and kept updated, renters are then more empowered to understand and uphold their rights. When local sporting clubs or community organisations deal with the government regulations, they should not have to untangle decades of conflicting provisions. Legislation should be kept in the plainest English possible for ordinary businesses, clubs, community organisations and Victorians.

The Statute Law Revision Bill 2025 ensures clear interpretation and reduced confusion. The bill corrects typographical, grammatical, numbering and section referencing errors in multiple acts. It updates references to the Administrative Appeals Tribunal Act 1975 to align with the updated legislation and the Administrative Review Tribunal Act 2024. Updating these references keeps them in accordance with Commonwealth legislation so there is transparency within connected documentation. It amends several acts by correcting out-of-date references, names and departments because of orders made under the Administrative Arrangements Act 1983. It also amends some of the wording of provisions that has become obsolete, amending phrasing in the Aboriginal Heritage Act 2006 to correct a reference for the purposes of the Land Acquisition and Compensation Act 1986, as well as replacing references to the Alpine Resort Management Board with Alpine Resorts Victoria in the Circular Economy (Waste Reduction and Recycling) Act 2021, following the abolition of the former by the Alpine Resorts Legislation Amendment Act 2022.

Each word of the legislation matters. Laws should be intelligible to the people that they govern, and punctuation and small inconsistencies with these documents can weaken their integrity. It is important to remember the dual role of our Parliament of not only creating the laws to meet the needs of our communities – which the Allan Labor government continues to do – but also curating and maintaining the existing legal framework to ensure it remains clear, relevant and applicable. Whilst this bill does not affect the functions of the acts it is changing, that is not its purpose. The purpose is to align with the obligations, which everyone in this place can appreciate, for a firm, clear and precise policy. Any lawyers in the chamber will understand how important it is that those laws can be understood as clearly as possible to avoid unintended consequences, such as the potential abuse of loopholes. Tidying up the composition of the legislation avoids unnecessary confusion with compliance to ensure that the public have straightforward references when it comes to easily understanding the word of law.

Many of these acts affected by the changes which we are making today are too important not to fix up when we notice instances of where there might be even a minor change or a lack of clarity. It is essential to recognise the bodies that keep our legislation framework strong. The Office of the Chief Parliamentary Counsel, or OCPC, is responsible for drafting all Victorian legislation to ensure that laws are clear, consistent and legally effective. It is made up of expert drafters within the public service. Their functions include drafting bills and statutory rules; maintaining the official Victorian statute book; advising on legislative structure, style and interpretation; and supporting law revisions like those changes proposed in this bill. I want to acknowledge the dedication of the Office of the Chief Parliamentary Counsel, whose work it is to ensure our statute books are in good working order, and the chief Jayne Atkins, who contributed to making this bill possible. Their precision in maintaining the statute book allows for the Statute Law Revision Bill and other housekeeping bills to be productive. With that, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:20): I move, by leave:

> That the bill be now read a third time.

I thank everybody who has participated in the extraordinary, wideranging and articulate debate here this afternoon. I look forward to the Oxford comma being represented by Hansard in the course of this motion.

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.

Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025

Introduction and first reading

The PRESIDENT (17:21): 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 **Building and Construction Industry Security of Payment Act 2002**, the **Building Act 1993**, the **Environment Effects Act 1978**, the **Heritage Act 2017** and the **Planning and Environment Act 1987** 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) (17:21): 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) (17:22): 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 (the Charter), I make this statement of compatibility with respect to the Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025 (the Bill).

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

Overview of the Bill

The purpose of the Bill is to amend the Building and Construction Industry Security of Payment Act 2002 (Security of Payment Act), the Building Act 1993 (Building Act) and to make minor amendments to several other Acts.

Since 1 July 2025 the Victorian Building Authority has been trading as the Building and Plumbing Commission (the Commission) so, for convenience and to align with the Second Reading Speech, this Statement of Compatibility refers to the Commission.

Part 2 of the Bill amends the Security of Payment Act to implement many of the recommendations of the Report, Parliamentary Inquiry into employers and contractors who refuse to pay their subcontractors for completed works, prepared by the Legislative Assembly's Environment and Planning Committee.

Part 3 of the Bill amends the Building Act to improve the requirements for registration as a building surveyor or a building inspector, to clarify the requirements for when a relevant building surveyor is required to give an information statement to a person who has applied to the surveyor for a building permit and to enable the Commission to issue a code of conduct applicable to registered and licensed plumbers.

Part 4 of the Bill amends the Environment Effects Act 1978 (Environment Effects Act) to enable fees to be prescribed and imposed to recover the cost of assessments prepared by the Minister, deciding whether certain conditions have been met and advice and assistance given by the Secretary under that Act.

Part 5 of the Bill amends the Heritage Act 2017 to clarify that emissions reductions targets and risks associated with impacts of climate change, which are required to be considered under section 12(2A) of the Planning and Environment Act 1987 (Planning and Environment Act) for an amendment to a planning scheme, do not need to be taken into account when a decision is made under section 56 (relating to adding or amending places on, or removing places from, the Victorian Heritage Register) and section 180 (relating to implementing World Heritage Environs Areas and Strategy Plans) of the Heritage Act 2017.

Part 6 of the Bill amends the Planning and Environment Act to widen the scope of matters that may be included in an enforcement order of the Victorian and Civil Administration Tribunal (VCAT) to ensure that there is no net loss to biodiversity as a result of an unauthorized removal, destruction or lopping of native vegetation that was carried out in contravention of a planning scheme, a condition of a planning permit or an agreement under section 173 of the Planning and Environment Act.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are the right to freedom from forced or compulsory labour under section 11(2), the right to property under section 20, the right to a fair hearing under section 24(1), and the right to be presumed innocent under section 25(1).

The right to freedom from forced or compulsory labour – section 11(2)

Section 11(2) of the Charter provides that a person must not be made to perform forced or compulsory labour. 'Forced or compulsory labour' does not include work or service that forms part of normal civil obligations. While the Charter does not define 'normal civil obligations', comparative case law has considered that to qualify as a normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, must not be exceptional and must not have any punitive purpose or effect (Faure v Australia (Human Rights Committee Communication No 1036/2001)). This has extended to obligations to undertake work in order to maintain compliance with regulatory standards.

Part 6 of the Bill amends section 119 of the Planning and Environment Act to widen the scope of matters that VCAT may include in an enforcement order under Division 1 of Part 6 of the Planning and Environment Act. Under new sections 119(2) and (3) of the Planning and Environment Act, the Bill will enable an enforcement order to require certain persons to plant, protect and regenerate native vegetation on the land on which an unauthorized removal, destruction or lopping of native vegetation occurred or on any other land. I am of the view that an enforcement order requiring a person to plant, protect and regenerate native vegetation on the land on which the contravention was committed or on any other land would be imposed for a legitimate purpose, would not be exceptional and would not have any punitive purpose or effect and as such, would not constitute a limit on this right.

This is because an enforcement order is confined in its application to the legitimate purpose of responding to a contravention of the law. Under section 114(1) of the Planning and Environment Act a person may apply for an enforcement order only if a use or development of land contravenes or has contravened, or, unless prevented by the enforcement order, will contravene the Planning and Environment Act, a planning scheme, a condition of a permit or an agreement under section 173 of that Act. Additionally, new section 119(3) of the Planning and Environment Act (to be inserted by the Bill) will provide that, when considering what to order in an enforcement order relating to native vegetation, VCAT may exercise its power for the purposes of achieving or advancing a provision of a planning scheme that relates to native vegetation. This will also direct the purpose of an enforcement order and make the work required to be undertaken – planting, protecting and regenerating native vegetation to offset that which was illegally removed, destroyed or lopped – unexceptional and not punitive. Additionally, an enforcement order requiring a person to plant, protect and regenerate native vegetation is not the only option available to VCAT. VCAT may alternatively order the person to acquire a biodiversity offset, which is explained below in relation to the right to the protection of property.

Therefore, an enforcement order requiring a person to plant, protect and regenerate native vegetation may be imposed only for the legitimate, non-punitive purpose of requiring the person, who has been found to have been partly or wholly responsible for a contravention of a planning law relating to the protection of native vegetation, to contribute to mitigating the loss of native vegetation (and the related loss of biodiversity) caused by the contravention.

For these reasons, I consider the Bill to be consistent with the right to freedom from forced or compulsory labour under section 11(2) of the Charter.

The right to property in section 20

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. There are three elements to this right:

1. The interest interfered with must be 'property', which includes all real and personal property interests recognised under the general law;
2. An interference of concern must amount to a 'deprivation' of property, that is, any 'de facto expropriation' by means of a substantial restriction in fact on a person's use or enjoyment of their property; and
3. A deprivation of property may only be 'in accordance with law' in that the law must be adequately accessible and formulated with sufficient precision to enable the person to regulate their conduct.

Limiting the effect of certain provisions in construction contracts

Part 2 of the Bill will amend the Security of Payment Act to regulate the legal effect of certain types or classes of provisions of construction contracts and, to the extent that the right to property includes the value of a contractual right to a party to the contract, it will limit the right to property under section 20 of the Charter.

Clause 11 of the Bill inserts a new section 12(1B) of the Security of Payment Act to provide that a term or provision in a construction contract has no effect to the extent that it provides for the payment of a progress payment or the release of a performance security later than the day occurring 20 business days after a payment claim is served under Division 1 of Part 3 of that Act in relation to the progress payment or a performance security claim is served under Division 1A of Part 3 of that Act in relation to the performance security.

To the extent that clause 11 of the Bill limits the right to property, I am of the view that this clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law. This is because new section 12(1B) is necessary to clarify that the payment terms set out in new section 12(1) and (1A), which is also inserted by clause 11 of the Bill, are intended to provide a standard for the maximum period of time in which a progress payment becomes due and payable or a performance security must be released and to ensure this standard cannot be contradicted or overridden by the terms of a contract. New section 12(1B) of the Security of Payment Act is justified as it promotes the protection of subcontractors who don't have the bargaining power to negotiate more favourable contract terms that impose unreasonably long periods of time, being more than 20 business days, before a respondent is required under the contract to pay a progress payment or release a performance security after a claimant has served a claim on the respondent for either of these entitlements.

Section 13 of the Security of Payment Act makes ineffective in certain circumstances, for the purpose of the payment of money owing, a "pay when paid" provision in a construction contract. Clause 12 of the Bill amends the definition of "pay when paid provision" in section 13(2)(c) of that Act so that section 13 will also make ineffective a provision in a construction contract that makes any of the following contingent or dependant on the operation of another contract: the liability to pay money owing, the due date for payment of money owing, a person's right to claim money owing and a person's right to claim the release of a performance security.

To the extent that clause 12 of the Bill limits the right to property, I am of the view that this clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law. This is because the certain types of 'pay when paid provisions' are already taken to be ineffective under section 13 of the Security of Payment Act and clause 12 of the Bill will be in accordance with the law as it adds only two new types of rights under a contract – that are contingent or dependent on the operation of another contract – that will be made ineffective under section 13 of the Security of Payment Act: a person's right to claim money owing (under new s.13(2)(c)(iii)) and a person's right to claim the release of a performance security (under new s.13(2)(c)(iv)). The description of these types of contractual provisions is very precise and is not arbitrary because the purpose of clause 12 is to promote the protection of potentially disempowered subcontractors who could otherwise have payments unreasonably and unfairly withheld because of the actions of head contractors and their principals. There is no less restrictive means reasonably available to achieve the purpose that clause 12 of the Bill seeks to achieve.

Clause 13 of the Bill inserts a new section 13A of the Security of Payment Act to provide, under section 13A(1) that a notice-based time bar provision of a construction contract may be declared to be unfair in relation to a particular entitlement under the contract if compliance with the provision is not reasonably possible or would be unreasonably onerous. Notice-based time bar provisions in contracts provide that certain entitlements under the contract are contingent on a party to the contract giving a notice to the other party within a specified timeframe. Failing to give notice within that time defeats the contractual right to the claim. Under new section 13A(3)(a) of the Security of Payment Act, a notice-based time bar provision of a construction contract that is declared to be unfair has no effect on the particular entitlement that is the subject of an adjudication or proceeding in which it was declared to be unfair.

To the extent that clause 13 of the Bill limits the right to property, I am of the view that this clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law. This is because the types of entitlement to which clause 13 applies (under the definition of "notice-based time bar provision in new section 13A(8) of the Security of Payment Act) are drafted precisely; they are an entitlement to be paid, an extension of time for doing a thing that affects an entitlement to be paid and an entitlement to the release of a performance security. Clause 13 is not arbitrary because the circumstances in which the power can be exercised are confined. Before making a declaration of unfairness about such a provision, the person making the declaration must form the view that the notice-based time bar provision is not reasonably possible or would be unreasonably onerous. Additionally, new section 13A(5), (6) and (7) also specify the matters that the person making the declaration must take into account and must not take into account before declaring the provision to be unfair. New section 13A(2) empowers only certain persons (an adjudicator, a court, an arbitrator and an expert) to make a declaration. Further, under new section 13A(3) the declaration has effect only for the purpose of the adjudication or proceeding over which that person is presiding and the notice-based time bar provision will continue to have effect in other circumstances or proceedings arising under the relevant contract or a related contract. Clause 13 is justified as it promotes the protection of potentially

disempowered subcontractors who could otherwise have payments unfairly withheld, or performance securities retained, by head contractors.

Clause 16 of the Bill inserts a new section 14B of the Security of Payment Act to provide that a provision of a construction contract has no effect to the extent that it provides that the earliest day for service of a payment claim in respect of any type of progress payment must be on a day that is later than the last day of each named month in which the construction work was carried out or the related goods and services were supplied; or provides that a payment claim for a milestone payment (within the meaning of paragraph (c) of the definition of "progress payment") must be served less frequently than once a month.

To the extent that clause 16 of the Bill limits the right to property, I am of the view that this clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law. This is because new section 14B is necessary to clarify that the payment terms set out in new section 14A, which is also inserted by clause 16 of the Bill, are intended to provide a minimum standard for the earliest day and frequency of serving payment claims and to ensure this standard cannot be contradicted or overridden by the terms of a contract, apart from allowing for any earlier day for serving a payment claim that is permitted under the contract (refer to new section 14A(3)). Clause 16 is justified as it promotes the protection of subcontractors who don't have the bargaining power to negotiate more favourable contract terms compared to terms that delay for unreasonably long periods of time a subcontractor's right to serve a claim for payment for their provision of work, goods or services. There is no less restrictive means reasonably available to achieve the purpose that clause 16 of the Bill seeks to achieve because it is intended to override a certain type of provision of a contract.

Clause 20 of the Bill inserts a new section 17D into the Security of Payment Act to provide that a provision in a construction contract that purports to do any of the following has no effect: override the right of a claimant to serve a performance security claim under new section 17A of the Security of Payment Act, provide that the earliest day on which a performance security claim may be served is before the earliest day referred to in new section 17B of that Act, and provide that the latest day on which a performance security claim may be served is after the latest day referred to in new section 17C of that Act.

To the extent that clause 20 of the Bill limits the right to property, I am of the view that this clause is appropriately prescribed, is not arbitrary and is in accordance with the law. This is because new section 17D is necessary to clarify that the rights to claim the release of a performance security conferred under new sections 17A, 17B and 17C of the Security of Payment Act are intended to provide a minimum standard for the right to make this type of claim and to ensure this minimum standard cannot be contradicted or overridden by the terms of a contract. There is no less restrictive means reasonably available to achieve the purpose that clause 20 of the Bill seeks to achieve because it is intended to override certain types of provisions of a contract.

Clause 20 also inserts a new section 17H(3) into the Security of Payment Act to provide that the requirements in new section 17H(1) and (2) of the Security of Payment Act are taken to form part of every construction contract and are to have effect despite any other provision of the contract that purports to override these requirements. To the extent that clause 20 of the Bill limits the right to property, I am of the view that this clause is appropriately prescribed, is not arbitrary and is in accordance with the law. The requirements in new section 17H(1) and (2) are that if a party holding a performance security intends to have recourse to the whole or a part of a performance security under a construction contract, the party must first give the party providing the security under that contract at least 5 business days' notice in writing of this intent, or any longer period of notice that is provided for in the contract. The written notice must identify certain details about the performance security. New section 17I(3) is necessary to ensure that the mandatory process under new section 17I(1) and (2) will set a minimum standard. The mandatory requirements that will be taken to form part of every construction contract are reasonable, easy to comply with and they will not override any longer period of notice that a contract may require. There is no less restrictive means reasonably available to achieve the purpose that new section 17H of the Security of Payment Act seeks to achieve because it is intended to affect construction contracts.

Clause 53 of the Bill amends section 52(1) of the Security of Payment Act to insert a power to prescribe in regulations made under that Act a provision or a class of provision in a construction contract or in a class of construction contract that is to be taken to be of no effect and the circumstances in which a such a provision may be excepted from having no effect. To the extent that clause 53 of the Bill limits the right to property, I am of the view that this clause is precise and appropriately prescribed, is not arbitrary and is reasonable. Clause 54 of the Bill will insert new section 54(10) of the Security of Payment Act to provide that any such regulation will not apply to a provision of a construction contract entered into before the commencement of any such regulation. I also note that any regulations made under this new regulation making power will be assessed for compatibility with the Charter under the requirement for the Minister to certify a Human Rights Certificate.

Each of the Bill's clauses referred to above that limit one party's right to property by regulating the legal effect of certain provisions in construction contracts also support the property rights of the other party to the contract. These clauses aim to achieve a fair and reasonable balance between the competing property rights of all the parties to a construction contract, after taking into account the relatively different financial resources and negotiating powers of head contractors and subcontractors as informed by the "Parliamentary Inquiry into employers and contractors who refuse to pay their subcontractors for completed works" and for this reason these clauses are justified.

Fees

Part 4 of the Bill amends the Environment Effects Act to enable fees to be prescribed in regulations and imposed under that Act to recover the cost of assessments by the Minister, and advice and assistance given by the Minister or the Secretary, under that Act. A requirement to pay fees in the form of money, where money is a form of property interest recognised by law, engages the right to property.

The deprivation of property will be in accordance with the law because the power to impose a fee will be confined to the exercise of a function by the Minister or the Secretary under the Environment Effects Act. The amount of the fees imposed may only be prescribed by regulations and the regulation making power enables this amount to differ according to different circumstances. This will further enable the fees to be reasonably referrable to the various costs incurred by the State in the performance of each of the functions to which each prescribed fee will relate. The Bill also provides for significant flexibility as the regulation making power inserted by the Bill will allow for the fees to be reduced or waived (in part or in full) and refunded if necessary.

Enforcement orders relating to native vegetation

Part 6 of the Bill will insert new section 119(2) and (3) into the Planning and Environment Act to enable an enforcement order to require certain persons to plant, protect and regenerate native vegetation on the land on which an unauthorized removal, destruction or lopping of native vegetation occurred or on any other land, which may include other land owned or under the control of the person against whom the order is made or land of a third party. In this respect, the Bill engages the right to property that is land and imposes a restriction in fact on a person's use or enjoyment of their property.

This deprivation of property will be in accordance with the law because a person's right as to how they use or enjoy land that they own or occupy, or hold an interest in, is not absolute; it is limited by the Planning and Environment Act and the planning scheme. The Planning and Environment Act and the planning scheme set out clear and precise requirements for how a person can obtain approval for the proposed use and enjoyment of their land and this enables the person to regulate their conduct.

Under section 114(3) of the Planning and environment act, an enforcement order may only be made against one or more of: the owner or occupier of the land, any other person who has an interest in the land and any other person by whom or on whose behalf the use or development was, is being, or is to be carried out. Therefore any deprivation of this property right is limited in its application to a person who is found by VCAT to be wholly or partly responsible for a use or development of land that contravenes or has contravened, or, unless prevented by the enforcement order, will contravene a planning scheme, a condition of a planning permit or an agreement under section 173 of that Act (refer to section 114(1) of the Planning and Environment Act).

New section 119(2) and (3) of the Planning and Environment Act will also enable an enforcement order to direct any person or persons against whom it is made to take any other action in relation to any other land for the purposes of achieving or advancing a provision of a planning scheme that relates to native vegetation. A provision of a planning scheme that relates to native vegetation is clause 52.17 of the Victoria Planning Provisions, which provides that its purposes are: (i) to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, and (ii) to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation. The first purpose of clause 52.17 incorporates the "Guidelines for the Removal, Destruction or Lopping of Native Vegetation" published by the then Department of Environment, Land, Water and Planning (2017) (the Guidelines). The Guidelines are incorporated into all planning schemes in Victoria as they are included in the Table to clause 72.04 of the Victoria Planning Provisions.

Therefore, Part 6 of the Bill will enable VCAT, using an enforcement order, to direct the person against whom it is made to pay for a biodiversity offset, if an offset is available. The Guidelines (on page 13) explain that the biodiversity loss from the removal of native vegetation is required to be offset in accordance with the Guidelines. Offsets are designed to compensate for the biodiversity value of native vegetation only, not its other values.

In this respect, a requirement to pay in the form of money for a biodiversity offset, where money is a form of property interest recognised by law, engages the right to property. This deprivation of property will be in accordance with the law because a person's right as to how they use land they own or occupy, or hold an interest in, is not absolute; it is limited by the Planning and Environment Act and the planning scheme and, if relevant, any conditions of a planning permit or an agreement under section 173 of the Planning and Environment Act. VCAT's power to make an enforcement order under Division 1 of Part 6 of the PE Act is confined to a contravention of the law and, under section 114(3) of the PE Act, the order may only be made against one or more persons who have been found by VCAT to be wholly or partly responsible for the contravention.

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

The right to a fair hearing – section 24

Section 24 of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clause 34 of the Bill will substitute section 28R of the Security of Payment Act to set out a procedure for a claimant who has been provided with an adjudication certificate under section 28Q of the Security of Payment Act to file the adjudication certificate as a judgment for a debt due to the claimant in a court of competent jurisdiction for the unpaid portion of an amount payable or to be released under section 28M of that Act.

New section 28R does not include current section 28R(4), the latter of which provides that judgment in favour of a person is not to be entered under this section unless the court is satisfied that the person liable to pay the amount due has failed to pay the whole or any part of that amount to that first-mentioned person. This requires the court to determine whether the respondent is liable to pay an amount to the claimant, which duplicates the process of a claim undergoing an adjudication process and becoming the subject of an adjudication determination, the latter of which must be certified by the relevant authorised nominating authority. New section 28R does not require the court to make such a finding. In this respect, clause 34 of the Bill engages the right to a fair hearing, which has been held to encompass a right of access to courts to have one's civil claims submitted to a judge for determination. However, the right to access the courts is not absolute and may legitimately be limited by the needs and resources of the community and individuals.

This limitation on the right to a fair hearing by a court is within the law and is reasonable. The purpose of the limitation is to support the object of the Security of Payment Act, which section 3 of that Act states is to provide a statutory right to receive and recover progress payments and to the release of a performance security using the means of a procedure set out in the Security of Payment Act. In the course of an adjudication of a claim presided over by an adjudicator, the Security of Payment Act as amended by the Bill gives a respondent several opportunities to dispute a claimant's claim for a progress payment or for the release of a performance security. This includes being given two opportunities to serve on the claimant a payment schedule (under sections 15 and 18) or a performance security schedule (under new sections 17E and 18A) and, if the matter goes to adjudication, lodging an adjudication response (under section 21) which may include any schedule already served, and making a further submission to the adjudicator (under section 22) if requested. Therefore, the respondent receives a fair hearing of their position and views during the adjudication process.

The object of the Security of Payment Act would be defeated if, after following the timely and streamlined process under that Act, a respondent could delay the right of a claimant to have an adjudication determination (endorsed as an adjudication certificate) readily enforced by a court by re-litigating matters already considered and determined under the adjudication process. Additionally, sections 3(4) and 47 of the Security of Payment Act preserve the right of a person to bringing separate proceedings under the relevant construction contract.

Also under clause 34 of the Bill, new section 28R(4) re-enacts current section 28R(5) by providing that if the respondent commences a proceeding to have the judgment set aside, the respondent is not entitled to commence a cross-claim against the claimant, to raise any defence in relation to matters arising under the construction contract or to challenge the adjudication determination. New section 51(2) of the Security of Payment Act, which is substituted by clause 52(2) of the Bill, provides that it is the intention of section 28R of the Security of Payment Act, as amended by the Bill, to alter or vary section the jurisdiction of the Supreme Court under section 85 of the Constitution Act 1975.

Clause 52(2) of the Bill will limit or prevent the bringing of proceedings in relation to enforcement of an adjudication determination that is the subject of an adjudication certificate. In this respect, the Bill engages the right to a fair hearing, which has been held to encompass a right of access to courts to have one's civil claims submitted to a judge for determination. However, the right to access the courts is not absolute and may legitimately be limited by the needs and resources of the community and individuals.

This limitation on the right to access the jurisdiction of the Supreme Court is within the law and is reasonable. The purpose of the limitation is to support the object of the Security of Payment Act, which section 3 of that Act states is to provide a statutory right to receive and recover progress payments and to the release of a performance security using the means of a procedure set out in the Act. The intent is to enable this by setting out a timely, streamlined process under the Act. The object of the Security of Payment Act would be defeated if, after following the timely and streamlined process under that Act, a respondent could delay the right of a claimant to have an adjudication determination (endorsed as an adjudication certificate) readily enforced by a court by re-litigating matters already considered during the adjudication process. Additionally, sections 3(4) and 47 of the Security of Payment Act preserve the right of a person to bringing separate proceedings under the relevant construction contract.

Clause 47 of the Bill amends section 46 of the Security of Payment Act which provides that an adjudicator is not personally liable for anything done or omitted to be done in good faith in the exercise of a power or the discharge of a duty under the Security of Payment Act or the regulations made under that Act, or in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under the Security of Payment Act or the regulations made under that Act. Section 51(1) of the Security of Payment Act, which is substituted by clause 52(1) of the Bill, provides that it is the intention of section 46 of the Security of Payment Act, as amended by the Bill, to alter or vary section 85 of the Constitution Act 1975.

Clause 52(1) of the Bill engages the right to a fair hearing as it will limit or prevent the bringing of proceedings against an adjudicator in relation to how they adjudicated a dispute under the Security of Payment Act. The limitation on this right is reasonable and justified as it is necessary to encourage appropriately qualified persons to act as adjudicators of disputed claims under the Security of Payment Act. It is also intended to support the independence and impartiality of adjudicators by providing them with an immunity from civil proceedings where they exercise their statutory powers and discharge their statutory duties in good faith. The limitation on the right is also subject to a qualification. Section 46 of the Security of Payment Act will protect an adjudicator only to the extent that they exercise their statutory powers and discharge their statutory duties in good faith; it does not protect an adjudicator who acts with misfeasance.

For these reasons I consider the Bill to be consistent with the right to a fair hearing under section 24 of the Charter.

The right to be presumed innocent – section 25(1)

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The right is relevant where a statutory provision allows for the imposition of criminal liability without the need for the prosecution to prove fault.

Clause 39 of the Bill substitutes section 41(2) of the Security of Payment Act with a new section 41(2) and inserts new section 41(3) of the Security of Payment Act to restate the current offence under section 41(2) as two offences in relation to a requirement under section 41(1) of the Security of Payment Act. Section 41(1), as amended by clause 39 of the Bill, provides that if an adjudication determination has been made in respect of a construction contract, the respondent must, on the demand of the claimant, give to the claimant within 10 business days a notice in the prescribed form that sets out the name of any person, such as a principal, from whom the claimant may be able to recover the adjudicated amount or part of the adjudicated amount. New section 41(3) of the Security of Payment Act provides it is an offence if the respondent fails to give a notice to the claimant under section 41(1). The offence against new section 41(3) is a strict liability offence because it does not require proof that a respondent intentionally, knowingly or recklessly failed to give a notice to the claimant. In this respect, the Bill engages the right to be presumed innocent.

To the extent that new section 41(3) limits the presumption of innocence, I consider that this limitation is reasonable, proportionate and justified. The offence against new section 41(3) is directed at the respondent's conduct – whether the respondent has provided a notice under section 41(1) in response to a claimant's demand for certain information within the required period of time. It is reasonable for this offence to not require that the prosecution prove whether the respondent knew that they had not complied with section 41(1), or was reckless about this fact, because it is reasonable to assume that a respondent knows of their own actions in relation to giving a notice to the claimant. The offence under new section 41(3) is also reasonable because the amendment to section 41(1) will specify a reasonable period of time in which the respondent is required to give a notice, which will make it easier for a respondent to understand how they are to regulate their conduct. A respondent charged with this offence can also raise the defence that they held an honest and reasonable belief in a mistaken fact.

For these reasons, I consider the Bill to be consistent with the right to be presumed innocent under section 25(1) of the Charter.

Conclusion

I am therefore of the view that the Bill is compatible with the Charter.

The Hon Harriet Shing MP
Minister for Housing and Building
Minister for the Suburban Rail Loop
Minister for Development Victoria and Precincts

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:22): I move:

That the bill be now read a second time.

Ordered that second-reading speech, except for the statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard*:

The Bill amends the *Building Act 1993* (Building Act), the *Building and Construction Industry Security of Payment Act 2002* (Security of Payment Act), the *Planning and Environment Act 1987* (Planning and Environment Act), the *Heritage Act 2017* (Heritage Act) and the *Environment Effects Act 1978* (Environment Effects Act).

The main purpose of the Bill is to deliver a series of important construction, building and housing-related amendments including:

- Amendments to the Security of Payment Act as part of the Government's response to *the Parliamentary Inquiry into employers and contractors who refuse to pay their subcontractors for completed works*.
- Amendments to the Building Act to improve the effectiveness of the Victorian Building Authority as a regulator. Since 1 July 2025, the Victorian Building Authority has been trading as the Building and Plumbing Commission so for convenience this speech refers to the regulator as the Building and Plumbing Commission (the Commission). The Bill improves the regulator's effectiveness by delivering building surveyor and building inspector registration reforms, by enabling the Commission to create a code of conduct for licensed and registered plumbers, and by making minor changes to the information statement requirements for building surveyors.

The Bill will also deliver a series of planning-related amendments to:

- The Planning and Environment Act to widen the scope of enforcement orders issued by VCAT to require native vegetation offsets amongst other remedies;
- The Environment Effects Act to enable cost recovery fees to be charged; and
- The Heritage Act to clarify the types of decisions that need not have regard to climate change impacts.

These reforms will improve outcomes for all participants in the building industry, including practitioners, consumers, industry associations and subcontractors. This Bill is part of a broader package of the Allan Victorian Government's reforms to Victoria's regulatory framework for housing, building and construction matters.

Amendments to the Security of Payment Act in response to the Parliamentary Inquiry into employers and contractors who refuse to pay their subcontractors for completed works

Security of payment problems in the building and construction industry have been repeatedly acknowledged by Australian governments over the last 100 years. Recent government-initiated reviews have examined systemic poor payment and abusive contracting practices in the building and construction industry. Such practices take advantage of the highly fractured nature of an industry where subcontractors complete over 80 per cent of construction work – reportedly the highest proportion in the world – to pass financial risk down the construction contracting chain. Such practices contribute to high levels of financial insecurity for subcontractors and other participants in the building industry, which are reflected in historically high, insolvency rates in the industry.

Victoria's Security of Payment Act, like its counterparts in other jurisdictions, has two main objectives:

- First, to ensure that the vast majority of persons who carry out construction work or supply related goods and services under a construction contract are entitled to receive, and can recover, progress payments for carrying out that work and for supplying of those goods and services; and
- Second, to provide such persons with access to a quick, inexpensive process for resolving payment disputes that arise without the need for expensive litigation in courts.

An effective security of payment framework is particularly important for the building and construction industry due to unique structural vulnerabilities that characterise it, such as the hierarchical contracting structure for most construction projects.

Although the Security of Payment Act was enacted in 2002 and amended in 2006, it was not reviewed again until 2023. John Murray AM's December 2017 report to the Federal Government noted the need for greater harmonisation of security of payment legislation across Australia.

In November 2022, the Andrews Labor Government committed to launch an inquiry to 'crack down on bosses and contractors who refuse to pay their subcontractors for completed work'. Following through on this commitment, an inquiry was referred to the Legislative Assembly's Environment and Planning Committee (Committee), which examined the Security of Payment Act's effectiveness and its consistency with other jurisdictions' legislation, resulting in a comprehensive report tabled in November 2023.

The Committee's 216-page report included nine factual findings and confirmed the same chronic and persistent problems with larger firms' contracting and payment practices observed in other Australian jurisdictions since 2002. Based on those findings, the Committee provided 28 recommendations for reform, which the Government supported in its October 2024 response. The Government supported in full 16 of the Committee's recommendations for targeted reforms to the Security of Payment Act. These reforms are generally referred to as 'Tranche 1 reforms' and are the subject of the amendments contained in this Bill.

Twelve other Committee recommendations were supported either in principle or in part because they warrant additional consideration or stakeholder consultation. These 'Tranche 2 reforms' which are not contained with this current Bill will seek to further improve conditions in Victoria's construction and building industry and are the subject of ongoing stakeholder consultation.

Making claims for progress payments

To implement the Committee's recommendations 3 and 7, the Bill makes numerous changes to the Act's procedures for claiming progress payments and claiming the release of performance securities. The Bill will remove provisions establishing 'reference dates' for the purposes of calculating when a payment claim must be made. The current Security of Payment Act's complex and confusing formulae for determining 'reference dates' are replaced with a new, simplified process for determining when payment claims may be made, which will effectively be the last day of each named month in which the work was carried out or the related goods or services were supplied. The Bill also repeals the 'excluded amounts' and 'claimable variations' regime to implement recommendations 2 and 19 of the Committee's report.

The Bill will also make it clear that parties to construction contracts have a right to claim progress payments – including milestone payments – no less frequently than monthly and makes invalid any contractual provision to the contrary. The Bill provides for maximum payment terms, capping contractual periods of time for payment at 20 business days and establishing a default 10-business day term for progress payments where a construction contract is silent on this point. This amendment implements recommendation 8 of the Committee's report.

The Bill provides that termination of a contract does not affect the entitlement of a person to submit a final payment claim. It expands the current Security of Payment Act's absolute limit in which a payment claim can be served from three to six months, to align Victoria's legislation with the legislation of several other jurisdictions. The Bill provides that no more than one progress payment claim may be submitted for each month, with certain exceptions.

Creating a clear right to claim release of a performance security

Significantly, the Bill will make it clear that the release of a performance security, such as retention money or a bond or guarantee, provided by contractors' and subcontractors' to ensure the satisfactory completion of their contractual obligations, is a proper subject for claims under the Security of Payment Act and that these claims may also be adjudicated under the Act. This will implement recommendation 9 of the Committee's report.

The Bill sets out the procedures and processes for serving and responding to claims for the release of performance securities given under a construction contract. The Bill also recognises the entitlement of a party holding the benefit of a performance security to have recourse to it. However, the party may do so only after giving at least five business days' notice of the party's intent to exercise that right, which allows the party who provided the security to forestall that action, such as through negotiation or by going to court.

Adjudication of disputed claims and enforcing adjudication determinations

The Bill also improves many of the Security of Payment Act's provisions relating to the process and procedure for adjudicating disputed claims for progress payments and for the release of performance securities. Significantly, the Bill implements recommendations 15 and 16 of the Committee's Report by repealing or

amending provisions in the Act that have allowed respondents to insert new reasons for non-payment of a claim that were not previously identified by the respondent in a payment schedule. This amendment makes it clear that respondents will be given two opportunities to explain, in a payment schedule or in a performance security schedule, the reasons why they are not wholly accepting what is being claimed by a subcontractor. Any reasons not included in a schedule will not be permitted to be raised by a respondent or considered by an adjudicator during an adjudication process. The Bill also gives adjudicators more time to determine adjudicated disputes and gives the parties the chance to give an adequate extension of time for a determination to be made, to facilitate better-reasoned determinations and avoid disputes from 'timing out' if an adjudication is not resolved quickly enough. This amendment implements the Committee's recommendation 17.

Another key amendment is that the Bill will enable adjudicators and other persons presiding over a proceeding to declare that a notice-based time bar provision in a construction contract, after taking into account various matters set out in the Bill, is unfair if compliance with the provision is not reasonably possible or would be unreasonably onerous. The effect of such a declaration is to make the provision of no effect for the purposes of that adjudication or proceeding. The Bill also inserts a power to prescribe in regulations that a type or a class of provision in a construction contract is of no legal effect, which may be in certain prescribed circumstances and may be subject to prescribed exceptions. These amendments will implement the Committee's recommendations 5 and 6.

Finally, the Bill implements the Committee's recommendation 26 to simplify and expedite the process for enforcing unpaid adjudication determinations in court as a judgement debt.

Other amendments

The Bill makes also several miscellaneous amendments to the Security of Payment Act. It will exclude from the definition of 'business day' the period from 22 December to 10 January during which the construction and building industry typically closes for business. This will implement recommendation 4 of the Committee's report. The Bill widens the power of the Minister to make guidelines relating to the authorisation of authorised nominating authorities, which are the businesses that recruit and provide the adjudicators. This will include requiring fee sharing arrangements between an authorised nominating authority and its adjudicators to be made publicly available, as requested in the Committee's recommendation 24.

The Bill also implements recommendation 11 of the Committee's report to expressly require the Commission to take on a greater educational role by providing information and other materials related to the Security of Payment Act to builders and other building practitioners, authorised nominating authorities and adjudicators and to promote the security of payment laws to the construction and building industry generally. Recommendation 20 of the Committee's report is implemented by the Bill by authorising modern methods of service of all notices and other documents, including by email or other electronic means prescribed by regulations.

Section 85(5) of the Constitution Act 1975

Harriet SHING: I wish to make a statement under section 85(5) of the Constitution Act 1975 (Constitution Act) of the reasons for altering or varying that section by the Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025.

Clause 52 of the bill substitutes section 51(1) of the Security of Payment Act to provide that it is the intention of section 46 of the Security of Payment Act, as amended by clause 47 of the bill, to alter or vary section 85 of the Constitution Act.

Section 46 of the Security of Payment Act, as amended by clause 47 of the bill, will provide that an adjudicator is not personally liable for anything done or omitted to be done in good faith in the exercise of a power or the discharge of a duty under the Security of Payment Act or the regulations made under that act, or in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under the Security of Payment Act or the regulations made under that act. The reason for limiting the jurisdiction of the Supreme Court is to encourage appropriately qualified persons to act as adjudicators of disputed claims under the Security of Payment Act and to support their independence and impartiality by providing them with an immunity from civil proceedings where they exercise their statutory powers and discharge their statutory duties in good faith. For this purpose to be achieved it is necessary that the immunity that section 46 provides to adjudicators applies to the Supreme Court.

Clause 52 of the bill also substitutes section 51(2) of the Security of Payment Act to provide that it is the intention of section 28R of the Security of Payment Act, which is substituted by clause 34 of the bill, to alter or vary section 85 of the Constitution Act.

New section 28R will set out a procedure for a claimant, who has been provided with an adjudication certificate under section 28Q of the Security of Payment Act, to file the adjudication certificate as a judgment for a debt due to the claimant in a court of competent jurisdiction for the unpaid portion of an adjudicated amount payable or to be released under section 28M(1) of that act. New section 28R(4) provides that if the respondent commences a proceeding to have the judgment set aside, the respondent is not entitled to commence a cross-claim against the claimant, to raise any defence in relation to matters arising under the construction contract or to challenge the adjudication determination. The reason for this restriction is to provide a timely, streamlined process for enforcing the adjudicated amount as a debt by disallowing certain grounds on which a respondent might otherwise seek to challenge a claimant's action to enforce an adjudication determination. This provision will not prevent a person from bringing separate proceedings under the construction contract to recover any amount allegedly overpaid or underpaid or to have recourse to, or have released, the whole or a part of a performance security. Sections 3(4) and 47 of the Security of Payment Act, the latter of which is amended by clause 48 of the bill, preserve this right.

Incorporated speech continues:

Enable the Commission to approve a code of conduct for plumbers

The Building Act enables the Commission to approve and publish codes of conduct for the various categories of building practitioners. The Commission has utilised this power to create a code of conduct for building surveyors, which has improved their professional accountability.

Registered and licensed plumbers are critical practitioners in the built environment. Plumbing work is directly linked to public health, water services, consumer protection and the structural integrity of Victoria's infrastructure. This Bill will enable the Commission to approve and publish a code of conduct for plumbers.

A code of conduct will establish rules and principles by which all licensed and registered plumbers should operate and will help standardise and regulate plumbers' behaviour. Ensuring professional accountability in the plumbing industry is critical to ensure that Victorian consumers are safe, practitioners operate with integrity, and buildings are safe, sustainable and durable.

Improve building surveyor and building inspector performance through registration reform

The Bill reforms how building surveyors and building inspectors are registered, in response to key recommendations of both the Building Confidence Report by Professor Peter Shergold AC and Ms Bronwyn Weir and the Government's Expert Panel on Building Reform.

Specifically, the Bill establishes two new registration pathways for these categories of practitioners, each grounded in clear and objective competence benchmarks to ensure that, on registration, building surveyors and building inspectors will have the knowledge, skills and experience necessary to successfully perform their authorised work.

Pathway One to registration offers the most efficient route for new entrants who hold the recognised qualifications and practical experience requirements. It aims to avoid the Commission duplicating an assessment of an applicant's competence, which will have already been assessed as part of the applicant having attained the approved prescribed qualifications and the prescribed amount of supervised practical experience. Removal of the duplication of effort will be achieved by aligning these qualifications and practical experience with the competence criteria. This will make the pathway to registration in Victoria more certain, faster and appealing to new entrants.

Pathway Two to registration offers a flexible route for those changing careers, particularly from related building professions. It will enable tailored recognition of prior learning and experience, together with any required 'top up' training to demonstrate an applicant holds the required competence for registration. This pathway is intended to support growth in the supply of registered building surveyors and building inspectors in Victoria.

The Bill also establishes an approvals framework to support implementation of the new pathways to registration. The Commission will be able to approve prescribed qualifications for Pathway One and approve the types of 'top up training' that will assist a person to obtain registration via Pathway Two.

The Commission will also be able to approve appropriately qualified persons to assist it with assessing applications for registration, including advising the Commission whether a prescribed qualification should be approved for the criteria under Pathway One and whether an applicant meets the registration criteria under Pathway One or Pathway Two. This is intended to reduce the regulator's assessment burden and support timely registration decisions, while maintaining assessment quality.

The Commission will be required to approve clear and objective competence standards for registration, which is expected to lift building surveyor and building inspector performance by ensuring these registered practitioners are competent to carry out the work authorised by their registration. After registration, the approved competence standards will also be able to inform practitioner guidance, including practitioner auditing, by serving as a clear and objective measure of practitioner performance. The introduction and integration of these competence standards into the building surveyor and building inspector registration scheme is also expected to speed up registration decision times, especially under Pathway One, as there will be less need for the Commission to reassess an applicant's competence.

Changes to building surveyor information statement requirements

Consistent with the Government's commitment to promote and protect the interests of consumers of building work, the Building Act requires relevant building surveyors to provide their clients with an information statement that clearly details their role and responsibilities under building legislation. This requirement will be brought into effect through supporting regulations.

The Bill improves consumer access to this information by requiring the surveyor to provide the statement to their client at an earlier stage in the building permit process. Minor amendments will bring forward the required stage for giving a statement to no later than 10 business days after the relevant building surveyor applies to the Commission for a building permit number, rather than in relation to when the building permit is issued.

Amend Environment Effects Act 1978 to enable cost recovery fees to be charged

The Bill amends the *Environment Effects Act 1978* to require proponents to pay a prescribed fee for the assessment of an environment effects statement and for other services provided under that Act. The assessment of environment effects statement has been undertaken by the Government with no mechanism to recover any of the cost associated with this critically important assessment process. The ability to recover costs will ensure that the Government can continue to carry out high quality assessments of the environmental impacts of works, in line with Victorians' expectations and the user-pays principal.

The process of prescribing fees in regulations will be subject to a separate, regulatory impact process. The collection of user-pays fees will support a faster assessment of environment effects statement in line with the Government's initiatives to cut red tape and speed up environment effects statement processes as announced in this Government's 2024 Economic Growth Statement – Victoria: Open for Business.

Widen scope of enforcement orders to require native vegetation offsets

The Bill amends the Planning and Environment Act to strengthen the consequences for the illegal removal, destruction or lopping of native vegetation by expressly enabling VCAT, as part of an enforcement order, to require a person take remedial action on 'other land', not only on the land on which the contravention was committed, and to acquire biodiversity offsets on other land.

These amendments will ensure that, if native vegetation has been destroyed or removed without a planning permit or in contravention of the conditions of a planning permit or a section 173 agreement, the vegetation and biodiversity loss can be offset through the planting, protection and regeneration of native vegetation on another site, if that cannot be achieved on the land where the vegetation was destroyed, lopped or removed from, or it can be offset by the acquisition of a native vegetation biodiversity offset on other land. This approach is consistent with the purpose of native vegetation controls in the Victoria Planning Provisions, which seek to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

This amendment will address a long-standing gap in the enforcement of illegal native vegetation removal and will act as a further deterrent to those wishing to remove native vegetation, without first obtaining a permit, by removing the perverse incentive that exists as a result of the current inability for an enforcement order to require the purchase of biodiversity offsets.

The Bill makes various other technical and consequential amendments, including two amendments to the Heritage Act 2017 to exclude requirements to consider emissions reductions targets and the risk arising from climate change under section 12(2A) of the *Planning and Environment Act 1987* when amending or removing

places on the Victorian Heritage Register and when implementing World Heritage Environs Areas and Strategy Plans.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:25): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Mental Health Legislation Amendment Bill 2025

Introduction and first reading

The PRESIDENT (17:25): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Mental Health and Wellbeing Act 2022** in relation to the Mental Health Tribunal, information sharing and other matters, to amend the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997** to abolish the Forensic Leave Panel and to provide for the functions and powers of the Mental Health Tribunal under that Act, to amend the **Freedom of Information Act 1982** in relation to the Mental Health Tribunal, to amend the **Health Services Act 1988** in relation to information sharing 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) (17:26): 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) (17:26): 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 Mental Health Legislation Amendment Bill 2025 (the Bill).

The Bill, as introduced to the Legislative Council, engages the Charter rights to privacy (s 13(a)), freedom of expression (s 15), humane treatment when deprived of liberty (s 22(1)), and recognition and equality before the law (s 8). To the extent that the Bill limits any Charter rights, such limits are reasonable and justifiable in accordance with section 7(2) of the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The objective of the Bill is threefold.

The first is to give the Mental Health Tribunal additional functions which are currently fulfilled by the Forensic Leave Panel. These functions will be undertaken by a new forensic division established within the Mental Health Tribunal. This forensic division will hear applications for limited on ground and limited off-ground leave from forensic patients and residents to enable them to take part in a range of activities in the community to aid their rehabilitation and community reintegration and to hear appeals from forensic patients and residents regarding refusal of special leaves of absence. These applications are made under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (**CMIA**). Further, the forensic division will review decisions of the chief psychiatrist or authorised psychiatrist regarding transfers of forensic patients from one designated mental health service to another, under the Mental Health and Wellbeing Act 2022 (**MHWA**).

The procedures and membership of the Mental Health Tribunal are amended to accommodate its new functions.

The second is to broaden the users of the statewide electronic health information system to enable information sharing reforms recommended by the Final Report of the Royal Commission into Victoria's Mental Health System (see recommendation 62). It also enables the sharing of information between the electronic health information system (established under the MHWA) and the Electronic Patient Health Information Sharing System (**EPHISS**) under the *Health Services Act 1988*.

The third is to provide consequential amendments following from those two objectives, and minor other amendments. These include the amendment of the *Freedom of Information Act 1982* to exempt documents of the Mental Health Tribunal's forensic division related to their quasi-judicial functions; and to clarify that the Mental Health and Wellbeing Commissioner's employees can disclose information for the purpose of preventing serious harm.

Leave Applications by Forensic Patients and Residents

The functions of the Forensic Leave Panel under the CMIA will be moved to the Mental Health Tribunal in the MHWA. These functions are three groups of applications: limited on ground and off-ground leave, reviews of decisions with respect to special leave, and transfers of forensic mental health patients from one designated mental health service to another. Common purposes of leave granted include leave to attend medical or therapeutic appointments; undertake activities of daily living; build or maintain relationships with family and friends in the community; or attend educational, vocational, volunteering, or employment activities.

In considering applications by forensic patients and residents made in accordance with the CMIA, the Mental Health Tribunal is not required to have regard to the mental health and wellbeing principles provided in MHWA.

Freedom of movement

Freedom of movement is not engaged. The Bill streamlines the hearing of applications through the Mental Health Tribunal, and application processes are aimed at reintegration of forensic patients and residents into the community safely and appropriately. The Bill itself does not create limitations on movement but aims to improve the process by which forensic patients and residents' applications for more movement can be considered in a timely manner. Nothing in the Bill makes it more difficult than the current legislation to apply for or be granted leave.

Humane treatment when deprived of liberty

By the Bill, the Mental Health Tribunal is not required to have regard to the mental health and wellbeing principles in the MHWA during leave applications by forensic patients and residents made under the CMIA. These principles were previously not applicable to forensic patients or residents' leave applications and continue to not apply. No right is being taken away. However, the consideration of mental health and wellbeing principles that is required for non-forensic patients under the MHWA is not required for forensic patients or residents in leave applications.

The function of hearing reviews of a decision to transfer a forensic patient to another designated mental health service (under section 574) originates under the MHWA and not under the CMIA. Therefore, the Mental Health Tribunal will continue to be required to consider the mental health and wellbeing principles when hearing reviews under this section.

Further, people who are forensic residents under the CMIA are not subject to provisions in the MHWA. Forensic residents have been found not guilty or unfit to stand trial due to their intellectual disability, not mental illness. In this way the forensic division is distinct from the general and special division of the Mental Health Tribunal as it is required to have special expertise in the field of forensic disability and is not limited to considerations of mental illness.

The forensic division's functions under the CMIA relate to the granting of leave for individuals subject to custodial supervision orders made by a relevant court under the CMIA. This requires a distinct set of considerations for decisionmakers to address any risk that a patient's or resident's leave poses to themselves or the community. To consider the mental health and wellbeing principles would introduce a new decision-making framework which may impact on the outcomes of leave applications from outside of the CMIA. Forensic patients will continue to be provided with a Statement of Rights in Part 2.2, including processes that apply. The application process for leave requires the decisionmaker to consider whether the leave would help the forensic patient or resident's rehabilitation without seriously endangering their safety or the safety of another person.

Under the Charter, the Mental Health Tribunal is still required to treat forensic patients and residents with humanity and with respect for the inherent dignity of the human person. Although the mental health and wellbeing principles are not required to be applied, the Tribunal can still apply them if relevant. In these ways, forensic patients and residents are still procedurally protected against denials of leave that would be inhumane in the context of their supervision order under the CMIA.

Although this right is engaged, the overlapping statutory requirements protect the inherent dignity of forensic patients and forensic residents in leave applications that will now come before the Mental Health Tribunal.

Recognition and equality before the law

By the same token, the exclusion of the mental health and wellbeing principles from consideration in applications for leave by forensic patients and residents treats them unequally compared to applications by other patients before the Mental Health Tribunal heard in the general and special division. This is a limitation on the right to equality.

The limitation on the equal treatment of forensic patients and residents compared to non-forensic patients is justified because, by the fact of being on a custodial supervision order under the CMIA, the forensic patient or resident poses a risk to themselves or to others. The existing decision-making framework is adapted and appropriate to the consideration of leave applications by the forensic division of the Mental Health Tribunal for orders made under the CMIA. These orders are legally different to orders made under the MHWA.

The making of a supervision order already requires a judicial officer to determine that there is "no practical alternative in the circumstances". The other statutory protections, described above, ensure the limitation is only to the extent reasonably necessary. Given the purposes of the CMIA, the least restrictive means available to not disrupt the protective legislative framework of custodial supervision orders is to legislate that the mental health and wellbeing principles are not required to be considered.

Right to privacy

Several sections in the Bill balance forensic patients and residents' right to privacy against the purpose of improving care, mitigating risk of serious harm, and preserving the privacy and confidentiality of other persons or services.

Section 355 of the MHWA requires secrecy over the information relating to a person that could identify that person is extended to forensic patients and residents, with specific exemptions. Breach of this section is an offence, showing the balance between disclosure, sharing, and use of information by authorised professionals for authorised purposes, and the protection of privacy in all other cases.

This is consistent with documents referred to during hearings which may be exempt from disclosure to the applicant for leave in very limited situations of risk of serious harm or disclosure of sensitive or confidential information. The Bill limits the right of access to documents by the applicant only where serious harm might arise to that person or to another person, or where another person's right to privacy or confidentiality is "unreasonably" breached. The limitation of the right of a person to have information relating to their leave application is reasonably justifiable by the need to protect that person, or another person, against risk of serious harm or against an unreasonable breach of another person's right to privacy.

Furthermore, hearings in the forensic decision are closed to the public unless it is in the best interests of the forensic patient or resident, or in the public interest, for the hearing to be open to the public. Again, the section protects the privacy of the forensic patient or resident with only two exceptions, consistently with the existing protections in the CMIA.

The obligations of secrecy in the CMIA relating to applications for leave and transfer continue.

Overall, limitations on the right to privacy arising from the absorption of the former Forensic Leave Panel's functions in determining leave applications into the functions of the Mental Health Tribunal are justified by the need to address the risk of serious harm to a person, or the risk of breach of another person's privacy or confidentiality.

Freedom of expression

Finally, the *Freedom of Information Act 1982* (**FOIA**) is amended to ensure that FOI Act documents from the Mental Health Tribunal if used in quasi-judicial proceedings in the forensic division are not subject to the FOI Act.

Freedom of expression includes the freedom to seek, receive, and impart information and ideas of all kinds, including the right of the public to access information under freedom of information regimes. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

The Forensic Leave Panel is not currently subject to FOI requests. As the functions of the Forensic Leave Panel move to the Mental Health Tribunal these functions would be subject to the FOIA. To maintain equivalent protections, the Bill proposes amending the FOIA so that requests under the FOIA cannot be made regarding documents related to the quasi-judicial functions of the forensic division, held by the Mental Health Tribunal. Administrative documents relating to the operation of the forensic division of the Tribunal are not exempt from the FOIA. There is no substantive change in rights for FOI applicants.

Although the right to freedom of expression may be limited by exempting documents related to quasi-judicial functions of the new forensic division from FOI, s 15 permits lawful restrictions as reasonably necessary to respect the personal rights and reputations of leave applicants. These applicants are part of a population who are frequently stigmatised, and the public attention can be severely detrimental to their recovery and attempts to reintegrate into the community. The purpose of granting leave is to encourage that reintegration. The limitation on the freedom of expression of FOI applicants is justifiably limited by the need to protect leave applicants from public scrutiny that is detrimental to their recovery and reintegration and, by extension, to the community.

Electronic Health Information System

The MHWA has an electronic health information system (**EHIS**) that will continue to enable access, sharing, receipt, and use, of health information for specific legislated purposes. These purposes are: providing mental health and wellbeing services, including integrated care, to the person to whom that information relates; or to permit relevant people to provide authorised services and functions.

The Bill continues to permit disclosure of health information without the consent of a person in the circumstances specified in s 730(2). Those circumstances are broadly that disclosure is permitted where it is: permitted by other law or regulations; for the purposes of exercise of legal functions or delivery of health services; in general terms for family and carers; or for legal proceedings.

For the above, there is no substantive change in rights.

The Bill permits all entities that can collect and use information under the current s 728(2) of the MHWA to also be able to input information into the EHIS, to enable timely updates. The current situation is that only employees or people engaged by a mental health and wellbeing service provider or a prescribed emergency service provider may enter a person's health information into an EHIS.

The Bill broadens the types of entities and people able to collect, access and use information on the EHIS. It permits the prescription of future classes of persons to enter, collect, and use information on the EHIS.

It permits the sharing of information between the EHIS with the EPHISS established under Part 6C of the *Health Services Act 1988*. Both data storage systems were established for the purpose of providing up to date, consolidated patient records and integrated care for people who are receiving or have received mental health and wellbeing services. Generally, information on EHIS will be shared with EPHISS where a person is receiving a health service but reference is required to their mental health record for integrated care. Also generally, information on EPHISS will be shared with EHIS where the person will be receiving mental health and wellbeing services, but the service provider will require access to their health records to provide integrated care. In both directions, the aim of the sharing is for the beneficial purpose of improving quality of care by providing clinicians with better access to persons' medical records held across multiple services to improve patient safety and quality of care.

Shared information will only be accessible where it is used for the purpose of providing integrated care to a person receiving mental health and wellbeing services or health services (as the case may be).

Right to privacy

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. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The amendments in the Bill allow interference with the privacy of persons to whom the MHWA applies. The information is information held by mental health and wellbeing services on people who have accessed mental health care services. Compulsorily transferring this information into the EPHISS without consent or an option to opt-out will engage the right in section 13(a) of the Charter.

I consider the right will be limited. However, the limitation on the right to privacy is justified and proportionate, because the purpose is for more complete and more coherent healthcare provision to people who are generally more vulnerable to complex and chronic health issues. The Bill fits into an existing legislative framework that circumscribes the uses of the information and makes breaches punishable.

The EPHISS is already heavily legislated and regulated. Those amendments were already the subject of Charter considerations. Access, disclosure, and use is only permitted for legislated purposes and by authorised persons, under pain of financial penalties. Access to shared health information is only justified at the point a person receives treatment from a mental health and wellbeing provider or participating health service, and the purposes for collection, disclosure, sharing, and use of the information is to improve medical treatment for the person. Interferences with individuals' privacy that may occur as a result of information in the EHIS being shared with the EPHISS will only be permitted for the purpose of providing healthcare and integrated care, bounded by the statutory purposes listed in Division 3, Part 6C of the *Health Services Act 1988*.

The Bill does not require the collection of new information. It facilitates the transfer of information held in a smaller local system to a central platform that other healthcare providers can use, recognising that mental health patients can have a range of comorbidities that are not just mental health issues. Access to the system is limited to people who need the information to provide that care. Those people already had a legitimate reason to seek the information from the EHIS or from the health service itself. The EPHISS, the central platform, reduces the bureaucracy and delay of accessing this information.

The same reasoning applies to the regulation to permit the prescription of future classes of persons to enter, collect, and use information on the EHIS. The right to privacy is engaged because more people can access, disclose, and use that information, but people can only use it through the processes and for the purposes set out in the MHWA and the *Health Records Act 1999*. The right to privacy is limited, but only for permitted uses and by authorised people.

Otherwise, there is no substantive change to the right to privacy through this Bill. Greater health information upload powers do not substantively change that right. The health information would have been uploaded to the EHIS in any case, and everyone who would need the information because of the Bill could already access the information by directly contacting a service provider. The Bill only removes a layer of bureaucracy.

The Mental Health and Wellbeing Commission's power to disclose information

The MHWA already permits information to be disclosed by the Mental Health and Wellbeing Commissioner if the disclosure is necessary to avoid a serious risk to life, health, safety, or welfare. The Bill permits that disclosure to be made by employees or persons engaged by the Mental Health and Wellbeing Commission, not only the Commissioner.

Right to privacy

The right to privacy is engaged because more people can access, disclose, and use information, including about people, but the Commission's employees or agents can only disclose that information through the processes and for the purposes set out in the MHWA and the *Health Records Act 1999*.

The Bill permits the Mental Health and Wellbeing Commissioner's employees and agents to disclose information if necessary to avoid a serious risk to life, health, safety, or welfare. If information to be shared by an employee or agent is about a person known to the Mental Health and Wellbeing Commission, this power would limit that person's right to privacy. However, this is balanced by the greater importance of protecting life, health, safety or welfare.

Minor Other Amendments

The Bill permits restrictions on the right to communicate, and applications for further treatment orders, to be reviewed by any authorised psychiatrist, not only the psychiatrist who made the original decision. These amendments protect the rights of MHWA patients by increasing the number of psychiatrists who can make decisions about whether to continue limiting their rights to freedom of expression and freedom of movement. Other psychiatrists are already permitted to access the patient's information for the purposes of providing services, so there is no change in substantive rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

The Bill clarifies that a patient's nominated support person expresses the views of the patient in the support person's advocacy, not that the views of the support person should be sought, reflecting the right of the patient to free expression of their views through their advocate.

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) (17:26): I move:

That the bill be now read a second time.

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

Introduction

The Mental Health and Wellbeing Act 2022 delivered on a key recommendation of the Royal Commission into Victoria's Mental Health System. As envisaged by the Royal Commission, the Act:

- promotes good mental health and wellbeing;
- resets the legislative foundation underpinning the mental health and wellbeing system; and
- supports the delivery of services that are responsive to the needs and preferences of Victorians.

The 2022 Act encompasses the broader community sector and wellbeing services to enable a connected and coordinated system where people do not fall through the cracks.

Importantly, the 2022 Act places people at the heart of the system, by putting the views, preferences and values of people living will mental ill-health, including their families, carers and supporters, at the forefront of service design and delivery.

I would like to take this opportunity to acknowledge and thank those who have contributed to the successful implementation of the 2022 Act.

Thank you to our sector partners, including those that developed education and training resources, led engagement activities and worked closely with my department to monitor implementation of the 2022 Act.

I would also like to acknowledge our mental health workforce. The workforce are the backbone of our mental health and wellbeing system, supporting Victorians in their hardest moments. I thank you for continuing to provide Victorians with world-leading mental health and wellbeing services during a time of significant reform and change.

To those with lived and living experience of mental ill health and your family, carers, supporters and kin, thank you for continuing to work in partnership with us to improve mental health and wellbeing outcomes for all Victorians.

By working together, we will continue to build a mental health system where every person feels safe, seen and supported.

As envisioned when the Act was passed in 2022, the Act necessarily requires updating and amendment as the service system evolves following the Act's passage.

The Bill before the House includes amendments to the Act and the *Health Services Act 1988* to enable information sharing reforms set out in recommendation 62 of the Royal Commission.

The Bill also establishes a more streamlined approach to legislative safeguards and processes by transferring the functions of the Forensic Leave Panel to a new Forensic Division of the Mental Health Tribunal.

The Bill includes minor amendments to the *Freedom of Information Act 1982* to exempt documents related to the quasi-judicial function of the new Forensic Division of the Mental Health Tribunal, replicating an existing exemption applying to the Forensic Leave Panel.

The Bill also includes amendments to address some minor and technical matters in the Act, to ensure it operates as intended.

Transfer of functions from Forensic Leave Panel to the Mental Health Tribunal

The Forensic Leave Panel is established under the *Crimes Mental Impairment (Unfitness to be tried) Act 1997* (the CMIA) and determines when forensic patients or forensic residents can access on-ground and limited off-ground leave.

Under this Bill, the Forensic Leave Panel will cease to operate and its role and functions will be transferred to a new Forensic Division of the Mental Health Tribunal.

The Mental Health Tribunal is well placed to take over the functions of the Forensic Leave Panel.

There is overlap in membership and expertise between the Forensic Leave Panel and the Mental Health Tribunal, including psychiatrist and psychologist members with relevant forensic expertise and community members.

From an administrative perspective, the Mental Health Tribunal has well established procedures for scheduling and conducting hearings, issuing determinations and statements of reasons, and has existing relationship with forensic patients at a designated mental service where it already conducts hearings.

I wish to extend my sincere thanks to the members of the Forensic Leave Panel, and express my appreciation to the President of the Panel, Justice Rita Incerti.

Their work upholds the rights and recovery of individuals, safeguards the community, and strengthens the integrity of our justice and our forensic mental health system. We are grateful for the contribution that present and past members of the Panel have made.

Information sharing and electronic health information systems

The Royal Commission recommended the Victorian Government develop, fund and implement modern IT infrastructure for the mental health and wellbeing system, including a new statewide electronic mental health and wellbeing record, a data review, an information exchange, a consumer portal, and a data repository.

The existing mental health IT system, known as the Client Management System / Operational Data Store, or CMI/ODS, is a 30-year-old legacy system with growing structural limitations unable to meet the needs of a reformed and expanded mental health system.

The government committed $64.7 million to support the delivery of this recommendation as part of 2022/23 State Budget and work is now well underway to establish a new, fit for purpose IT system, the Electronic Health Information System, or EHIS.

Once fully realised, the modern, interoperable IT architecture envisaged by the Royal Commission will benefit care teams working across public health services and community based mental health services, such as Mental Health and Wellbeing Locals and Prevention and Recovery Care centres.

It will mean that the right information will be available to the right care provider at the right time, so transfers of care are safer and better coordinated.

Recording information once, in an electronic format, at the point of care, removes our reliance on paper, cuts double entry, and gives staff more time with patients.

For consumers, it will help end the exhausting cycle of repeating medical histories, especially traumatic experiences, because key information follows them where they receive care. It will also empower consumers with access to their information and tools to actively manage their care, to promote and enable shared decision-making.

System wide, it will strengthen performance monitoring and lifts our capability for quality and safety oversight.

With strong privacy, security and governance at its core, this modern architecture will support us to deliver safer, more responsive mental health and integrated care for every Victorian.

Replacing a statewide clinical system is a significant and complex project and will continue in stages until mid-2028. This begins with the reforms enabled by the amendments in this Bill for the new Electronic Health Information System and new Mental Health and Wellbeing Record.

The information collected from the system will support the future establishment of other components of recommendation 62, being the comprehensive data repository and associated clinical registries, as well as a new user-friendly consumer portal that allows consumers to view and share their own information.

The amendments will also allow for secure and protected information exchange between this new system, the Electronic Health Information System, and the Electronic Patient Health Information Sharing System, known as CareSync Exchange, for the purposes of providing integrated care.

Established under the Health Services Act, CareSync Exchange is currently being rolled out across the health sector.

There are a range of legislative and operational safeguards in place to ensure that people's information is safe and secure.

Making sure health information is protected, safe and secure is a priority.

Patient information will be stored in and shared across mental health services in accordance with Victoria's privacy legislation.

The Department of Health will implement strict controls on who can access the systems, for example, through the use of security identity credentials and access management protocols, to make sure that information is protected, safe and secure.

The Department of Health must also ensure that the platforms for sharing remain safe and comply with the Victorian Protective Data Security Standards, which is overseen by the Office of the Information Commissioner. There are penalties for data and privacy breaches for unauthorised access to people's medical records.

Minor and technical amendments

The Forensic Leave Panel is currently exempt from the FOI Act in full.

The Bill amends the *Freedom of Information Act 1982* (FOI Act) to exempt documentation related to the quasi-judicial functions of the new Forensic Division of the Mental Health Tribunal from Freedom of Information applications.

This amendment replicates the existing exemption applying to the Forensic Leave Panel, ensuring the continued protection of sensitive information related to Forensic Leave matters.

The Bill also clarifies the Health Secretary's ability to disclose information held on the Electronic Health Information System to the Coroner, related to an investigation or proceeding under the Coroner's Act.

The Coroner's Court plays a critical role in reviewing incidents and making recommendations to improve the mental health and wellbeing system.

I look forward to continuing to work constructively with stakeholders and all members of this Parliament to continue the evolvement of the statutory framework that not only delivers the Royal Commission's vision but enables the best possible mental health and wellbeing outcomes for all Victorians.

I commend this Bill to the House.

Georgie CROZIER (Southern Metropolitan) (17:27): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Parks and Public Land Legislation Amendment (Central West and Other Matters) Bill 2025

Introduction and first reading

The PRESIDENT (17:27): I have received the following message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Carlton (Recreation Ground) Land Act 1966**, the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Great Ocean Road and Environs Protection Act 2020**, the **Heritage Rivers Act 1992**, the Mineral Resources (Sustainable Development) Act 1990, the National Parks Act 1975 and the **St. Kilda Land Act 1965** 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) (17:28): 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) (17:28): 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 Parks and Public Land Legislation Amendment (Central West and Other Matters) Bill 2025.

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

Overview of the Bill

The Bill:

- creates Mount Buangor, Pyrenees and Wombat-Lerderderg national parks; Cobaw, Hepburn and Mirboo North conservation parks; and Wandong Regional Park
- expands the existing Bendigo Regional Park and several other parks, adds land to the Wimmera Heritage River and revokes several native game sanctuaries
- renames the Yellingbo Landscape Conservation Area, expands the park and provides for riparian management licences
- makes several amendments to improve the operation of the *Great Ocean Road and Environs Protection Act 2020*
- redefines the areas which can be leased at Princes Park and the St Kilda Marina
- makes other miscellaneous and technical amendments, including modernising outdated, gendered references and repealing spent or redundant provisions.

Human rights issues

Section 12 – Freedom of movement

Section 12 of the Charter provides that every person who is lawfully in Victoria has the right to move freely within Victoria. It also provides that, every person has the right to enter and leave Victoria, and the freedom to choose where to live within Victoria. The right to freedom of movement is not an absolute right and may be reasonably limited in certain circumstances, including where it is in the public interest to do so.

Creating new park areas

Part 3 of the Bill (clauses 8 and 10) amends the *Crown Land (Reserves) Act 1978* (CLR Act) and Part 8 (clauses 51, 55, 58, 62, 65, 71, 73, 82 and 87) amends the *National Parks Act 1975* (NP Act) to create new park areas under those Acts. In doing so, new sections 64 and 65 of the CLR Act (to be inserted by clause 7) and new clauses 3, 6, 10, 15, 19, 22, 24, 27, 28, 29, 30 and 31 of Part 2 of Schedule One to the NP Act (to be inserted by clause 114) provide that certain land ceases to be a road when the new park areas are created.

It may be perceived that the creation of new park areas or the cessation of roads may limit the ability of a person to move freely within those areas. However, the relevant provisions simply change the status of the Crown land. They do not create any restrictions on a person moving freely within those areas or within Victoria.

Therefore, the Bill does not limit the right to freedom of movement protected under section 12 of the Charter.

Extending the leasable areas at Princes Park and the St Kilda Marina

Clause 3 of the Bill amends the *Carlton (Recreation Ground) Land Act 1966* (Carlton Act) to extend the leasable land under that Act at Princes Park (Ikon Park) by 203 square metres, and clause 118 amends the *St. Kilda Land Act 1965* (St Kilda Land Act) to extend the leasable land at the St Kilda Marina by 7,526 square metres.

The grant of a lease under those Acts conveys a right to occupy an area to the exclusion of others in accordance with the terms of the lease may be perceived as limiting the right to freedom of movement within the area over which the lease is granted. However, any limitations to the right are minimal as the additional leasable areas are minimal and the land is already subject to developments under leases under the CLR Act. Any restriction on people's movements would be imposed only to the extent necessary to fulfil the purpose of the leases.

Section 19 – Cultural rights

Section 19(2) of the Charter provides that Aboriginal persons should not be denied the right to enjoy their identity and culture, maintain their language or maintain their kinship ties. It also provides that Aboriginal Victorians must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The right is particularly relevant to several provisions of the Bill which will facilitate the granting of Aboriginal title under the *Traditional Owner Settlement Act 2010* over several parks to the Gunaikurnai Land and Waters Aboriginal Corporation and the Taungurung Land and Waters Council in accordance with their recognition and settlement agreements with the State.

The relevant provisions create Wandong Regional Park under the CLR Act (clause 10) and update the plans used in defining Kinglake National Park (clause 84), Avon Wilderness Park (clause 85) and Cathedral Range State Park (clause 86) under the NP Act to provide a suitable basis for Aboriginal title to be granted over the parks.

The right is also relevant to clause 64 of the Bill, which amends the name of Yellingbo Landscape Conservation Area in the NP Act to the Liwik Barring Landscape Conservation Area to reflect an Aboriginal name chosen by the Wurundjeri People.

These aspects of the Bill will therefore promote the cultural rights protected by the Charter.

The right is also relevant to clauses 3 and 118 of the Bill, which extend the areas of leasable land under the Carlton Act and the St. Kilda Land Act (as discussed above in relation to section 12 of the Charter). For the same reasons mentioned in relation to the section 12 rights, granting a lease may limit the ability of Aboriginal persons to continue to enjoy their distinct relationship with the land. However, given that the additional leasable areas in these instances are minimal and the land is already subject to developments under leases under the CLR Act, any limitations are minimal.

Conclusion

I am of the view that the Bill is compatible with the Charter.

Gayle Tierney
Minister for Skills and TAFE
Minister for Water

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:28): I move:

That the bill be now read a second time.

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

The Parks and Public Land Legislation Amendment (Central West and Other Matters) Bill 2025 will amend several public land related Acts. Importantly, it will implement several commitments to create several new park areas in Central West Victoria and at Mirboo North and to expand the opportunities for deer hunting by stalking in 2 existing national parks.

Victoria is home to diverse landscapes, from native grasslands to dense forests, from wild mountain ranges to rugged coastlines. These are important to Victorians from all walks of life and deserve our care to make sure that Victorians today, and in the future, can experience and enjoy them in the ways that they love to.

This Government backs our great outdoors, and we are proud to invest and care for the land that makes Victoria such a great place to live, work and visit. This Government will continue to keep our public land healthy for everyone to enjoy, now and into the future.

In 2019, the Victorian Environmental Assessment Council (VEAC) provided Government with a report on the use of, and care for, public land in Central West Victoria. This is home to 380 rare or threatened species, which rely on Government to ensure their protection. We know that over tens of thousands of years, Aboriginal people have developed enduring and profound connections to Country in this part of Victoria. We also know that residents and visitors now enjoy a whole range of recreational activities here, particularly as more people look for ways to escape their busy lives in our cities.

The Government's response to VEAC's report committed to creating 3 new national parks, 2 new conservation parks and 7 new or expanded regional parks as well as retaining areas of State Forest and creating several nature and other smaller reserves. The Minister for Environment at the time noted the wide-ranging demands on this public land, to not only provide safe homes for our threatened species but also provide more opportunities for Victorians to recreate and connect with nature and their communities. This Bill reflects that need for balance and responds to the needs of the Victorian community and our flora and fauna.

In summary, the Bill will:

- create Mount Buangor, Pyrenees and Wombat-Lerderderg national parks and Cobaw and Hepburn conservation parks, add land to Bendigo Regional Park, extend the Wimmera Heritage River and revoke several native game sanctuaries in Central West Victoria and create Mirboo North Conservation Park in West Gippsland
- enable seasonal recreational deer hunting in parts of the 3 new Central West national parks and Errinundra and Snowy River national parks in East Gippsland

- add land to the Yellingbo Landscape Conservation Area, change its name in the National Parks Act to the Liwik Barring Landscape Conservation Area and provide for riparian management licences in relation to 3 areas
- amend the areas of the existing Alpine, Brisbane Ranges and Dandenong Ranges national parks, Gippsland Lakes Coastal Park and Yallock-Bulluk Marine and Coastal Park
- create Wandong Regional Park and update the plans of several parks to support the granting of Aboriginal title over those areas
- make several improvements to the *Great Ocean Road and Environs Protection Act 2020* (Great Ocean Road Act)
- add small areas at Princes Park and the St Kilda Marina to the land that can be leased under a long-term lease at those sites
- make miscellaneous other amendments and improvements to several Acts, including by replacing gender-specific language and repealing spent provisions.

Enhancing the parks system in Central West Victoria

Victoria has a world-class system of national parks

Nearly 3.5 million hectares of Victoria's natural and cultural heritage are protected in an enviable system of national, state and other parks under the National Parks Act for this and future generations to visit and enjoy. The system aims to protect representative samples of the diverse natural environments occurring on public land and is a cornerstone for nature conservation in Victoria.

The areas protected under the National Parks Act are complemented by several million hectares of State forest as well as regional parks and a suite of smaller reserves. Together, the various land categories provide opportunities for the community to enjoy our precious public land in the ways they want to, including recreational prospecting and hunting. The government supports this broad range of uses across Victoria's public land as a means of encouraging everyone to get outdoors and experience nature, as well as growing regional economies and communities.

Through the creation of the new national parks in this Bill in combination with the cessation of large-scale timber harvesting in Victoria, this government is delivering landmark protections for precious biodiversity and endangered species, providing a lasting legacy for future generations. This largely completes the establishment of Victoria's outstanding system of national parks.

The new Central West national and conservation parks will enhance the parks system

The forests of Central West Victoria, located at the western end of the Great Dividing Range and long home of the Dja Dja Wurrung, Eastern Maar, Taungurung, Wadawurrung and Wurundjeri peoples, contain important natural and cultural values, as well as the headwaters of several major river systems of critical importance to parts of western Victoria. They are a much-loved part of the State, are relatively close to a significant proportion of Victoria's population and are enjoyed by many visitors.

The government acknowledges the close connection of the Traditional Owner groups to the new park areas and the importance of Country to those groups, and it is committed to working with Traditional Owners in the ongoing management of these areas. It also acknowledges the connection which other Victorians have developed in more recent times with these areas and the enjoyment that the community derives from them.

As part of implementing the government's response to VEAC's *Central West Investigation Final Report*, this Bill will create the Mount Buangor (5,265 ha), Pyrenees (15,150 ha) and Wombat-Lerderderg (44,860 ha) national parks and the Cobaw (2,730 ha) and Hepburn (2,530 ha) conservation parks under the National Parks Act.

The new parks are for Victorians to enjoy

National parks are not only about caring for important natural and cultural values; they are also about providing opportunities for the public's enjoyment, recreation and education. Indeed, in 2022–23 national parks and other parks and reserves in Victoria welcomed approximately 90 million visitors, contributing significantly to local and regional economies.

The Central West parks will add to the attractions for visitors to the region and the nearby historic towns, mineral springs and wineries. Activities in the new parks may include walking, picnicking, nature observation, fishing, camping, car touring, 4-wheel driving, trail bike riding, mountain biking, horse riding and dog walking on leads in specified areas.

Seasonal recreational deer hunting by stalking between 1 May and the start of the September school holidays will be permitted in the 3 national parks, other than in the existing Mount Buangor State Park, the existing

Lerderderg State Park and Musk Creek Reference Area (in Wombat-Lerderderg National Park) and the 2 existing nature conservation reserves included in the Pyrenees National Park. This will provide opportunities for deer hunting by stalking during the quieter winter months while aiming to minimise any impact on park visitors during the peak visitor periods.

The addition of Wellsford Forest will enhance Bendigo Regional Park

The Bill will also add the Wellsford Forest (7,100 ha) to Bendigo Regional Park under the *Crown Land (Reserves) Act 1978*. The addition contains significant natural values, including remnant box-ironbark forest and grassy woodland, several large old trees and habitat for threatened species.

Recreational prospecting, dog walking and dog sledding will be permitted as well as picnicking, nature observation, 4-wheel driving, trail bike riding, mountain biking, horse riding and camping. Consistent with the government's response to VEAC's *Central West Investigation Final Report*, domestic firewood collection will be permitted to continue in designated areas until 1 July 2029.

Enhancing the parks system in West Gippsland

The government has accepted a recommendation of the Eminent Panel for Community Engagement in its first report, *Future Use and Management of Mirboo North and Strathbogie Ranges Immediate Protection Areas Final Report*, to create the Mirboo North Conservation Park under the National Parks Act.

This park will protect significant remnant biodiversity values in the western half of the largely cleared Strzelecki Ranges. Recreation activities currently occurring in the area will generally be permitted to continue in the park, including bushwalking, four-wheel driving, trail bike riding, mountain biking, horse riding and dog walking.

Expanding deer hunting opportunities into Errinundra and Snowy River national parks

The Bill will expand the opportunities for seasonal recreational deer hunting (by stalking) into Errinundra and Snowy River national parks in far East Gippsland. This will enable such hunting in these remote parks east of the Snowy River, other than in several reference areas, and subject to conditions to help minimise impacts on other users.

Supporting the granting of Aboriginal title

The Bill will help facilitate the granting of Aboriginal title under the *Traditional Owner Settlement Act 2010* over certain parks in accordance with recognition and settlement agreements between the State and 2 Traditional Owner corporations – in particular, part of Baw Baw National Park and the Avon Wilderness Park in Gunaikurnai Country and Cathedral Range State Park, Wandong Regional Park and parts of Kinglake National Park in Taungurung Country. Following the granting of Aboriginal title, the parks will continue to be managed as parks under the National Parks Act or the Crown Land (Reserves) Act, with no changes to access and current activities for all Victorians.

Before Aboriginal title can be granted, the regional park (850 ha), situated in the forests of the Great Dividing Range east of the Hume Freeway near Wandong, needs to be formally created under the Crown Land (Reserves) Act and the plans defining the boundaries of the existing parks under the National Parks Act updated in line with the current standards of Surveyor-General Victoria so that they are suitable for the granting of Aboriginal title.

Enhancing Yellingbo [Liwik Barring] Landscape Conservation Area

Yellingbo LCA was created under the National Parks Act in 2021 to implement accepted recommendations in VEAC's 2013 *Yellingbo Investigation Final Report*. It currently comprises 7 areas totalling 1,790 hectares in the Yarra Valley and is being established in stages.

The Bill will add 6 further areas totalling 230 hectares to the LCA: Menzies Creek and Woori Yallock Creek nature conservation areas, Britannia Creek, Little Yarra River and McCrae Creek streamside areas and an addition to the existing Yellingbo Nature Conservation Area.

The Bill will also amend the name of the LCA in the National Parks Act to the Aboriginal name proposed by the Wurundjeri People and recorded in the Register of Geographic Names – Liwik Barring (meaning Ancestors' Trail).

The Bill will amend the National Parks Act to enable riparian management licences to be granted to persons whose freehold land adjoins one of the three new streamside areas. The purpose of these licences is to maintain or improve the riparian environment of the area.

Amending the boundaries of several existing parks

The Bill will add land to Brisbane Ranges National Park (14 ha), Gippsland Lakes Coastal Park (12 ha) and Yallock-Bulluk Marine and Coastal Park (80 ha) to enhance those parks.

In relation to the Alpine National Park, and as part of a longer-term strategy where a forested part of the freehold land containing the track would be exchanged for an area of public land and the freehold included in the national park, an area of 87 hectares will be excised from the park. Pending any land exchange, the station owner has agreed to lease the 4-wheel drive access track to the State to enable ongoing visitor access through the freehold into the national park, and the land excised from the park will remain public land.

The Bill will also correct the boundary of Dandenong Ranges National Park (0.4 ha excision) and excise a section of road from Gippsland Lakes Coastal Park.

Extending the long-term leasable areas at Princes Park and St Kilda Marina

The Bill will amend the *Carlton (Recreation Land) Land Act 1966* and the *St. Kilda Land Act 1965* to enable all of the land at Ikon Park and at the St Kilda Marina to be leased under the relevant Act through a single long-term lease. This involves adding very small areas totalling 203 square metres at Princes Park and 0.7 hectares at the St Kilda Marina to the leasable area under those Acts.

Improving the Great Ocean Road Act

The Great Ocean Road Act provides for the establishment and operation of the Great Ocean Road Coast and Parks Authority (the Authority) and the protection of the Great Ocean Road and its environs.

The Bill will make several miscellaneous amendments to improve the operation of the Act, including:

- clarifying several of the Authority's functions
- improving the corporate planning provisions
- clarifying the definition of the 'Great Ocean Road scenic landscapes area' to ensure that relevant areas are not inadvertently excluded
- providing a more flexible approach to considering submissions on any draft strategic framework plan that are not adopted, and clarifying the approval and reporting requirements in relation to any such plan
- providing for the preparation of a land management strategy to provide long-term directions, strategies and priorities for the Authority's land management.

Other amendments

The Bill will also make miscellaneous amendments to several Acts by:

- amending the National Parks Act to enable the Minister to authorise a private water pipeline over part of Hattah-Kulkyne National Park to adjoining freehold land and to grant a reasonable right of access over that park and the Bay of Islands Coastal Park to a person whose land abuts or is surrounded by those parks
- amending the *Forests Act 1958* to clarify the status of some land under that Act
- replacing outdated language in the Crown Land (Reserves) Act and National Parks Act and repealing several spent provisions in those Acts
- repealing the *National Parks (Amendment) Act 1989*, which is now spent.

Conclusion

The Bill strikes the right balance between enhancing the protection afforded to some significant areas of Victoria's natural and cultural heritage and providing opportunities for recreation and connection with nature.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:28): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Statewide Treaty Bill 2025

Introduction and first reading

The PRESIDENT (17:28): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to establish a First Peoples' representative and deliberative body named Gellung Warl, to amend the A**dvancing the Treaty Process with Aboriginal Victorians Act 2018** and the **Treaty Authority and Other Treaty Elements Act 2022**, to consequentially amend 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) (17:29): 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) (17:29): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Statewide Treaty Bill 2025 (the **Bill**).

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

Overview of the Bill

The objects of the Bill are:

- to give effect to the first Statewide Treaty; and
- to provide foundations for ongoing Statewide Treaty-making between Gellung Warl and the State, including to negotiate further functions and powers of Gellung Warl over time; and
- to advance the inherent rights and self-determination of First Peoples; and
- to address the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation and ensure the equal enjoyment of human rights and fundamental freedoms by First Peoples.

The Bill establishes Gellung Warl in the form of a statutory corporation comprising of three arms, being:

- **The First Peoples' Assembly of Victoria (Assembly)**, which is intended to be a self-determined, democratically elected, enduring institution for the political representation of First Peoples;
- **Nginma Ngainga Wara**, which has the purposes of evaluating and monitoring the actions and performance of State government towards achieving State government outcomes directed to First Peoples, implementing recommendations of the Yoorrook Justice Commission, and recommending practical and feasible measures to improve outcomes for First Peoples; and
- **Nyerna Yoorrook Telkuna**, which has the purposes of facilitating truth-telling about historical events, including any continuing impacts, and ongoing healing and reconciliation, collecting information on the impact of colonisation on First Peoples and Victoria's history, and maintaining an archive of truth-telling information.

The Gellung Warl is an evolution of the current First Peoples' Assembly of Victoria Ltd (**FPAV**), which has been a powerful and influential voice for First Peoples in Victoria. The design and structure of the FPAV was driven by First Peoples, via consultations conducted by an Aboriginal Treaty Working Group and the Treaty Advancement Commissioner in 2016–2018. That work led to Australia's first Treaty legislation – the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* – enshrining the State's commitment to pursuing Treaty and the establishment of an independent and democratically elected representative body for First People, the FPAV. The FPAV conducted elections in 2019 and 2023 and has been the representative body for First Peoples in Victoria in the conduct of the Statewide Treaty negotiations which commenced in November 2024.

The Bill makes amendments to the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, the *Treaty Authority and Other Treaty Elements Act 2022* and to other Acts. These amendments give effect to matters negotiated during the Statewide Treaty negotiation process, including the conferral of statutory appointment powers upon the Assembly under the *Heritage Act 2017* and the *Aboriginal Heritage Act 2006*.

The amendments also provide for the application of governance and integrity legislation to Gellung Warl, including the *Independent Broad-based Anti-corruption Act 2011*, *Financial Management Act 1994*, and *Freedom of Information Act 1982*, and confer additional functions on the Treaty Authority that arise from Statewide Treaty.

Human rights issues

The following rights are relevant to the Bill:

- Right to equality (section 8)
- Right to privacy and reputation (section 13)
- Freedom of expression (section 15)
- Taking part in public life (section 18)
- Cultural rights (section 19)
- Property rights (section 20)
- Fair hearing (section 24)
- Protection against double punishment (section 26)

Right to equality

Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (**EO Act**) on the basis of an attribute in section 6 of that Act. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Section 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. Section 8 as a whole is concerned with substantive rather than merely formal equality. This means that any measure taken for the purpose of assisting or advancing a group disadvantaged because of discrimination, such as First Peoples, will not constitute discrimination where it satisfies the test for establishing a special measure. This includes demonstrating that the disadvantage to be targeted by the measure is caused by discrimination, that the measure is reasonably likely to advance or benefit the disadvantaged group, and that it addresses a need and goes no further than is necessary to address that need.

Right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

Right to freedom of expression

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. The right is concerned with a person's internal autonomy, and embraces not only the right to hold an opinion, but also the right not to hold any particular opinion.

Section 15(2) of the Charter 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, or not to express an opinion or impart information. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Right to take part in public life

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Section 18(2) further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors, and to have access, on general terms of equality, to the Victorian public service and public office.

Cultural rights

Section 19(1) of the Charter 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, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The rights in section 19 are intended to protect and promote the cultural, religious, racial and linguistic diversity of Victorian society. The rights are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development.

Section 19(2) is based on article 27 of the ICCPR and authoritative guidance of the United Nations Human Rights Committee extending the understanding of article 27 as protecting the rights of Indigenous peoples. Section 19(2)(d) is also modelled on article 25 of the United Nations Draft Declarations on Indigenous Rights, which later became article 25 of the United Nations Declaration on Indigenous Rights.

Right to property

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

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Penalties and sanctions imposed by professional disciplinary bodies do not usually constitute a form of 'punishment' for the purposes of this right as they are not considered to be punitive.

The establishment and powers of the arms of Gellung Warl: the Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna

Establishment and powers of the Assembly

Part 3 of the Bill establishes the Assembly within Gellung Warl. Clause 16 provides that the Assembly is to be a self-determining and deliberative elected institution for the political representation of First Peoples which remains answerable to First Peoples through its democratic nature and its cultural obligations and responsibilities. Clause 18 sets out the functions of the Assembly, which include representing and making decisions in relation to First Peoples in Victoria, to advocate for their interests, to represent First Peoples in Statewide Treaty negotiations, and to make representations to Parliament, State government, public

authorities and State funded service providers in relation to matters that affect First Peoples, as well as engage in capacity building activities in First Peoples' communities.

Clauses 31–32 of Part 4 of the Bill give the Assembly the power to make substantive rules relating to how First Peoples organisations in Victoria provide certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person. Clause 33 gives the Assembly the power to make internal rules, including its electoral rules.

Part 7 provides for an annual address by the Assembly to a joint sitting of the Legislative Counsel and Legislative Assembly (clause 64) and allows the Assembly to request certain information (clause 69) and give reports to Parliament, with accompanying requirements that relevant Ministers must respond to such reports (clause 74). Clause 66 requires the preparation of a Statement of Treaty compatibility for each Bill introduced into Parliament, which outlines any consultation with and representations made by the Assembly on the Bill and whether the Bill is compatible with the rights and self-determination of First Peoples and addressing the disadvantage experienced by First Peoples.

Part 8 establishes processes to facilitate the making of representations and provision of advice from the Assembly to State government and State-funded service providers. This Part establishes representation meetings between the Assembly and the Cabinet (Division 2), requires hearings and briefings to be held where the Assembly can be informed about and can ask Ministers, Secretaries and the Chief Commissioner of Police questions about the work of their Departments or Victoria Police as relating to First Peoples (Division 3 and Division 5) and allows the Assembly to make submissions to and ask questions of Ministers, authorities and State-funded service providers (Division 4 and Division 7). Division 6 also imposes a requirement on each Secretary and the Chief Commissioner of Police to develop guidelines in consultation with the Assembly.

Establishment and powers of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna

Part 9 establishes Nginma Ngainga Wara and provides that its functions are to evaluate and monitor the performance of State government in achieving outcomes directed to First Peoples and implementing the recommendations of the Yoorrook Justice Commission, to conduct research and inquiries and to make recommendations to the Assembly to improve outcomes for First Peoples (clause 94). Clause 99 provides that Nginma Ngainga Wara is independent from the Assembly. The powers of Nginma Ngainga Wara include the power to conduct inquiries (Part 9, Division 4).

Part 10 establishes Nyerna Yoorrook Telkuna. Clause 121 sets out that its functions are to promote and facilitate ongoing truth-telling, healing and reconciliation, to provide education, conduct research and collect and maintain a historical archive of truth-telling information. Clause 124 provides that Nyerna Yoorrook Telkuna is independent from the Assembly.

Electorate and membership of the Assembly; the capacity to make complaints

Transitional arrangements for first election and initial constitution of the Assembly

Parts 18 and 19 of the Bill make arrangements for transitional elections and the initial constitution of the Assembly. Under those provisions:

- A transitional election will be conducted in accordance with adapted election rules of the FPAV on the basis of the FPAV electoral roll (clauses 192, 194, and 195).
- Under the FPAV election rules a person is only eligible to be registered on the roll if, amongst other things, they are a Victorian Traditional Owner or an Aboriginal or Torres Strait Islander who lives in Victoria (rule 12). A person is only eligible to stand as a candidate if, amongst other things, they are an eligible elector and they are a Victorian Traditional Owner (rule 28);
- On 1 May 2026, the Assembly will be constituted by members elected in the transitional election and the 'transitional reserved members' (clause 203). Transitional reserved members are those people who hold office as a reserved member of the FPAV immediately before 1 May 2026 (clause 201). Under the FPAV Constitution, reserved members of the FPAV are appointed by Traditional Owner Groups in accordance with FPAV Appointment Rules which provide, amongst other things, that only a Victorian Traditional Owner may be a reserved member (rule 8).

Future electorate and membership of Assembly

Clause 17 of the Bill provides for the ongoing establishment of the Assembly and provides that it consists of general members and reserved members. General members are elected in accordance with electoral rules, while reserved members are appointed by a Traditional Owner group in accordance with procedures developed by that Traditional Owner group in accordance with the electoral rules.

Part 6 of the Bill relates to election and appointment of members to the Assembly.

- The Electoral Officer must establish and maintain the electoral role and conduct an election in accordance with the electoral rules (clauses 55 and 56);
- The electoral rules must include, as a minimum, eligibility requirements which include that a person is either a Traditional Owner or is an Aboriginal and Torres Strait Islander person who meets specified residency requirements (Schedule 2, item 5.1);
- Each Traditional Owner group is also entitled to appoint a reserved member in accordance with their procedures and the electoral rules (clause 62).

Clause 21(1) of the Bill provides that a person is qualified to be a member of the Assembly if they meet the requirements set out in the internal rules. Internal rules must include qualifications including, amongst other things, that a person is on the electoral roll and is a Traditional Owner (Schedule 1, item 3.1). Clause 21(2) sets out disqualifications to be a member of the Assembly. Disqualifications are considered further below.

Complaints regarding internal rules and elections

Clause 44(1) of the Bill provides that First Peoples or First Peoples organisations may dispute the validity of an internal rule or a substantive rule made by the Assembly, under section 103 of the *Supreme Court Act 1986*.

Part 15 of the Bill concerns the ability of First Peoples to make complaints about Gellung Warl's fulfilment of its obligations. Clause 166 provides that a complaint may be made about any matter specified in the internal rules, save for electoral complaints. Subsection 166(3) provides that a complaint may be made by any First Peoples individual or any First Peoples organisation that has an interest in the subject matter of the complaint.

Division 3 of Part 15 of the Bill then relates to electoral complaints, with clause 172 providing that an electoral complaint may be made, in the case of a complaint about enrolment or eligibility for enrolment – the person affected by the decision of the Electoral Officer, and in any other case, an eligible elector, which would be a Traditional Owner.

Creation of measures specifically for First Peoples

In the context outlined above, the Bill establishes the following measures only for First Peoples (including Traditional Owners):

- eligibility to be registered on the Gellung Warl electoral roll and be eligible to vote;
- eligibility to stand for election or appointment as a member of the Assembly;
- the ability to dispute the validity of an internal rule or substantive rule;
- the ability to dispute the validity of an election; and
- the ability to make a complaint about Gellung Warl's fulfilment of its obligations.

These measures, exercised and enjoyed by individual First Peoples, enable the measures exercised collectively through the Gellung Warl and its arms to be realised and held to account. Those measures are outlined in detail above.

Right to equality (section 8) and right to take part in public life (section 18(1) and (2)(b))

The differential treatment between First Peoples (particularly Traditional Owners) and Victorians who are not First Peoples engages the right to equality and the right to take part in public life under sections 8 and 18 of the Charter respectively. Section 8(3) provides that every person is equal before the law and has the right to equal and effective protection from discrimination. Section 18(1) of the Charter protects the right of every person in Victoria to participate without discrimination in the conduct of public affairs and section 18(2)(b) of the Charter provides that eligible Victorians have the right to have access without discrimination to public office, on general terms of equality.

I consider that the functions and powers conferred on Gellung Warl and the Assembly by the Bill bring it within the realm of 'public affairs' for the purposes of section 18(1) of the Charter. The Bill confers members of the Assembly with functions, powers and duties to be exercised for public purposes. While 'public office' is not defined in the Charter, I have assumed out of an abundance of caution and in order to undertake the broadest possible assessment of Charter compatibility that members of the Assembly may hold public office for the purposes of section 18(2)(b) of the Charter.

Both the rights to equality and to take part in public life hinge on whether the relevant differential treatment constitutes discrimination as it is defined in the EO Act, being unfavourable treatment on the basis of a protected attribute (direct discrimination), or the imposition of a requirement, condition or practice that has the effect of disadvantaging persons with a protected attribute (indirect discrimination).

In conferring specific eligibility and entitlements on First Peoples, and in enabling the exercise of collective measures through the Gellung Warl, and in particular the Assembly, the Bill might be considered to limit the rights of Victorians who are not First Peoples. Nevertheless, because the Bill creates new measures, and

because the substantive rule-making powers only extend to First Peoples and First Peoples organisations, any limits on rights may be minimal.

I am of the view, however, that any limits on rights resulting from these provisions would not amount to discrimination as they constitute a special measure under section 8(4) of the Charter. This is because their purpose is to support the advancement of First Peoples in order to promote or realise their substantive equality in the enjoyment of all their human rights, by addressing the disadvantage inflicted on them by the historic wrongs and ongoing injustices of colonisation. They constitute a proportionate and justified measure in the context of the gap between outcomes for First Peoples and other Victorians, including in life expectancy, education, and health that has been caused to by the impacts of colonisation in the past, and which continue today.

Accordingly, I am satisfied that the creation of these measures specifically for First Peoples is not discriminatory and therefore does not limit the right to equality or the right to take part in public life under the Charter.

Reasonable limit under section 7(2) of the Charter

However, if it were accepted that the Bill does in fact limit the rights to equality and participation in the public life of Victorians who are not First Peoples, I consider that these limits would be reasonably justified under section 7(2) of the Charter.

The Bill establishes *new* means of participation in public life, and does not impose any limits on other *existing* means of participation in the conduct of public affairs. It does not limit the existing right or opportunity of any person to participate in other aspects of public life.

The purpose of Gellung Warl, including the Assembly, and their role in the Treaty process, is to achieve substantive equality of First Peoples, and it is a significant step in re-framing the relationship between First Peoples and the State. The aim of the Treaty process is to improve outcomes for First Peoples and address the disadvantage created by colonisation, while giving effect to the inherent right of First Peoples to self-determination (and providing a mechanism whereby First Peoples can elect their representatives by way of a process chosen and carried out by First Peoples, which is a key way in which the Bill seeks to promote rights). Any limitation on rights is therefore itself protective of rights, because it advances the rights of First Peoples to equality, participation in public life, and cultural rights and the unique right to self-determination of First Peoples under international law, including under the United Nations Declaration on the Rights of Indigenous Peoples. The purpose of the measures which could lead to any limitation is also intended to benefit the rights of every person in Victoria, through reconciliation and better policy design and outcomes. The establishment of Gellung Warl also recognises the unique status of First Peoples.

The establishment of a self-determinative body for First Peoples that represents Traditional Owners and other First Peoples promotes First Peoples' rights and substantive equality. In my view there is no less restrictive alternative available, as allowing Victorians who are not First Peoples to vote in the election for or to become members of the Assembly, or to hold Gellung Warl to account, would undermine its very purpose and function, which is to be a self-determinative, generative body that reflects Aboriginal Lore, Law and Cultural Authority and the responsibilities of Traditional Owners to Country and to all peoples who are on Country.

In my view, any limits on the rights to equality and to take part in public life of Victorians who are not First Peoples are reasonable and justified under section 7(2) of the Charter.

Differential treatment between Traditional Owners and other Aboriginal and Torres Strait Islander Peoples

Further, in the context above, only Traditional Owners, and not other First Peoples who are not Traditional Owners, are eligible to be appointed or elected as reserved or general members of the Assembly.

Right to equality (section 8), right to take part in public life (section 18(1) and (2)(b)), and cultural rights (section 19)

To the extent that the Bill provides for the unique role of Traditional Owners, and restricts membership of or election to the Assembly to Traditional Owners, I have assumed that the equality rights, the right to take part in public life and cultural rights of First Nations people who are not Traditional Owners may also be engaged in order to undertake the broadest possible assessment of Charter compatibility. As discussed above, the limitation of these first two rights turns on discriminatory treatment. The exclusion of First Nations people who are not Traditional Owners from membership of the Assembly may constitute direct discrimination, being unfavourable treatment on the basis of race, where race includes 'descent or ancestry'. In this context, the restriction on membership of the Assembly is unlikely to constitute a special measure, given its purpose is not to promote or advance equality for Traditional Owners as distinct from other First Peoples. Accordingly, if this restriction did constitute direct discrimination, the equality rights and right to take part in public life of First Peoples who are not Traditional Owners may be limited.

In relation to cultural rights, section 19(2) of the Charter provides that Aboriginal persons must not be denied the right to, amongst other things, maintain their distinctive spiritual, material and economic relationship with the lands and waters and other resources with which they have a connection under traditional laws and customs. Given it is intended that Gellung Warl will be both an expression of Aboriginal culture and a political mechanism that will allow for the exercise and enjoyment of cultural rights, access to Gellung Warl and participation in its work, particularly the Assembly, is relevant to cultural rights under the Charter.

For cultural rights to be limited, a First Nations person must be denied the enjoyment of these rights, which international jurisprudence has found must amount to a 'substantial restriction on enjoyment of culture'. Given the structure of Gellung Warl is self-determined and reflects Aboriginal Law, Lore and Cultural Authority (and more broadly that the Treaty process was a process shared by First Peoples and the State, including the model provided for in the Bill of Gellung Warl, including the Assembly), it is strongly arguable that the restriction placed on membership of the Assembly would not amount to a 'substantial restriction' on rights. It could instead be said that it is a measure that reflects and supports the cultural rights of First Peoples through a democratic process determined by First Peoples, and therefore does not constitute a limit on cultural rights under section 19(2) of the Charter.

Reasonable limit under section 7(2) of the Charter

If, however, the equality rights, right to access public life and cultural rights of First Peoples who are not Traditional Owners are in fact limited by the differential treatment of Traditional Owners in the Bill, I am of the view that these limits are justified in the circumstances under section 7(2) of the Charter. The establishment of Gellung Warl, and the Assembly in particular, provides a formal mechanism through which First Peoples in Victoria will be able to exercise their right to self-determination and provides a means by which First Peoples can raise and address issues relevant to Victorian First Peoples with the State. While there are restrictions on the membership of the Assembly, these matters reflect outcomes negotiated with the FPAV, being the representative and deliberative body with authority to negotiate on behalf of First Peoples with the State. The Assembly is nevertheless answerable to First Peoples through its democratic nature and its cultural obligations and responsibilities.

Further, by confining membership to Traditional Owners, the structure of representation in the Assembly reflects Aboriginal Law, Lore and Cultural Authority, thereby furthering the right to self-determination of First Peoples and in turn maintains public confidence in the integrity and effectiveness of Gellung Warl. In this context, I am of the view there is a direct connection between the limit on rights and its purpose and that there is no less restrictive means reasonably available that would maintain the character of a self-determined, culturally appropriate body.

Accordingly, I am satisfied that any limit on the equality rights, the right to take part in public life and the cultural rights of First Nations people who are not Traditional Owners by their restriction from membership and election to the Assembly, is reasonable and justified under section 7(2) of the Charter.

Other qualifications to be a member of the Assembly, the Nginma Ngainga Wara, the Nyerna Yoorrook Telkuna and suspension or removal from office

Clause 21 of the Bill outlines the qualification criteria to be a member of the First Peoples' Assembly. As noted above, a person is qualified to be a member of the Assembly if the person meets the requirements set out in the internal rules, subject to particular disqualifying criteria set out in clause 21(2)–(3). Clauses 100 and 125 of the Bill provide that a person is not eligible for appointment as a Nginma Ngainga Wara or Nyerna Yoorrook Telkuna member in certain circumstances. The disqualifying criteria set out in these clauses is broadly similar and provide that a person is not qualified to be a member of the Assembly, the Nginma Ngainga Wara or the Nyerna Yoorrook Telkuna if the person:

- holds any of the following public offices or is employed in the following positions (and only in relation to the Assembly is not on leave from and not performing the duties of that office or position):
    - member of Parliament of the Commonwealth or any State or Territory;
    - Ministerial officer, Parliamentary officer or an electorate officer employed by a member of the Commonwealth, or any State or Territory Parliament;
    - Councillor of a Council or a member of Council staff from any State or Territory;
    - member of the Treaty Authority or holds a paid position with the Treaty Authority;
    - CEO of Gellung Warl;
    - member of any of the other two bodies;
    - staff member of or holds a paid position with Gellung Warl; or

- public sector employee of the Commonwealth or any State or Territory;

- is disqualified from managing corporations under Part 2D.6 of the Corporations Act;
- is currently held in prison;
- is subject to an order under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*; or
- has been sentenced to a term of imprisonment for an indictable offence and is subject to a parole order that includes travel restriction condition.

The Bill provides for the suspension of a member of the Assembly (clause 23), of Nginma Ngainga Wara members (clause 101) and Nyerna Yoorrook Telkuna members (clause 126) in accordance with the internal rules, which under Schedule 1 of the Bill, must include the grounds and procedures for suspension, and procedures for suspension where an allegation of misconduct or serious misconduct is made. The Bill also provides for the removal of a member of the Assembly (clause 24), of Nginma Ngainga Wara members (clause 102) and Nyerna Yoorrook Telkuna members (clause 127) in accordance with the internal rules, which under Schedule 1 must include the grounds of removal. Grounds for removal of members of the Assembly must include, relevantly, ceasing to be qualified to be a member (for example, if a member assumes any of the offices or positions above or is sentenced to a term of imprisonment in particular circumstances), being unable to perform the duties of the office or having been found to have engaged in serious misconduct. Grounds for removal of members of Nginma Ngainga Wara or Nyerna Yoorrook Telkuna must include, relevantly, being found to have engaged in serious misconduct, assuming public office or being employed in a position which would make a person ineligible to be appointed to these bodies, being sentenced to certain terms of imprisonment or being currently held in a prison.

Clauses 232–237 of the Bill amend the *Heritage Act 2017* to enable the Assembly to appoint, remove and temporarily suspend a member of the Heritage Council (being the person referred to in section 10(2)(c) of the *Heritage Act 2017*). These provisions are similar to the existing processes for the suspension and removal of other Heritage Council members under Schedule 1 of the *Heritage Act 2017*.

Right to access public office (section 18(2)(b))

The above provisions which disqualify a person from being a member of the Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna or allow for their removal from these positions on the basis of holding another position or public office may limit the right under section 18(2)(b).

The right in section 18(2)(b) will only be limited where the Bill gives rise to 'discrimination', within the meaning of the EO Act as discussed under the equality right above, being direct or indirect discrimination on the basis of protected attributes, which in this case, would be employment activity and political activity.

If it were accepted that the Bill does in fact limit the section 18 rights of persons in these circumstances, then I nevertheless consider that those limits are justifiable as reasonable limits under section 7(2) of the Charter. The exclusion of certain persons who hold political offices (or politically-related offices) or are employed in the specified positions from being eligible to be a member of one these bodies is necessary to ensure the independence and proper functioning of these bodies. Additionally, the exclusion serves to avoid potential conflicts of interests and, in relation to members of the Commonwealth and other Parliaments, other potential legal and practical difficulties.

Right to a fair hearing (section 24)

The provisions governing suspension or removal from the Assembly, Nginma Ngainga Wara, Nyerna Yoorrook Telkuna or the Heritage Council may be relevant to the right to a fair hearing.

The concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests, such as holding professional registration. While recognising the broad scope of section 24(1), the term 'proceeding' and 'party' suggest that section 24(1) was intended to apply only to decision-makers who conduct proceedings with parties. As the administrative decisions at issue here, being a decision to suspend or remove a member of one of these bodies, appear unlikely to involve the conduct of proceedings with parties, there is a question as to whether the right to a fair hearing is engaged.

In any event, if a broad reading of section 24(1) is adopted and it is understood that the fair hearing right is engaged by this Bill, any limitation and its justification will ultimately be determined having regard to the process for suspension or removal set out in the internal rules or adopted by the Assembly in relation to suspension or removal of a Heritage Council member, including whether procedural fairness is afforded to the affected person and any opportunities for review or appeal of the decision. As the Assembly, as part of Gellung Warl, is a public authority for the purposes of the Charter (clause 10(4)), it will be required by section 38 of the Charter to give proper consideration to, and act compatibly with, human rights (including fair hearing rights) in making any suspension or removal decision.

Right not to be tried or punished more than once (section 26)

The nexus between criminal convictions and qualification for membership of and removal as a member of the Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna could engage the right not to be punished more than once for the same offence under section 26 of the Charter.

In my view, however, these limitations on the qualifications of members or prospective members are unlikely to constitute punishment for the purposes of this right. The mere fact that a law operates to impose a detriment on a person does not make it punitive. Rather, the question of whether the imposition of a detriment is properly characterised as punitive will depend upon a range of factors including the nature of the detriment, the criteria by reference to which that detriment is imposed, and the purpose(s) for which the detriment is imposed.

The nature of the detriment in this instance – that is, removal of the ability for a person to qualify or continue as a member of these bodies – is not typically associated with criminal punishment. No conviction flows from this outcome. Further, the nature of the detriment is unlikely to be considered as non-criminal punishment (that is, punishment on a basis other than breach of the criminal law) because these provisions serve a protective rather than punitive purpose: they ensure the integrity and good governance of the Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, and promote public trust and confidence in these bodies and their members. The clause is also of a similar nature and scope to comparable qualification provisions that govern membership of representative bodies. It is limited to matters directly connected to integrity, competency and good governance, and does not extend to circumstances that could be considered arbitrary or punitive, such as disqualification solely on the basis of having low level summary convictions.

Accordingly, as the disqualification and removal from membership to the Assembly, the Nginma Ngainga Wara or the Nyerna Yoorrook Telkuna does not amount to punishment, it will not engage the right against double punishment for the purpose of section 26 of the Charter, and is compatible with the Charter.

Electoral Officer provisions

Clause 231 of the Bill inserts a new Part ('Part 3 – Electoral Officer') into the *Treaty Authority and Other Treaty Elements Act 2022*. New Part 3 governs the appointment of the Electoral Officer by the Treaty Authority (Division 1, Part 3), which potentially engages sections 18 and 26 of the Charter, and also contains provisions authorising the Electoral Officer's access to electoral information in the course of their functions to administer the Gellung Warl electoral roll and conduct elections (Division 2, Part 3), which potentially engages section 13 of the Charter.

Right to access public office (section 18(2)(b))

Clause 20(3) of the proposed Part 3 of the *Treaty Authority and Other Treaty Elements Act 2022* excludes specific people from appointment to be the Electoral Officer. This includes holding particular public offices or being employed in particular positions, similar to those which disqualify a person from being a member of the Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna as outlined above. A person is also not qualified if they are, amongst other things, currently held in a prison or have been sentenced to certain terms of imprisonment. Under clause 20(4) of the proposed Part 3, the office of Electoral Officer will become vacant on grounds including these grounds.

As discussed above, section 18(2)(b) of the Charter provides that eligible Victorians have the right, and are to have the opportunity, without discrimination, to have access, on general terms of equality, to public office. As stated above, I have assumed out of an abundance of caution and in order to undertake the broadest possible assessment of Charter compatibility that the Electoral Officer may hold public office for the purposes of section 18(2)(b) of the Charter.

The right in section 18(2)(b) will only be limited where the Bill gives rise to 'discrimination', within the meaning of the EO Act as discussed under the equality right above, being direct or indirect discrimination on the basis of protected attributes, which in this case, would be employment activity and political activity.

If it were accepted that the Bill does in fact limit the section 18 rights of persons who work in the positions excluded by Part 3 from appointment to be an Electoral Officer, then I nevertheless consider that those limits are justifiable as reasonable limits under section 7(2) of the Charter. The exclusion of certain persons who hold political offices or who are members of First Nations' bodies from appointment as the Electoral Officer is necessary to ensure the integrity of elections and mitigate the risk of bias or perceived bias. Here, any interference with the right to take part of public life is justified insofar as to support the objective of appointing an impartial, apolitical Electoral Officer who can administer fair and democratic electoral processes.

Right not to be tried or punished more than once (section 26)

The nexus between criminal convictions and qualification for appointment or the vacation of the office of the Electoral Officer could engage the right not to be punished more than once for the same offence under section 26 of the Charter.

As noted above, the mere fact that a law operates to impose a detriment on a person (in this case, disqualification from appointment or the vacation of this office) does not make it punitive. As with the provisions in relation to qualification for the membership for the Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna, these proposed provisions pursue non-punitive purposes, including the promotion of integrity and good governance of this office and the protection of public trust and confidence in the Electoral Officer. Therefore I consider that these provisions do not constitute punishment, so will not engage the right against double punishment for the purpose of section 26 of the Charter.

Right to privacy (section 13)

Division 2 of proposed Part 3 authorises the Electoral Officer and persons assisting the Electoral Officer authorised by the Treaty Authority to access electoral information (clause 27, Division 2, Part 3) and the Gellung Warl electoral roll information (clause 28, Division 2, Part 3). The proposed Part also places restrictions on the disclosure of electoral information and Gellung Warl electoral information unless one of the exceptions in clause 29 applies to the Electoral Officer or the person authorised by the Treaty Authority. While the provisions likely interfere with the right to privacy, I consider these interferences to be lawful and not arbitrary.

The information sharing powers are necessary to authorise the Electoral Officer to carry out their functions in administering and conducting elections under the Treaty Authority Act. Section 29 of Part 3 ensures that the sharing of information is only authorised where the receiver is already authorised to access electoral information under Part 3. The prohibition on disclosure without obtaining the requisite authorisation safeguards the right to privacy and supports the integrity of election processes under the *Treaty Authority and Other Treaty Elements Act 2022*.

I consider that these provisions strike an appropriate balance between enabling the Electoral Officer to effectively exercise their functions and powers and protecting the right to privacy of persons of voters to whom the information is attributed. In my view, the information sharing powers are proportionate to the purpose of the limitation and therefore, will not be an arbitrary or unlawful interference with privacy.

Election campaign donation cap

Clause 56 of the Bill provides that the Assembly must make electoral rules in accordance with Part 4 and Schedules 1 and 2 and that an election must be conducted in accordance with these rules. Pursuant to Schedule 2, Item 7.1(a), the electoral rules must specify that all election campaign donations are capped at or below the dollar amount specified by the general cap within the meaning of the *Electoral Act 2002* as indexed under section 217Q of that Act.

Freedom of expression (section 15)

By restricting the donation amount that can be received by a candidate for an election campaign, this cap may limit the right to freedom of expression of donors under section 15(2) of the Charter. However, I consider that this is a lawful restriction which is reasonably necessary to protect public order and the rights of others within the meaning of the internal limitation in section 15(3) of the Charter. The protection of public order is a wide and flexible concept dealing with rights or obligations that facilitate the proper functioning of the rule of law and includes measures for giving effect to peace and good order and public safety. The meaning of protecting the rights of others is similarly broad, not confined to the human rights set out in the Charter and would include restrictions reasonably necessary to protect rights of equal opportunity of political participation.

The purpose of the cap is to prevent corruption and undue influence in the Assembly, which may occur if payments of large sums of money are allowed to be made by way of political donation. Further, the cap also acts to promote equality of opportunity of political participation and may in fact promote freedom of expression by levelling the field of political debate and promoting a more equal dissemination of diverse points of view. Finally, the cap also serves the important purpose of overcoming any perception of corruption or undue influence that may be accompanied by unlimited political donations and so fosters confidence in the integrity of the Assembly. On this basis, I consider the cap on electoral donations required to be included in the electoral rules is reasonably necessary to protect the integrity and proper functioning of the Assembly, as well rights of equal opportunity of political participation in the work of the Assembly.

I consider that Schedule 1, Item 7.1(a) falls within section 15(3) of the Charter and imposes no limitation on the freedom of expression.

Forfeiture of election donations

Clause 58(1) of the Bill provides that if a candidate for election to the Assembly accepts an election campaign donation in a way that is contrary to the electoral rules, an amount equal to the donation amount or the value of the donation is payable by the candidate to Gellung Warl. Clause 58(2) also provides that any amount payable under this section may be recovered by the Chief Executive Officer as a debt due to Gellung Warl in any court of competent jurisdiction.

Right to property (section 20)

By requiring the payment of the donation amount to Gellung Warl and providing that this amount can be recovered as a debt against the candidate, this clause could be considered to deprive a person of their property rights. However, any such deprivation will be 'in accordance with law' and will therefore not limit the Charter right to property. The clause clearly sets out the circumstances in which a candidate will be required to pay the donation amount to Gellung Warl, that is where the acceptance of such a donation is contrary to the electoral rules (clause 58(1)), and the potential consequences of non-payment, being that the candidate may be subject to debt recovery proceedings (clause 58(2)). Although the electoral rules are yet to be made by the Assembly pursuant to clause 56(1) the provisions in Schedule 2 expressly provide the minimum content in respect to conduct in elections (Schedule 2, item 1) and electoral expenditure matters (Schedule 2, item 7). For example, anonymous election campaign donations of or above $1,000 are prohibited (Schedule 2, item 7.1(e)). As such, potential election campaigners can be reasonably expected to know the minimum standards of conduct and expenditure in an election and (when made) the electoral rules ahead of time, and can regulate their conduct accordingly.

Further, any deprivation of property in this context is reasonably necessary to act as a deterrence mechanism to discourage and prevent corruption and undue influence in the Assembly. In turn, compliance with the electoral rules in respect to donations promotes equality of opportunity of political participation and to foster confidence in the integrity of Gellung Warl. In my view, and noting that the property right is not limited, any interference with property rights here is justified so as to support the important objective of ensuring that elections are free, fair and transparent (which is expressly required as a minimum standard of conduct in elections under item 1.1(f) in Schedule 2).

Transfer of property, rights and liabilities of FPAV to Gellung Warl

Part 19 of the Bill contains transitional provisions, some of which concern the transition of the FPAV to Gellung Warl. This includes provisions which allow for the transfer of property, rights and liabilities from FPAV to Gellung Warl, or otherwise vest property, rights and liabilities in Gellung Warl.

Right to property

Clause 210 of the Bill provides that the CEO of FPAV may give the Minister, within the period requested by the Minister, a statement or statements relating to the property, rights and liabilities of the FPAV, and that a statement may allocate to Gellung Warl the property, rights and liabilities of the FPAV. Clause 212 provides that, on the relevant date for an allocation statement, all property and rights of the FPAV that are allocated under that allocation statement vest in Gellung Warl in accordance with the statement, and all liabilities of the FPAV allocated under that allocation statement become liabilities of Gellung Warl in accordance with the statement.

Additionally, clause 213 provides that, on 1 July 2026, all property and rights of FPAV that have not been previously vested or transferred under an allocation statement are vested in Gellung Warl, and all liabilities of the FPAV existing immediately before 1 July 2026, wherever located, become liabilities of Gellung Warl.

Further, where the rights and liabilities of the FPAV under an agreement vest in Gellung Warl then Gellung Warl becomes, on the relevant date for that allocation statement, a party to the agreement in place of the FPAV, and the agreement has effect as if Gellung Warl had always been a party to the agreement (clause 215). This is also the case with instruments, in that clause 216 provides that instruments relating to former FPAV property allocated to Gellung Warl under an allocation statement or vested in Gellung Warl continue to have effect according to their terms on and after the relevant date for that allocation statement as if a reference in the instrument to the FPAV were a reference to Gellung Warl.

The transfer of any of FPAV's property, rights and liabilities to Gellung Warl, including in relation to agreements with third parties, is relevant to the property rights of natural persons who hold an interest in the property or liability transferred. However, the transfer of the property or liability from FPAV to Gellung Warl will not limit the property rights of persons holding the interest, as they are not being deprived of their interest in the property or liability, but rather, the property or liability is transferred without altering the substantive content of that property right or liability.

Insofar as a cause of action in relation to any potential liability held by the FPAV may be considered 'property' within the meaning of section 20 of the Charter, the Bill may engage this right. However, in my opinion, the Bill does not effect a deprivation of property as it does not extinguish any cause of action which a person may have against FPAV. Rather, liability is transferred to Gellung Warl.

Finally, even if the Bill could be considered to deprive a person of property, any such deprivation would be 'in accordance with law' and will therefore not limit the Charter right to property. In particular, the Part 19 clauses of the Bill dealing with the transfer of property, rights and liabilities from the FPAV to the Authority, as outlined above, are drafted in clear and precise terms, and are sufficiently accessible.

Accordingly, I consider that the transfer of FPAV's property, rights and liabilities to the Gellung Warl is compatible with the property rights in section 20 of the Charter.

Information sharing and confidentiality provisions

Part 11 of the Bill contains the information sharing powers of the arms of Gellung Warl. The clauses prescribe the circumstances in which disclosure of restricted information (defined as information that is marked as confidential by the entity or the entity advises is confidential), confidential information (defined as information specified in the internal rules to be confidential) and culturally sensitive or culturally secret information is permitted between the arms of Gellung Warl and between Gellung Warl and external entities.

The sharing of restricted information between the arms of Gellung Warl requires the consent of the entity that is providing the information (clause 131–133). For culturally sensitive or culturally secret information, the information is to be given in accordance with the internal rules (clause 134). Clause 135 of the Bill requires that an entity must not consent to disclosure of restricted information if it would otherwise be prohibited by the Bill or any other Act.

The sharing of culturally sensitive or culturally secret information from Gellung Warl to external entities is not authorised unless the disclosure is made with consent given in accordance with the internal rules (clause 136). The internal rules must include requirements for persons or groups to whom the information is attributed to consent to disclosure or publication of restricted information that is culturally sensitive or culturally secret information (Schedule 1, item 8). Any disclosure of culturally sensitive or culturally secret information to external entities must be accompanied by a copy of the guidelines for handling culturally sensitive or culturally secret information made by the Assembly (clause 137).

The sharing of restricted information or confidential information to external entities is prohibited, unless the disclosure is for a permitted purpose (i.e. in the course of legal proceedings or pursuant to an order of the court or a tribunal; to a law enforcement agency or an integrity agency; or it is permitted, required or authorised under the Bill or any other Act) (clause 138–139).

Clause 140 of the Bill clarifies that nothing in the Bill requires or authorises disclosure to Gellung Warl of information (including personal information and health information) that is protected by confidentiality or privilege, or not otherwise authorised or permitted by any other Act or law.

Right to privacy (section 13(a))

Part 11 of the Bill authorises the sharing of restricted information, confidential information and culturally sensitive or culturally secret information in prescribed circumstances. The clauses likely interfere with the right to privacy, however, I consider these interferences to be lawful and not arbitrary.

While Part 11 generally prohibits the disclosure of information without obtaining the appropriate consent, clauses 136(2) and 139 permit disclosure to certain organisations for permitted purposes, such as courts and tribunals and law enforcement or integrity agencies. The exceptions are confined to circumstances where there are legitimate public interest reasons to disclose information, in addition to ensuring compliance with other Victorian laws. I consider that the public interest in certain organisations obtaining relevant information substantially outweighs the public interest in protecting the right to privacy.

Absent any exception, Part 11 of the Bill ensures that the sharing of information is only authorised where consent has been given by the entity providing the information, and for culturally sensitive or culturally secret information, where consent has been given in accordance with the internal rules. The internal rules must include certain minimum requirements, which include a process whereby persons or groups who provide information to the entities can nominate whether the information is culturally sensitive or culturally secrets (Schedule 1, item 8). Any information which has been marked as restricted, confidential or culturally sensitive or culturally secret will then be subject to the disclosure requirements in Part 11 of the Bill. The prohibition on disclosure without obtaining the requisite consent safeguards the right to privacy and supports Indigenous Data Sovereignty and First Peoples' self-determination over the collection, use and disclosure of their information. I consider that these clauses strike an appropriate balance between enabling Gellung Warl and its arms to effectively exercise their functions and powers and protecting the right to privacy of persons or groups to whom the information is attributed. In my view, the information sharing powers are proportionate to the purpose of the limitation and therefore, will not be an arbitrary or unlawful interference with privacy.

Inquiries and research

The Nginma Ngainga Wara's functions include the power to conduct inquiries and to conduct research (clause 94). Clause 106 of the Bill provides that the Nginma Ngainga Wara may conduct an inquiry in any manner it considers fit, including receiving submissions from any person or body and inviting any person or body to appear or otherwise participate in the inquiry. Clause 107 authorises the Nginma Ngainga Wara to request a Minister or an agency head or an agency to give the Nginma Ngainga Wara any information or any

document that Nginma Ngainga Wara is reasonably satisfied is relevant to the subject matter of the inquiry. Clause 109 requires the Nginma Ngainga Wara to give a report of the inquiry to the Assembly.

The Nginma Ngainga Wara may, on its own initiative or in response to a referral from the Assembly, conduct research on any matter listed at clause 111(1) of the Bill. The Nginma Ngainga Wara may, on its own initiative or at the request of the Assembly, give a report of its research activities or its ongoing evaluation and monitoring activities to the Assembly (clauses 110 and 112).

The Nginma Ngainga Wara may, in accordance with clause 113 of the Bill, refer a matter, including a matter relating to an individual, to a person or body specified in Schedule 4 (e.g. Chief Commissioner of Police; Commission for Children and Young People).

Clause 114 provides that the Nginma Ngainga Wara and an agency may make an agreement that permits the agency to give de-identified data to the Nginma Ngainga Wara for the purposes of conducting monitoring and evaluation, research or an inquiry.

The Nginma Ngainga Wara must not publish a report of an inquiry, a monitoring report or a research report or give it to any person other than the Assembly (clause 115). The Assembly may publish any report of an inquiry, monitoring report or research report, but must not publish it if the Nginma Ngainga Wara has notified the Assembly it is not to be published (clause 116(1) and (2)). The Assembly must not publish any restricted Nginma Ngainga Wara information or culturally sensitive or culturally secret information without obtaining the requisite consent of the person, group or entity who provided the information (clause 116(3) and (4)).

Right to privacy (section 13(a))

The inquiries and research functions of the Nginma Ngainga Wara may involve the collection, use and disclosure of personal, health and sensitive information of persons or groups participating in the inquiries or research. While these clauses may interfere with the right to privacy, I do not consider these interferences to be unlawful or arbitrary.

The gathering of information is necessary to allow Nginma Ngainga Wara to reach meaningful findings in its inquiries and research, and to assist Nginma Ngainga Wara to operate as an effective First Nations-led accountability body. I consider any interference occasioned by these clauses is not arbitrary given that the scope of the inquiries and research powers are appropriately prescribed and proportionate to the legitimate aims of the Bill. For instance, the clauses do not authorise Nginma Ngainga Wara to compel a person or group to participate in an inquiry or to contribute to research. If persons or groups decide to participate in an inquiry or contribute to research, the person or group to whom the information is attributed can elect to classify the information as culturally sensitive or culturally secret in accordance with the internal rules. The disclosure of any culturally sensitive or culturally secret information or restricted information which has been marked as confidential must comply with the information sharing framework in Part 11 of the Bill.

Nginma Ngainga Wara is also prohibited from disclosing an inquiry, research or evaluation and monitoring report to any person other than the Assembly, and inquiry reports are exempt from the FOI Act (clause 141). The Assembly is not subject to any publication requirement, but if it decides to publish a report, it must comply with the publication requirements at clause 116 of the Bill, including obtaining the consent of the person, group or entity who provided the information if the information is restricted or culturally sensitive or culturally secret information. These powers go no further than is necessary to enable Nginma Ngainga Wara to exercise its functions.

In relation to de-identified data agreements, I consider that the procedural safeguards provided for in the Bill ensure compatibility with the right to privacy. The requirement that the data is de-identified ensures that the data no longer relates to an identifiable individual or an individual who can be reasonably identified. The de-identified data agreement must also specify the type of de-identified data to be provided and specify the purpose for which the de-identified data is to be provided.

Accordingly, I consider these clauses strike an appropriate balance between protecting the privacy of persons or groups who contribute to inquiries or research and ensuring that Nginma Ngainga Wara has sufficient information to perform its functions. In my view, the powers relating to the collection, use and disclosure of information are proportionate to the purpose of the limitation and therefore will not be an arbitrary or unlawful interference with privacy. The Nginma Ngainga Wara's referral powers may require the divulging of information to other persons or bodies that would otherwise be private in nature. The referral of individual complaints or matters that the Nginma Ngainga Wara becomes aware of as it performs its functions is important to ensure matters are dealt with by other oversight and integrity bodies that have the requisite functions and powers for investigation. As discussed, the Nginma Ngainga Wara is not authorised to compel the disclosure of information from persons or groups who may be the subject of matters referred under clause 113 of the Bill. Further, the other oversight and integrity bodies listed at Schedule 4 must handle matters in accordance with their own governing legislation, thus attracting additional procedural safeguards to protect

the privacy of persons or groups to whom information may be attributed. As such, I consider that any interference with the right to privacy will not be an arbitrary or unlawful interference.

Truth-telling information

Nyerna Yoorrook Telkuna's functions include receiving and collecting truth-telling information about historical events, holding an archive of truth-telling information and publishing material contained in the archive (clause 121(b) and (c)).

Clause 128 of the Bill provides that Nyerna Yoorrook Telkuna may collect and hold personal information in accordance with the internal rules. Nyerna Yoorrook Telkuna may publish information in accordance with the internal rules, but Nyerna Yoorrook Telkuna must not publish any restricted or culturally sensitive or culturally secret information without obtaining consent in accordance with the Bill and the internal rules, or publish any information that is not otherwise permitted to be published under any other Act (clause 129).

Right to privacy (section 13(a))

The clauses may interfere with the privacy rights of the person or group to whom the information is attributed, however, I consider any interference is not unlawful or arbitrary.

The clauses of the Bill are necessary to enable Nyerna Yoorrook Telkuna to perform its functions. Without the ability to collect, archive and publish information, Nyerna Yoorrook Telkuna will not be able to facilitate truth-telling about historical events, including any continuing impacts, and ongoing health and reconciliation. Any interference with the right to privacy will be prescribed by law, and Part 11 of the Bill otherwise prohibits the disclosure of restricted information which has been marked as confidential or culturally sensitive or culturally secret information without obtaining consent in accordance with the Bill and the internal rules. Therefore, as any interference with privacy will be authorised under legislation and is subject to appropriate safeguards, I consider the clauses are proportionate to the purpose of the limitation and do not amount to an unlawful or arbitrary interference with privacy.

Disclosure of information to the Treaty Authority by IBAC or Ombudsman

Clause 264 of the Bill amends the *Independent Broad-based Anti-corruption Commission Act 2011* (**IBAC Act**) to authorise the disclosure or provision of information by the Independent Broad-based Anti-corruption Commission (**IBAC**) to the Treaty Authority. Clause 278 of the Bill similarly amends the *Ombudsman Act 1973* (**Ombudsman Act**) to provide for the disclosure of information by the Ombudsman to the Treaty Authority.

Right to privacy (section 13(a))

The amendments to the IBAC Act and the Ombudsman Act may involve the disclosure of personal, health and sensitive information gathered for the purposes of an IBAC or Ombudsman investigation. While the sharing of this information may interfere with the right to privacy, I consider these interferences to be lawful and not arbitrary.

The gathering of information is necessary for the Treaty Authority to exercise its duties and functions effectively. The relevant provisions of the IBAC Act and the Ombudsman Act limit the sharing of information to circumstances where the IBAC and the Ombudsman are satisfied that the information is relevant to the performance of the duties and functions of the Treaty Authority. For instance, the IBAC or the Ombudsman may share information with the Treaty Authority if satisfied that the information is relevant to the Treaty Authority's handling of an electoral complaint made under Part 15 of the Bill. The sharing of information is subject to further limitations, including that information must not be disclosed to the Treaty Authority if the information would likely lead to the identification of a person who made an assessable disclosure under the IBAC Act or the Ombudsman Act. Given the procedural safeguards on the sharing of information, I consider that the powers go no further than is necessary to enable the Treaty Authority to exercise its functions, and therefore any interference with the right to privacy is lawful and not arbitrary.

Amendment of the Public Interest Disclosure Act 2012

Clauses 287 and 258 of the Bill amend the *Public Interest Disclosure Act 2012* (**PID Act**) to provide for the making of public interest disclosures relating to Gellung Warl, an Assembly member, a Nyerna Yoorrook Telkuna member, a Nginma Ngainga Wara member or a Gellung Warl staff member.

Right to privacy (section 13(a))

The amendments to the PID Act may require the divulging of information about persons or groups that would otherwise be private in nature, thus engaging the right to privacy. However, any impacts on the right to privacy are not arbitrary or unlawful and can be balanced against the need to ensure the transparent and accountable operation of Gellung Warl, the integrity of Gellung Warl's decision-making and the prevention of the misuse of public positions. The role of public bodies and public officers are roles to which special duties and responsibilities attach, and in this regard there is a reduced expectation of privacy with regards to this type of

information. Further, disclosures under the PID Act are subject to certain safeguards to ensure the proper assessment and, where necessary, investigation of disclosures. To the extent that disclosure about Gellung Warl, a member, or a staff member will interfere with privacy, any such interference will be lawful and not arbitrary, and will therefore be compatible with the right to privacy.

Changes to the freedom of information regime

Clause 242 of the Bill amends the *Freedom of Information Act 1982* (**FOI Act**) to provide that Gellung Warl is subject to the FOI Act and that the Chairperson of the Assembly must fulfil the same responsibilities as a responsible Minister of an agency.

Clause 243 of the Bill amends the FOI Act to require that Gellung Warl publish information about its structure, functions and the types of documents it holds in accordance with section 7 of the FOI Act. Clause 245 of the Bill exempts Gellung Warl from the operation of section 11 of the FOI Act, which requires agencies to publicly list the documents that it holds.

The Bill introduces new exemptions from the FOI Act for the following documents:

- restricted Nginma Ngainga Wara information (clause 141);
- a report of an Nginma Ngainga Wara inquiry under Division 4 of Part 9 of the Bill (clause 141);
- documents containing Treaty negotiations information (clause 250; new section 32A of the FOI Act);
- documents containing culturally sensitive information or culturally secret information (clause 250; new section 32B of the FOI Act);
- documents containing Assembly consensus meeting information (clause 250; new section 32C of the FOI Act); and
- documents, or copies or drafts of, or containing extracts from, that are relevant to representation meetings under Division 2 of Part 8 of the Bill and which clause 79 of the Bill designates as subject to Cabinet confidentiality (other than a document by which a decision of the Cabinet was officially published) (clause 249; new section 28(4) of the FOI Act).

Freedom of expression (section 15)

These exemptions restrict access to documents which may otherwise be accessible to the public through the freedom of information scheme and so may limit the right to freedom of expression under section 15(2) of the Charter. However, I consider that this is a lawful restriction which is reasonably necessary to protect public order and the rights of others, including restrictions reasonably necessary to protect right to privacy, reputation and cultural rights, within the meaning of the internal limitation in section 15(3) of the Charter.

One of the functions of Nginma Ngainga Wara is to conduct inquiries. The purpose of exempting a report of an inquiry under Division 4 of Part 9 of the Bill is to protect the integrity of the inquiry process, and to protect the privacy of those who provide information to the inquiry. The exemption ensures that inquiries can operate effectively and without the danger that sensitive information will be publicly released. I consider that the restriction on section 15(2) is tailored to this purpose and reasonably necessary to encourage frank disclosure and meaningful findings by Nginma Ngainga Wara, ultimately protecting public order and the right to privacy.

The purpose of the exclusion of documents relating to Treaty negotiations, representation meetings and consensus meetings is to ensure frank and candid disclosures during participation in negotiations and meetings. The exemptions also protect the principle of collective decision-making and responsibility by ensuring that State representatives and members of Gellung Warl and its arms can freely discuss and debate matters without fear of premature disclosure. The exemptions for consensus meeting and representation meeting documents cease to apply to a document brought into existence after 1 July 2026 when a period of 10 years has elapsed since the last day of the year in which the document came into existence (clauses 249 and 250). The exemptions do not apply to consensus meeting and representation meeting documents that contain purely statistical, technical or scientific material unless disclosure of the document would involve disclosure of any deliberation or decision of the Cabinet or content or subject of any meeting (clauses 249 and 250). The exemptions go no further than is necessary to uphold the deliberative processes of Gellung Warl and its arms. I consider that the clauses strike an appropriate balance between protecting the right to freedom of expression through the freedom of information scheme while ensuring that Gellung Warl and its arms can exercise their powers and functions effectively.

Clause 4 of the Bill defines 'culturally sensitive or culturally secret information' as information that the individual or group providing it advises is culturally sensitive or culturally secret information, or alternatively, information that is determined to be culturally sensitive or culturally secret information in accordance with the internal rules. The purpose of excluding these documents from possible disclosure is to protect the privacy

and cultural rights of individuals and groups who provide culturally sensitive or culturally secret information to Gellung Warl and its arms. I consider this exemption reasonably necessary to ensure that persons are not discouraged from candidly providing information and disclosing all possible documents, thereby protecting the right to privacy and cultural rights.

For these reasons, I consider the amendments to the FOI Act fall within section 15(3) of the Charter and impose no limitation on the freedom of expression.

Amendments to the Public Records Act 1973

Clause 293 of the Bill amends the *Public Records Act 1973* (**PR Act**) to introduce a new exemption for records required to be transferred from Gellung Warl to the Public Record Office that the Assembly Chairperson is of the opinion contain matters of such a private or personal nature that they should not be open for public inspection. Clause 263 of the Bill amends the PR Act to provide that the Assembly Chairperson may declare that the records shall not be available for public inspection for a period of not more than 30 years after the date of their transfer to the Public Record Office.

Clause 297 of the Bill amends the PR Act to exempt a record that is beneficially owned by Gellung Warl from the operation of section 16 of the PR Act. Section 16 of the PR Act authorises the Minister to declare that a record is a prescribed record for the purposes of the PR Act if satisfied that:

- it would be a public record but for the fact that it is beneficially owned by a person or body other than the Crown or a public office;
- it is of historic significance to Victoria; and
- should be preserved by the State.

Freedom of expression (section 15)

The amendments to the PR Act may restrict access to documents which may otherwise be accessible to the public, thereby limiting the right to freedom of expression under section 15(2) of the Charter. However, I consider any restriction to be lawful and reasonably necessary to protect the rights of others within the meaning of the internal limitation in section 15(3) of the Charter.

The purpose of excluding records that, in the opinion of the Assembly Chairperson, contain matters of such a private or personal nature that they should not be open for public inspection is to protect the privacy and reputation of those who provide information to Gellung Warl. The scope of the exemption mirrors the already existing exemption at section 9 of the PR Act for records required to be transferred from other public offices to the Public Record Office. I consider the exemption introduced by the Bill to be reasonably necessary to protect the rights to privacy and reputation of those who disclose information to Gellung Warl in the performance of its functions.

The purpose of the exemption of a record that is beneficially owned by Gellung Warl from the operation of section 16 of the PR Act is to support Indigenous Data Sovereignty and First Peoples' self-determination over culturally sensitive or culturally secret information. I consider the exemption to be reasonably necessary to promote this purpose, thus protecting the right to privacy and the cultural rights of persons and groups who disclose information to Gellung Warl.

I consider the amendments to the PR Act fall within section 15(3) of the Charter and impose no limitation on the freedom of expression.

The Hon. Lizzie Blandthorn
Minister for Children
Minister for Disability

Second reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:29): I move:

That the bill be now read a second time.

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

Acknowledgement and overview

I acknowledge the Traditional Owners and custodians of the land on which this Parliament stands, the Wurundjeri Woi Wurrung People of the Kulin Nations.

I pay my respects to their Elders past and present and to all Traditional Owners and First Peoples across Victoria and their Elders.

I acknowledge the First Peoples who are with us today in this Parliament and who are watching this sitting from elsewhere.

I acknowledge the generations of advocacy by First Peoples which has led to this moment.

First Peoples have an unbroken relationship to the lands and waters we now call Victoria.

They have practiced their laws, customs and languages, and they have nurtured Country through their spiritual, material and economic connections to land, water and resources.

This place holds the oldest living cultures on Earth – a fact that we uphold with pride through Treaty.

I also want to acknowledge and pay respects to the members and co-chairs of the First Peoples' Assembly of Victoria, and to all of the past members and co-chairs, and to their Elders.

The First People's Assembly of Victoria is the independent, elected representative body for First Peoples in Victoria and carries the collective strength of First Peoples communities as an expression of their inherent right to self-determination.

Since 2019, the First People's Assembly of Victoria has partnered with us on our journey towards Treaty.

I want to thank the First People's Assembly of Victoria for the trust they have shown in undertaking this journey with us towards the first Treaty in Australia's history.

I also want to acknowledge the Treaty Authority and its members for their role in ensuring a fair negotiations process and supporting the Parties to reach this historic outcome.

I want to acknowledge the work of the Yoorrook Justice Commission, Australia's first formal truth-telling commission.

I am proud to be the first Premier in Australia's history to sit before a truth-telling inquiry.

The Yoorrook Justice Commission undertook the complex task of bringing together stories from across Victoria to form the findings and recommendations in the 'Truth be Told' report – laying bare the effects of colonisation on First Peoples in Victoria.

First Peoples have long experienced and told us of this truth, but for many Victorians 'Truth be Told' is the first time they have heard the true story of colonisation and its impact.

'Truth be Told' makes clear that the gap between outcomes for First Peoples and other Victorians, in life expectancy, in education, in health and in all other areas has been caused by the impacts of colonisation which continue today.

Finally, I thank the Victorian people for coming with us on this journey.

Treaty is in your name, too, and it benefits us all.

At its heart is a practical purpose and a simple principle: all families are better off when they have responsibility over their lives, their future and the things that affect them.

Aboriginal families are no different.

Treaty makes sense because it gives Aboriginal people a say in how their services are run.

Our first Treaty sets clear rules to achieve real, practical change over time.

Treaty doesn't take anything away from anyone.

It's about improving people's lives and giving everyone a better future.

We all are united in wanting that better future – one that is just, fair and equitable for all Victorians, including First Peoples, one where the gap between First Peoples and other Victorians has been closed.

Achieving this involves change, and we achieve this change together through Treaty.

In standing together to support this Treaty today we commit to listening to and learning from First Peoples – affirming the inherent right of First Peoples to self-determination and upholding their ability to make decisions for their people, communities and Country.

We commit to upholding the promises we have made and closing the gap between First Peoples and other Victorians.

Treaty makes the changes necessary so that the State hears from First Peoples on matters that affect them.

Treaty will support a new future where First Peoples design and deliver practical solutions to improve outcomes by doing what works for their communities.

Treaty is a new beginning - resetting the relationship between First Peoples and the State to create a better future together for generations to come.

Path to Treaty

In Victoria, the State has been on the path to Truth and Treaty for nearly a decade.

Over this time, we have laid strong foundations.

We have passed the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022 which provide the foundations of the Victorian Treaty process, underpinning how Treaty is negotiated.

Alongside the Assembly, we have agreed the Treaty Negotiation Framework, which sets out the rules for both Statewide and Traditional Owner Treaty negotiations.

We have established the Treaty Authority to act as the independent umpire overseeing negotiations.

The Treaty Authority is responsible for ensuring the integrity of the Treaty process for all Victorians and that parties follow the rules set out in the Treaty Negotiation Framework.

Since the opening of Statewide Treaty negotiations in November last year, the Assembly and the State have been engaged in negotiations on the content and form of the first Statewide Treaty and the Statewide Treaty Bill 2025.

Negotiations have focused on how Treaty can provide practical solutions, improve the way that First Peoples interact with the State and empower First Peoples communities through upholding their inherent right to self-determination.

The Statewide Treaty Bill 2025 is a landmark piece of legislation in this country, but not this world.

Other comparable nations, such as Canada, New Zealand and the United States, all have a treaty of some kind with their Indigenous peoples.

Despite generations of advocacy from First Peoples and the wider Australian population, Australia has remained an outlier.

Today, I am proud to introduce to Parliament the Statewide Treaty Bill 2025.

In passing this historic Bill we will lead Australia, take a step closer to righting the wrongs of the past and building a better future for all Victorians.

Establishment of Gellung Warl

The Assembly has brought First Peoples and Traditional Owner groups in Victoria together.

The Bill builds on the proven success of the Assembly, evolving the Assembly into Gellung Warl (gullungwarl) - an ongoing representative body for First Peoples – to continue the work of the Assembly to date.

Gellung Warl comes from the Gunaikurnai language.

Gellung Warl will have governance, oversight and decision-making powers in relation to First Peoples' matters.

In its new form it will interact more closely with Victoria's existing parliamentary and democratic structures and will take on greater powers and responsibilities.

Gellung Warl will provide advice and information to the Victorian Parliament and Victorian Government, make specific decisions in relation to First Peoples' matters and ensure the government is held accountable for its commitments to First Peoples.

It will also support Victoria's continuing journey towards understanding its past by supporting ongoing truth and healing within the Victorian community.

The Bill establishes Gellung Warl to have separate offices to serve these advisory and determinative, accountability and truth-telling functions.

Those offices, as well as other terms in the Bill, have been given names in the languages of First Peoples.

Use of First Nations language is a practical way we can show respect.

Gellung Warl will lead the renewed relationship with the State created by Treaty.

Working with the State, it will use its functions and powers to action Statewide Treaty reforms – the practical outcomes set out in the Statewide Treaty.

Gellung Warl will support the strengthening of Victoria's Curriculum – helping to build resources for students from Foundation to Year 10 to teach our children about the shared history of our State, as recorded by the Yoorrook Justice Commission.

Gellung Warl will propose names for National and State parks, and waterways and waterfalls on State land, increasing the use of traditional place names and First Nations languages.

Gellung Warl will also take on responsibility for outcomes which currently sit with the State.

It will operate a First Peoples' Infrastructure Fund, to ensure that Aboriginal Community-Controlled Organisations have the infrastructure they need to provide crucial services for First Peoples Communities.

It will also lead Victoria in the celebration of First Peoples excellence, delivering the Victorian Aboriginal Honour Roll, the Victorian Aboriginal Remembrance Service, the Ricci Marks Awards and funding the Victorian NAIDOC Week events.

Gellung Warl will be established as a statutory corporation and sit within the architecture of our existing democratic structures.

The Bill aims to build a collaborative and solutions-focussed relationship between the State and Gellung Warl.

Gellung Warl will not have coercive powers, or powers to veto policy or legislation.

The Bill obliges both the State and Gellung Warl to act in good faith towards each other in relation to the discharge of Gellung Warl's powers and functions.

The Bill aims to facilitate a renewed relationship, focussed on the shared goal of achieving better outcomes.

First Peoples' Assembly of Victoria

Gellung Warl will have a chamber of democratically elected representatives, mirroring the Assembly's existing structure.

Acknowledging the successes of the Assembly, and to provide continuity between the existing Assembly structure and the entity created by this Bill, these elected and appointed representatives will continue to be known as the First Peoples' Assembly of Victoria.

The Assembly will be the main decision making and operative arm of Gellung Warl and will make rules about how Gellung Warl operates.

The Bill provides minimum content to be included in those rules.

This unique structure provides community with certainty about the good governance of Gellung Warl while allowing Gellung Warl to determine its own practices and meet cultural obligations.

The Assembly will be able to provide advice and information to the Government, putting First Peoples' views and concerns directly to the Members of Parliament.

It will provide a yearly address to a joint sitting of Parliament about matters that affect First Peoples.

Additionally, the Assembly will be able to inform Parliament about how new legislation may affect First Peoples.

The Bill provides for the Assembly to be given notice of new legislation on its introduction to Parliament and requires the Member presenting the Bill to table a statement which sets out whether the Assembly's views have been sought on that legislation.

This statement will also set out whether the Bill is compatible with certain objects of Statewide Treaty, advancing self-determination, addressing historical wrongs, and the equal enjoyment of human rights.

The Assembly will also be able to make written submissions to Parliament and may be requested to address Parliament on matters affecting First Peoples.

The findings of the Yoorrook Justice Commission highlighted how in the past, Parliament actively disempowered and silenced First Peoples.

There has been no structure in place to allow Parliament to hear directly from First Peoples about how decisions it made might impact First Peoples communities.

This has led to a lack of understanding, often producing harmful and ineffective laws and policies.

Ensuring that the Members of Parliament hear directly from First Peoples' elected representatives is one of the ways we can reset the relationship between the State and First Peoples, ensure the mistakes of the past are not repeated, and support the Parliament make informed decisions which are in the best interests of all Victorians, including First Peoples.

Treaty will strengthen and streamline how the Executive Government engages with First Peoples, ensuring more efficient and effective consultation.

The Bill provides for the Assembly to give information to the Executive Government and empowers the Assembly to meet with senior members of the Government, as well as with Cabinet.

The Assembly will be able to ask questions of Ministers and certain State-funded entities, to allow it to develop a full picture of the effectiveness of services and policies.

These powers, and the requirement they be exercised in good faith, aim to build a collaborative and solutions-focussed relationship between the Victorian Government and the Assembly. Failure to engage with requests made by the Assembly will not result in any penalties for individual entities or organisations.

The State will be held accountable for the effects and outcomes of its policy making and legislation on First Peoples at a yearly engagement hearing, held at the request of the Assembly, which will consider how the decisions and practices of the State are affecting First Peoples.

The Bill creates a duty for Victorian Government departments and Victoria Police to create guidelines including about how they will consult with the Assembly on laws and policies that are specifically directed at First Peoples.

It also requires the Minister to consult the Assembly prior to appointing an administrator under the Aboriginal Lands Act 1970.

While these advisory powers are the first of their kind in Victoria, they have been modelled on existing best practice examples from elsewhere in Australia, namely the ACT and South Australia, and internationally, from treaty jurisdictions such as New Zealand and Canada.

These models show how hearing directly from First Peoples leads to better outcomes.

The Assembly's engagement with the State in this way seeks to address the Government's historical failure to listen to First Peoples' perspectives.

Legislating advisory powers for the Assembly also directly responds to key recommendations from the Productivity Commission in its Review of the National Agreement on Closing the Gap (January 2024), calling for governments to share power with First Peoples and relinquish control over decisions that affect First Peoples.

Providing the Assembly with advisory powers is a practical way to give effect to the self-determination of First Peoples, and to ensure that laws passed by this Parliament are better informed, and more effective in achieving their objectives as they relate to First Peoples and avoid repeating the wrongs of the past.

The Bill empowers the Assembly to make rules, guidelines and standards about issues that directly affect First Peoples.

The Assembly will be able to make rules establishing processes for how certification should be given by First Peoples organisations that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal Torres Strait Islander people's community.

Rules made by the Assembly will only apply by operation of the Bill to First Peoples and First Peoples organisations in Victoria, although other organisations may choose to adopt them.

It will also be able to make non-binding guidelines about the sharing and trading between First Peoples of water entitlements held by First Peoples or First Peoples' organisations, as well as best practice cultural safety guidelines.

Guidelines made by Assembly the Assembly will be non-binding, optional, and must not be contrary to existing State or Commonwealth legislation.

The Bill also gives the Assembly the power to make appointments of First Peoples to the Aboriginal Heritage Council and the Heritage Council of Victoria.

These decision-making powers will provide certainty and clarity for First Peoples.

Rules and guidelines will be about matters which affect First Peoples, and about which the State holds neither the necessary expertise nor authority to effectively make.

Appointments made by the Assembly will be to roles reserved by legislation for First Peoples.

Treaty recognises that is it is not appropriate for the State to make these decisions, and that it is more efficient and effective to have First Peoples making these decisions for their communities.

These rule, guideline and decision-making powers exemplify what self-determination looks like in the Treaty-Era – building on First Peoples knowledge and leadership to improve outcomes on matters that affect First Peoples and their communities.

Nginma Ngainga Wara

The National Agreement on Closing the Gap identifies accountability as key to achieving better outcomes for First Peoples to ensure the substantive equality of First Peoples and the equal enjoyment by First Peoples of their human rights and fundamental freedoms.

The Bill creates Nginma Ngainga Wara (Ng-in-ma Ng-eye-nga Wa-ra) as an accountability mechanism within the structure of the Gellung Warl.

Nginma Ngainga Wara (Ng-in-ma Ng-eye-nga Wa-ra) comes from the Wadi Wadi language.

The Nginma Ngainga Wara's (Ng-in-ma Ng-eye-nga Wa-ra's) role will be to ensure accountability for the State's commitments to First Peoples.

Led by members appointed by the Assembly, Nginma Ngainga Wara (Ng-in-ma Ng-eye-nga Wa-ra) will conduct inquiries to evaluate and monitor how effective the State government is in achieving better outcomes for First Peoples.

It will not have coercive powers and will be subject to the mutual obligation to act in good faith in any engagement with the State.

Based on the findings of its inquiries it will provide concrete solutions and recommendations to improve outcomes.

Collaboration in good faith by the State and the Assembly to facilitate inquiries by Nginma Ngainga Wara will support progress and improve outcomes.

It's work will allow both community and government to better assess how effective existing government policy and programs are and help us to build more efficient solutions together.

Nginma Ngainga Wara (Ng-in-ma Ng-eye-nga Wa-ra) will acquit the State's commitments under the National Agreement on Closing the Gap to create an independent accountability mechanism to provide concrete solutions and recommendations to improve outcomes for First Peoples.

It will monitor government programs and actions in relation to First Peoples, and implementation of Yoorrook Justice Commission recommendations, by conducting inquiries.

It will also conduct its inquiries independent of both the Assembly and the truth-telling arm of Gellung Warl and will not be subject to the direction or control of a Minister.

Its processes will be self-determined and led by its members.

Nginma Ngainga Wara (Ng-in-ma Ng-eye-nga Wa-ra) will present its findings to the Assembly, who will then be able to make use of its representation powers and functions to provide this information to the State with the aim of delivering improved and enduring outcomes for First Peoples.

The requirement that this accountability mechanism established in legislation provide practical and implementable solutions means that the State will have a clearer path to implement the necessary changes and 'close the gap' between First Peoples in Victoria and the broader Victorian Community.

Nyerna Yoorrook Telkuna

Through this Bill and Treaty, we commit to continuing to seek a better understanding of the truth of our shared history.

Victoria took the first step towards understanding when we established the Yoorrook Justice Commission. Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah), an office to lead truth-telling and healing established by this Bill, is the next step in that journey.

Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah) comes from the Wamba Wemba / Wemba Wemba language.

It will be led by three members, appointed by the Assembly, who are broadly reflective of the diversity of the experiences and views of First Peoples and other Victorians.

Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah) will lead ongoing truth-telling, healing and reconciliation across Victorian towns and regions, promoting our understanding of local history and place.

It will collect stories about the period before 14 May 2021, the commencement of the Yoorrook Justice Commission.

The Bill empowers Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah) to collect these stories while ensuring that those who share their stories remain largely in control of their information and how it is used.

The Office will ensure that confidential information shared with it will not be published without the consent of the person or community who provided that information.

Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah) will retain an archive of the truth-telling information it receives and, with the permission of those who have shared their stories, will use the information it collects to support the education of the broader public about our shared history and the impacts of colonisation.

Establishing the office in this way means that First Peoples retain control of culturally sensitive or culturally secret information held by Nyerna Yoorrook Telkuna, promoting Indigenous data sovereignty.

Through Nyerna Yoorrook Telkuna (Nyern-ah Yoo-rrook Terl-kun-ah), First Peoples in Victoria will have control, access and possession of the information that they have provided to the office, which is about their Traditional Owner groups, knowledge systems, customs, resources, or territories.

Oversight and accountability

Negotiations have identified the importance of Gellung Warl being subject to sufficient oversight to maintain the trust in Gellung Warl that we have seen in the Assembly.

It is important that this oversight is culturally safe and does not undermine Gellung Warl's independence from the State or its ability to be self-determining.

One way the Bill creates this oversight is by amending the Treaty Authority and Other Treaty Elements Act to create a new role of Electoral Officer within the Treaty Authority to oversee and run the Assembly's elections.

Electoral processes will be independent of Gellung Warl but will be run and overseen by a culturally safe entity and in a manner that respects and is guided by the cultural rights of First Peoples.

Gellung Warl will also be subject to oversight by the same State integrity agencies that usually apply to Victorian government entities, including the Independent Broad-based Anti-Corruption Commission, Victoria Auditor-General's Office and the Ombudsman.

This oversight will affirm public confidence in Gellung Warl and its management of it resources and its internal practices.

In addition, the existing strong community accountability demonstrated by the Assembly will remain.

Gellung Warl must demonstrate community answerability and will have a Community Governance and Answerability Framework, an engagement Charter and a Vision that sets out how this will be achieved.

Gellung Warl will be democratically and publicly accountable and answerable to Community in the performance of its functions, powers and duties.

This framework builds on the successes of the Assembly and is informed by established models of deliberative democracy and community engagement, such as local governments.

Gellung Warl will continue to have public reporting obligations, clear election processes, a participatory governance structure and cultural oversight from Elders.

Closing remarks

This landmark Bill is the next step in Victoria's journey towards Treaty.

Gellung Warl will provide an ongoing representative body for First Peoples which is free from the interference of the State, self-determined and grounded in the Lore, Law and Cultural Authority of Traditional Owners and First Peoples.

It is a product of Victoria's unique Treaty model, and an outcome of fair negotiations with the current First People's Assembly of Victoria.

Subject to the passage of this Bill through Parliament, the State and the current First People's Assembly of Victoria will formalise the First Statewide Treaty.

This will mark a significant shift in the relationship between the Victorian Government and First Peoples – a pathway to change what isn't working and give First Peoples a say on the legislation and policies that impact their lives.

This Bill together with the First Statewide Treaty form the foundation of the new relationship under Treaty.

This relationship is premised on the realisation of First Peoples's unique and inherent right to self-determination.

The Bill also enacts special measures for the advancement of First Peoples, in order to ensure true, substantive equality for First Peoples in the enjoyment and exercise of their human rights and fundamental freedoms.

In these ways, the Bill reflects and gives effect to the rights and principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

This nation-leading Bill, and the Treaty process as a whole, shows what we can achieve when we listen to First Peoples and work together for better outcomes.

It honours and affirms the special connection which First Peoples have to Country, this place now known as Victoria which we all call home.

It reckons with the wrongs of the past and sets a new course, guided by truth, to a better future.

Treaty will be a source of pride for all Victorians - representative of a proudly diverse and multicultural State which values its history and all of its people.

Because this not about taking anything away from anyone – it is about practical changes to do things better, together.

I am proud to support this next step in Treaty. I am proud that, together, we are improving people's lives and giving everyone a better future.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:30): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:30): I move:

That the house do now adjourn.

National Coming Out Day

Sonja TERPSTRA (North-Eastern Metropolitan) (17:30): (2011) My adjournment matter this evening is directed to the Minister for Equality. Last Saturday marked National Coming Out Day, a day to celebrate the courage, strength and authenticity of gender- and sexually diverse Victorians who have chosen to live openly and proudly. It also reminds us of the ongoing work needed to ensure that everyone can live free from discrimination and prejudice. My action is to ask the minister how the Allan Labor government is supporting gender- and sexually diverse people in the North-Eastern Metropolitan Region and what initiatives are being delivered to promote equality, inclusion and wellbeing. Let us continue working towards a future where no-one needs to come out because acceptance and belonging are the norm for every Victorian.

Transport amenity program

Trung LUU (Western Metropolitan) (17:31): (2012) My adjournment matter is for the attention of the Minister for Transport Infrastructure in relation to the transport amenity program, the TAP. The TAP was announced in 2018 as a joint initiative between the Victorian government and the City of Melbourne to revitalise local roads and public space in West Melbourne and mitigate the impact of the West Gate Tunnel Project. However, residents now say that the funds are not being used to improve livability but to increase the traffic flow from the tunnels into their neighbourhoods. So the action I seek is for the minister to provide a full and transparent breakdown of expenditure under the $100 million transport amenity program and to ensure that its future allocation genuinely reflects the needs and priorities of West Melbourne residents.

Since early September a blitz of road changes has been rolled out, including new lane markings, traffic signals, road closures and double-lane turns. These changes prioritise vehicle movements over pedestrians and community safety. What is worse is that these changes were announced without consultation with residents, leaving them shocked and frustrated. It seems to be that a lack of consultation is the theme now with the Allan Labor government when it comes to any type of major or state infrastructure project. Transport planner and resident Beck Roy has described the changes as focused on traffic movement rather than amenity and public safety. Pedestrian crossings have been removed, residential streets have been altered to accommodate high-volume traffic and safety risks have increased, particularly around North Melbourne station.

What is more concerning is that millions from the TAP fund have been spent kilometres away from West Melbourne, including on tram stops in the CBD and bike lanes in La Trobe, Peel and Abbotsford

streets. Over $46 million has already been allocated, yet residents have had very little visibility into how these decisions were made. The City of Melbourne was originally very concerned and opposed to the West Gate Tunnel due to the forecast increase of 9000 vehicles per day in West Melbourne. Now with the tunnel nearly completed, the community is left with unsatisfactory consultations, reduced safety and rapidly depleting funds. So I call on the minister to release a detailed account of the TAP expenditure, including traffic modelling and project commitments, and to engage meaningfully with the West Melbourne community to ensure future work generally enhances livability and not just traffic flow.

Disability services

Jeff BOURMAN (Eastern Victoria) (17:34): (2013) My adjournment matter tonight is for the Minister for Disability, and the action that I seek is for the minister to demand an urgent meeting with the Commonwealth to protect the Victorian gold standard of disability care. Transferred providers say that they have one month of liquidity left. Seventy group homes have already shut and 580 more are at risk, and 5000 participants face homelessness. Meanwhile, 7500 disability support workers are now about to lose a third of their wage unless action is taken now.

In 2017, following the Victorian government's privatisation of supported independent living services, a $2.1 billion state subsidy was introduced to preserve the wages, conditions and quality standards that disability support workers, primarily represented by the Health and Community Services Union, fought for over decades. This critical subsidy is due to expire on 31 December 2025, and without a sustainable long-term funding solution from both state and federal governments, Victoria's disability support system faces imminent collapse. Again, if action is not taken urgently, over 7500 disability support workers will lose more than one-third of their wages, risking widespread job losses and a devalued profession; up to 580 group homes housing people with already complex disabilities could close – 68 already have; nearly 5000 participants will lose the stable, high-quality care they depend on daily; families will be left without a support with no viable alternatives available; and Victoria's hard-won gold standard in disability care, including mandatory training, safe staffing ratios and quality assurance will be dismantled. SIL providers are already closing homes, cutting services and exiting the market due to an unsustainable funding model. This is not just a policy issue, it is a human crisis affecting workers, participants and families across Victoria.

The Victorian government must act to prevent a short-term disaster by extending the current $2.1 billion wage subsidy beyond 2025 until the federal government commits to a structural reform – that is $500 million over two years; acknowledging their role as the provider of last resort, ensuring that all Victorians with a disability have access to stable housing and care; and providing certainty and stability to workers, families and providers as federal negotiations progress.

Just to finish it off, we want the state government to immediately extend the SIL subsidy beyond December 2025 for a two-year period at a cost of $500 million, demand that the Commonwealth re-cost plans for participants in Victorian SIL settings as over two-thirds are incorrectly costed, publicly commit to its role as provider of last resort for disability services in Victoria and commence immediate negotiation with the Commonwealth, employers, unions, families and advocacy organisations, to restructure funding arrangements for SIL.

Vic's Picks

Michael GALEA (South-Eastern Metropolitan) (17:37): (2014) Well, Victoria, it is time to have your say and choose your Vic's Picks. The competition is now open in the hunt for Victoria's best potato cake, best pie and best banh mi. We know that Victoria has the best food in the nation and that is, I am sure, undisputed by all members across this chamber. The search is now on for the very best of what our great state has to offer. With this now open, I strongly wish to put my adjournment matter in today and ask the Premier to reaffirm that the best banh mis in this state are of course in the south-east and they are found on Springvale Road in Springvale.

Prisoner safety

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:37): (2015) My adjournment is for the Minister for Corrections. The action I seek – given that the Premier has quietly announced that there will be some changes taking place – is that he immediately transfer all biological males out of all women's prisons. Political leaders have for too long bowed down to often paid fringe activists that have redefined the word 'woman'. This has actually harmed biologically female women. We cannot have women being raped in their prisons by men identifying as women. Hard-fought gains are being stripped away from women – legal protections going, professional achievements going and dedicated spaces gone.

My constituents have contacted me. They are furious that former Clayton South resident and transgender paedophile with the pseudonym Hilary Maloney has been residing in a women-only prison. Maloney was sprung after an investigation into an international paedophile ring, and what did they uncover? A sickening slave/master fetish involving another paedophile; 77 child abuse files, including 64 images and 13 videos; and a five-year-old daughter whose body was abused and innocence was stolen. Under current sentencing guidelines, Maloney's crimes received a maximum of 25 years, but under our weak sentencing guidelines, Maloney will serve only a maximum of 4¾ years, and at the moment, 2½ years, behind bars. While I acknowledge that the courts can make their decisions, Maloney's alleged low self-esteem, lack of assertiveness, loneliness, submission and desperation were grounds for the slap on the wrist.

In all of this talk about the mitigating circumstances, has anyone thought about Maloney's daughter? Quite frankly, no-one should use the excuse of a hard life to escape a full sentence. Our justice system must send a powerful message to any would-be child abusers: if you inappropriately touch a child, you must experience the full force of the law. To add insult to injury, Maloney is residing – or has been; I do not know whether he still is – at one of Victoria's two women-only prisons, rather than at a male prison where Maloney belongs. Why? Because he identified as a woman. It is true to form that both the Premier and the minister have played a game of political volleyball, passing the responsibility on this saga between each other and the courts. This has been an absolute disgrace. The women of this state will not accept your silence and blame shifting. Biological males should not be in women's spaces – not ever, full stop.

Royal Children's Hospital

Sarah MANSFIELD (Western Victoria) (17:40): (2016) My adjournment matter is for the Minister for Health, and the action that I am seeking is an investigation into the recent cancellation of the Royal Children's Hospital grand round that was to explore the impacts of war on children. Numerous health professionals have reached out to me concerned about this cancelled grand round. Grand rounds are regular, usually lunchtime, events that hospitals hold on different themes for educational purposes. Apparently, this one was cancelled by the CEO on the request of a New South Wales-based clinician from the Alliance Against Antisemitism in Healthcare. The grand round was about the impacts of war on children in a general sense, but it was likely that the genocide in Gaza would feature, given that Gaza has been identified by international aid organisations as the most dangerous place in the world for children. More children have been killed in the past three years than in any other conflict this century, and it is home to the highest number of child amputees anywhere in the world.

War has a profound impact on children. Not only is there the direct physical impact of weapons which cause death and injury, there is also the impact of disease and malnutrition and the mental and psychological harm that occurs as a result of this. Many migrants, refugees and asylum seekers arriving in Australia have come from war zones, including children, and understanding war's complex effects is critical for health professionals who work with them. Further, many Australian health professionals will go to war zones to provide humanitarian medical assistance.

As difficult as this subject is, for these reasons alone a grand round at the Royal Children's Hospital focusing on the impacts of war on children is incredibly important. But such an event is also consistent with foundational medical ethics. Health professionals are key voices in shedding light on what is occurring on the ground in conflicts, including in Gaza. Medical practitioners have an ethical obligation to ensure that they provide impartial care to everyone who needs it, regardless of their political or national affiliations. In bearing witness to atrocities, they have an ethical duty to speak up about violations of humanitarian law and to use their positions to advocate for peace and the prevention of war-related harm. Silencing discussion on these important issues directly contravenes these ethical obligations. It is not antisemitic to highlight the health impacts of war on children, including Palestinian children. It is not antisemitic to call for an end to war to prevent further harm to children. I fully support the healthcare workers who are calling for this grand round to be reinstated, and I would urge the minister to intervene.

Period products

Jacinta ERMACORA (Western Victoria) (17:43): (2017) My adjournment matter is for the Minister for Women Natalie Hutchins. One in five women and girls report that they cannot afford period products. This terrible statistic is being addressed by the Allan Labor government's free pads and tampons program. The action I seek is for the minister to provide an update on the number of venues distributing free pads and tampons in the south-west of Victoria.

Life Saving Victoria

Bev McARTHUR (Western Victoria) (17:44): (2018) My question is to the Minister for Emergency Services. Minister, in recent meetings with local councils across the state several have raised their concern that the Labor government has slashed funding for paid lifeguard patrols on Victoria's beaches. It seems Life Saving Victoria is now asking local governments to foot the bill for what has always been a state-funded service. Hobsons Bay has been told to pay $88,000 for patrols at Williamstown and Altona beaches or lose them altogether. Bass Coast has seen its contribution demand skyrocket from $98,000 to over $260,000, an increase of more than 160 per cent. Councils across the state are being asked to pay up despite already battling congestion charges, waste levies and reduced library and maternal health funding from the state – and that is not to mention the Emergency Services and Volunteers Fund. For decades the state government has funded paid lifeguards through Life Saving Victoria grants, but this year the organisation's annual report shows state grant funding dropped from $14.9 million to $13.8 million, even as drowning deaths rose by 8 per cent.

So far the government has refused to admit there has even been a cut or to explain, if not, why councils are being told to pick up the slack – this despite the so-called Emergency Services and Volunteers Fund levy now raking in hundreds of millions of dollars from ratepayers. Do you seriously expect local councils, already stretched to breaking point, to keep absorbing every new state-imposed cost while remaining shackled by rate capping? Councils and ratepayers are being slowly crushed under this government's endless cost shifting, from emergency services to recycling, libraries, immunisations, cat and dog registrations, child care and now even water safety. At some point, Minister, a straw will break the camel's back. This death-by-a-thousand-cuts approach is unsustainable and unfair. Will the government finally guarantee stable long-term funding for paid lifeguard patrols, or will local families and visitors be left to pay the price for yet another quiet funding retreat by Spring Street?

Minister, the action I seek is a confirmation from you of the government's funding to Life Saving Victoria. Has it been frozen or, worse still, cut? And if so, how large is the latest shortfall councils will be forced to contribute to Labor's budget black hole?

Bus network

David LIMBRICK (South-Eastern Metropolitan) (17:47): (2019) My adjournment matter this evening is for the attention of the Minister for Public and Active Transport. There is nothing worse than paying for goods and services which never arrive, and this is the very feeling being experienced

by many taxpaying commuters across the state. My office has received many reports of commuters tracking their buses through the Public Transport Victoria app on its approach to their stop, only for the bus to either never arrive or speed past them completely empty. Despite the issue being raised with the Department of Transport and Planning, buses continue to leave those waiting at bus stops scratching their heads. With Halloween just around the corner, the only ghosts we should be tolerating on our streets are young children making their yearly neighbourhood pilgrimage for candy and people transforming bedsheets into attractive costumes. My request for the minister is to engage the Victorian Auditor-General to investigate these claims of fraudulent bus services, review the government's contracts of provision for these services and review oversight for public transport service delivery.

Boroondara Farmers Market

John BERGER (Southern Metropolitan) (17:48): (2020) My adjournment matter is for the Minister for Small Business and Employment in the other place, Minister Suleyman. President, as you know, supporting small business in Victoria is a priority for our Allan Labor government, and this was made clear in our 2025–26 state budget with a $4.9 million investment to provide the mechanisms and support they need to thrive. Small businesses contribute over $417 billion to the state's economy and keep over 1.3 million Victorians in employment. That is over 20 per cent of the state's population, or a fifth of Victorians, and this is a significant figure.

The Boroondara Farmers Market, supported by the Rotary Club of Glenferrie, is a fortnightly event that showcases and promotes many such small businesses, both local and from across the state, in my great local community of Hawthorn, a community that I know dearly misses their former hardworking member of Parliament John Kennedy. Running every first, third and fifth Saturday of each month, the Boroondara Farmers Market was voted the best farmers market in the state and is accredited by the Victorian Farmers' Markets Association. Victorians can purchase a range of goods from Victorian primary producers, from fresh fruit and vegetables to organic produce, bread, poultry goods, meat, cakes, beverages and more. Events like the Boroondara Farmers Market provide important exposure and promotion for small businesses both in my constituency of Southern Metro and statewide, and I am passionate about supporting and advocating for them and buying local. That is why my adjournment for the minister for small business is this: will the minister join me in my community in Southern Metro and visit the Boroondara Farmers Market and see what incredible work small businesses in Victoria and their supporters in the Rotary Club of Glenferrie are doing in this fortnightly location in Hawthorn?

Meat industry

Wendy LOVELL (Northern Victoria) (17:49): (2021) My adjournment matter is for the Minister for Skills and TAFE, and the action I seek is for the minister to make the certificate III in meat safety inspection course available online and free for primary producers who establish microabattoirs on their farm. At the start of the year a large commercial abattoir announced it would no longer service small-kill requests, leaving small-scale farmers completely in the lurch. I spoke in Parliament to call on the government to urgently implement recommendation 27 from the final report of the inquiry into securing the Victorian food supply, to make it simpler and easier for farmers to operate microabattoirs on their farm. The government recently announced that it would indeed implement several of the report's recommendations to ease the regulatory burden involved in establishing a microabattoir, but it has not gone far enough. There is still significant red tape preventing small-scale livestock producers from easily operating abattoirs to slaughter their own animals. In particular, the onerous certification and registration requirements present a difficult hurdle for small producers. PrimeSafe requires all those who slaughter animals for sale as consumable meat to have an abattoir licence and comply with the Australian standard for hygienic production and transportation of meat and meat products for human consumption. That standard requires a qualified and registered meat safety inspector to be present during the slaughter and dressing of each animal. That is right, every time you slaughter an animal, a meat safety inspector must be present.

So how can a farmer become a qualified meat safety inspector in Victoria? PrimeSafe says that to be registered as a meat safety inspector you must have a certificate III in meat safety inspection. But the certificate III in meat safety inspection course is not offered anywhere in Victoria. The course has no listings on the government's skills gateway website. One of my constituents is a small-scale sheep farmer in central Victoria who sells his top-quality lambs at farmers markets. He told me that a large commercial abattoir received training subsidies to offer the meat safety course to their employees. However, small producers who establish microabattoirs on-farm cannot access the same subsidies and cannot even register to take the meat safety course in Victoria. He said that small-scale farmers should be supported to obtain the required certification, and I completely agree. Victorian farmers who want to operate their own abattoir cannot afford to spend two years studying full time and pay thousands of dollars in fees when they are already under severe financial stress because of ongoing effects of the recent Victorian drought. The government must step up and assist them.

Kangaroo control

Katherine COPSEY (Southern Metropolitan) (17:53): (2022) My adjournment request is to the Minister for Environment. Will you take steps to end the commercial killing of kangaroos in Victoria and commission an independent review of population estimation methods and welfare outcomes so our policies reflect both the science and community values?

Kangaroos are one of our most iconic native animals, woven into the identity of this state and our nation, appearing on our coat of arms and our sporting uniforms and prominent in our tourism promotion. But every year the government sets commercial harvest quotas and issues authorities that enable the large-scale killing of these beautiful animals under the kangaroo harvest management plan. The usual justification is that populations must be controlled, but the science and methods that underpin population estimates have been heavily criticised. Population numbers of kangaroos in Victoria are determined by aerial surveys, which extrapolate from sampled transects to vast landscapes. Populations also fluctuate dramatically with rainfall and drought, meaning that snapshots risk being misread as stable abundance. It is clear that the methodology needs to be updated. As the CSIRO says:

> In contrast, model-based approaches that use relationships between population density and habitat variables can deliver greater precision and ecological insight into population estimates.

That is quoted directly from a 2023 CSIRO Publishing paper titled 'Spatio-temporal trends in the abundance of grey kangaroos in Victoria, Australia'. Serious animal welfare concerns with this program also continue to persist. Wildlife Victoria and others are clear that commercial shooting often occurs at night, in remote areas and with limited direct oversight. Often when a mother kangaroo is shot, dependent joeys must under the national code of practice also be killed – an obligation that advocacy groups say often fails in practice, leading to slow deaths from starvation or predation.

The program also risks Victoria's reputation for wildlife tourism. People come here to see these kangaroos alive, not as pet food inputs or as bits of leather. Recent debate, including international scrutiny and market pushback on kangaroo products, shows how contested and reputationally risky this trade has become.

Minister, there are humane and effective alternatives. Where kangaroos come into conflict with farming or roads, targeted nonlethal management can be used: better fencing, wildlife corridors, relocation in limited cases and, above all, proper habitat protection so that animals are not forced into conflict in the first place. These measures are consistent with what rescue and advocacy groups, including the Victorian Kangaroo Alliance and Animals Australia, have urged the government to prioritise. Please, Minister, end the commercial harvest of kangaroos and update our population estimation methods so that we can have better outcomes.

Energy policy

Tom McINTOSH (Eastern Victoria) (17:56): (2023) I rise to note the continued growth of renewable energy right around the world, led by a surge in solar generation. I note the historic point we have reached, where for the first time renewables were leading generation in the global electricity mix over the first half of 2025. I am proud that Victoria has a world-leading target of net zero by 2045. Over 42 per cent of our energy was already generated from renewables last year and we are on track for 95 per cent by 2035. In Victoria in September renewables produced more than 50 per cent of Victoria's electricity for the first time across a single month. Can the Minister for Energy and Resources please outline what actions the government is taking to continue to rapidly decrease our emissions by producing electricity with cheap renewables?

Renewable energy infrastructure

David DAVIS (Southern Metropolitan) (17:56): (2024) My matter for the adjournment tonight is for the attention of the Minister for Energy and Resources. I am sorry to say to the chamber and the community that I am very worried about the government's offshore wind program. There are legislated targets for 2032 and 2035. The coalition, the Liberals and Nationals, have supported the government's offshore wind push. We can see that there is an opportunity there to bring new low-emission technologies to the fore and to bring secure supplies of power into our grid.

But the government under Lily D'Ambrosio has botched the process of offshore wind. It has been hopeless. We have seen successively over recent months one group after another either pull out permanently or delay their involvement. This is because the minister was not able to get the assembly plant going, because initially the government said to the groups – the interested businesses and others who wanted to see offshore wind here – 'Okay, well, we'll do a process. This will be in conjunction with the federal process. There are obviously areas of state responsibility 3 miles offshore but federal beyond that. The federal government has issued a number of licences.' A lot of these groups are now pulling back because of the uncertainty that is involved here. The state government made an extraordinary statement just a week or two ago, with Minister D'Ambrosio indicating she was kicking the state government process a year or two into the future. We cannot wait for this. The state government has really lost the plot here. If offshore wind is to make a significant contribution, the state government needs to be doing the work to make it come forward.

We did not oppose the bill – I make the point in this chamber. We had some quibbles about aspects of the bill and we sought to amend it, but we actually did not oppose it. The problem here is that offshore wind could well make a very significant contribution, but under this government, with the regime they put in place, it is not going forward. It has stalled. The wind blades have stopped.

Georgie Crozier interjected.

David DAVIS: They are rusting. The problem here is if the state government does not act quickly we are not going to have that additional offshore wind that we need for the 2032 and 2035 targets. That is very serious for the state. There is going to be a shortage of electricity and a shortage of support in the state. That is because Lily D'Ambrosio is incompetent and has botched the offshore wind process. What I am asking the minister to do is to go to the Premier and say we have a crisis, form a cabinet subcommittee and work out how they can fix this. They have got to fix this. The Premier will need to intervene, but the minister for energy needs to take the lead and say, 'I've made mistakes. I've botched this' – *(Time expired)*

Health system

Georgie PURCELL (Northern Victoria) (18:00): (2025) My adjournment matter is for the Minister for Health. Currently in Victoria health practitioners can refuse to participate in a medical procedure because it conflicts with their deeply held personal, moral or religious beliefs. This is known as a conscientious objection. I have spoken before in this place about my own experience dealing with a provider who had a conscientious objection. Healthcare practitioners cannot do this for all

procedures, but they can for voluntary assisted dying and reproductive care – in particular for pregnancy terminations and contraception. Providers are, however, required to refer patients to another practitioner in the same profession who does not hold an objection.

Earlier this month I released a report alongside my colleague Rachel Payne in this place, and our report looked into abortion accessibility in Victoria. Through our research and consultation we discovered that conscientious objection is far more extensive than we originally realised. The system is failing, and evidence shows that some objectors are not fulfilling their legal obligation to refer patients on, are intentionally delaying access or are contributing to feelings of shame and of stigma. Those last few points are the key. Conscientious objection does not always look like a particular practitioner just declining to perform a procedure. People seeking reproductive healthcare services are already going through a stressful enough experience, and dealing with intentional delays, roadblocks to seeking care and the shame associated with being told your healthcare provider has a moral objection to the care you require can make things significantly worse and potentially turn a difficult experience into a traumatic one. That is certainly what we have been told by many Victorians who contacted us. Delays can also have real medical consequences, with significant and, importantly, avoidable complications. Ultimately, health care delayed is health care denied, but this is neither recognised by our laws nor monitored by our government.

We do not know how widespread this problem is, but we know that it is a problem. There is no statewide data collected on conscientious objections. We do not know how many conscientious objectors there are in Victoria and we do not know how many comply with their referral obligations. This lack of knowledge makes it far more difficult to improve services, particularly in remote and regional areas like my own. I am not for a moment suggesting that a health practitioner should be forced to perform a non-emergency procedure that they have a moral or religious objection to, but they have a legal – and in my view moral – requirement to refer, which the government must guarantee that they are complying with. So the action that I seek is for the government to investigate the feasibility of establishing an oversight mechanism for conscientious objections in Victoria.

Healthcare workforce

Georgie CROZIER (Southern Metropolitan) (18:03): (2026) If the 2000 nurses and midwifery graduates and the hundreds of paramedic graduates were watching today's question time and listening to the Premier answer a question from the opposition around the failures in what the government has promised, where there are going to be no jobs for thousands of these young people next year and in the years to come, I think they would have been absolutely disappointed in what the Premier said. Let us not forget what happened back in 2022, an election pitch of spin and another hollow promise, which has been broken. In a media release from the Premier – at the time it was Daniel Andrews – the big spin was 'building an army of home-grown health workers to care for Victorians' and 'Making it free to study nursing and midwifery'. This was a hollow promise for these thousands of young people who have not got a job to go to. That is the point, and I have raised the point that without this workforce Victoria's health system, which is already under immense strain and relying on overtime and costly agency staff, is not going to have the staff to come in and build the workforce for the future. There are serious flow-on effects when that occurs. We have already got record ambulance ramping. There is reduced access to emergency care. The extensive elective surgery waitlist has really not been impacted to bring it down from the 58,000-odd patients that are still waiting for their surgery. If we are not giving these young graduates placements, then we are not fulfilling that promise and obligation that the Labor government made back in 2022.

There needs to be a workforce plan; I do not think this government has a plan at all. They are plugging holes because of this spiralling, out-of-control debt. There are cuts going on everywhere. There are memos going out saying, 'The funding model's changing. You won't be getting your block funding or grants funding anymore. It'll all be activity based.' We are seeing a secret amalgamation happen, and in the midst of this we have got a workforce that has thousands of young people that are not going

to have a job and will leave the state. The action I seek is for the minister to release the health workforce plan that the government has developed – that includes nurses, midwives and paramedics.

Voluntary assisted dying

Evan MULHOLLAND (Northern Metropolitan) (18:06): (2027) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to urgently pause the Labor government's dangerous and reckless attempts to amend the Voluntary Assisted Dying Act 2017. The bill requires conscientiously objecting health practitioners to provide minimum information about VAD. It forces practitioners to violate their conscience by compelling them to provide information about something they do not consider health care, potentially driving ethical professionals from the health sector. The statutory review did not recommend these changes. The government has not explained the healthcare reason for these changes, which are clearly ideological.

Dr Stephen Parnis, a former AMA president – and very respected on the Labor side of politics as well – recently made statements on the Curtin's Cast podcast about his warning five years ago that safeguards that are there for a reason will inevitably be redefined as barriers to access, which is exactly what this government is doing. Currently there are safeguards in the law which mean that conscientious objectors, like a Christian or a Muslim or a Hindu, can refuse to partake in advising patients about information about assisted suicide. Health practitioners who fail to comply with the requirement to provide information will now face the potential loss or suspension of their registration with the Australian Health Practitioner Regulation Agency and may lose their insurance coverage due to obligations to comply with civil law.

I want to thank all the groups, and particularly the faith groups, that have written to me in regard to this, including the Catholic Archdiocese of Melbourne, the Board of Imams Victoria, the Hindu Council of Australia, the Sikh Interfaith Council of Victoria, the Victorian Sikh Gurdwaras Council – the government are big on consulting with the Sikh community, so I hope they have on this – the Greek Orthodox Archdiocese of Australia, the Chaldean diocese of Australia, the Syro Malabar Eparchy of St Thomas the Apostle, the Coptic Orthodox Diocese of Melbourne and the Maronite Eparchy of Australia. I also want to thank the other faith groups that I have engaged in discussions with in regard to this, like the Syrian Orthodox church, like the Assyrian Church of the East, like the Antiochian Orthodox church and many, many others, because they also share deep concerns about this. I worry about health care in the northern suburbs, particularly in places like the Northern Hospital, where many people who are staff there will have a conscientious objection. So I seek the action of the minister: abandon this bill. Voluntary assisted dying is not health care.

Honorary justices

Gaelle BROAD (Northern Victoria) incorporated the following (2028):

> My adjournment matter is for the Attorney-General.
>
> Victoria is facing a chronic shortage of justices of the peace, and this is having a real impact on communities right across our state. JPs provide an essential free service, acting as independent and objective witnesses for documents used in legal and official processes.
>
> I recently met with a JP in Kennington who raised serious concerns about the shortage and the urgent need to encourage more people to undertake the appropriate training and become registered. Compared to states like New South Wales and Queensland, Victoria has significantly fewer JPs, and the current number simply isn't keeping pace with population growth.
>
> This shortfall is placing increasing pressure on the few JPs who are active and making it difficult for residents, particularly in regional areas, to access this important service in a timely way.
>
> JPs are volunteers who play a vital role in supporting our justice system. The action I seek is for the Attorney-General to outline what steps the state government is taking to recruit, retain and support more justices of the peace across Northern Victoria to ensure this essential service remains accessible to regional communities.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (18:08): There were 17 matters raised today: Ms Terpstra to the Minister for Equality; Mr Luu to the Minister for Transport Infrastructure; Mr Bourman to the Minister for Disability; Mr Galea to the Premier; Mrs Hermans to me as Minister for Corrections, and I will provide a written response to her question and adjournment matter; Dr Mansfield to the Minister for Health; Ms Ermacora to the Minister for Women; Mrs McArthur to the Minister for Emergency Services; Mr Limbrick to the Minister for Public and Active Transport; Mr Berger to the Minister for Small Business and Employment; Ms Lovell to the Minister for Skills and TAFE; Ms Copsey to the Minister for Environment; Mr McIntosh to the Minister for Energy and Resources; Mr Davis to the Minister for Energy and Resources; Ms Purcell to the Minister for Health; Ms Crozier to the Minister for Health; and Mr Mulholland to the Minister for Health. I will make sure all 17 matters are passed on for an appropriate response.

The PRESIDENT: The house stands adjourned.

House adjourned 6:10 pm.