Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 16 November 2023

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

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

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

Member	Region	Party	Member	Region	Party
Bach, Matthew	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[1]	Western Metropolitan	IndLib	Ratnam, Samantha	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David[2]	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

[1] Lib until 27 March 2023
[2] LDP until 26 July 2023

Party abbreviations

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

CONTENTS

Thursday 16 November 2023

The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.

Announcements

Member and visitor conduct

The PRESIDENT (09:34): I understand and 100 per cent appreciate that some people are aggrieved they did not get to do their adjournments last night. I think that via the house we might have a way to make that up together, with leave of course. But I want to say a few things. I am loath to make big speeches in this position, because I did not like it when other Presidents did it in previous times, but I will say a few things.

Any political party that supports people in this chamber – any of them – has the logistics and the capability to fill this gallery every day, and they can come in here and they can cheer us or they can boo people that say opposing things. But I am not going to cop it, because this place is for contesting opinions and people get elected to do that here. I am not going to cop it, and that is why I walked out yesterday.

I have a couple of other options available to me. I can call for the gallery to be cleared when banners and booing and audience participation happen here. I have got to say it is not me physically clearing that gallery, it is our colleagues. They are the people we walk in and say 'G'day, how are you going?' to every morning. They are the attendants, security, the Usher of the Black Rod, the people that say, 'How about that football team?' They are our work colleagues. They are our colleagues. I have been around a while, and I understand some activists – they could be any political activist. The next step is that we are going to have one of our friends accused of treating someone very poorly or in an adverse physical way, and then we are going to have one of our work colleagues all over social media that is saying what an evil person they are for treating that person that way.

So I am not going to cop it. I do not know all the answers. I apologise to the people that missed out on their democratic right to do certain things yesterday. But once again – I have said it a number of times – I flagged to the chamber weeks ago that I will just walk out and people will have to convince me to come back. That is the position I am going to take while I am your President. That may change, but while I am your President, that is the position I am going to take.

Papers

Papers

Tabled by Clerk:

Albury Wodonga Health – Report, 2022–23.

Architects Registration Board of Victoria – Minister's report of receipt of the 2022–23 Report.

Auditor-General – Reducing the Illegal Disposal of Asbestos, November 2023 *(Ordered to be published)*.

Australian Grand Prix Corporation – Report, 2022–23.

Central Gippsland Health Service – Report, 2022–23.

Cladding Safety Victoria – Report, 2022–23.

Climate Change Act 2017 – Victorian Greenhouse Gas Emissions Report 2021, under section 52 of the Act.

Commission for Children and Young People – Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care, November 2023 *(Ordered to be published)*.

Commissioner for Environmental Sustainability – Minister's report of receipt of the 2022–23 Report.

Country Fire Authority – Report, 2022–23.

Education and Care Services National Law Act 2010 – Education and Care Services National Further Amendment Regulations 2023, under section 303 of the Act.

Gippsland Southern Health Service – Report, 2022–23.

Great Ocean Road Coast and Parks Authority – Report, 2022–23.

Great Ocean Road Health – Report, 2022–23.

Kerang District Health – Report, 2022–23.

Northeast Health Wangaratta – Report, 2022–23.

Occupational Health and Safety Act 2004 – Workplace Incidents Consultative Committee – Report 2022–23, under section 126B of the Act.

Omeo District Health – Report, 2022–23.

Portland District Health – Report, 2022–23.

Robinvale District Health Services (RDHS) – Report, 2022–23.

Rural Northwest Health – Report, 2022–23.

Subordinate Legislation Act 1994 – Documents under section 15 in respect of Statutory Rule No. 117.

Swan Hill District Health – Report, 2022–23.

VicForests – Report, 2022–23.

Victorian Building Authority – Report, 2022–23.

Victorian Institute of Forensic Mental Health (Forensicare) – Report, 2022–23.

Victorian Planning Authority – Report, 2022–23.

Victorian Responsible Gambling Foundation – Report, 2022–23.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:42): I move:

That the Council, at its rising, adjourn until Tuesday 28 November 2023.

Motion agreed to.

Standing and temporary orders

Georgie CROZIER (Southern Metropolitan) (09:43): I move, by leave:

That so much of standing and temporary orders be suspended to the extent necessary to allow:

(1) up to 20 members to submit adjournment matters today for incorporation under the temporary orders agreed to by the house on 20 September 2022 in addition to the maximum 20 members that may raise adjournment matters in the house; and

(2) members that raise an adjournment matter in the house today to also be permitted to submit a matter for incorporation.

Motion agreed to.

Members statements

Diwali

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:43): I would like to take a moment to wish every Victorian who has been celebrating Diwali a very happy and prosperous Diwali. The ideas behind Diwali – bringing light to darkness and knowledge over ignorance, celebrating unity over division, promoting compassion and

emphasising humility – reflect the values that as Victorians we all want to foster: equality, tolerance, respect and belonging. Not only is it an important religious festival for Hindus but it is also observed amongst the Jain and Sikh communities. While each religion has its own historic narrative behind this auspicious event, they are all ultimately representative of the victory of good over evil.

It was a pleasure to celebrate Diwali with the Premier and representatives and communities from across the subcontinent and beyond – from India to Sri Lanka to Bangladesh to Nepal, Bhutan, Singapore, Malaysia, Fiji and Mauritius – last Friday night. It was a fabulous evening and a moment to acknowledge the contribution of the Hindu, Jain and Sikh communities to Victoria. They have contributed much to the success and prosperity of our state through art and culture, through thriving businesses and community groups and through the values of supporting one another and giving back to the whole community through service. I hope that for all celebrating Diwali it brings good health, happiness and prosperity.

Family violence

Gaelle BROAD (Northern Victoria) (09:45): I rise to draw the attention of the house to a horrific family violence incident in Bendigo recently. Two young girls lost their mum Analyn 'Logee' Osias on 29 October. They were in the house when their mother was allegedly fatally assaulted, and she died later in hospital. Her former partner has been charged with murder; he was on bail at the time. There has been a huge community outpouring of grief for Logee, who was a respected member of Bendigo's Filipino community. A GoFundMe page has been set up to raise money for the future of her children. Three years ago they lost their father in a road accident.

A public vigil was held on 2 November. At the vigil it was noted that in 10 days across Australia five women, including Logee, had been killed as a direct result of family violence. Yesterday was the start of a global campaign called 16 Days of Activism Against Gender-Based Violence, calling for an end to violence against women. Recent figures show that around one woman is killed in a family or gendered violence incident in Australia every week. This is appalling. As a society we need to stand up and say this is totally unacceptable. We need to call out disrespectful and aggressive behaviour and sexism, we need to keep an eye out for controlling and coercive behaviour and we need to support victims of family violence.

I want to thank the various support agencies who are overwhelmed by the demand for their services. As a community we need to do better. I would especially like to pay my respects to Logee's family and friends, who will remember her as a fun-loving and happy person. Rest in peace, Logee.

Remembrance Day

Jeff BOURMAN (Eastern Victoria) (09:46): On 11 November 1918 at 11 am the guns fell silent at the end of the so-called Great War. In the years since, unfortunately, we have been involved in other conflicts which have involved our people, our population. Even though it is a bit late, I would like to pay my respects to those that fought in the wars – everyone that came back and those that did not come back. As the saying goes, everyone gave something and some gave all. Lest we forget.

Victorian Education Excellence Awards

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:47): I rise today to acknowledge and celebrate the winners and finalists of the 2023 Victorian Education Excellence Awards. Several of my constituents, outstanding principals, teachers and schools have been recognised for their important work in improving schools and supporting students to achieve their very best.

Congratulations to Clare Monk of Warrnambool West Primary School, winner of the Outstanding Primary Principal Award. Clare is focused on building the next generation of educational leaders through targeted professional development and developing a culture of shared community and trust. Clare's leadership is transforming children's outcomes and their experience in primary education.

A shout-out also to finalist Meg Wiffen from Moolap Primary School, nominated for Outstanding Early Career Primary Teacher, and Laura Benney from the Phoenix P–12 Community College, nominated for Outstanding Early Career Secondary Teacher. Lethbridge, Teesdale, Napoleons and Inverleigh primary schools worked together to collectively receive a nomination for outstanding provision for high-ability primary students for their fantastic enrichment program.

I am pleased that these outstanding educators with innovative ideas and strategies are recognised and supported by the Victorian Education Excellence Awards. Their achievements go a long way towards explaining Victoria's position as the Education State.

Prue Archer

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (09:48): On another note, I also congratulate Prue Archer, recipient of the 2023 Upskill and Invest – Young Farmers Scholarship. Prue's great passion is dairy farming, including the science of artificial insemination and ultimately farm management. This talented young farmer will use her scholarship to further study artificial intelligence as well as invest in new AI equipment. Congratulations to all for their demonstrated leadership.

Remembrance Day

Matthew BACH (North-Eastern Metropolitan) (09:49): I want to commend the membership of the Box Hill South sub-branch of the RSL for a beautiful service the other day on Remembrance Day. I have visited Box Hill Gardens and the cenotaph there for numerous services – sometimes with you, President – and as you would know, John, Arthur and the rest of the committee do a fabulous job to bring to life in an engaging yet sombre and appropriate way so many of these really important days.

Of course in Australia Anzac Day is a day that probably looms larger in the consciousness of the Victorian people and the Australian people, but Remembrance Day is also really important. It brings to mind the extraordinary sacrifice of former generations, the respect that we should have for that sacrifice, leading to our current freedoms, and the respect that we should have for the ongoing service of so many people. At the same time, I think, especially Remembrance Day brings to mind the fruitlessness of most conflicts. For many years I taught the causes of the First World War. There was something about great power rivalry. The Balkans were a powder keg, as normal. Rigid systems of alliances did not help. But I honestly could not tell you why that conflict started or what it did to further humanity, except I suppose to set the conditions for the Second World War. So war is complex, and I think dealing with that complexity and thinking through that complexity on days like Remembrance Day are important. The Box Hill sub-branch of the RSL helped people in our electorate do that quite brilliantly on the weekend.

Drug harm reduction

Rachel PAYNE (South-Eastern Metropolitan) (09:51): Last night I attended, with a number of my colleagues in this chamber, a vigil outside on the steps of Parliament, representing Keep Our City Alive. This vigil was in remembrance of a lot of those lives lost through overdose. We heard from many guest speakers. So many of them were family members – brothers, sisters, parents – of people who have died from overdose in our city. These are completely preventable deaths that are occurring right on our doorsteps. Only two nights ago I was also confronted by the reality of the situation on Bourke Street as I helped assist a man outside of a convenience store, and thankfully the attendant of the store was there as well as someone who worked at the Salvation Army and was able to help this man, who was drifting in and out of consciousness. Thankfully the ambulance was called and was on its way, but all I could think of at that moment was that we are calling ambulances to come and assist people when we have heard time and time again that there is a commitment to a second safe injecting centre in the city. I would just like to also reflect on the fact that there have been 390 heroin-related ambulance call-outs in the city in the last two years, and 29 is the number of people that have died of

overdose in the city. They are people's family and friends, and these deaths are preventable. So I call on the government to respond to that.

Family violence

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:52): I am about to read five names into *Hansard*. They are important names. They deserve to be heard, and they deserve to be remembered: Thi Thuy Huong Nguyen; Krystal Marshall; Lilie James; Analyn, or 'Logee', Osias; Alice Rose McShera. These are the names of five women killed in Australia in allegedly family violence situations at the end of October. These women, these five names, who had lived and contributed and loved and were loved, are dead at the hands, allegedly, of partners, of former partners, of people who exerted coercive control over them in the most tragic of circumstances. Sixteen days of activism against family violence is not simply something to tick off in our diaries and on our calendars – not simply part of our to-do lists. Family violence remains a scourge on the lives of women and children. Victims and survivors of family violence deserve more, and their names deserve to be recorded. Do not forget their names. Commit to act this year and every year.

Sergeant Dale McCahon

Melina BATH (Eastern Victoria) (09:54): In my members statement today I would like to celebrate the career of Sergeant Dale McCahon, recently retired from the Leongatha police station. Dale joined Victoria Police in 1982 and, after doing a stint in Melbourne, saw the light and came to country Victoria, transferring to Wonthaggi in 1990. He continued his service at Wonthaggi and Leongatha stations, rising to the rank of sergeant in 2008, until his retirement earlier this month. In 1990 Dale received a service commendation for diligence, courage and tenacity in the arrest of two offenders who were attempting to evade police.

Like many country-based officers, as well as working to keep our communities safe, Dale has embedded himself in his community, doing a lengthy stint as the president of the Leongatha Parrots netball club and volunteering his talents as the social media officer for the club. Raising funds regularly for charity, Dale completed Oxfam marathons on a number of occasions and continues to inspire people through his physical trekking challenges. On a personal note, I have really respected and appreciated his responsiveness and collaboration when as a local MP I have picked up the phone and asked for his advice on policing matters. Our VicPol officers perform a very valuable task as first responders, often under extremely hazardous circumstances.

Acknowledging his outstanding service, I am sure Dale has many plans for his retirement, including spending more leisure time with wife Lee and daughters Sarah and Emily, who are, I am sure, immensely proud of his contribution to the Gippsland community. Thank you, Dale. Cheers to your retirement.

Middle East conflict

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:56): For the last few weeks I have spent my Sundays marching alongside tens of thousands calling for a ceasefire in Gaza. I have watched these rallies double in size every week. When we started there were a few thousand marching, but this past weekend there were estimates that the crowd was some 100,000 people – the largest anti-war protest since the Iraq war. One thing is very clear: the people of Victoria want a ceasefire. As each day passes and another atrocity is committed against innocent people by the state of Israel, there are more and more taking their anger, their sadness, their disbelief and channelling it into a massive collective call for ceasefire, for an end to occupation and for lasting peace. I see parents with their children, the elderly, people of all backgrounds coming together at these rallies. We know that one atrocity does not justify another and all who commit war crimes must be held accountable. But the feelings of

Victorians are seemingly at odds with this Labor government and their federal counterparts. As Senator Mehreen Faruqi said:

> As long as Labor continues to shield the apartheid State of Israel, we will not stop talking about Palestine.

We will be out there on the streets every Sunday until you listen.

South-Eastern Metropolitan Region sporting and recreational facilities

Lee TARLAMIS (South-Eastern Metropolitan) (09:57): Community sport is at the heart of our communities, binding us together and creating a sense of belonging. That is why across the south-east the Allan Labor government has invested in sporting and recreational facilities.

At George Andrews Reserve in Dandenong South the future looks brighter, with works on the 500-lux lighting towers beginning. The $700,000 upgrade, jointly funded by the City of Greater Dandenong, means more training and playable hours, more opportunities for Dandenong Thunder to excel and a chance for games to be played at night. The upgrade will provide more opportunities to access community sport and recreation, including for their new women's team.

At Springvale Reserve we have also kicked off works in partnership with the City of Greater Dandenong, with our $2 million investment in a project that will deliver new 100-lux lighting on the oval, two new coaches boxes, two new netball courts with 200-lux lighting, a new player space and a new kitchen and canteen. This project will ensure that Springvale Districts Football Netball Club and Silvan Cricket Club have modern facilities and amenities to support players, supporters and the local community.

At Mulgrave Reserve we have invested over $4.3 million in three transformational projects. This includes upgrades to the existing cricket wickets, delivering a four-wicket synthetic cricket training facility with roof and netting, and new cricket netting for the existing six-wicket turf training facility; a redevelopment of the pavilion, which included the provision of female-friendly and umpire change rooms, a refurbished kitchen and canteen area, additional storage, a new meeting room, external toilet facilities and the formalisation of paths for walking and running; and the delivery of 150-lux lighting at the reserve.

These are just some of the investments that are part of our strong commitment to sport and active recreation, gender equality and encouraging all Victorians to get out there and get active.

Yarra speed limits

Evan MULHOLLAND (Northern Metropolitan) (09:59): My members statement is on my local electorate in the City of Yarra, where the City of Yarra have taken a decision to make most streets 30 kilometres an hour for drivers. The City of Yarra is punishing people that drive through it and punishing their residents. I am yet to meet a single constituent who thinks the glacial pace at which the congested traffic moves through the City of Yarra is too fast. It is absolutely ridiculous. The Allan Labor government has some authority over this. They can choose to reject this proposal, and I hope they do.

There is one issue on which I do have some sympathy for the City of Yarra. They have gone on strike – a strike of their road maintenance – because of cost shifting. They voted for a strike affecting 20 roads and government land. The council have blamed cost shifting. As someone who regularly meets with the mayors and CEOs of all my councils, I know it is not just Yarra; it is everyone. Whether it be for maternal and child health, whether it be for waste or whether it be for road maintenance, this Labor government is broke and it is shifting the cost onto councils and therefore onto ratepayers.

City of Greater Bendigo

Rikkie-Lee TYRRELL (Northern Victoria) (10:01): I am using my members statement today to congratulate the recently re-elected mayor and deputy mayor of the City of Greater Bendigo. I was invited to the official ceremony of the election of mayor Andrea Metcalf and deputy mayor Matthew

Evans on Melbourne Cup Day last week. The ceremonies were held at the beautiful Bendigo town hall, which was saved from demolition only a few years ago. I was also delighted to meet the two Dja Dja Wurrung elders Mr Rodney Carter and Mr Trent Nelson, who provided a very informative and interactive smoking ceremony. Ceremonies such as these, where members of government are invited, put an emphasis on how a good working relationship between all tiers of government ensures smooth progress for our communities.

Diwali

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:01): Today I would first of all like to say happy Diwali to all the members of the South-Eastern Metropolitan Region. We enjoy a large population of Indian people in our area. Some are Hindus, some are Sikhs and there are many other religions amongst the Indian community. But this is a very special time of celebration in the south-east, and I thank them all for the wonderful contributions of fireworks and carnival activities and events that they have had and continue to have either within their families or in the actual community areas. So I just wanted to first of all say to them 'happy Diwali' and to acknowledge that that is a very special time for many people in my area.

Remembrance Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:02): I also want to speak about Remembrance Day. Remembrance Day is an incredibly important time for many of our ex-soldiers and ex-service men and women but also for those who are currently in services or even in the cadets. I have had the great fortune of attending things in my region, in Berwick, and also attending the shrine service. It was a tremendous honour to be able to be there. I think of my late father-in-law Gerry Hermans, who used to wear his medals very proudly at these services, and I think of my husband, who was able to represent me at Dandenong and Cranbourne. I thank you for this incredible opportunity to be able to stand in this place and to remember those who have gone before us – those in the past – those who are currently serving and those who will be emerging to serve.

WorkSafe Victoria

David DAVIS (Southern Metropolitan) (10:03): The chamber will be aware of the developing issue with WorkSafe Victoria. Obviously there is legislation in the other chamber, but the community should understand that the problem with WorkSafe goes back a long way under this government. Changes were made in the period around 2018 which weakened the system, and the system has careered out of control since then. The Finity report, which we obtained through freedom of information after a long, long time – the government having redacted enormous amounts of material – shows a striking decline in the performance of the body. Of course WorkSafe is a body that needs to strike a delicate but important balance. It needs to protect workers and provide them with security in payments and medical support, but it also needs to do so at a rate that does not kill jobs and employers with massive premiums. It needs to be a fair system but a system that is properly run. The state government used to take dividends out of WorkSafe, but that has not occurred in recent years, because it has had to pump money in to prop up WorkSafe. But let me be quite clear here: the insurance funding ratio shown in the Finity report shows the system was completely unsustainable, and it is all this government's fault. It is its failure – the failure of it to tackle the system to make it fair, to make it sustainable. That is the job of a government.

Family violence

Nick McGOWAN (North-Eastern Metropolitan) (10:05): What a feckless bunch we are. Many have spoken today about family violence. Yes, it is true, it is devastatingly true, that one woman, one girl, one lady a week is killed by their partner or their ex-partner. We say it so often it is almost virtue-signalling. We talk about their vulnerability and we talk about how undesirable it is and how abhorrent it is. Yet when there comes the opportunity to act in this place, we seldom do, I think, what is now necessary. What is necessary is a disproportionate response. It was only some weeks ago that the

suggestion of ankle bracelets and such was pooh-poohed because it might be an incursion on offenders' rights. So at what point do we get sick and tired of women being killed in this state? Fifteen a day hospitalised – that is not enough; we need 30 or maybe 50. How many need to be killed a week? Maybe two or three before we act. At some point we have to send a message to boys, young men and men: (1) do not hit girls; (2) never, ever kill them. We are feckless. I only wish that the words I have heard today from everyone here were matched with their actions, because unless they are, women will continue to be killed every day, and we will wake up to that in the news. I am sick and tired of it.

Business of the house

Notices of motion

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

That the consideration of notices of motion, government business, 171 to 255, be postponed until later this day.

Motion agreed to.

Bills

Transport Legislation Amendment Bill 2023

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

David LIMBRICK (South-Eastern Metropolitan) (10:07): I am pleased to rise to speak on the Transport Legislation Amendment Bill 2023. There are a few things that this bill does, but I want to start by talking about the changes related to drug driving to facilitate more substantive trials. As former Minister for Roads Ms Pulford would likely remember, because I asked her about it many times, I believe our drug driving laws are fundamentally unjust. The injustice stems from the fact that people can be charged with a road safety violation despite being completely sober, sharp as a tack and without any drugs in their possession. Due to having previously consumed one of the three substances tested for they can lose their licence. There is not an allegation that they are impaired or dangerous on the roads, and they are not charged with an offence under the Drugs, Poisons and Controlled Substances Act 1981. This essentially amounts to being charged with drug use but under the pretence that it is a road safety charge.

You would not know this if you listened to statements from senior police after targeted operations or when commenting on individual cases. The language from the media, politicians and police usually implies or simply flat out states that people were impaired by drugs or charged with driving on drugs. Undoubtedly some of them are actually impaired, and no doubt the use of drugs can impair driving. But my point here is that the majority are not charged with that, and that is not proven. They are charged with driving with a prescribed amount of drugs in their system. There is a second drug driving offence that does actually find people guilty of impaired driving from drugs, but this is rarely used. When I asked former Minister Pulford about this, the written response noted that in the three years up to 2019 there were less than 200 of these tests done each year. I do not have updated statistics, but the most recent figures suggest that fewer of these assessments are being done.

While the measures in this bill do not actually resolve the flaws in our drug driving laws, they do represent a recognition from the government that the status quo is unacceptable, especially with more people now using medical cannabis. Now the injustice is compounded by people using a lawful medicine that is caught up in this flawed system. This bill will allow more substantive trials to better assess in what ways people are impaired and how we could better detect that.

I believe that a solution will be found but probably not in the way that people think. It is likely that this situation will eventually be resolved through the magic of technical innovation and capitalism. The

current technology of oral saliva testing is not really fit for purpose. There are false positives and false negatives, and as I have explained, they do not actually test for impairment anyway. Modern technology is getting better at finding ways to determine impairment through eye tracking and responsiveness. When this is refined, I believe it will not only resolve the issues with drug driving but also help drivers to make our roads safer for everyone.

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:10): I also rise to speak on the Transport Legislation Amendment Bill 2023. May I say on the issue of transport that I cannot help but raise some issues in terms of my own region when it comes to transport, simply because we have such a great lack of public transport and availability. I often wonder if people want to have choices and not have to drive what they are going to do in the south-eastern region where we have such a lack of available buses and extensions of train lines. For instance, the train line was never extended to Cranbourne East or Clyde. What are these people supposed to do if they wish to not be on the road in a car or on an e-scooter? There really is not provision in a lot of areas for e-scooters or even e-bicycles because of a lack of lanes and the lack of safety given the number of cars that are gridlocked on our roads. I do see some other issues and challenges with this bill. I thank everybody that has come before me in terms of being able to speak on it.

There are obviously issues in Cranbourne. We have a gentleman that has been picked up with a positive result for cannabis. I do feel for a number of people and the issues that are out there. I have had a family member pass away, and the family was so desperate during those COVID times that they were willing to try anything and everything and felt that maybe cannabis use might have been a way to go. I am one that prefers the science. I want to see the documents, I want to see the research and I want us to be cautious in decisions that we make. I understand that with trials and driving we need to be really, really careful in what we do, because it is an issue if we are putting more lives at stake in order to be able to give people their liberties. These are things we need to think about.

I also want to raise, on the e-bike issue, that my son, who is living out this way, was recently hit by a car while on an e-bike. He was in a bike lane. Had the car been going just a little bit faster, he might not be with me today, so I am very thankful that we take the precautions necessary to be rigorous in the decisions that we make – that particular driver was just on their way to work and had nothing in their system. I sort of wonder: we need to be very careful, we need to be cautious, we need to think things through and we need to be looking at the research. I am very thankful that there are a lot of changes being made and that there are a lot of opportunities with this particular bill.

I cannot help mentioning that transport in the south-east has resulted in things like this government bringing in stabling yards in Heatherton. What an issue that is going to be for those local people. Where there was parkland, there will be a bunch of trains parked and in the way.

Whilst we are very, very thankful that there are rigorous changes being made and that we are looking at ways that we can upgrade acts and make them more relevant to today – and there are not any major concerns with this particular bill – the issue of medicinal cannabis is like a can being kicked down the road. I guess we are going to be looking at the details that are not provided in this bill.

I do also want to mention that the bus industry association has been incredibly disappointed that it was not consulted on the driver accreditation changes. It does not have any concerns with the issues in this bill but with the fact that it was not consulted. This government are constantly telling us that they are consulting with stakeholders, but if you are just talking but not really going and consulting and listening, then you are not really consulting, and that is a major issue. With something as big as this, when we are actually looking at transport issues, we are looking at changes, we are making amendments to things, consultation is vital. Not only does it tick people off in these various areas of the community where they are providing services, but it can allow particularly important information to be omitted or not considered when preparing a bill. So it is not just a matter of sitting down and getting on a computer and having a look through everything and trawling through and putting bits of data together and some numbers but of actually talking to the people concerned, who this is going to

impact. That is incredibly important. So I do want to have that on record and note that the bus industry association was incredibly disappointed that it was not consulted in terms of the information in this bill, whilst it does not have any particular concerns with what is in here in principle.

I will say that the management of e-scooters is not an issue for us so much in the south-east, but I guess the question is: will it become that way in the future? If there is going to be this constant push to reduce emissions, then what are we looking at in places like the south-east, where people have no choice but to drive in cars because of the distance that they have to travel? It is already, can I say, over an hour in travelling time, maybe an hour and a half, one way for people who live, for example, in Cranbourne. Trust me; I know, because I have had to do those drives many, many times. But what are we doing if we do not actually provide the public transport for them and we do not even provide opportunities for e-bikes and e-scooters or any other option? If we are not looking at that in the planning and the development of these new areas, then we are not actually forward thinking, are we? We are not thinking it through: 'We're just going to cut this, cut that; we're going to turn to this, turn to that,' but the people that live in the south-eastern region have not been provided for. It is not even considered to be a rural area anymore, but it is made up of a number of former country towns, one being Berwick, another being Cranbourne, for instance. Some of these areas, even Clyde, up until not long ago were still paddocks. We are now finding that we have got housing development but we do not have the infrastructure in place to actually support that. So whilst we can see all the places and the people that were consulted, I think that if we are not actually going to go to those who are users or providers of these services, then we are not thinking through some of these things.

In terms of the Legalise Cannabis Party's private members bill that was put forward in March, I think the coalition was very, very clear in acknowledging that there is a difficulty that medicinal cannabis users have. We are in a situation where we are open to looking at the data and the research. We are looking at the proposed research trials. We want to find permanent solutions. We are not interested in promoting things, though, that are going to cause more harm. As I said, I have already had a son hit by a car as a result of going to work on an e-bike. I can tell you that he did not have far to go, he was in a bike lane and he was obviously going at the speed limit. It does concern me that we could actually have lives being put at risk.

Whilst it is a great pleasure to be able to speak on the Transport Legislation Amendment Bill, it is something that I think we need to consider. There are a number of issues that are involved in this particular amendment bill. It is good that there is some clarification that the government is providing. It is providing clarification and governance arrangements for various transport agencies, including V/Line, which is a good thing. It is looking at road safety reforms, speed cameras, speed detection devices and how they can be used with bikes and e-scooters, with rules around alcohol interlocks. But I think, again, the whole issue around cannabis and what that can do to people on the road is something that we need to genuinely consider. I do not want to have happen what happened to my son if somebody has been under the influence of something and impaired. I can say, as a person that in my time has had my fair share of pain and surgery, I have just simply accepted that when I have had to be on pain medication I could not drive – that was just how it was. These are things that we need to be aware of. You cannot expect to be able to take whatever you feel like and drive and think that there will be no implications. That is why the research is important. I am not saying that we are pooh-poohing these things; I am simply saying that we need more research.

We have questions. We can see some of the benefits. There are reasons for this bill to be amending legislation. There are some good points in here that we think are going to take us to the next level in terms of being a bit more careful and cautious. I do want to say too, as a former shadow minister for the TAC, part 7 of this bill corrects an anomaly of the government's own making, which is free rego for apprentices – that policy raised concern that without paying a TAC third-party insurance charge motorists would not be covered by the TAC in the event of a serious injury or death. The correction in here is something that has been covered, so I would like to put that on the record and to say that that is a correction that perhaps was an oversight in the past and needed to be made.

I also just want to bring up the issue of PSOs preventing a person who is incapable of driving from not only driving their own vehicle but any other vehicle, whether motorised or not. That is in clause 6. It says that police and PSOs can prevent that person from doing that. On that issue, again we need to be mindful of people going behind the wheel. When they go behind the wheel, they are putting lives at risk. Every single one of us – if we are not alert, if we are not awake, if we are under any sort of influence, we can make mistakes, and it can cost lives. The families of the people that can be impacted by that have to live with that forever. I know that young people have gone to jail for manslaughter while on P-plates. Back in the day I remember all the young people used to be able to get in the back of a car and yahoo along after an 18th or a 21st, and the rules were not as they are now. The reason that people cannot do that now is because of a safety issue where people have lost their lives. I am pleased to see that there are some amendments being made here that could actually save lives.

Again I will just reiterate the fact that we always need to be aware of stakeholders. We need to make sure that we are constantly looking at that, and we need to be forward thinking. When it comes to transport and when it comes to the use of cannabis, the research needs to be there. We want to see the data. We want to know that when we are making a decision in this place that it is the right decision, that it is a decision that is going to protect lives in our community and that we are not going to be bringing something in that is going to be costly later, because a life can never be replaced. It might be somebody else, but it cannot be replaced.

Tom McINTOSH (Eastern Victoria) (10:24): I rise to support the Transport Legislation Amendment Bill 2023. I want to start with the contributions from those opposite about the punctuality of trains in Gippsland. I find it incredible that those opposite – the very same people that ripped the trains out of Gippsland, out of towns like Korumburra, Leongatha and from Traralgon east to Bairnsdale – are talking about punctuality. I agree that we have to strive to get the punctuality of our trains up to their absolute peak level. We should be striving for that, and that is why this side is investing in the signalling, is investing in the train stations and is investing in level crossing removals to make sure that we get the best possible train services for Gippsland. Because it is not lost on me, it is not lost on the constituents of Gippsland, who pulled those trains out. I think it is very, very rich for those opposite to go on and on about the imperfections of the train line – the train line that we are investing in and we are bringing up to speed. I will tell you why it has taken a little while to get back: because you guys ripped it out. Everyone remembers exactly what you did and when you did it.

I am glad I addressed those points. There are a number of other things I would like to talk through in this bill. It does a lot of things – a lot of good things and a lot of important things. The purpose of this bill is to enable research trials to support evidence-based road safety policy, particularly in relation to medicinal cannabis trials; establish a legislative framework for local governments to manage issues in relation to vehicle-sharing schemes, such as e-scooters; implement important bus driver reforms; and implement changes to commercial passenger vehicle laws in relation to information sharing. It will enable Safe Transport Victoria to designate waters for the purposes of the National Standard for Commercial Vessels, clarify that persons exempt from paying the transport accident charge to the TAC are still fully covered for traffic accidents, reform the process for determining the disclosure and use of information in relation to the public transport network and support the efficient administration and regulation of the transport sector through a number of other improvements to the operation of those transport laws. This bill achieves these purposes by making amendments to a suite of acts, including the Road Safety Act 1986, the Road Management Act 2004, the Transport Accident Act 1986, the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Marine (Domestic Commercial Vessel National Law Application) Act 2013, the Transport (Compliance and Miscellaneous Act) 1983 and the Transport Integration Act 2010.

Part 2 of the bill implements important bus driver reforms. I think it is important to note that the government announced yesterday hydrogen buses are hitting the road as part of our work to ensure by 2025 that all buses purchased by the government will be net zero. This works alongside the investment and the trials that are being done with electric buses. I think that is another way we are showing that

not only are we investing in public transport infrastructure and services, but we are also doing it to ensure that we meet our emission reduction standards.

It was around six years ago that the Andrews–Allan Labor government led a comprehensive reform of the commercial passenger vehicle, CPV, industry. The reforms created a separate, modernised scheme for commercial passenger vehicle drivers under the Commercial Passenger Vehicle Industry Act 2017. However, the bus driver accreditation scheme remained unchanged. This bill will align the two driver accreditation schemes by establishing a bus driver accreditation scheme under the Bus Safety Act 2009. This scheme reflects best practices found in the commercial passenger vehicle driver accreditations scheme. This will both modernise the bus driver accreditation scheme as well as enable Safe Transport Victoria to find efficiencies in the administration of the aligned schemes. As part of the alignment, the bill will enable the recognition of driver accreditations between the two schemes. I am sure that this will be welcomed by both the bus industry and the commercial passenger vehicle industry. The bus safety reforms will also ensure Safe Transport Victoria's, STV, exemption powers are aligned with commercial passenger and marine safety legislation.

I would like to take this opportunity to nod the hat to all of our bus drivers out there that do an incredible job, whether it is on our bus routes in our public transport services or whether it is indeed our school bus drivers, who do an incredible job every day of getting Victorians around the state and, whether it is from point A to point B or connecting to our train network or other bus services, connecting people all around the state.

Part 3 of the bill implements changes to commercial passenger vehicle laws in relation to information sharing. Safe Transport Victoria receives a significant amount of information from the commercial passenger vehicle industry. This enables Safe Transport Victoria to properly function as a regulator. Some of this information needs to be shared with other agencies. For example, Safe Transport Victoria may need to share information about commercial passenger vehicle services with the State Revenue Office to ensure that the CPV service levy is properly paid. The current process for this is prohibitively complex. The bill will enable Safe Transport Victoria to share information with appropriate external agencies through information-sharing agreements and will reduce administrative burdens.

Part 4 of the bill amends the Marine (Domestic Commercial Vessel National Law Application) Act 2013 to enable Safe Transport Victoria to designate waters. The National Standard for Commercial Vessels sets standards for domestic commercial vessels in Australia. To be effective these standards require the designation of areas of waters based on the safety characteristics of vessels. This ensures vessels are used on areas of water where they can safely operate. Regulations are needed to establish a process for Safe Transport Victoria to designate certain waters for the purpose of standards. This bill will provide for those regulation-making powers. I will take this opportunity to give a shout-out to all those Maritime Union of Australia members out there – an incredible union and an incredible history, with workers who have seen goods come and go from our island continent way back when. My great-uncle worked on the wharves for a very, very long time. These workers have played an incredible role in Australia and Victoria and will continue to do so into the future.

Part 6 of the bill proposes a number of road safety reforms. While the effects of alcohol on driver impairment are well known, the effects of other drugs and fatigue on impairment are less well understood. To continue to make our roads safer for all users, we ensure that this government's decisions are based on robust evidence, hence we require research and trials on the effects of drugs and alcohol – including the combination of drugs and alcohol – and fatigue on driving. To allow such research trials to be lawfully conducted the bill proposes to empower the Minister for Roads and Road Safety to designate road safety research trials. This will allow participants in these trials to undertake behaviours which would otherwise be unlawful under road laws. The Minister for Roads and Road Safety will be required to consult with affected ministers before declaring a road safety research trial. This will ensure a coordinated and collaborative approach to road safety enforcement.

The bill also ensures that the existing three-year zero BAC requirement for all drink drivers is applied from the time the alcohol interlock licensing condition is removed. This will avoid circumstances where repeat or high-risk offenders are not subject to zero BAC requirements simply because of the length of the period the interlock condition is applied.

I just want to take a moment to talk about how proud I am of this government's work over successive terms of government to lean into what have been not only nation-leading but world-leading inquiries and royal commissions into family violence and mental health – to be prepared to lean into the conversations about where Victorians are at and how we support them in their lives. These things are inextricably linked when we are talking about workers who perhaps have a physical injury and who are using drugs to support their pain management, or when there are mental health issues and alcohol is being abused and other drugs are being abused, whether that is to support mental health issues or physical pain issues. The fact that this government has been willing to lean in, to invest the time and energy to understand the issues and to invest the money to meaningfully go about supporting people in these issues loops back to the work that we have done on family violence. When we see mental health issues with drug and alcohol issues playing out – which are often the result of people starting in a place of pain or difficulty with their mental health – that is when these situations play out down the track. I am incredibly proud that we have leaned in and been willing to have meaningful conversations, meaningful investigations and meaningful investment in these issues for the people of Victoria. I think the benefits of these will play out for generations to come – because the easiest thing in the world to do is just throw the book at people and take a hard-nosed approach, which actually does not help people, which actually does not deal with trauma and which actually does not prevent trauma recurring in future generations.

Part 7 of the bill clarifies that persons exempt from paying the Transport Accident Commission charge are still covered for traffic accidents. Earlier this year the Allan Labor government made vehicle registration and the TAC charge free for eligible apprentices. This was part of our commitment to back hardworking apprentices and help to ease cost-of-living pressures. Easing cost-of-living pressures is such an important thing. It is anti-inflationary, and we are supporting people to get into the workforce. We know those opposite do not believe in TAFE and we know those opposite do not believe in training people up or in apprentices. They just want to leave it all to the free market, and then of course we see a shortage of people with the skills, with the knowledge, with the qualifications and with the commitment to work in our industries and our sectors to deliver for Victoria. That is actually inflationary, because then people, when they cannot get workers to do jobs and when they cannot get people with the relevant required skills and knowledge to complete the sometimes incredibly complex tasks we need to build the infrastructure that we need for our state, turn around and ask why they cannot get anyone. It is because the rug was pulled out from underneath people's feet, and we saw that.

When I did my apprenticeship, I think we saw the last of the generation of people who through the 1990s had worn that set of overalls with one employer for all their life. That was their mindset. They were there to go to work every day to deliver for their employer, to deliver the services that the state needed, to deliver the infrastructure that the state needed and to do so professionally. Then it was a mindset of 'Everyone can be a contractor. Everyone can come and go. It doesn't matter about the quality of work. We're going to rip TAFE apart'. We were not going to see the quality of training for workers of that next generation. That played out, but fortunately this side has reinvested in our TAFEs and has recommitted the state government to ensuring that there is an understanding in our community that we absolutely back and support people – whether it is young people or people who are retraining – to get the skills they need to deliver what we need here in Victoria.

Part 8 reforms the process for determining the disclosure and use of information in relation to the public transport network. Entities involved in the operation of the public transport network hold records, such as ticketing data, on persons moving through the network. In certain situations there are public benefits to disclosing this data to other organisations; for example, the disclosure of CCTV

records to the police for criminal investigations or the provision of Myki movement records to contact tracers during a pandemic. A more transparent process for determining how this information is used and disclosed will be introduced as part of this bill.

This bill also expands the flexibility in setting dimensional and mass limits associated with permit fees for large vehicles crossing railway or tramway tracks. I spoke earlier about the investment this government has made in not only our public transport from a metro perspective but our regional trains and transport system. I will take this opportunity to give a shout-out to all those working particularly on our rail network and our rail system – all those great workers – and the Rail, Tram and Bus Union of course, who do an incredible job in supporting their workers.

In my last 15 seconds, part 9 deals with the transport restructuring orders. The bill updates the Transport Integration Act to reflect the constitutional changes made to V/Line by the transport restructuring order. I am out of time.

Katherine COPSEY (Southern Metropolitan) (10:39): This is an omnibus bill, so I will not speak to every aspect of it, but there are a few select areas that I just want to make some comments on this morning. I want to recognise that the establishment of the medicinal cannabis driving trial through the legislation will be of great interest to many Victorians. It is long awaited. My colleagues have spoken in this chamber on a number of occasions to encourage the government to take steps towards harmonising regulations that impact on the day-to-day lives of medicinal cannabis patients.

In 2016 qualified Victorian health practitioners were given the green light by this government to prescribe medicinal cannabis products for a whole range of conditions, and it is beyond a shame that it has taken this long for patients to be reassured that they will not face unnecessary consequences if driving whilst safely using their medication. We look forward to this being resolved for patients through this trial. We do note that the trials will be replicating very similar research to many other jurisdictions, and we trust that the impulse to ignore that established evidence base is not a regular feature of future bills.

However, it is really good to finally see progress. It is also good to see that scooter and bike share programs are being regulated in this bill, allowing oversight of these schemes as shared mobility options expand at a local level. This bill requires companies to make arrangements with local governments before introducing share schemes for e-scooters and e-bikes, which will allow local governments to regulate the way they operate, or to refuse them if they do not meet safety and community expectations. Clearly this is a positive step, but it falls short of how these modes of transport should and must fit into the larger transport picture in the future.

Legislating control over these schemes at the local government level instead of in a regulated uniform way across the state does perpetuate a fragmented system, and it completely misses an opportunity for a properly integrated short-distance, final-mile transport solution. As my colleague Dr Tim Read observed in the other place, under the current e-scooter trial e-scooters pile up along Brunswick Road and Nicholson Street because that is the boundary of the City of Yarra where they are allowed. Because they are GPS-limited to that LGA, they stop working as soon as you cross the boundary. That is one issue that is potentially going to persist if we have a patchwork of LGAs expanding these schemes. If companies also need to contract with individual councils, there is a risk of us ending up with adjacent councils contracting with different companies, meaning Victorians who just want to get from A to B on their scooter will need to switch from one company to another at the LGA border – not only a pointless inconvenience but adding extra cost as well. So while we welcome the move that allows for the expansion of these schemes to more of our neighbourhoods with local oversight, we do hope that the government remains on track to move swiftly to a statewide regulatory approach that helps this flexible and low-emission form of transport be more readily and conveniently available to more Victorians.

The bill also misses out in this regard on providing uniform solutions to safety and accident prevention. Emergency doctors have reported an increase in scooter injuries as they become more widely used, and the AMA have called on the government to have a statewide scheme in place to enable the sort of linked-up thinking that will help keep Victorians safe if they choose to use this mode of transport. The government does need to get serious about planning and investing in separated bike lanes to keep e-scooter and bike users safe. The government belatedly released its cycling strategy in 2018, but we are not moving fast enough on separated cycling infrastructure, and it has become even more necessary today with the advent of e-transport and population growth. The cycling strategy does state the obvious: that more people, particularly more women, will use active transport if it is made safe to do so. But this government simply has not invested in the relatively inexpensive infrastructure of separated bike lanes at the levels required to make vulnerable road users less vulnerable, and where it has, that rollout does tend to remain piecemeal, leaving people vulnerable for at least part of their trips.

This kind of fragmented and ad hoc approach to the issue of e-scooters and e-bikes is unfortunately still typical of our current approach to transport in this state. Government is spending a lot of money on welcome upgrades to the rail network, but it is not taking full advantage of those upgrades, with trains on existing services running about as frequently as they did a decade ago. Melbourne's buses not only tend to run less frequently than trains, they also tend to run on 15-, 30- or 60-minute schedules, and that prevents them from syncing up with trains that are running every 20 or 40 minutes. Today we are seeing further confirmation, with the federal infrastructure review, as it becomes available, that Victoria's approach to transport remains fragmented and ad hoc. The federal government's review commented on that. Early excerpts from the report include that the review found that many of the cost blowouts were due to the ad hoc way in which the government is dealing with projects, noting it was not responsive to evidence of looming cost increases or aligned with long-term plans and strategies, and also that decision-making lacks transparency and consistency. We must address these issues going forward for the transport needs of our state.

There also appears to be not much evidence that the government is grappling with the stark fact that transport is Victoria's second-largest and fastest-growing source of carbon emissions, as well as a significant cost pressure to families and absolutely crucial to connecting Victorians to jobs, education, friends and family. There is an urgent need to cut our transport emissions and enable Victorians to get around cheaply and conveniently, and electric micromobility – like e-scooters and e-bikes – has huge potential to be part of that solution. But for these technologies to reach their potential, the government needs to create and publish a real integrated transport plan – the one which has been required by legislation since 2010, which the government and the department still stubbornly refuse to comply with. An integrated transport plan would address how trains, trams and buses can be coordinated with each other; how e-bikes and e-scooters can help join the dots to provide that last mile of public transport trips; how to strike the right balance between cars and all other road users; and how to power our cars and vehicles with renewable electricity.

The Greens will support this bill but with some degree of frustration, as Victoria's transport solutions should and could be so much better. What we see, again, is underwhelming and disappointing. We have a vision in the Greens for transport that is fit for purpose, focused on a whole-of-sector approach, bringing down emissions and bringing transport solutions that really work to get people from A to B. The Greens are pushing for a future where the people of Melbourne are not forced to pay huge amounts at the petrol pump every week; a future where your Myki can give you access to a comprehensive, coordinated, frequent and accessible electrified public transport network across the whole city anytime of the day or week; a future where you can easily unlock a shared e-bike to get you from the train station to your home; a future where that e-bike trip is safe and comfortable, on a bike lane protected from cars; and a future where our transport system really works for people and the environment.

Ryan BATCHELOR (Southern Metropolitan) (10:47): I am pleased to rise to speak on the Transport Legislation Amendment Bill 2023, which is an extensive piece of legislation covering a wide range of matters, including enabling research trials to support evidence-based road safety policy,

particularly in relation to medicinal cannabis; establishing a legislative framework for local governments to manage issues related to vehicle-sharing schemes, such as e-scooters and e-bikes; implementing important reforms relating to bus drivers as well as changes to commercial passenger vehicle laws in relation to information sharing; enabling Safe Transport Victoria to designate waters for the purposes of the National Standard for Commercial Vessels; clarifying that certain persons exempt from paying the Transport Accident Commission are still fully covered for traffic accidents; reforming the processes for determining the disclosure and use of information relating to the public transport network; and supporting the efficient administration and regulation of the transport sector through a number of other improvements to the operation of transport laws. There are a range of principal acts that this bill seeks to amend, including the Road Safety Act 1986, the Road Management Act 2004, the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Transport Integration Act 2010 and a few others.

Victoria has really been a leading light in road safety efforts in this country and globally. We have been world-leading in our efforts to improve safety on our roads. In 1970 we were the first jurisdiction in the world to introduce mandatory wearing of seatbelts. In 1976 we were the first state in Australia to introduce random breath testing. In the late 1980s we again became a world leader by introducing speed camera technology to help enforce compliance with our speed limits. In 2004 we were the first state to introduce mandatory roadside drug tests, and in 2008 we introduced our graduated licensing system. Victoria's efforts in road safety not only have been leading the nation, and leading the world on several occasions, but they have saved lives. That is fundamentally what our road safety efforts need to be in aid of. There needs to be every effort made to ensure that Victorians do not die on our roads. I note the several very tragic incidents we have had recently on our roads across the state and the difficulties that they have caused for many families, and I acknowledge that the road toll here in Victoria is up on last year. That just goes to show that we must never think we have done enough on road safety and that vigilance in both policy and practice and improvements to our road safety system must always be at the forefront of our minds.

One of the things this bill does to aid those ongoing efforts that this government supports to improve safety on our roads is it enables the minister to designate road safety research trials. The purpose of these trials in general terms is to determine to what degree it is safe for someone to drive a vehicle after, for example, consuming drugs and/or alcohol and/or while affected by fatigue. It is part of our ongoing approach, informed by evidence and by science, about what is best from a regulatory point of view and an enforcement point of view to ensure that our roads are used safely and that people are not injured or do not tragically die on our roads.

The amendment in this bill relating to road safety is important, but it also has the potential to enable Victoria to remain at the leading edge of global efforts in relation to road safety. Obviously one of the big motivating reasons for this piece of legislation is to enable the trial with respect to medicinal cannabis that has been announced by the government, but it is not only about medicinal cannabis. The legislative framework enabled by the amendments in this legislation will facilitate other avenues – additional research to support ongoing work in the road safety area. Ultimately there is an initial idea about what this legislation will be used for, in relation to the trials of medicinal cannabis, but that could be expanded into different areas that we might not foresee today but which could impact on road safety tomorrow. It will ensure that the Victorian government's efforts with respect to road safety remain leading edge and fundamentally ensure that our roads are safe for all road users. This could include things like better understanding the impacts and management of things like fatigue as well as illicit drugs but also prescribed medications.

The Victorian government earlier this year announced a trial to better understand the effects of medicinal cannabis on driving and driving impairment. The trial will enable participants to drive in a controlled environment after taking their prescribed medicinal cannabis without fear of breaking the law whilst participating in valuable research to inform Victoria's approach to someone driving whilst having medicinal cannabis in their system.

Victoria in recent years has moved to have a regulated system of access to medicinal cannabis on prescription. I know that it is something that increasingly many members of the community are using in this safe and legal framework under the supervision of a doctor. Just up the road from my electorate office on Centre Road in Bentleigh there is a medicinal cannabis dispensary that is participating in this new legal and therapeutic prescription of cannabis products.

The challenge – and it has been well advocated for by our colleagues on the crossbench from Legalise Cannabis Victoria – is that the current road safety rules have a framework around the presence of some of the intoxicating substances in cannabis, THC, which means that any detectable amount of THC in a person's system constitutes an offence against the Road Safety Act 1986, including if it is the result of prescribed medicinal cannabis. So through the advocacy that the members of Legalise Cannabis have made to this chamber and have made to the government and more broadly from people in the community, the government acknowledges this is an issue which needs further consideration, and the best way to do that is through a proper research study so that we can have evidence driving policy in this space.

The closed-circuit track trial will provide us with valuable information about how low levels of THC in a person's system affect road usage, and whilst that learning is undertaken it will not endanger other road users. The proposed trial, which will be developed and implemented by an independent research organisation, will help us understand these issues, including how THC contained in medicinal cannabis impacts driving performance in different patient cohorts – because these things do not always affect everybody in the same way – and under different circumstances. We know that the circumstances on our roads and road conditions vary quite considerably from time to time, and everyone needs to adjust their driving to those conditions. The trial will enable this independent research to understand the impact of the presence of THC in someone's system on their ability to respond to those changing road conditions.

More and more Victorians are turning to medicinal cannabis. We recognise this as a legitimate part of the therapeutic framework that is available to people. It could be for chronic pain. Some people use it to treat their anxiety, others for cancer-related symptoms. People are using it for epilepsy, multiple sclerosis and a number of other very important reasons. They, from evidence, are finding it very useful, but it does impact on their ability to drive under existing road rules and comply with those road rules. So the purpose of the trial facilitated by this legislation is to enable the government to be informed by independent evidence about those effects and make its decisions about what is best for all road users accordingly.

Briefly, before my time expires, I will just mention a couple of other things that this bill seeks to amend. One of them is obviously the establishment of a regulatory framework for vehicle-sharing schemes, e-scooter and shared e-bicycle schemes being the most obvious and common of these that will be regulated as a result of the changes here. For the past few years we have had a trial of e-scooters on our roads. They are a new form of technology, a new form of mobility, and it has been important to understand how they are used through the trial, which has been operating in some of the local government areas in metropolitan Melbourne but also in Ballarat. That has enabled government to understand usage patterns and behaviours and to establish and think about a regulatory framework that would sit around that to best regulate this new form of transport. There has also been an expansion of privately owned e-scooters in addition to those which are available under hire schemes like those run by Neuron or Lime.

The bill will introduce a new part to the Road Safety Act to govern these vehicle-sharing schemes. This is important because we know from the past that when bike-sharing schemes descended upon Melbourne the oBike hire bicycles cluttered our streets, and in that case the City of Melbourne but more broadly local governments have not had legal powers to compel the providers of these services to provide better services or manage the amenity and impacts and the nuisance that those bicycles in that instance were creating. The regulatory schemes enabled by this legislation will enable local governments to have that legal power and remove that deficiency from our regulatory framework to

ensure that the new modes of transport can be properly and effectively regulated by local government, because fundamental to these sharing schemes is that they use public space to enable people to find and use the vehicles. Vehicles are parked in public spaces. Many of these areas are managed by the local council. It is a common part of our existence in the suburbs where they operate. What this trial will do, enabled by this legislation, is enable local governments to more effectively regulate these types of schemes. They will be able to listen to the desires of local residents. They will be able to take into account local conditions. It is a flexible system of regulation that can be tailored to the needs of local communities and the users of the vehicles – the e-scooters, for example – but also take into account the needs of local residents.

There are a range of other things that the bill does. I do not have time to go through them. Others in the context of this debate have been able to make those contributions. They are important amendments that we are seeing to our road safety, particularly in relation to the medicinal cannabis trial, and I am pleased to speak on the bill today.

Michael GALEA (South-Eastern Metropolitan) (11:02): I also join colleagues here today in rising to speak on the Transport Legislation Amendment Bill 2023. I do so having just crossed over from the gallery of the other place, where I had the real privilege of watching a speech by the member for Frankston regarding a very important bill that I am absolutely looking forward to seeing come to this place in our next sitting week. I am very much anxious that we should put that bill through as soon as we possibly can. But today in this place I am back in the familiarity of the red carpet. I always feel a bit uncertain being on the green carpet; it feels like I am in the wrong place. And why would you want to be there when you could be here on the red carpet, where it is much, much better? As I stand on the red carpet today, I am of course here to talk about transport.

This is an important bill that will make a few significant changes which will improve our approach to transport across a number of different facets, particularly with regard to public safety. Of course this is a government that is committed to ensuring the safety, efficiency and sustainability of our transport systems, which is a matter of paramount importance to our communities statewide. It is a particularly important issue to my constituents in the south-eastern suburbs of Melbourne, and it is very important to note the future development and the future trends as well that we must adapt to and make sure the legislation is keeping pace with and keeping with the times, as we need it to.

The amendments in this bill will enhance transport regulation to improve outcomes for various different transport users and local communities. By addressing critical issues such as road safety and matters such as the regulation of commercial passenger vehicles and the modernisation of our public transport systems, this bill aims to establish a more robust, a more equitable and a more forward-thinking transport framework in the state of Victoria. This bill acquits several important policy objectives, being to safeguard our citizens, streamline transport options and operations, and pave the way for innovative solutions in our journey toward a safer and more connected society.

I had the privilege yesterday of speaking on a motion on the Suburban Rail Loop, one of the many other ways in which we are reshaping the transport future of our great state, just as we are already doing with the Melbourne Metro Tunnel as well, and this bill is yet further demonstration. Though perhaps not as groundbreaking as a new rail tunnel, it is still a very important piece of that work.

The Transport Legislation Amendment Bill 2023 does mark an unprecedented step in our journey towards redefining transport in Victoria. The key reforms introduced in this bill encompass a series of critical reforms designed to address evolving needs – things such as enhancing road safety, which is an important concern for many constituents of mine in the South-Eastern Metropolitan Region. Many have contacted me about various other matters as well, which are important, and I thank all those constituents who have reached out to me on various road safety matters as well.

Recognising the link between road safety and public health, this bill introduces robust measures to mitigate risks and to reduce accidents. These include stringent regulations and enhanced enforcement mechanisms, which underline our commitment to making our roads are safe as they can be.

Another significant aspect of this bill is the reform of bus driver accreditation. In recognising the pivotal role that they play in our public transport system, this bill proposes rigorous standards and training requirements. This will not only elevate the quality of our bus services but also ensure that our bus drivers are equipped with the skills and knowledge that they need to navigate the demands of our modern network.

Furthermore, this bill will take a bold step in regulating vehicle-sharing schemes, a rapidly emerging facet of urban mobility. By setting a legislative framework for these schemes, we are not only embracing innovation but also ensuring that it is integrated into our transport network in a manner that is both sustainable and user-friendly. This is a critical approach in addressing the growing demand for flexible and environmentally friendly transport options.

Another key reform in this bill relates to research trials on medical cannabis and road safety. The need for such research trials stems from the growing recognition of medicinal cannabis as a potential treatment for various medical conditions. However, its impact on driving ability and road safety remains a largely uncharted domain. By facilitating these trials this bill will seek to bridge that knowledge gap, ensuring that our road safety policies are informed by scientific evidence and contemporary practices. The bill proposes a structured framework for conducting these trials, encompassing strict guidelines to ensure accuracy and reliability of those results. Participants in those trials will be closely monitored, with a focus on understanding how medicinal cannabis affects driving skills, reaction times and overall road safety and the extent to which it is an impact, if at all. This research is not only innovative but necessary in an age where the use of medicinal cannabis is becoming far more prevalent. Medicinal cannabis of course was one of the earliest reforms of the then Andrews Labor government – another nation-leading reform at that time in recognition of the fact that for many Victorians medicinal cannabis is the best option for their treatment and to deny them that only serves to prolong and compound their suffering over long, long periods of time. It is a very important reform that was put through a previous Parliament as an initiative of the then Andrews Labor government.

This bill today recognises the fact that people who might need to take medicinal cannabis still have mobility needs, and they still from time to time at the very least, if not more often, will have the need to drive. It is a sensible step forward to give them the support they need to ensure that because of their illness they are not being disenfranchised. The whole point of providing these options is so that people can live their best possible lives. By having this barrier in place for too long some people have been prevented from being able to access all their educational, career or other opportunities based on their transportation difficulties. That is something that this bill will seek to address. It is not only important obviously for transport regulation but very important for the health and wellbeing of our society as well.

In terms of bus transport, this bill makes changes to bus driver accreditation schemes. These reforms are designed to enhance the quality of bus services and ensure greater safety and satisfaction of passengers. The bill introduces more rigorous accreditation processes for drivers, involving enhanced background checks, comprehensive training programs and regular skill assessments. Such measures are critical in ensuring that bus drivers are not only proficient in vehicle operation but also well versed in customer service, emergency response and other various safety protocols. These reforms are in line with global best practices in public transport. By adopting these standards, we are not just modernising our bus industry but also aligning it with international benchmarks. This modernisation is not only about improving the technical skills of our drivers but also about fostering a culture of professionalism and dedication within the industry. Moreover, these reforms will have a far-reaching effect. They will instil greater confidence amongst the public in our bus services, encourage the use of public transport and contribute to the overall improvements to our transport sector.

How could I talk about buses without acknowledging the fact that just a few weeks ago it was of course Bus Awareness Week. As many in this chamber will know, buses are a particularly exciting policy passion of mine, being one of the reasons in fact from the early days that inspired me to get into politics in the first place. Access to and the provision of buses can make such a huge difference, whether it be to young people or people of middle age or older age. No matter what stage of life you are at, having a regular, reliable bus service means that you do not need to live within a short walk of a train station or live within the tram tracks in order to be able to access the best opportunities that our state has to offer. It is a really exciting part of public policy.

I was very excited to join other colleagues, including the outstanding member for Mordialloc, out on the buses in the Mordialloc electorate just a few weeks ago, along with now former Kingston mayor Hadi Saab as well. I also had a great time in joining the member for Monbulk out in her patch too, where we hopped on the 699 bus. Craig, the bus driver, was outstandingly friendly. There was outstanding service and outstanding driving too on some of those winding roads – quite remarkable skills, I have to say – and we very much appreciated the experience there too.

Of course not just in Bus Awareness Week but every day and every week thousands of Victorians, if not hundreds of thousands, me included, regularly use our bus network. It is often overlooked, and it is easy to do so when you have got big, exciting transport projects such as the Metro rail tunnel and the Suburban Rail Loop that we have, but it is always good to remember that buses do play a really important role in our transport system. It is the work of those bus drivers in particular that makes it all happen – of course with all the support staff in the depots as well – so a big shout-out to all the bus drivers in our state who make our state run.

Ryan Batchelor: Hail to the bus driver.

Michael GALEA: Hail to the bus driver – absolutely, Mr Batchelor. Beyond that, this bill will also introduce changes to laws governing commercial passenger vehicles, particularly in regard to how information sharing is dealt with. These amendments also will enhance transparency and efficiency within that space. A key change will be a mandate for more comprehensive information sharing between commercial passenger vehicle operators and the regulatory bodies. This includes the sharing of data related to vehicle registrations, driver accreditations and trip records. By facilitating access to such critical information the bill aims to streamline regulatory processes, ensuring that compliance and safety standards are met consistently.

These changes are highly significant. They enable regulatory bodies to monitor and manage the commercial passenger vehicle sector more effectively, improving those safety standards and addressing potential issues or violations. Additionally, they support data-driven policy development and resource allocation. Furthermore, these changes will also promote a collaborative environment between operators and regulators, adapting to the evolving demands of the transport sector and ensuring regulations keep pace with technological advancements and market dynamics. Ultimately, the focus on improved information sharing in this bill will lead to a responsive, accountable and well-regulated commercial passenger vehicle industry.

The bill establishes a legislative framework for local governments to manage vehicle-sharing schemes. This will integrate those schemes into our urban landscapes, recognising their growing significance in contemporary transport. Under this provision local governments will be empowered with the authority to oversee and regulate vehicle-sharing schemes within their jurisdictions. This includes the ability to set guidelines for the operation of those schemes, such as the designation of parking areas, the management of fleet sizes and the enforcement of safety standards. By decentralising the management and giving local government a significant role, the bill ensures that vehicle sharing will be tailored to the various unique needs of our many different communities across Victoria. The importance of that should not be understated: vehicle sharing can offer a flexible, cost-effective and indeed environmentally friendly alternative to traditional transport, particularly in those densely populated

areas where it may not be viable for people to own private cars. It may be the case that people who most often use public transport will from time to time still require a private vehicle to get around.

Another area addressed by the bill is the role of Safe Transport Victoria in maritime safety and regulation. Though I do not have time today to talk in detail about that, I do note that that also represents a very important part of this bill.

As I have spoken about, there are various different initiatives within this bill. It is quite a broad, encompassing piece of legislation that will tidy up and improve several acts and, as I have said, keep pace with the various changing technological and regulatory needs of the transport industry in Victoria. It is a straightforward, commonsense bill, and I do commend it to the house.

Jacinta ERMACORA (Western Victoria) (11:17): This bill delivers several essential reforms to our transport legislation. It covers technical amendments that improve the effectiveness of our transport legislation. It also introduces a legislative framework to enable research trials to support evidence-based road safety policy, particularly in relation to the presence of medicinal cannabis. This bill is important, as we all should have great interest in the effectiveness and safety of our transport system. Everyone in our state needs to have confidence that our transport network is effective and safe. As such, this bill proposes a number of road safety reforms.

I appreciate that our chamber has two members of the Legalise Cannabis Party, and their contributions have led us to debate on issues that have been both challenging and interesting. I have previously debated the topic of driving constraints for those taking medicinal cannabis, and I argued at the time that we need robust research and trials in order to be able to legislate in this space. Whilst we currently have very effective measurement of blood alcohol level in human systems, and there is plenty of evidence around impairment that that causes, there is no available testing technology and no evidence base that provides a systematic and controlled measurement of medicinal cannabis in a human person. I am very pleased today that this bill will enable research and subsequent trials to support the investigation of evidence-based road safety policies, particularly in relation to the presence of medicinal cannabis in a person's blood stream.

This legislation will support a world-leading trial that will assess the effect of medicinal cannabis on road driving behaviour. Critically, to enable the lawful conduct of research trials, the bill will give authority to the Minister for Roads and Road Safety to officially designate road safety research trials. Participants will be able to engage in behaviours that have typically been considered illegal unless in a trial environment so that we can safely and scientifically assess the impacts of drugs and alcohol. This is complex. We also need to consider combinations of drugs and alcohol, let alone the impact of fatigue. So we do need to get this right. As I have argued previously, one of the further reasons why we need to get this right is that if we inadvertently legislate to allow someone to travel on the road with medicinal cannabis in their system and they are impaired and that causes a safety incident for other travellers on the road network, then we will have failed.

The trial will be developed and implemented by an independent research organisation. The Department of Transport and Planning, road safety partners, experts and health professionals will oversee the trial from a governance and logistical perspective. A designated, controlled driving environment will be created for the trial. This will be physically separated from the public roads and take into account safety for the research staff and participants. Under this legislation the Minister for Roads and Road Safety will be required to consult with affected ministers before declaring a road safety research trial, ensuring a coordinated and cooperative approach to the enforcement of road safety measures.

This bill will also establish a state-level legislative framework for local, city and shire councils to manage vehicle-sharing schemes, specifically on issues that they present in relation to amenity and accessibility. As a former councillor and mayor of Warrnambool City Council, I know firsthand how much easier it is to implement new initiatives when there is a guiding framework. This bill aims to

address this problem by requiring operators of vehicle-sharing schemes for e-scooters or bicycles to have an authorising agreement in place with a local council. Sensibly, with this model local councils can best determine what their local community needs and create by-laws to that effect. On that note, each local council is different and their little city centre areas – or big city centre areas in the case of Melbourne – are all unique and have different dynamics when it comes to the use of bicycles, the extent of pedestrians and the number of cars, and any actual activity that that precinct might also be supporting might vary as well. So this is a very good model that is going to provide a fit-for-purpose regulation system for each local government area.

Additionally, the bill will update and clarify the Road Safety Act 1986 to provide improved road safety outcomes for all Victorians. It will support and reform the reorganisation of our transport sector agencies and regulation schemes in addition to making reforms with the intention of establishing a more efficient transport sector, administration and regulation. Who does not want that?

The bill will amend the following acts: the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Marine (Domestic Commercial Vessel National Law Application) Act 2013, the Road Management Act 2004, the Road Safety Act 1986, the Sentencing Act 1991, the Transport Accident Act 1986, the Transport (Compliance and Miscellaneous) Act 1983 and the Transport Integration Act 2010.

The bill also addresses efficiencies in the organisation and function of Victoria's network of transport sector administration and regulation bodies. This will overall improve the function of transport bodies in the state of Victoria. It will align regulatory schemes and bring the standard of Victoria's transport sector industries up to leading practice. This bill also clarifies that persons exempt from paying the transport accident charge, better known as the TAC charge, are still covered for traffic accidents.

I was so pleased when earlier this year the Allan government made vehicle registration and transport accident charges free for eligible apprentices. We all know how popular that strategy is and how important it is in the context of cost of living and the particular financial challenges that young apprentices often experience. This was a real cost-of-living saving for those learning a trade. I know in Western Victoria this made a huge difference, particularly to our young people starting out on new career paths. This was particularly noted by the Neil Porter Legacy, which makes career education a priority with a locally focused and action-based approach in the south-west. They are a not-for-profit that is committed to exposing students to a variety of careers through their schooling, and I commend the difference they make. Matt Porter of Neil Porter Legacy was very supportive of this policy at the time of its announcement. He stated in the *Standard* on 11 November 2022 that offering free registrations to apprentices is a great way to show them the value of choosing a trade as a career. He went on to say:

> Anything we can do to encourage young people to take up apprenticeships is a great idea and free car registration is an excellent initiative …

I should state the obvious: 90 per cent of apprentices need to have a vehicle for their work, and that same 90-plus per cent need to travel in those vehicles to each of their worksites. It is pretty rare that an apprentice would be travelling on public transport but perhaps not quite so rare that apprentices are transported to their jobs by their mums or their dads.

To support this measure the bill clarifies that the owners of motor vehicles exempted from paying the transport accident charge do not lose coverage for transport accidents. I must emphasise that trade apprentices exempt from paying vehicle registration fees have always been covered for transport accidents. However, the legislation was not completely explicit on this point, so the bill will put beyond doubt that even though someone is exempt from paying the transport accident charge, they will still be fully covered for transport accidents.

Another important part of this bill is the acknowledgement of this government's action in 2021 to bring V/Line more directly into the centre of our public transport system. One of the intentions of this

bill is to confirm that arrangement in legislation. For the south-west, the Allan Labor government's absolute commitment to provide regional Victorians with faster and more frequent connections is so welcomed. Passengers have saved millions of dollars on the Warrnambool line since the introduction of capped fares, for example, let alone the multimillion dollar regional rail upgrade that is at the stage 2 phase for the Warrnambool line. On 31 March fares were capped at the same price as metropolitan Melbourne. Usage on the line is now up 38 per cent in the first seven months of capped fares. A daily return ticket is $10. More than 280,000 one-way trips were taken on the Warrnambool line in the first seven months of capped fares. This is achieving exactly what this legislation is reinforcing: bringing the regional rail network and regional communities into the centre, literally, of our state. Passengers who previously paid $78.80 for a return trip now pay $10. Concession is $5. This has transformed the experience for families, particularly on weekends, of accessing Melbourne for entertainment and family gatherings but also for young people who are students, either studying in regional Victoria or studying in Melbourne, and for those attending health appointments, a most stressful time in anybody's life, where perhaps they have a condition that does need to be either assessed or treated in Melbourne and have had to pay so much extra money to access that treatment.

The state of Victoria has led the nation for over 50 years in life-saving road safety policies. In 1970, for instance, we led the world to become the first jurisdiction to introduce mandatory seatbelts. In 1976 we were the first state to introduce random breath testing, and in the 1980s Victoria again led the world by introducing speed cameras. In 2004 Victoria was the first state to introduce mandatory roadside drug tests, and in 2008 we introduced a graduated licensing system. These initiatives have been found time and again to have saved countless Victorian lives. Our record on road safety in Victoria is a strong one, and the work that will be achieved through this piece of legislation will contribute to that. I look forward to the outcome of the research that is being conducted as a result of this legislation, and I commend the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (11:34)

Katherine COPSEY: I just have three questions. My first one, Minister, is with regard to vehicle sharing schemes and e-mobility. The bill requires companies to make an agreement with a municipality. Just to avoid duplication and potential conflicts or issues at LGA boundaries, it would seem that in the future a statewide scheme would make sense and would make ease of use of these devices better for residents. Will you consider a wider statewide scheme regulation in future?

Harriet SHING: The bill at this particular point in time explains the status quo. I do not have any announcements to make in this committee stage about any expansion of the scheme.

Katherine COPSEY: Also, just with the expected increase in the use of e-scooters and e-bikes that this bill will likely present, will the government invest in necessary infrastructure for protected bike lanes to improve safety and reduce accidents for bike and scooter users and all other road users?

Harriet SHING: Thanks, Ms Copsey, for that question and for your interest in e-scooters and the very vocal position that you take on bike lanes. There are a range of parameters around the use of e-scooters, which are well understood by you and your colleagues, in particular around the way in which e-scooters can be used around various locations, including in trial sites. Again, the use of infrastructure is part of the trial and part of the scheme. However, we do have a separate process for discussion of infrastructure, including on and across our road networks. So again I would ask, with your indulgence and with a pun intended, that we perhaps park that one given that it does relate to other parts of the network.

Katherine COPSEY: This is my last question. Minister, electric unicycles are omitted from this bill particularly, and these are the self-balancing rides. These are not the unicycles we might imagine from the circus but usually the self-balancing rides with the foot pads on either side of the wheel. They travel at similar speeds to e-scooters and they present from a public policy point of view a similar mode of transport and similar risks. My colleague in the other place Dr Tim Read advises that one of his constituents in Brunswick was riding one of these devices recently and received a fine. Can you explain why devices like this have been excluded from the bill?

Harriet SHING: Thanks, Ms Copsey, for that somewhat unorthodox question about the use of electronic or electric unicycles. In noting Dr Read's reference in the other place and also the nature of an infringement notice being issued to somebody using an electric unicycle, I do not accept that we are talking about an equivalent form of electric transportation. When we are talking about a piece of machinery that moves from two wheels to one and we are noting that it requires an inherent measure of balance and stability – and I will put on the record that I have neither of these things as far as spatial awareness is concerned – I would not necessarily accept that these are equivalent forms of transportation. But what I would say is I do not have the details of any infringement. The law is clear on two-wheeled vehicles and, again, we want to make sure that public safety and appropriate use of our road network take place and are not imperilled because of any stretch or latitude that might be sought by people who have these new and different forms of electric transportation.

What I would also urge people to do is make sure that we are at all points in time sending very clear messages about what is and what is not acceptable. We have had a not dissimilar conversation around monkey bikes – those very, very small motorcycles which caused a range of very significant safety issues – and they were the subject of widespread public comment at the time that there were injuries. Again, I also want to make it clear that technology is always evolving around the way in which we use and deploy machinery and equipment for the purpose of transportation. Safety, however, must trump everything, and that is what this objective does with the electric scooter process, confined as it is to vehicles with two wheels.

Joe McCRACKEN: Where or at what sort of facility is the trial likely to be undertaken?

Harriet SHING: Thank you, Mr McCracken, for your important question about one component part of this omnibus legislation which I suspect we will spend some time on today. What this bill does – and this might help to shape the way in which this discussion in the committee stage evolves – is to create the framework for this trial. When we operationalise it, there will be a range of things that are taken into consideration, including as they relate to the site and to the process for the conduct of that trial. Any trial site that is determined to be in contemplation will need to satisfy a range of requirements, including as that relates to driver safety and vehicle operation in the course of that trial. A few locations are being considered in the mix for the development of this trial, and we do want to make sure that we are taking care of the people who will be participating in that trial. As part of the trial scoping, we will make sure that it is, without a doubt, off the public network in order to quarantine it from any other risk that might arise to other people not within the scope of that trial.

Joe McCRACKEN: I know you talked then about the criteria, about selecting the different sites and that sort of thing. My question then is: what sort of criteria are you going to think about to select those sites? I will just ask that question first – what is the criteria that will be used in selecting sites – and I will have a subsequent question after that.

Harriet SHING: Again, being off the public network is a key component of the trial here, so not within road infrastructure where that might interface with people not participating in the trial. Safety is the key driver for determination of that location, and that will be something that does inform the way in which that is determined, so primarily safety. Secondly, it will be about accessibility and the capacity to monitor and oversight what happens in that trial. That will involve a range of considerations, including visibility and the circumstances and the environments of the trial site. In undertaking that trial it is going be necessary to make sure that an assessment can take place in a variety

of different circumstances, and again, any kind of track that is determined to be a site will have to take that into consideration.

Joe McCRACKEN: How will the government go about identifying the participants in that trial?

Harriet SHING: That is a really important question. When we go back to the rationale for this particular trial and the importance of understanding the impact of cannabis on driving, there is a range of cohorts to which the purpose and the rationale of this policy setting applies. We want to make sure that we have a really clear understanding of the impairment effects of THC on patients who have a range of different conditions. There are really significant gaps in our understanding of the impact of medicinal cannabis and THC on the operation of a vehicle. That is about understanding how patients have conditions that require medicinal cannabis and need to drive. Most of the studies have only demonstrated moderate driving impairment in its effects on young and healthy people without underlying conditions, but we need to understand the impairment impacts of THC on different cohorts. That is about people who have different underlying conditions, the time since their last use of medicinal cannabis and potential impairment effects due to other prescription drugs. When we think about medicinal cannabis access and the scheme for prescription of medicinal cannabis, it was also referenced that the purpose for that was to manage seizures or underlying significant conditions limiting quality of life. They are circumstances in which there are often a number of medications in play to help manage a patient or a consumer in pain, with nausea or lack of appetite and often with ongoing neurological conditions and management.

So we have limited ability to apply a per-se limit, as applies with blood alcohol content, simply because of the way in which its presence manifests differently, in a way that is harder to measure. THC threshold in blood indicative of driving impairment level and road safety risk is a challenging and complex area to traverse. THCs, as we know, metabolise differently in different sorts of individual circumstances, and the requirement for invasive testing for measurement is a part of the contemplation of selection here.

We have a lack of understanding of the impacts of legislative change as it relates to medicinal cannabis containing THC and driving within international jurisdictions and those road safety outcomes. This is something which the medicinal cannabis road safety group has been examining for a number of years. Given those gaps, a series of initiatives are being proposed to understand the impacts of medicinal cannabis containing THC.

When I refer to medicinal cannabis from this point onwards I will be referring to medicinal cannabis which does include THC, noting that that is not uniformly the case. We need to understand what that impact of THC presence does to driving performance, and again – to go to the purpose of this bill – use the regulatory reform process, including the proposed trial, to close those evidence gaps for medicinal cannabis users. Safety sits at the heart of this. Variation in the way in which presence and impairment manifest across different cohorts and the objectives of the trial will all be things that guide the way in which participant selection occurs.

Joe McCRACKEN: Are there any waiver or liability issues for participants that are not covered by the legislation at all?

Harriet SHING: This is something which actually sits adjacent to the legislative issue that we are talking about here. Indemnities are actually developed separately to the contemplation of the framework and the establishment of the framework for the trial in this particular bill.

Ann-Marie HERMANS: We have got some questions in terms of the scientific and legal oversight of the trial and who will actually run the trial, so could you please specify these things?

Harriet SHING: Again, I am looking forward to exploring some of these issues that you have talked about around the trial and the scientific underpinning of the components that I have talked about to date in response to Mr McCracken's question. The Department of Transport and Planning will lead

the proposed trial in partnership with the road safety partners, and this will be, as far as the trial and the closed-circuit trial are concerned, run independently by a research institution. The framework, again, for the development and the delivery of this proposed trial will have at its core safety in the way in which it is developed and then takes place.

Ann-Marie HERMANS: You mentioned drugs. You mentioned THC. Are there any other drugs that this government has in mind for these trials, and would any of them be illegal drugs?

Harriet Shing interjected.

Ann-Marie HERMANS: In addition to medicinal cannabis, yes.

Harriet SHING: This is about a medicinal cannabis trial, so it is about the impact of the presence of THC on driving. It does not go any further than that.

Ann-Marie HERMANS: We have got some questions too in terms of speed cameras. Given that we currently do not have numberplates on e-bikes and e-scooters for the use of speed cameras, how is it going to work with speed cameras enforcing the speed of bicycles or e-scooters if they have no registration plates?

Harriet SHING: There are already capabilities within the legislation under the Road Safety Act 1986 for infringement notices to be issued. They may not be captured through fixed or mobile speed cameras, but they are and can still be issued. Again, road safety is at the heart of what this omnibus bill is doing, and you are right to identify that bicycles do not have registration. That is not to say, however, in particular in metropolitan and those inner city areas, that infringements are not issued, because they are. Again, the primary purpose of issuing infringement notices for excessive speed relates to deterrence. We know that people can be significantly injured in the event of a collision of a bicycle with somebody or something at speeds higher than the prescribed speed limit in any one place or time, and we also want to make sure that police are in a position to issue infringements in a range of circumstances. That may well be about the deployment of radar cameras as an alternative to enforcement and the issuing of infringements because the means of a fixed or mobile speed camera has been deployed. Police will be in a position to issue those infringements, pulling people over if the speed in excess of the speed limit in any one place has been determined, including by reference to those radar cameras, and, again, that will apply to both bicycles and e-scooters.

Ann-Marie HERMANS: Just to clarify then, you are not going to be able to use the speed cameras, obviously, if you have not got a way of identifying them. I mean, obviously police have not got time to be trying to figure out who the person with the denim jacket is when there could be a dozen people on the same type of e-scooter with a denim jacket. I appreciate that clarification.

In terms of costs, does the government have any indication of the compliance costs they are putting on local governments and e-scooter and e-bike companies by making them responsible for forming an agreement?

Harriet SHING: Under the Road Safety Act, Mrs Hermans, vehicles must meet a range of specifications. They must be capable of being operated in a safe manner. Again, there is an interface between user action and conduct on the one hand and what is fit for purpose. There is also consumer law which applies to goods being fit for purpose, and we have a range of legislative mechanisms that operate at state and indeed federal levels around that. It is also really important that we note that people will be expected to operate a scooter in a safe way, and that is where, again, the framework for the issuing of infringements is important. There is also a model agreement developed by the Department of Transport and Planning, which should reduce the costs for local government. I assume this is the area that you were going to there. So that is about what that model agreement can provide for in order to address the issue that you raised in your question.

Joe McCRACKEN: I am going to go on the local government theme as well. What advice will be provided to councils on how to manage issues like footpath clutter, pedestrian safety and dumping of bikes and e-scooters? Will there be any advice promoted to local government about those matters?

Harriet SHING: Councils can decide if they want these shared schemes, so that does form the basis for a decision guided by local government as to what participation looks like. We also want to be clear about the existing obligations for councils in the maintenance and use of facilities that fall under their remit. Again, this is part of the existing framework for the work that councils do, and that is where, to come back to Mrs Herman's question, a model agreement will be developed on the question of costs, and councils will be in a position to make decisions that are right for them as part of this shared scheme.

Joe McCRACKEN: Can you just detail what the consultation is with local government in regard to these matters? Which councils were consulted and actually supported these sorts of ideas?

Harriet SHING: Councils have, for some time now, expressed a range of views about the shared scheme and about what this will mean for them and for their municipalities. Again, that work will continue – this is about setting up the framework for that ongoing conversation and dialogue with councils, including the way in which it may apply to them. Councils have already made their views clear. Those views do vary across various municipalities, and that work will continue, upon passage of this legislation, around what it looks like into the future. Again, it is a process of ongoing dialogue.

Ann-Marie HERMANS: Minister, thank you for all of your responses. You did mention that there is some sort of an agreement that local governments are going to be using. When does the government anticipate the agreement will be available? Will all the data on this become available to the Parliament and the public – the compliance, the expectations, the costs and in terms of what your actual agreement with the local government is?

Harriet SHING: As you have mentioned, that model agreement will be developed by the Department of Transport and Planning, again to assist councils to reduce those costs. There will be guidance developed for local government to assist them in developing an agreement, so again it is about working with and alongside councils to better understand what the shared scheme will look like, how it will apply to them and what the terms of that agreement will be as a consequence of those discussions.

Ann-Marie HERMANS: Will we be able to see it, Minister? Will that become available so that everybody will be able to see it, the public and the Parliament?

Harriet SHING: That will depend upon the agreements as reached and the parties to those agreements, Mrs Hermans.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Community safety

Georgie CROZIER (Southern Metropolitan) (12:00): (359) My question is to the Minister for Disability. Minister, on 9 November a comment was made on the Australian Jewish Association Facebook page in response to a Holocaust survivor, which read:

> … how unfortunate you survived … we need Hitler round 2 gas you all …

The author of this comment appears to be a registered disability worker in Victoria. Minister, can you commit to conducting an inquiry into this highly disturbing issue? If accurate, this is certainly not a person we would want dealing with our most vulnerable in the community.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:01): Thank you, Ms Crozier, for your question. Certainly any behaviour or commentary of that nature would be highly concerning. I take on board your question and will make further investigations.

Georgie CROZIER (Southern Metropolitan) (12:01): Minister, thank you for your response. Minister, given the Disability Worker Registration Board of Victoria is responsible for assessing the suitability for registration of disability workers, including that they meet set standards for registration, will you also refer this matter to the Disability Worker Registration Board for its assessment?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:02): Thank you, Ms Crozier, again for your question. Obviously the disability services landscape in Victoria is quite complex. We have national disability insurance scheme services and Victorian services and also the worker registration aspects of the Victorian aspects of those services. I will undertake, as I said, the investigation, and where relevant I will then take appropriate steps.

Ministers statements: Green Links

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:02): It is always a pleasure to be able to rise to provide an update on the progress being made toward our commitments as they relate to water. Last week I joined my colleagues in the other place the wonderful members for Northcote, Preston, Pascoe Vale, Broadmeadows and Thomastown by the beautiful – and on that day rather noisy – Merri Creek to open the first round of our Green Links grants. This is a $10 million grants fund, and it is a really important component part of our Protecting Waterways so Our Wildlife Can Thrive election commitment. Working closely with our local communities, this program is about greening up to 200 hectares of land across our catchments in Melbourne and down to Geelong.

In this first year, $6 million of grant funding is available to community groups like our friends groups – Friends of Merri Creek was there last week – traditional owners, local government, water corporations and our catchment management authorities to support their projects. There are two streams of grants – excuse the pun – for local projects of between $20,000 and $200,000 and for catchment-sized projects of between $200,000 and $2 million.

Nick McGowan interjected.

Harriet SHING: So that should please you, Mr McGowan, burbling like a stream as you are on the opposite side of the chamber. In year 1 –

Sheena Watt: On a point of order, President, the minister is making a ministers statement on an issue very important to the people of the Northern Metropolitan Region, and I am having a lot of trouble hearing at this end of the chamber. Could I get you to direct those interrupting to stop it.

The PRESIDENT: I uphold the point of order. I could hear the minister, and I do not think she was being provocative to provoke interjections. Seeing as we did not have the second question, can I get the clock reset. The minister can start again, without any noise.

Harriet SHING: Take 2. What a wonderful opportunity here today to provide a really significant update to the house about the Green Links fund, which is a $10 million fund that should lead to no end of excitement for coalition colleagues on the other side of the chamber. This is a fund which is a key component of our Protecting Waterways so Our Wildlife Can Thrive commitment. We are working alongside communities. It is a program that aims to deliver 200 hectares of land greening across our really important catchments in Melbourne and Geelong. In this first year of funding there will be $6 million in grants funding available to community groups. It was a joy to join my wonderful colleagues in the other place the members for Northcote, Preston, Pascoe Vale, Broadmeadows and Thomastown as well as friends groups, traditional owners, local government, water corporations and our catchment management authorities to make this announcement.

This is about an initial allocation of $6 million to two streams of grants: local projects of between $20,000 and $200,000 and catchment-scale projects of between $200,000 and $2 million. In year 1 the first round of grants will be available to Edgars Creek, Darebin Creek, Gardiners Creek, Jacksons Creek, Koonung Creek, Kororoit Creek, the Maribyrnong River, Cherry Creek, Merri Creek, Moonee Ponds Creek, Steele Creek and Stony Creek, as well as waterways within the Yarra strategic plan, waterways of the west and rivers of the Barwon action plan catchments. Our urban waterways are so important to livability, to biodiversity and to managing the increasing impacts of climate change. I cannot wait to see these projects delivered and applications flow as a priority.

Family violence

Gaelle BROAD (Northern Victoria) (12:07): (360) My question is to the Minister for Housing. A woman in Echuca who was fleeing domestic violence and needed urgent access to public housing was told that the best the state could offer her was a tent at a local caravan park for six months. Why is the government failing vulnerable women?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:07): Thank you for that question. Family violence has been a key driver for vulnerability, risk and need across so many parts of our system, and we know that when we address the challenges of family violence as they arise, predominately for women and children, we need to be able to provide people with somewhere that is safe and somewhere that has access to the appropriate level of support. This is about so much more than bricks and mortar and providing a roof over people's heads. Mrs Broad, I am really keen to hear more about this particular matter that you have raised about this person in Echuca. I would very much like to talk about what can be done and what the situation was.

In the 2022–23 year almost one in five – so that was 859 – households experiencing family violence were allocated public housing. That is more than at any other time in the last six years. We also know that family violence is a key driver of demand for homelessness support services and that we have seen an increase of 50 per cent in support in homelessness assistance for people experiencing family violence since 2012–13. There are a few factors that have led to this. We have seen a range of pressures on our systems, not just here in Victoria but around Australia, and we know that the average waiting time reflects strong demand for social housing.

Budget paper 3 targets have shown us we have got a lot of work to continue to do, and that is exactly what we are doing. There has been an allocation in the 2022–23 budget of $69.1 million over four years to fund existing family violence refuges, to build and staff two new core and cluster refuges, to upgrade three existing partner agency operated facilities and also to purchase six new crisis accommodation properties. There has also been $40.4 million invested in a range of targeted housing support to transform and meet that critical demand.

When we do have a notification of family violence, triage occurs in relation to risk and vulnerability. Where housing is not able to be found immediately across the social housing stock, alternative accommodation is arranged so that people do have what they need in the short term, and that is where the crisis accommodation comes in. I will look into that matter if you can provide me with some further detail, and we can go from there.

Gaelle BROAD (Northern Victoria) (12:10): Thank you, Minister, for your response and for your willingness to learn more about it. I guess as far as alternative accommodation goes, hopefully we can do better than a tent. Public housing wait times for women fleeing domestic violence have tripled to two years under this government. How many vulnerable Victorian women and their children are at risk because this government has failed to provide them with public housing?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:11): Thank you, Mrs Broad. I do not know whether you are seeking an opinion from me as to who may be at risk or may be vulnerable. Again, we have committed to record investment for social housing, for homelessness supports and also for making sure that, as part of the Big Housing

Build, we are providing housing to people, including victims and survivors of family violence. The Big Housing Build will provide 1000 homes across that overall investment for people who are victims and survivors of family violence. It is also about making sure that we are providing people with the broader supports that they need. As I said in my answer to the first question, this is an issue that goes far beyond bricks and mortar, and again I am very happy to continue to work with you on the first issue you raised.

Water policy

Sarah MANSFIELD (Western Victoria) (12:12): (361) My question is for the Minister for Water. The Commonwealth is likely to scrap the socio-economic neutrality test for the Murray–Darling Basin plan based on a growing body of evidence and expert opinion that it is fundamentally flawed. Will the Victorian government continue to use the socio-economic neutrality test as the basis for its water policy?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:12): Thank you for this question. I am really keen to make sure that in answering this question I can address a range of positions that have been put about the data and the research that Victoria has relied upon. Not only have we looked to the Murray–Darling Basin Authority's report card, but we have also got the Frontier Economics report and we have a range of reports from ABARES. We also have work on the ground in communities – communities and people I have been speaking with for years now about the impact of those 550-gigalitre buybacks that occurred.

The socio-economic criteria, to be absolutely clear, were agreed to by every basin jurisdiction. The reason that they are in legislation is that in 2018 socio-economic criteria were introduced that confirmed that the return of any water to the environment in addition to the component parts of the 2750-gigalitre commitment as part of the Murray–Darling Basin plan legislation in 2012 would only be capable of taking place where there are positive or neutral socio-economic outcomes. This means that we cannot harm communities under the current legislation as it applies. But let us also be clear that Victoria has contributed the greatest volume of water returned to the environment out of any jurisdictional party to the Murray–Darling Basin plan. We continue to develop and to deliver initiatives grounded in hundreds of thousands of hours of work –

Sarah Mansfield: On a point of order, President, the minister is not answering the question. I ask you to bring her back to the question, on relevance. I asked: will the Victorian government continue to use the socio-economic neutrality test?

The PRESIDENT: I think the minister was responsive to the question.

Harriet SHING: Again, this is what happens: when we hear parts of this debate on natural resource management and water policy – a really complex part of what we do around a basin that goes well beyond any state's jurisdiction – as soon as there is a context and research that does not fit with a narrative, this debate is shut down. We stand by the application of the socio-economic criteria. Buybacks harm communities. Buybacks do not achieve the outcomes for Victorian environments that others are seeking to apply across different parts of the basin. Again, to be really clear, the northern part of the basin, those iconic images of the Darling in crisis, will not be assisted one bit by buybacks from Victoria. We cannot move the water to the Darling where it is needed; that must come from the northern basin.

Sarah MANSFIELD (Western Victoria) (12:16): I thank the minister for her response. It sounds like the Victorian government will continue to use the socio-economic neutrality test despite the Commonwealth and the other basin states looking like they are going to move away from that. The flawed nature of this test was a finding of the South Australian Murray–Darling Basin Royal Commission. It has been argued that it is flawed by four economics professors from four leading Australian universities in separate studies, and it has been recommended in a recent Senate inquiry. Minister, are you questioning the credibility of these economists, the royal commission and the Senate inquiry finding?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): Thank you, Dr Mansfield. The literature review, the Wentworth review, that you have just talked to and the University of Adelaide academic review are in stark contrast to the lived experience of communities who rely upon the Murray to produce food and to make sure that their communities can thrive. We saw communities disappear off the map. We saw job losses in Red Cliffs of 76 per cent as a consequence of this 550-gigalitre buyback situation that we endured and were able to deliver water to the environment on. When we talk about research, again, it seems that wherever anybody finds research that disagrees with a thesis on the impact of buybacks it is derided. We know from experience that buybacks harm communities. When you talk about socio-economic neutrality, it then means that any change to that agrees that there will be harm to communities. We do not accept that for a moment, and we do not sign on to any change to socio-economic criteria.

Ministers statements: prison programs

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:18): On Tuesday I had the opportunity to highlight Fruit2Work, who are providing employment opportunities to those exiting custody. Today I want to acknowledge a number of other fantastic Victorian employers that are providing meaningful opportunities for people leaving prison. We know how important having a job is in preventing reoffending – helping people turn their lives around and making us all safer in our communities. That is why Corrections Victoria has fostered relationships with a range of employers across the state who are providing employment opportunities for people leaving custody. Thanks to the government's investment in the prison employment program along with an investment in TAFE, ably led by Minister Tierney, and vocational programs in prison, employers are lining up to provide opportunities to people leaving prison.

Just a few organisations that have worked closely with us and I wish to recognise today include Chandler Macleod, a national employment agency, but in particular their team in northern Victoria, in Shepparton; QA Steel Fixing, who are working closely with Jesuit Social Services to support people into employment in our construction sector; Second Chance Labour, a brilliant community organisation placing people in employment across our state; Yambuk Labour Solutions, providing employment opportunities for Aboriginal people predominantly around the Ballarat and Geelong areas; and of course Fruit2Work, who are based in Laverton North and are expanding into our south-eastern suburbs. Partnerships like these across the community are a vital part of our strategy to successfully transition people from custody back into the community in a way that makes us all safer.

Housing

Evan MULHOLLAND (Northern Metropolitan) (12:19): (362) My question is to the Minister for Housing. Minister, in response to evidence yesterday that Victoria's public housing stock had increased by just 394 properties since 2018, the Premier conceded that there have been some challenges in meeting the government's promise to build 12,000 social and affordable homes by next year and blamed consecutive interest rate rises and supply chain disruptions. The Premier said that 7600 social and affordable homes have been built or are under construction. However, you said just 3000 social homes have been completed, with another 4600 under construction or in planning. Minister, seeing as there is some confusion between the two of you, who is right: you or the Premier?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:20): Mr Mulholland, again, your interest in social housing is somewhat confounding but rather delightful. As part of the investment in the Big Housing Build, that commitment to 12,000 social homes across the state is added to by a minimum 1300 additional homes as part of the rural and regional Big Housing Build, and that adds to the minimum spend of $1.25 billion for regional Victoria. In developing and delivering these homes as part of this landmark investment that is leading the nation, we have 7600 social homes either complete or in the process of being completed through planning and construction. This, Mr Mulholland, is about making sure that when and as we deliver these homes they are modern, they are accessible, they are fit for purpose and they are close to the amenities that

everybody deserves in calling somewhere home – that is, proximate to early childhood education, to primary and to secondary education, to health care and to public transport.

Mr Mulholland, you can slice and dice the figures in the way that you have just now. I have been very clear, as has the Premier, that of the 12,000 we have 7600 homes as part of the work that has been undertaken to date, of which 3000 have been completed, with the remainder either in planning or in construction. This is about at least 800 construction sites around the state. It is about 10,000 new jobs every single year. And unlike those in Canberra, who for nine years failed to invest in social housing, at last we have record investment of $497 million from the Commonwealth for at least 879 additional social homes.

On the social housing accelerator, Mr Mulholland, you will be delighted to know that Minister Julie Collins from the Commonwealth Albanese government has made sure it is being put to the best use possible. I am looking forward, when I head to a ministerial council for housing ministers next week, to also engaging with a range of other parts of housing policy reform, including homelessness and rough sleeping, and making sure that the work we do in Victoria – which is informed by the housing statement, this intergenerational reform piece delivering 80,000 homes a year for the next 10 years to meet growth in demand – has a significant focus on social housing and delivers those reforms that matter, far beyond the sorts of questions you might ask in this place, to people who can then call home a beautiful new residence that is a source of pride and a source of inclusion and means that people, families, have the opportunities that too many of us in this place and beyond take for granted. They deserve the sorts of outcomes that we are funding in record amounts.

Evan MULHOLLAND (Northern Metropolitan) (12:23): Even if we are to believe the Premier's comments that 7600 social and affordable homes have been built or are under construction, this leaves us 4400 homes short of what has been promised. When will they be delivered?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:23): Thanks, Mr Mulholland. Again, it is good to see that you are in the process of giving encouragement to the record investments we are making in social housing across the state. Every day we are in the process of building and of delivering. As much as you may wish to deride that and as much as you may wish to downplay that, this is about delivering homes for people who need them and who deserve them. Mr Mulholland, just the other day it was a joy to head out with Mr Batchelor and a range of student leaders from Elsternwick Primary to check out the brand new homes that are coming online – Bangs Street, Prahran, the ground lease models 1 and 2. Every single day we are continuing to work –

Evan Mulholland: On a point of order, President, on relevance, I have asked the minister when the remaining 4400 homes will be delivered. I have waited patiently for that answer, and we have got 7 seconds left.

The PRESIDENT: I call the minister to the question.

Harriet SHING: Every single day we are building. Every single day we are developing homes that meet the needs of Victorians. I look forward to you coming along to see that work in real life, because it is a sight to behold.

Animal welfare

Georgie PURCELL (Northern Victoria) (12:25): (363) My question is for the minister representing the Minister for Agriculture. In 2017 the government committed to modernising our animal protection laws with a brand new act, replacing the Prevention of Cruelty to Animals Act, due to be in place by 2019. However, in 2023 we are yet to see a draft bill. When will the government introduce their new animal care and protection act?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): I will certainly refer your question to the Minister for Agriculture, because I think it will kind of be a part B to Mr Bourman's question from yesterday, so that will go well for the minister's office.

Georgie PURCELL (Northern Victoria) (12:26): Thank you, Attorney, for referring that on. A key change in this new legislation is acknowledging sentience of animals. It does something we have all known for a long time: that animals can feel a range of emotions as well as experience pain and suffering. Will the legislating of sentience cover all animals, not just some of them?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:26): As tempting as it is, as a former agriculture minister, to go into some detail, I might leave that for the current minister, and I am sure she will get back to you.

Ministers statements: Victorian Early Years Awards

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:26): I rise to update the house on the 2023 Victorian Early Years Awards. Held last Thursday, the Victorian Early Years Awards are Victoria's most highly regarded program recognising the many professionals who support young children and their families. These awards celebrate the very best of the work that is happening in kindergartens and early childhood settings right across Victoria, and they also shine a much-deserved spotlight on the incredible role that many professionals in the sector play. These professionals include maternal and child health nurses, playgroup facilitators, and teachers and educators in our early years settings. The work they do in long day care centres, in kindergartens, in preschools, in playgroups, in maternal and child health centres and in schools is of immeasurable value. Congratulations to all of the finalists. They could all have been winners. Their experience and professionalism are key to our Best Start, Best Life reforms, and I am sure that in the eyes of the young people and the young children in their care benefitting from their teaching and service they are all winners.

Selecting a recipient of the Ministers Award from such an impressive pool of finalists was not an easy task. I was delighted to announce that the winner of this year's award is the northern schools early years K–6 model, the Northern Schools Early Years Cluster. This cluster is an example of collaboration at its best. The northern schools early years K–6 model gives local children stability and continuity of learning as they transition from kindergarten to school. With many of these children amongst our most vulnerable and disadvantaged, the difference this program is making in the lives of local families is immense. It was my pleasure to present the Ministers Award to the northern schools early years K–6 model, the Northern Schools Early Years Cluster. Congratulations to all of the finalists and the winners of the 2023 Victorian Early Years Awards. I look forward to attending many more to celebrate the incredible work our community professionals are doing to support young children and their families.

Western Plains Correctional Centre

Evan MULHOLLAND (Northern Metropolitan) (12:28): (364) My question is to the Minister for Corrections. The Western Plains correctional facility, built at a great cost of $900 million, has no operational funding and houses no prisoners, and your department has stated in the past that it is never likely to. Minister, isn't it a fact that the air conditioning remains on in these empty cells, costing Victorian taxpayers over $300,000 per month, and if so, why is this the case?

Members interjecting.

The PRESIDENT: Did you hear that question, Minister? There was a bit of noise coming from all sides. Mr Mulholland, could you repeat the question.

Evan MULHOLLAND: My question is to the Minister for Corrections. The Western Plains correctional facility, built at a great cost of $900 million, has no operational funding and houses no prisoners, and your department has stated in the past that it is never likely to. Minister, isn't it a fact

that the air conditioning remains on in these empty cells, costing Victorian taxpayers over $300,000 per month, and if so, why is this the case?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): I thank Mr Mulholland for his question and his interest in our correctional facilities in our state, in this instance the Western Plains facility. I have been up-front. We make no apologies for investing in our corrections facilities in our state. This is infrastructure that is needed to futureproof our system, because obviously with the corrections system we need to understand that the number of people in custodial settings could go up or go down. Right now, due to the hard work of a whole-of-government approach, we have seen a reduction in those in our custodial settings. That is a good outcome. We are taking the time and planning for the future of our corrections system, and we will take the planning and operations of that facility very seriously before opening it. In the meantime, in the budget papers there is an allocation of an amount of money towards maintaining the facility and securing that investment into the future. It will be used in the future, and it is an important part of our future.

Evan MULHOLLAND (Northern Metropolitan) (12:30): Minister, while the Western Plains correctional facility sits empty and taxpayers continue to foot the bill, has it been used for any other purposes in the past three months?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:31): I thank Mr Mulholland for his supplementary question. As I stated, Western Plains is an important part of futureproofing our corrections system for whatever the future holds. In relation to its use, it has been used as a training facility for onboarding new corrections staff. We are still hiring, and if there is anyone watching, a career in corrections is very rewarding; you can make a real difference to people's lives. It is important to have that facility, because it means that our operations at other facilities are not interrupted while that important training is undertaken.

Cannabis law reform

David ETTERSHANK (Western Metropolitan) (12:31): (365) My question is to the Attorney-General, and it relates to the current prohibition on cannabis and consequential arrests among our First Nations people. The potential harms caused from encounters with the criminal justice system are well documented, and our First Nations people experience these encounters at far higher rates than non-Indigenous Australians. Figures provided by the Minister for Police bear this out, with 8000 to 10,000 people arrested every year for simple non-commercial possession of cannabis. In this context, people identifying as being Aboriginal or Torres Strait Islander were eight times more likely to be arrested for possession of cannabis than non-Indigenous people and 50 per cent less likely to receive a caution. Given the Victorian government's stated position that prevention, diversion and early intervention are the most effective and fiscally responsible ways of reducing youth crime and given that this diversion is clearly failing, can the Attorney-General explain why in 2023 the personal possession of cannabis is still a crime?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): Thank you, Mr Ettershank, for your question. You raise important issues, and certainly acknowledged by the Victorian government, particularly justice ministers, is the unacceptable over-representation of Aboriginal people in our justice system. There are a range of programs that we are all committed to in reducing that and tackling that. It was a big focus of the Yoorrook Justice Commission. I and my colleagues regularly attend the Aboriginal Justice Forum, which is made up of a range of Aboriginal leaders from around the state but importantly involves all of our justice agencies, so corrections are represented, police are represented and policymakers are represented.

When it comes to the crime of drug possession, that is not a matter for the Attorney-General. I acknowledge why you have asked it in the way you have, but the question as framed does not fit in my responsibilities because I am not responsible under the orders for the drugs and controlled substances act. But I am more than happy to provide you with other information that is at my disposal

in relation to programs that are designed to divert people away from the justice system, particularly those from our First Nations.

Ministers statements: Wodonga logistics precinct

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:34): The Allan Labor government is creating jobs and growth in regional Victoria by investing in what each region does best. Supported by the regional development portfolio, the new Wodonga logistics precinct is strengthening the role of Wodonga as a crucial road and rail hub capable of reaching 75 per cent of Australia's population within 24 hours.

A $7.5 million investment by our government has enabled O'Brien Transport, a third-generation family business, to relocate. The new O'Brien Transport depot in the Wodonga precinct is three times bigger than its former location, creating 30 jobs and bringing the 110 existing staff to the new facility. O'Brien is also doubling its storage and warehousing capacity to connect major cities and service multinational companies at its new base in Wodonga.

Our government has also supported paper and packaging company Opal's new $140 million advanced manufacturing facility, which officially opened yesterday at the Wodonga precinct. Opal's new world-class 55,000-square-metre facility will create 100 new jobs and support 400 additional jobs, using the very latest in recycled cardboard technology to manufacture more sustainable packaging for a wide range of sectors.

The Allan Labor government is taking an evidence-based approach, driven by regional economic development strategies for each region, to back businesses like Opal and O'Brien, cementing Wodonga as a powerhouse for national supply chains and manufacturing innovation. This is all part of our government's investment of more than $41 billion in regional Victoria as we continue to leverage the unique strengths of each region.

Written responses

The PRESIDENT (12:36): I thank Minister Symes, who will get responses from the Minister for Agriculture for both of Ms Purcell's questions.

Melina Bath: On a point of order, President, you requested last sitting week that Minister Carroll provide a response to me by 6 November on question without notice 339. Unless it is coming into my inbox right now, it has not been received.

The PRESIDENT: I ask Minister Blandthorn, if she could please follow that up, it would be much appreciated.

David Ettershank: On a point of order, President, could I ask that the Attorney-General's offer of further information be provided as well, please?

The PRESIDENT: She is very happy to do that outside what is prescribed in the standing orders.

Constituency questions

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (12:37): (563) My question is to the Minister for Public and Active Transport in the other place Minister Williams. I want to update this place on some good news. This morning, while we were here, the Allan Labor government announced that recruitment will be starting soon for staff for the stations of the new Metro Tunnel underground, and we are hiring 100 new workers. Applications open on 22 November, just next week, for stationmasters to senior officers and assistance roles. It is now your chance to work at the new Arden, Parkville, State Library, Town Hall and Anzac stations. You will play a key role in getting passengers quickly and safely to their destinations. The Metro Tunnel will cut travel times to Parkville and St Kilda Road in my

community of Southern Metro by up to 50 minutes. That is why my question is: how can my community of Southern Metro apply for these good, high-paying, local jobs?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:38): (564) The Minister for Health would be aware that vaping is on the rise, and concerns have been raised by local families that many e-cigarettes are targeting young people with their bright colours and enticing flavours. Under current legislation vendors are bypassing the law and accessing these products on the black market. It is illegal to buy or sell e-cigarettes that contain nicotine without a prescription or to sell these products to children. I know of many young people who have taken up vaping despite the dangers to their health. More than 3.5 million Australians aged 14 and older smoke or vape, according to research released by the Cancer Council Victoria. Supermarkets face very strict restrictions to operate and sell nicotine products, yet vaping shops are popping up in Bendigo and across Northern Victoria without the same scrutiny. The federal government has stepped up to outlaw the importation of non-prescription vaping products. According to news reports, there has been a massive increase in the number of suspected illegal tobacconists operating in Victoria. While schools, local councils and health services struggle to prevent this surge in vaping, can the minister please advise what the state government is doing to keep our kids safe and protect them from the harms of vaping?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:39): (565) Too many children living in my region suffer poor dental health because of a lack of state government action. Communities in my region, including many in the West Wimmera, do not have fluoridated drinking water, lack access to local dental services, have not yet been visited by Smile Squad and are stuck on huge waiting lists for under-resourced public dental services. Preventable oral health related hospital admissions and self-reported oral health status is lower for West Wimmera communities compared to wider Victoria. It is well known that delayed treatment leads to a whole range of adverse health outcomes and entrenched health disadvantages for kids growing up in the region. My question for the Minister for Health is: what is the government's plan to improve the oral health of children in the West Wimmera?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:40): (566) My question is for the Minister for Planning in the other place. From stunning beaches overlooking Port Phillip Bay, Western Port Bay and Bass Strait to native flora and fauna, the Mornington Peninsula is a beautiful place. Its location and geography make the peninsula a great place to live, work and visit, with hills, wineries and agriculture amongst the green wedge, maintaining a blend of country beauty and suburban convenience along with a strong economy. This geography means that the Mornington Peninsula Shire Council is an interface council, as it is home to growing suburbs as well as natural barriers to growth. These councils are unique as their need for housing is supplemented by a desire to maintain the natural beauty that makes these places great places to live and to limit endless suburban sprawl. The Victorian government's housing statement promises to provide enormous benefit to the whole of the state and make housing more affordable for Victoria's growing population. Minister, how will the Victorian government's housing statement support affordable housing in this unique and special part of Victoria?

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (12:41): (567) My constituency question today is for the Minister for Community Sport Minister Spence in the other place, and the question that I have for her is: will she visit Surrey Park in Box Hill with me and the member for Box Hill in order to look around and meet with club representatives, including Ian Girvan from the Surrey Park Football Club, in an effort to discuss the needs of this fast-growing precinct? In short, there is a need for a precinct plan for the entire area. It is a large area, but there is only one full-sized oval on the precinct at the

moment, and on the north-west corner – well, that is still being used by the Level Crossing Removal Project. We need a commitment from the government that that machinery will go once it is not needed anymore, to give the space back. You know just as well as I do, President, this is a fast-growing area. It is not an area replete with many sportsgrounds. There are other needs. There is a pavilion there that is no longer fit for purpose and in particular needs more female change rooms now that women's footy at the club is growing. So there is a need for the minister to engage. I am sure she will come meet with me and Mr Hamer and representatives of clubs to discuss what needs to be done.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:42): (568) My constituency question is for the Minister for Roads and Road Safety. Black Forest Drive in Woodend is known as a dangerous spot for drivers, cyclists and wildlife, but recently there has been concern for the visibility of schoolchildren getting off buses. It is something that my own community experienced when I was a child, with one of my own school peers getting off a bus and being hit and killed while crossing a highway. With the welcomed redevelopment of Black Forest Drive, residents are concerned that there will be a period of increased danger due to driver unfamiliarity with the decreased lane and driving space when Black Forest Drive pedestrian refuges are installed. My constituents want to know what is planned for increased visibility of pedestrians, particularly schoolchildren, on Black Forest Drive in Woodend.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:43): (569) My question is to the Minister for Police, and I ask: with Victoria Police being forced to cut down on opening hours in the evenings, with quieter periods at 43 police stations – there are seven of these police stations being closed down or cut down in terms of staff in the South-Eastern Metropolitan Region – what assurances can the minister give my constituents that they will feel safe and most importantly be safe? People want to know they can go to their local police station when they have a real concern for their safety – usually as a last resort. How can you reassure them when we learn that there are 319 fewer serving police officers in 2023 than there were in 2022, according to the force's annual report? Police Association Victoria secretary Wayne Gatt said:

> Police stations are a place of refuge. It's a place where people go in their darkest times … We expressed in the most resolute terms … we told Victoria Police it shouldn't do this.

There are currently more than 800 general Victoria Police vacancies. *(Time expired)*

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:45): (570) My question is for the Minister for Transport Infrastructure. Noting the 90-day federal review of national infrastructure projects, the $33 billion cost blowout on more than 700 projects and the impending project cuts, it is fair of my constituents to surmise, as they have, that seeing as Victoria and New South Wales both have low growth rates and the highest amounts of debt, we are likely to endure the biggest cuts. Since the federal minister already announced that the $2.2 billion commitment to Victoria's Suburban Rail Loop is an important part of transforming Melbourne, can we expect that our desperately needed regional Victorian infrastructure projects are the ones that are likely to face the axe?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:45): (571) My constituency question is for the Minister for Roads and Road Safety, and I ask: when will the Victorian government address the notoriously dangerous intersection of the Princes Highway and Darlington-Camperdown Road, which has been the site of a number of serious road accidents? Last week Corangamite shire mayor Ruth Gstrein and I met with several Gnotuk residents who have witnessed accidents or, worryingly, have been injured at this intersection. The highway rests on a low-visibility bend, and the 100-kilometre-per-hour speed limit causes life-threatening and risky merging. Near misses happen every day, and it needs a better

solution. The immediate solution is a side-road-activated variable speed sign which can detect traffic and temporarily lower speeds as cars approach. At the moment it is totally unsafe for everybody, and the government have got to do something about this before a fatal accident occurs.

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (12:46): (572) My constituency question is to the Minister for Planning. I would first like to acknowledge the work of the community campaign led by the Save the Preston Market group to protect this beloved community asset. Thanks to their tireless advocacy, the government recently announced some welcome protections for the market, and the developer for the site has announced that vendors will be offered five-year leases. We now hope the traders are not met with unreasonable rent increases and are instead supported to continue their businesses. The developer and the minister now plan to commence detailed planning for the site and its built form. Local residents are concerned that they will not be meaningfully consulted in this process or have opportunities to provide feedback on plans. Minister, can you please outline the government's plans to ensure the community are kept updated about the detailed planning for the Preston Market site and what opportunities will be provided for community consultation on the final built form of the site?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:47): (573) My question is for the Minister for Roads and Road Safety and concerns the abysmal state of the A300 Midland Highway west of the C355 Echuca Road in Mooroopna. The Midland Highway is a major arterial road which supports significant heavy freight and domestic traffic, and like all Victorian roads, the surface has severely deteriorated. Motorists encounter frequent and extensive potholes and other damage scattered across the length of the highway, posing a significant risk of damage to their vehicles and, more importantly, their safety. Damage has become increasingly hazardous on a section of the road between the C355 Echuca Road through to the west of the C357 Tatura-Undera Road, with the most significant damage being between Joseph Street and the Echuca Road intersection in Mooroopna. My question for the minister is: will you order immediate repairs to the Midland Highway from Echuca Road to west of the Tatura-Undera Road?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:48): (574) My constituency question is for the Minister for Transport and Infrastructure. The state government is taking its time upgrading Mickleham Road in Greenvale. I say they are taking the micky with Mickleham Road in one of our fastest growing population centres, and I continue to call on the government to expedite this project, to get on with stage 2 and to upgrade Somerton Road as well. I am pleased to see that work is underway on Mickleham Road, although I am concerned by the way that residents around Fleetwood Drive in Greenvale have been treated, with a lack of communication between Major Road Projects Victoria and the adjacent developer. They want to know when Fleetwood Drive will be opened. They were told it would be reopened in July and then October, and now no-one seems to know what is going on. Can the minister please update my constituents on when locals can expect Fleetwood Drive to be reopened to Somerton Road and if there have been any issues with Major Road Projects Victoria at the estate?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:49): (575) My question is for the Minister for Transport Infrastructure. Will the government commit to building the Melbourne Airport rail link? The west of Melbourne is growing rapidly, and tourism to Victoria continues to grow, from 60 million visitors in 2014 to 100 million visitors in the year before COVID, and now we are almost back to pre-COVID levels. We are the only major city without a rail link to its airport. If we want to be a top destination for global travellers and interstate business, we need to have a rapid and seamless connection between

the airport and the city. The airport rail link will be good for the western suburbs, good for the city of Melbourne and good for the state of Victoria. Federal infrastructure minister Catherine King said the Melbourne Airport link is 'a project I think is very important for the state of Victoria'. The federal government is due to release a review today. Minister, will the state government commit the funds to build the Victoria airport rail link?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:50): (576) My question is for the Minister for Crime Prevention. Just days ago local businesses along Pakenham's main street were targeted by robbers. The *Pakenham Gazette* has reported that at around 5 am on Thursday four masked individuals smashed through the doors of the Telstra store and started taking things that were on display. This unfortunately is becoming a frequent occurrence on the main street; businesses are having cash and items stolen and windows and doors damaged. With the reduction of 43 police stations across the state, police are more under-resourced than ever. Pakenham business owners are understandably anxious, and I ask the minister: what action can you immediately take to ensure that the business owners and their employees along Pakenham's main street are no longer in danger of these repeated burglaries?

Sitting suspended 12:52 pm until 2:02 pm.

Bills

Transport Legislation Amendment Bill 2023

Committee

Resumed.

Clause 1 further considered; clause agreed to; clauses 2 to 55 agreed to.

Clause 56 (14:03)

Jeff BOURMAN: It is no secret, my problem with impaired driving, and I understand that this is a test about that. But in a time of a spiralling road toll – I was even reading the paper earlier today, and there was yet another fatality yesterday on country roads – I think this is sending an extremely poor message. We were 21 per cent above last year's road toll, which was a little bit above the previous year's road toll. If you look at it as a graph, it was going down for a while, which was good, and it got to 180-something. But it has been climbing up slowly. In the context of what is going on, now is not the time. One of my problems with legalising drugs of dependence, particularly marijuana, has been the ability to test for impairment. Whilst this test purports to do that – it is not a new program; it has been done before – I do not think it is going to end up doing that. So at this point in time I honestly believe we should not be doing that. It should be shelved until we have got the road toll under control and in a position where this is probably a bit more appropriate.

Harriet SHING: Thank you, Mr Bourman, for your contribution on clause 56 and for the view which you expressed in the second-reading stage of this bill prior to it coming into committee. I appreciate the position that you take in relation to lives lost on our roads, and nobody in this chamber will disagree that the tragedy and the impact of lives lost on our roads touches too many people. To the point that you have just made about, to paraphrase you, shelving this trial until the road toll is under control –

Jeff Bourman interjected.

Harriet SHING: It is a quote, Mr Bourman – to quote you on that. That would mean that we were not pursuing a greater understanding of the impacts of various factors on the ability of drivers to act in a safe way. This trial in fact provides us with a measure of opportunity through research to understand the impacts of THC on driver behaviour and therefore then to understand and to progress the discussion about the way in which medicinal cannabis containing THC might materially impact on

broader public safety. This is a not dissimilar application of research and evidence-based trial to the work that is being undertaken in fatigue studies and in studies around the impact and influence of excessive speed and of driver distraction.

We have, in comparison to the impact of other substances, a relatively limited understanding of the impact of THC and the degree to which it may be safe for someone to drive or be in charge of a vehicle after consuming THC through medicinal cannabis. This is impacted by the lack of a capacity to understand that in a variety of settings, which goes to the points I made in response to Mr McCracken and Mrs Hermans's questions before, about getting that greater understanding in a safer – I won't say 'safe', because it is 'safer' – and controlled environment through that closed-circuit track trial.

Now, clause 56 does insert that new provision into the Road Safety Act 1986, and in the first instance it does involve that degree of safety assessment for control of a vehicle after consuming or using a drug and/or alcohol or while affected by fatigue or for informing the development of methods to be used by police officers in assessing to what degree a person driving or in charge of a vehicle is impaired by a drug, a combination of drugs, a combination of drugs and alcohol, or fatigue. This will enable us, as was discussed extensively in the second-reading debate, to continue Victoria's world-leading road safety research into alcohol, drugs and fatigue. An example of this is the proposed medicinal cannabis and safe driving trial, which you have referred to as the rationale for your disagreement and lack of support for this particular provision. That will take an evidence-based approach to better understanding the potential impairment effects and to inform that policy response.

The enforcement of road safety laws is the responsibility of a range of different parts of government – local government, state and Commonwealth government – and indeed the authorities that are charged with and are in a position to enforce the rules. Designation of the road safety research trial is about making sure that we can in the safest environment possible, in a controlled closed-circuit environment, require trial participants to perform actions, such as driving under the influence, which are otherwise prohibited by the Road Safety Act 1986. To your opening remarks, Mr Bourman, the fact that this trial is proposed to be enabled and that framework is proposed to be established through the passage of this bill, where this provision remains intact, does not change the reality that through lives lost on our roads we can see that driver distraction, fatigue, mobile phone use including distraction, drugs, alcohol and speed are all already having a devastating impact around Christmas tables, dinner tables and family get-togethers.

This is a measured and evidence-based approach to understanding impact and evolving our understanding of the distinction between presence and impairment. We are currently working on a number of road safety research trials which may require use of this amendment: the medicinal cannabis track trial, a fatigue detection operational field trial and a drug impairment field trial involving ocular-based technology. We are exploring the possibility of a closed-circuit trial, as I said, to investigate those levels of impairment and to evolve our understanding of the distinction between presence and impairment. It is not a linear path through the law. It is, for a number of reasons, something which affects people in different ways: the way that people metabolise THC, the existence of other conditions and a treatment framework which may involve other medications that may in combination or on their own alter people's capacity to react within times that are safe and meet the responsibilities that we all as road users can reasonably be expected to have. We have commenced an investigation of the different options available to conduct a track trial, and the idea is that the trial will look at the level of impairment produced by medicinal cannabis as well as evaluating driving performance. This is about having more information rather than less, the latter of which is the current status quo.

It will be conducted in a controlled driving environment, physically separated from public roads – which I indicated to Mr McCracken and Mrs Hermans earlier in response to their questions – with extensive safety considerations for all participants and research staff being a priority. The development of the trial design will also include ethical and legislative considerations. But to come back to the purpose and the rationale for this trial, Mr Bourman, we want to make sure that we have a better understanding of how THC contained in medicinal cannabis impacts driving performance in different

patient cohorts and under different circumstances and how this then translates into risk on our roads. This then will mean we can better understand the relationship between THC concentrations, driving performance and road safety risk to aid that potential regulatory reform.

This is not intended in any way, shape or form to provide a measure of permission for people to operate a vehicle under the influence of drugs or alcohol where that influence constitutes a risk to public safety. In fact nothing could be further from the truth. This is about getting a greater understanding of risk and of impairment because of presence. We want to make sure, as I answered – and I do not believe you were in the chamber for the beginning of this committee stage – that criteria are determined by reference to patient groups, those currently prescribed medicinal cannabis containing delta-9 tetrahydrocannabinol, so THC, for common health conditions seen in Victoria, and that we will undertake that in a location which does prioritise safety. That is a summary, Mr Bourman, that I hope may provide you with a measure of comfort around the nature of the trial.

But we know that medicinal cannabis use is increasing as a therapeutic option. This is work which is not ever undertaken lightly by this government. The former Premier met with a little boy called Cooper, and you may well remember that Cooper has been to Parliament a number of times. Cooper suffers from really devastating seizures, and he was instrumental in the work to change policy. His quality of life has improved exponentially. And Cooper is only one example – one significant example – of the work that is being achieved through a therapeutic administration of cannabis. We acknowledge the increasing role of medicinal cannabis as a therapeutic option for certain individuals with certain health conditions, and relevantly to this particular provision, it is a trial that is necessary as it relates to people who have a genuine driving need. The road safety evidence base regarding actual individuals prescribed medicinal cannabis for a therapeutic purpose is not fully evolved, so it is really important that we take those very cautious steps in a controlled, closed-circuit setting to understand the risk profile of these individuals.

Under the data that we have available to us, there has been an increase of more than 700 per cent in the number of patients prescribed medicinal cannabis in Victoria. That is an 1100 per cent increase since the first dispensing of medicinal cannabis began in 2021. We have done a lot of work, but we still have gaps in understanding what that impact looks like. It is a significant cohort of people who are using and relying upon medicinal cannabis for quality of life, and there is an overlap there with driving need. In order to close that gap in our understanding we do want to make sure that we are taking a very, very careful, measured and evidence-driven approach.

There will be an assessment. There will be capacity for evidence to inform future recommendations and decisions. The final parameters of the trial are yet to be determined, but it is about understanding how we identify low-risk medicinal cannabis users who may – and again I underscore the term 'may' – be able to drive, provided that the road safety impacts for them and, as importantly, other road users are minimal or mitigated. So in that sense it is proposed to be part of a very careful understanding of what we do to recognise the reality of a driving need for people within that cohort of those prescribed medicinal cannabis and more broadly the work that we are doing – and people touched on this – from safety belts through to blood alcohol content and testing, through to the work that has happened with fixed and mobile speed cameras as an important deterrent and through to the prohibition on using mobile phones whilst driving.

We have got a lot of work to do, but this is an important part of making sure that we understand the inherent risks associated with operating very large, very heavy pieces of machinery on our roads at speed and doing all we can to understand what that impact and what that risk profile might look like when that person is a person using medicinal cannabis with a driving need, as I have talked you through earlier. I hope that that provides you with some detail. It is not about promoting drug driving. This is not about sending any message at all that use of a drug should not be a careful consideration in operating a vehicle and should be simply allowed. This is about making sure that we never ever compromise safety for operators of vehicles and for other road users and that we have a solid and cautious approach to developing policy.

Mr Bourman, that is what I would say in response to your position. I do appreciate where you are coming from, and in fact I think where you are coming is the same place that government is coming from, though perhaps we diverge on the ways in which we then move on. We need to make sure that safety on our roads is the priority here. We therefore need to understand what impact, risk and impairment look like, and that is why clause 56 is proposed in the terms that it is.

Jeff BOURMAN: Thank you, Minister, for your very, very, very fulsome answer. You did cover quite a lot in there. I understand what you say and appreciate what you say. I also do not agree. That is the good thing about this place: we can have a contest of ideas. But during the course of your response a question came to me. Let us assume that we come up with a way of testing for THC that is okay for medicinal cannabis people and we write that into legislation. Is that level of impairment or non-impairment or however you want to put it going to then automatically or likely – and I understand this is almost asking for a opinion – go to people that do not have a medicinal use for cannabis and are just recreational users? If alcohol was regulated to the point of being by prescription, for instance – .05 for those with a prescription – what would happen to those without a prescription? What is the intent? Is it to end up with a community-wide response to this? I cannot find a way of just making it work for prescription only.

Harriet SHING: There are actually a couple of issues that are intertwined in the question that you have just asked. The closed-circuit track trial contemplated by clause 56 is about understanding risk through presence and impairment and contributing factors around a cohort of users of medicinal cannabis. That cohort will vary in their demographic, as I have indicated in response to earlier questions. People who may be prescribed medicinal cannabis may also have been prescribed and be using other prescription medication. They may also have side effects as a consequence of taking that other medication, such as fatigue. We are undertaking the preparation or the contemplation of a closed-circuit trial to understand what that impairment and the corresponding risk looks like.

The separate issue which you have raised, and I understand that you are therefore looking for answers about 'What happens if?', is how to operationalise any policy decision about impairment. There are all sorts of scenarios and circumstances in which that will be a live set of conversations to have, but this is only about setting up the framework for a trial. This is not about any decision other than – well, it is not a decision; it is about an understanding of presence, impairment and risk, and the way in which we determine that needs to be very, very carefully and safely undertaken in the way that I have described. So this is about a foundation of research and about the application of factors to understand what the influence and the impact of medicinal cannabis use looks like.

When you talk about an implementation component to any change, which is what you flagged in your contribution, you are then contemplating what it looks like to try to understand the distinction between medicinal cannabis use and recreational cannabis use and the way in which regulation might occur around understanding different measures of impairment. We have, again coming back to this point, a limited understanding and appreciation of the distinction between blood alcohol content and impairment, which we have a relatively settled view on, and the other factors that are at play for something such as cannabis containing THC.

We have a relatively recent Victorian study that investigated the likelihood of detection of medicinal cannabis with THC using roadside drug-testing equipment, and the results of that test revealed that most positive detections occurred within 3 hours of consumption – and that was consistent with the typical impairment window for THC – and that tolerance to the impairing impacts of THC and the detectable levels of THC in blood at any given time after use could be influenced by various factors, including prior cannabis usage. They are the sorts of elements to the variability of this issue, which I touched on in my earlier response to your first question. The rate of positive detections declined thereafter at each hourly time point up to 6 hours after consumption, where only a small number of confirmed positive detections occurred.

So there are a series of intricate variables here, and that is why in the contemplation of a closed-circuit track trial there has been significant work across government and road safety partners including Victoria Police, the Department of Justice and Community Safety, the Transport Accident Commission, the Department of Health and the Department of Transport and Planning to investigate those new measures, testing policies and penalties that more effectively address drug driving in Victoria. Again, research is a really big part of this. The Monash University Accident Research Centre is obviously one of the examples of world-leading research into risk and impairment, and research will be, as it has been in all of the work that we have undertaken with them, a key part of understanding broader impacts of driver behaviour in circumstances where road use then occasions a risk to them or to somebody else.

Jeff BOURMAN: I guess I will just finish up before we get down to business. I support medicinal cannabis use. I have personally been touched by the road toll. I will not go into details, but I just do not like the concept. Too many people drive with drugs in their system now that are not taking medicinal cannabis, and I just think this sends the wrong message. I will leave it at that. We could debate for hours, but I think I will just leave it at that.

Council divided on clause:

Ayes (35): Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Katherine Copsey, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (2): Jeff Bourman, Rikkie-Lee Tyrrell

Clause agreed to.

Clauses 57 to 129 agreed to; schedule 1 agreed to.

Reported to house without amendment.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:34): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:34): I move:

That the bill be now read a third time.

In doing so I want to thank the many people who have contributed to its preparation, including but not limited to those who have worked so hard in relation to clause 56 and the closed-circuit track trial as it relates to a very specific area of public policy and the law.

Motion agreed to.

Read third time.

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

Business of the house

Invitation from Legislative Assembly

The DEPUTY PRESIDENT (14:35): We have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

(1) The Legislative Assembly invites members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly Chamber on Wednesday 29 November 2023 at 10.00 am for the consideration of the motion for a parliamentary apology for past care leavers.

(2) The lower public gallery on the Opposition side of the House be deemed part of the Legislative Assembly Chamber and the Assembly standing orders be applied for the time that Council members are invited onto the floor of the House.

Standing and sessional orders

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:36): I move, by leave:

That so much of standing and sessional orders be suspended to the extent necessary to allow:

(1) the sitting of the Council on Wednesday 29 November 2023 to commence at 9:30 am and the following order of business to apply:

Messages

Formal business

Members statements (up to 15 members)

General business

At 12 noon Questions

General business (continues)

At 6:15 pm Statements on tabled papers and petitions (30 minutes)

Petitions (qualifying for debate) (30 minutes)

At 7:15 pm Adjournment (up to 20 members);

(2) the President to suspend the sitting of the Council to allow members to attend the Assembly chamber at 10 am for a special sitting to consider a motion for a parliamentary apology for past care leavers and resume the sitting of the Council 5 minutes after the conclusion of the special sitting; and

(3) any business under discussion at the time the President suspends the sitting to be resumed at the resumption of the sitting.

Motion agreed to.

Bills

Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (14:37): I am pleased to rise and make a contribution to this bill, the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. There is a long history to container deposit legislation in this state. Many will remember the old days when a number of firms would distribute bottles and they would be brought back for washing and re-use. There are clearly sensible ways of organising our activities as a community – ways that actually reduce waste, reduce energy consumption and enable a lesser impact on our resources. The container deposit legislation idea has been a very strong one and a very popular one.

I should say that as the Shadow Minister for Environment in 2006 under the leadership of Ted Baillieu we went to the election with a clear policy for a legislated container deposit scheme (CDS) and a producer responsibility policy as well. The two were tied together. It was an incredibly popular policy. In my view, when in government we should have done it. We did not. But this government had been resistant to doing it as well until this very late point. South Australia had container deposit legislation in 1975, which is a long, long time ago.

Having said all of that as general background, I will make a couple of points: the concept is right, but the implementation by this government has been botched. This is the story of the Andrews government and now the Allan government. I do not regard Jacinta Allan as having primary responsibility here, to be entirely fair. But Premier Andrews, who was in at the time when this process was set in train, and Lily D'Ambrosio in particular have got to share the lion's share of responsibility for the botched system that has been introduced and the process that has been incredibly blundering and incredibly slow.

We are seeing a bill here today which has retrospective effect, and that is pointed out by the Scrutiny of Acts and Regulations Committee report, if anyone wants to read it. The legislation is actually implementing what is meant to be in practice today. This is a government that cannot get its sequencing right. It cannot get its planning right. We saw the headlines in the *Herald Sun* where the government was caught out, caught on the back foot; they had just a single dispensing machine or collection machine in operation, yet they were within days of the scheme starting. The scramble began to try and retrofit and to backfill and to get sites up and running in whatever state of preparedness – in a rush, in a hurry – because of the incompetence of the minister, in particular the minister involved here, and the incompetence of the government as a whole. That is the story that is involved here.

In short, this introduces amendments to the Circular Economy (Waste Reduction and Recycling) Act 2021. This imposes an operational cost for operating the CDS regulator, Recycling Victoria, on the beverage industry. There are real questions about how this is being implemented, there are real questions about the costs and there are real questions about how effective this will be in the long run. It is not that you cannot –

John Berger interjected.

David DAVIS: Well, the scheme has been a shambles to date, as you well know, as the community well knows. It has been an absolute shambles. You only need to see the introduction process of collection centres; it has not been what it should have been. The bill introduces recovery of Recycling Victoria's costs in administering the waste-to-energy scheme through new periodic licence fees; it establishes the Recycling Victoria Fund and special purpose operating accounts to transparently fund RV's operations under the CDS Victoria and waste-to-energy scheme; it grants the authority to set variable fees through regulations for applications and submissions under the act; and it claims it aims to reduce the risks for CDS Victoria by clarifying earlier legislative provisions. The amendments to the Environment Protection Act 2017 extend the powers of protective services officers and the Game Management Authority.

This goes back to 2020, when the government launched its *Recycling Victoria: A New Economy* policy. This is, as I say, the messy conclusion to the state government's approach on this. This sets policy goals of: a 15 per cent reduction in total waste generation per capita between 2020 and 2030; diverting 80 per cent of waste from landfill by 2030, with an interim target of 72 per cent by 2025; cutting the volume of organic material going to landfill by 50 per cent between 2020 and 2030, with an interim target of 20 per cent reduction by 2025; and 100 per cent of households having access, it says, to a separate food and organics recovery service or local composting by 2030.

There was a parliamentary committee inquiry. Ms Bath and I were on it; we remember it well. It was clear even at that point that there was confusion in Labor. Different Labor members were voting in different places on different parts of the recommendations. I think 'circus' is probably too strong a

word for it. It was arduous and it was surprising, and there was a little bit of confusion between Mr Melhem and others who were on that committee. I think he wanted to do the right thing through a lot of it, but others had a more ideological and less thoughtful view. We were very clear on that committee that we wanted to see proper work done to look at the costs and to constrain the impacts on particularly council rates and other costs that would be levied on people.

The government has chosen not to do that. It does not surprise me, given this government's penchant for new taxes and new charges and new levies, that this will be regarded as a rich vein of additional revenue and resources. In time I predict that there will be a surge in charging and a surge in costs which will generate higher prices for consumers, and that is because the government has no capacity, in this bill or more generally, to constrain costs and keep proper control of the costs that are clobbering communities so hard.

The direction here is supported. As I say, I wrote the policy in 2006 on container deposits, and it was incredibly well received. I can tell you I had hundreds and hundreds of calls from across the state as people expressed their enthusiasm for it. This time I think the government is not doing it with such enthusiasm; there is rather less enthusiasm and rather more concern for where this will go. I will have a number of questions for the minister. I am not sure who that is; I would like to know who that minister is. If they could answer those questions ahead of time, we could perhaps avoid a committee stage. I am trying to be helpful here. Some of those questions will be about the slowness of the rollout, how many –

Jaclyn Symes: It's Gayle.

David DAVIS: It's Gayle, is it? Good, Minister Tierney. I will speak to Minister Tierney about a number of these questions as the debate proceeds and make sure that she has them. If she can assist with that, that would be helpful.

There are a couple of points that I want to make. This bill obviously amends the Environment Protection Act 2017 in a number of ways. The overarching concern here, though, is that costs are going to be slugged on the beverage industry and ultimately on consumers. The overarching failure of the implementation of CDS in Victoria – who can forget those immortal words, 'crushing can blow', which is what Alex White's story described it as –

Jaclyn Symes interjected.

David DAVIS: The blow, I think, is what she was talking about. It was clear that the government did not have its ducks in line.

There are a couple of things I want to say. We want really significant transparency on how this will operate and the scale of the levy on individual firms. We want clarity into the longer run of the success or otherwise of the scheme. We would seek regular reporting from the government on the number of sites for collection and the number of sites that are actually operational, not just nominated by government. But, you know, it is a good scheme, poorly implemented, and there are real risks that what we will see is the costs will spiral out of control, as they have on almost every other project the Andrews and Allan Labor government have touched.

John BERGER (Southern Metropolitan) (14:49): I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. This important piece of legislation pertains to our vision of a cleaner and greener Victoria by amending prior acts to better enable relevant bodies to deliver on their goals and objectives. We want to reduce littering in this state, cut down on pollution and protect our environment, and this amendment bill will help us do this. This bill will make a series of amendments, and I am happy to stand behind all of them.

These amendments will target the Environment Protection Act 2017 and the Circular Economy (Waste Reduction and Recycling) Act 2021 to better the operations of those acts and to clarify costs associated with this important program, amongst other changes. These amendments are crucial to the delivery of

our commitments to environmental action and protection. This bill will also clarify the arrangements around cost recovery in the container deposit scheme, writing in black and white that Recycling Victoria can fully recover the costs of regulating this scheme.

The container deposit scheme is our new scheme to encourage recycling and reduce litter and waste in our economy. I will talk a little bit about why I like the scheme in a moment, but I would like to thank former Minister for Environment Minister Stitt, who has done fantastic work in this field and should be proud of it. It will do wonders for our natural environment and tackle the serious issue of littering in Victoria. I would also like to thank Minister Dimopoulos in the other place, who I know will do great work on this scheme in the environment portfolio. This is a very important set of amendments, and the schemes themselves are crucial to building a better, greener future for Victoria. I have confidence that the minister will do the right thing not only for Victoria but for all Victorians as we push forward with our commitments to lowering waste and littering in Victoria and upholding environmental standards.

Victorians have been asking for a recycling scheme such as the container deposit scheme for some time, so I am happy to see it coming to fruition in November. In simple terms, whenever someone buys a drink, instead of tossing the can in the rubbish they can get a refund of 10 cents after they finish drinking it. It will be swift, but I note that it is not every single drink container out there that is eligible for a refund. These exchanges will happen primarily on containers for beer, soft drinks, mixed spirits and flavoured milk. All that Victorians must do to get their 10 cents per container is return those eligible cans, cartons and bottles to one of the conveniently located deposit points across Victoria. You can get a little reward for doing the right thing.

Users of these exchange points also get a choice between cashing in their refund of 10 cents per can or donating their refund to charity. The scheme will be largely operated by network operators who will organise and operate hundreds of these collection points and deposits across the state. There will also be three core operators: Tomra Cleanaway, Return-It and Visy. But it is not just the big operators running the show. Local community groups can receive container donations and run collection points themselves, too. This includes charities, small businesses, sports clubs and councils. There will be up to 600 different collection points across the state by August 2024 as well. And do not worry, it is not just for the built-up metropolitan areas, it is across the state, and there will be at least one per town of 750 people in regional Victoria. It will be good for the community, it will be good for the economy and it will be good for the environment – a win-win-win if you ask me.

We expect to cut littering in the state by up to half and create hundreds of new jobs and opportunities, not just in metropolitan Melbourne but all across Victoria, in the process. Through the container deposit scheme we will be recycling our old cans and bottles into new ones and creating a cleaner and greener state as a result. It is a great initiative from this government, and I encourage all Victorians to take part in the scheme by depositing containers at these points whenever possible instead of just throwing them out.

Victorians should also know that they can find the location of these numerous and plentiful refund points very easily – just head to the container deposit scheme's website – that is, www.cdsvic.org.au, for all sites open from 1 November. Recycling Victoria will also be regulating the scheme, and this bill will ensure that we help cover the cost of it. Recycling Victoria will be paid the existing cost recovery fee by the scheme coordinator, VicReturn. That is already the case of course, but this amendment will write it into the legislation for certainty. There are also various minor amendments to the operations of the container deposit scheme to minimise any operational risks that may arise, providing the coordinator with more flexibility. This is a wideranging program with different operators across the state, so improving the efficiency of all of it is in our best interests. We are also allowing for recurring fees to be set periodically, which will cover part or all of the ongoing rolling costs of Recycling Victoria's monitoring and enforcement operations for the waste-to-energy scheme.

The bill will also enable regulations to set variable fees for determining applications made under the Circular Economy (Waste Reduction and Recycling) Act 2021 based around conditions such as the time taken to determine the application. Some may be wary or confused as to why we are introducing these fees, but as I have already said and will reiterate, the fees are intended to help cover the costs of these operations. This is an important job, and we want Recycling Victoria to not be overburdened with monitoring and enforcing our laws. That is the purpose of the fees. It is not to punish you or anyone else for doing the right thing; it is to make sure that Recycling Victoria can recover the costs of operating the scheme and enforcing it.

We want our vision of a circular economy with the vast recycling system to be in place to run as smoothly as possible with operational risks and concerns kept to a minimum. That is why this amendment bill is not just some fringe modifications around the edges, it paves the way for this scheme and recycling to be more flexible and efficient.

This bill will establish a Recycling Victoria Fund. It will be divided into two separate sections, each to help with the cost recovery of both the container deposit scheme and the waste-to-energy scheme respectively, helping with those operations and delivery of those programs as a result by saving costs. I think this is a good idea and will help Recycling Victoria deliver the container deposit scheme and waste-to-energy scheme Victorians have been asking for.

This bill also introduces a series of amendments to the Environment Protection Act 2017. We are aiming to improve the operations of our environment protection agency and make its operations smoother and clearer by clarifying elements of the 2017 act and adding amendments to clarify any overlapping issues or disputes. We will establish how the EPA and other organisations can work together to accomplish their established task. That way the EPA can continue to do the hard work that it has always done, smoother, better and faster. Under these amendments it is made clear that liquidators are not personally liable for any onsite clean-up costs incurred by the EPA in the event of insolvency. That resolves a degree of ambiguity in the legislation and makes it clear that the work of the EPA and its costs do not fall into the lap of the liquidators. They are not responsible for the work of the EPA; the EPA is. The EPA will also be able to now charge interest for late payment fees, as amended in the Environment Protection Act.

The authorised officers appointed under the Game Management Authority (GMA) are litter enforcement officers under the Environment Protection Act, and protective services officers in Victoria that already have certain powers under the Environment Protection Act are also litter enforcement officers. They will have the power to submit reports about noisy vehicles, and the EPA in turn will have the power to now issue written notices to a person to present their vehicle for inspection.

Victorians should be proud of the EPA. After all, since its establishment in 1970 it has helped protect Victoria's environment to the best of its ability. Not many people know this, but the Victorian EPA is one of the oldest environmental regulatory authority agencies in the world. Today this amendment bill will continue to build on its legacy, helping build up the EPA through changes to the legislation.

These changes were put together with thorough consultation, which brings me to consultation, an important cornerstone of any good legislation. These amendments were made together with a vast consultation within not just private industry but the EPA and the relevant departments, and I am quite proud of that. We consulted with the departments pertaining to these schemes and programs, and I am happy to report on those discussions here today. The Department of Energy, Environment and Climate Action has met with the contracted parties for the program and discussed the bill and the resulting amendments in depth. DEECA will also be engaging with existing operations in the scheme about these amendments, which ought to be uncontroversial and promote the common good. DEECA has consulted with the Department of Treasury and Finance. They are happy to see that this bill is helping enable cost recovery and the establishment of the Recycling Victoria Fund. And of course DEECA has spoken to the environment protection agency and consulted with them thoroughly, so it is no

surprise that the EPA supports all of the amendments we are proposing here today as well. It not only makes their job simpler, but it also clears up vagueness and ambiguity in the legislation which we have endeavoured to clean up and clarify. It will improve efficiency, cooperation and flexibility in our organised plan for a circular economy to tackle waste and littering in Victoria by making GMA-appointed authorised officers litter enforcement officers, and the same goes for protective services officers over at Victoria Police.

We are loosening up the bureaucracy, which not only expands the number of littering enforcement officers at our disposal but also improves coordination and enforcement between the various agencies in the state. It is quite creative really. By doing this we better our coordination, making the process more efficient, improving enforcement standards although adding a couple of clauses. Then of course there are amendments in this bill too numerous and too specific to get into here in my limited time, but those will crystallise the actions and intentions of clauses in the bill and will make for smoother operations going forward. This includes but is not limited to amending the definition of 'material recovery facility' to ensure that recyclers that do not fall under the current definition will continue to be able to operate under this scheme for container deposit recycling and other provisions such as the amendment stating that from here on out there is a scheme coordinator's fee. The fee that is set out can differ depending on the differences in time, place, circumstances and the costs associated performing the duties related to administering this very important deposit scheme.

The consultation for these amendments has been robust and thorough, unquestionably. They were written after consulting with not just departments but the statutory bodies involved and the key private stakeholders in the matter. It is why we have provisions for everyone involved – to ensure nobody is losing out and everyone has some of their issues or concerns addressed. We are making it easier for Recycling Victoria to enforce what they have been asking with the fees. We are making it easier for the environment protection agency to enforce its standards, all while making the operations of the incoming container deposit scheme efficient and operationally smoother. We all benefit from these three pillars of the circular economy working in tandem and in cooperation, getting on with the job effectively together. That is why we are working hard to ensure that the program, throughout its development and implementation process, is being carried out properly and in close talks with stakeholders.

There has been significant engagement with the sector and relevant operators throughout all of this. These amendments ought not to be a shock to the system but a welcomed effort, with amendments crafted with due respect and cooperation in a manner that the statutory bodies and private industry can get behind. I am proud of the good work done by Recycling Victoria, the scheme coordinator, VicReturn and the various operators across the state preparing to deliver the container deposit scheme. None of this would be possible if it was not for their hard work and willingness to cooperate and the cooperation of our scheme operators, and for that I thank them. I am also proud of the work the environment protection agency has done for this state, and I am confident in their ability going forward to continue to ensure effective enforcement of standards and to act on their core duties. I also extend my thanks to the EPA for their work. You all deserve to have a government that stands behind you and behind the work that you have helped accomplish. I am glad to stand here in support of this amendment bill, which will make it all just that little bit easier for you. With the promise of better outcomes for all, I commend the bill to the chamber.

Bev McARTHUR (Western Victoria) (15:03): I rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. On 1 November, the first day of the container deposit scheme's operation, there was no celebration from this Labor government. This is because over the past three weeks the government has been incredibly embarrassed by the rollout, or lack of it, of the container deposit scheme, despite having had five years to plan it. You would think that with a five-year lead-up the government would have had every opportunity to develop and implement policy to ensure its success. But the rollout of the container deposit scheme has been pure chaos. On the grand opening day less than half of the 600 consumer collection point sites had been

publicly confirmed; no commercial agreement had been put in place with businesses who produce the bulk of the container waste; and there was no consideration of the cost-of-living impact on consumers of a scheme that is designed to impose operational costs on the beverage community, who will in turn need to pass those costs on to consumers.

So in this cost-of-living crisis that we have, here is another area where the government is just going to make sure the consumers pay more. The cost recovery for the waste-to-energy scheme, which this bill enables, and the introduction of periodic fees being applied to waste-to-energy licence holders under the Circular Economy (Waste Reduction and Recycling) Act 2021 mean that these recurring fees set by subsequent regulations aim to recover ongoing costs related to the regulator's monitoring, compliance and enforcement activities for the waste-to-energy scheme.

We know that this government is incapable of managing any project at all. Every project blows out in budget and in time. So we can rest assured and consumers can all be comforted by the fact that these costs will increase inevitably under this government. They are totally incompetent in managing anything. But, guess what, fee setting will adhere to the Victorian government's pricing-for-value principles. They are a wonderful new monstrosity, I would have thought, the government's pricing-for-value principles. It sounds good, but I have never seen this government manage to get value for anything when they do anything. So this will be a new opportunity for the government to show us how the pricing-for-value principles work.

It also sets up the Recycling Victoria Fund with dedicated accounts for the container deposit scheme in Victoria and the waste-to-energy scheme. Without these changes, fees would go to the state's consolidated revenue. Goodness me, I am sure we will still find they go there. But anyway, it requires Recycling Victoria to seek additional funding through the annual state budget process. The establishment of the fund does not protect funds raised. There is no guarantee that the funds raised will be hypothecated into the recycling fund, because we have seen what happens when the government want to raid a piggy bank. They did it with the TAC. So we can have all these nice words, but in reality we will see inevitably something different eventuate, because when this government runs out of money they will certainly need to find more in every piggy bank they have got squirrelled away, and this will be just another one.

This bill introduces amendments to the Environment Protection Act 2017 and clarifies that liquidators cannot be personally liable for EPA clean-up costs. It allows the EPA to delegate powers under the act and enables the EPA to issue inspection notices for vehicles and charge interest for late fees.

It is now five years after China announced the rejection of Victorian waste – quite rightly, probably. Why should we be exporting our waste to another country? And the Labor government has still not operationalised the container deposit scheme. So we are in this situation where five years ago we said we would do all this and we would fix the problem, but we are still short of 300 container deposit scheme collection points. But these amendments impose the full operational costs – and goodness me, this government managing anything will have a cost blowout in their bureaucracy inevitably. These amendments will allow full operational costs for the container deposit scheme to be leveraged onto the beverage industry. The industry has said that if consumers receive a 10 per cent rebate on return of a container, the scheme will force a 12.8 per cent increase on an average product. This comes a time when we know cost of living – not climate change – is the emergency facing every Victorian. Cost of living – so here we go. We are going to have a 12.8 per cent increase, on average, of any product relevant to this container deposit scheme. It will not be good for family budgets at this time. Under this scheme a 12.8 per cent increase will be charged for the average can of beverage. So there we are, we have got the 12.8 per cent increase, of which the consumer can get 10 cents back.

The bill extends the powers of protective services officers and the Game Management Authority officers, no less, so they will be authorised as litter enforcement officers, empowering them to address littering. There has been consultation, but the industry have confirmed their intention to pass the scheme costs back to the consumer.

I am a great fan of waste to energy. I have inspected waste-to-energy plants in the UK and Scandinavia, and I cannot for the life of me think of a reason why we do not have waste to energy as a key priority in this country and in this state in particular. I have a proposed plant for waste to energy in Lara, which is encountering no end of obstacles to get off the ground. I do not understand why anybody, especially the Greens who sit over there, think it is a good idea to put waste into the ground and create methane when you can dispose of waste through waste-to-energy plants. There is nowhere better than Scandinavia – who have stringent environmental regulations – to see that there is no pollution to the air and no noise pollution or anything in these plants. I saw in London where 30 per cent of London's waste was transported down the Thames to the plant, and there was no dust, no smell and no evaporation. Of course there will not be, because environmental standards everywhere have worked out over the last couple of decades how you can do waste to energy very effectively and efficiently and without any pollution.

That is what we should be embracing: waste to energy. I am fully supportive of any proposal that will increase our energy supply in this state, as we debated yesterday, but also any proposal that will see the environment being better looked after by our not putting our waste in the ground but instead using it to create energy. While the coalition are supporting the changes to the act, we should be cognisant of the fact that this is just another cost to consumers and there is no guarantee that the money generated will end up being used for any productive purpose to ensure that we have a better use of waste.

Jacinta ERMACORA (Western Victoria) (15:14): The Allan government is investing to transform our throwaway economy into one where waste is eliminated, resources are circulated and nature is regenerated. The circular economy gives us the tools to tackle climate change and biodiversity loss together, while addressing important social needs. It gives us the power to grow prosperity, jobs and resilience while cutting greenhouse gas emissions, waste and pollution. In our current economy we take materials from the earth, we make products from them and eventually – even rapidly – we throw them away as waste. It is quite linear. In a circular economy, by contrast, we stop waste by making sure it is not produced in the first place – that it is re-used in the first place.

Make no mistake, investing and changing our processes to implement a circular economy is critical for our future as we adapt to climate change. What we do now to deal with climate change will indeed be life changing, particularly for our children and our grandchildren and hopefully for future generations. We need to act, and by being smart, investing and changing habits, we are making and will make a difference. Recycling will have significant benefits for the world, including economically, as will waste-to-energy technologies, which are rapidly advancing. This bill is designed to help us close the loop – to quite genuinely clean things up.

Back in 2021 the Circular Economy (Waste Reduction and Recycling) Act 2021 delivered on key commitments made in *Recycling Victoria: A New Economy*, including the establishment of the container deposit scheme. The subsequent Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022 amended the circular economy act to deliver additional reforms from that policy, including the waste-to-energy scheme. This bill introduces amendments to the circular economy act that address issues identified during the implementation of the container deposit scheme and the waste-to-energy scheme to mitigate risks to the operation of the schemes and to clarify and streamline the operation of the circular economy act. The amendments to the Environment Protection Act 2017 followed its commencement on 1 July 2021. The subsequent technical and clarifying amendments made through the Environment Legislation Amendment (Circular Economy and Other Matters) Act aimed to enhance the operation of that act and continue its effective implementation.

The bill will amend the Circular Economy (Waste Reduction and Recycling) Act 2021 to do the following: clarify the cost recovery arrangements for the container deposit scheme; minimise operational risks for the container deposit scheme to support the scheme and to ensure it operates as intended; and provide for a mechanism to recover the costs of Recycling Victoria in administering the waste-to-energy scheme by enabling periodic licence fees to be set in regulations. It establishes the Recycling Victoria Fund with special purpose operating accounts to support Recycling Victoria to

recover costs and fund its operations under the CDS and the waste-to-energy scheme. It enables regulations to set variable fees for determining applications made or submissions received under that act. It also gives better effect to the intent of the Environment Protection Act and ensures its operation and effectiveness.

In short, the amendments in this bill support the investment and process needed to increase our ability to manufacture and use goods in a circular economy. The examples of investments in our circular economy are already exciting. I am not surprised by the incredibly quick uptake of the container deposit scheme already. Just days after its launch, on 12 November, the Warrnambool *Standard* reported:

> Warrnambool residents, charities and community groups are cashing in through the state's new container deposit scheme with more than $22,000 of refunds received.

I am already hearing stories of grateful community groups receiving funds, as well as kids – hello, Henry. Young Henry was spotted at the machine, topping up his pocket money. Some of the organisations set to benefit from the donations include Warrnambool & District Community Hospice, the Warrnambool Gift Committee, Hamilton Bowling Club and Koroit-based rescue and rehabilitation centre Mosswood Wildlife. This scheme is a great example of the circular economy having added benefits. It is creating 600 more jobs across the state as it reduces the state's litter by up to a half. It is better these jobs are created here than in China – our waste was formerly taken to China.

In Western Victoria the container deposit scheme is being implemented by Tomra. The CEO of Tomra James Dorney said:

> We have tasked ourselves with providing meaningful and skilled circular economy jobs across the 'West Zone' of CDS Vic that fulfil a diverse range of tasks and ultimately achieve positive social, environmental and economic benefits to all.

This is the kind of clever policy the Allan Labor government does. It has got an economic policy arm as it stimulates the economy and creates jobs, it has got a significant environmental benefit in reducing our state's litter by up to half and it is achieving social benefits through community groups being empowered, and social enterprises being actively involved, in the rollout of the container deposit scheme. It is also flexible, with a variety of options for how Victorians can return their eligible containers. Reverse vending machines, depots, over-the-counter sites and pop-up refund points offer people four different ways to recycle.

Just last week I saw this clever policy fulfilled firsthand. In Warrnambool the depot drop-off point for recycling chosen by Tomra is located at the Big R's Shed in Albert Street. The Big R's Shed is a not-for-profit social enterprise committed to developing pathways and unlocking the potential in the community. They have a big focus on sustainability, and they offer people with a disability work in areas that reflect the big four Rs of a circular economy: re-use, recycle, repurpose and restore. Paul Hughes, their general manager of social enterprises, was so chuffed to show us the depot and the designated area for the container deposit scheme. People are able to drive right into the depot with their cars and utes and access the sorting machine shed. The containers are simply tipped into the sorting machine and scanned, with the magnetic sorting capability able to separate the different types of plastic and aluminium. Once sorted the products are weighed, and you can even, very simply, be paid through the CDS Vic West app. All of this was demonstrated by me in a Facebook post where in a video I showed how that can happen. You tip a whole bulk container into the machine rather than putting individual containers into the slots.

It is terrific that we are able to use state-of-the-art technology to implement these actions in our circular economy. Paul told us that one man had come in as soon as the depot opened. He had been saving up for some time, and his ute was full of woolpacks containing eligible containers. He left the depot with $900 in his pocket. In other words, he dropped in 9000 containers that would have otherwise ended up in landfill, on the side of the road or in China. Dropping into the depot was most definitely the best

way for him to go. Paul Hughes said that Are-able are so proud to be part of the container deposit scheme. He said:

> This initiative will add value to the circular economy and enhance our recycling capabilities while providing quality employment for people with disabilities in our community.

Another very innovative and exciting example of the circular economy in the south-west is Sustainable Plastic Solutions, based near Hamilton. I was blown away when I visited Sustainable Plastic Solutions, where they are truly being innovative and converting recycled agricultural and industrial plastics back into high-grade resins. I saw old farm baler twine being converted. It was going in one end of the machine, and resin beads were coming out the other end – made to order for the customer of this business. This fits into their ethos for the environment – that plastics continue to be used rather than downcycled. For Sustainable Plastic Solutions an essential component of plastic recycling in a circular economy is that the company does not work on a push model. This means they do not create recycled resin and then hope that someone will come and buy it, rather they ask their customers what they require and create the resin to meet their needs. As Elisha Nettleton, owner of Sustainable Plastic Solutions and quality and R and D manager, told me, it is only through a true circular plastics economy putting products back into their original applications that we will be able to tackle or eliminate our plastic solution challenges and drive investment in the industry. This circular economy provides the balancing of the ledger between what is produced and what is recycled.

These examples are a fantastic demonstration of the level of investment in the circular economy that is happening in the south-west. In the case of Sustainable Plastic Solutions – in the Shire of Southern Grampians, right next to Hamilton – that business is absolutely amazing. They are also including plastic silage wrap, farm tarpaulins and, as I said before, baler twine, and they were converting right before my eyes those products into re-usable resin beads. Then at Are-able it was so delightful to see people working in all the different parts of that organisation and having a meaningful task and occupation in contributing to our economy, being occupied and skilled and respected for the work that they were doing and also, because of the container deposit scheme, contributing to the environmental and positive outcomes for our community. I do congratulate the business of Sustainable Plastic Solutions, and I also congratulate Are-able and all of the employees and staff at Are-able in Warrnambool for the work that they are doing. I commend this bill.

Gaelle BROAD (Northern Victoria) (15:28): I am pleased to be able to speak today on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. This bill essentially creates the mechanism that will allow the new Victorian container deposit scheme to function. It makes a series of amendments to existing legislation for managing waste and recycling in Victoria. Amendments to the Circular Economy (Waste Reduction and Recycling) Act 2021 include imposing the operational costs for operating the container deposit scheme incurred by the regulator, Recycling Victoria, on the beverage industry; introducing new periodic licence fees that will allow Recycling Victoria to recover costs; establishing the Recycling Victoria Fund and special purpose operating accounts; granting the authority to set variable fees through regulations for applications and submissions under the act; and aiming to reduce the operational risk for CDS Vic – the container deposit scheme – by clarifying earlier legislative provisions.

Well, it is bizarre that we are debating this bill two weeks after the container deposit scheme launched on 1 November. It is another example of poor management under this government that we are now playing catch-up with this legislation. Excuse the pun, but you could say the rollout has been a bit rubbish. Despite these shortcomings, I know a lot of people who are very keen to do the right thing and recycle their cans, bottles and containers. The return of the container deposit scheme is a policy that the Nationals and Liberals announced almost four years ago, and it is good to see Labor recycling by adopting this policy too.

To receive a small payment for recycling is a great incentive. It is common sense, and it helps care for our environment. Just recently I spoke at Victory Christian College school in Bendigo, and students

were very excited about the prospect of being able to recycle their cans and bottles and asked lots of great questions. Many had loaded up bags with containers ready to recycle, and other students were very keen to find out where to go to drop off their recycling. I can tell you: www.cdsvic.org.au if you are interested. There are a range of sites slowly being rolled out. Most aluminium, glass, plastic and liquid carton drink containers between 150 millilitres and 3 litres are eligible. You can keep the lids on. Do not crush your cans. The website recommends you do not crush your containers, as most refund points cannot accept them if they are crushed. There is also a list on the website of what is not permitted, including plain milk or cordial containers and wine bottles.

In Bendigo the launch of the long-awaited container deposit scheme was far from smooth, with limited trading hours and one site not being open to the public until later this month. The refund systems on the reverse vending machines were not functioning correctly, and staff were forced to scramble around to find cash to give people to reimburse them for their returned containers. In one case a worker was providing cash from his own wallet.

I note the container deposit scheme website encourages people to take photos and tag and share them on social media, but unfortunately under this government it does not seem to apply to MPs. I was certainly very keen to promote the scheme, but when a member of my team went to take a photo, they were told, 'No, it's a government program,' and we were not permitted to take photos. I have no idea why they were trying to be so secretive, but it seems to be the culture under this government. We were told to make an appointment to come back and that they would first need to seek approval from various government departments for me to visit and it could take a couple of weeks. Unbelievable.

But the *Herald Sun* has also reported major problems with the rollout of the new system. Some reverse vending machines have reportedly already gone offline. There have been a range of faults and problems in multiple locations. There are also claims the system is pushing up the price of beverages. This is because the amendments impose the full operational cost for the CDS onto the beverage industry. These additional costs to consumers will come at a very difficult time for many family budgets. According to the *Herald Sun*, machines have been vandalised, run out of power, filled with rubbish and manipulated by people trying to dupe the devices for money by inserting ineligible objects. A machine was taped up days after it opened, with no signage as to when it would be back online.

Now, you may recall the confusion that arose in 2018 when China's policy dramatically cut the amount of waste taken from Victoria. It certainly caused chaos here in Victoria. A massive 1.27 million tonnes of paper, plastic and cardboard that had been sent overseas every year then had nowhere to go, including 30 per cent of all recycling collected from Victorian households. So that was five years ago, and the state government has been very slow to act.

In Victoria recycling has a long way to go. I received my fourth bin recently for organics, along with a number of other people in the local community, but it is interesting speaking with local councils to note that there is no flexibility with the introduction of these bins. Even if you have chickens on your property or have a large property and do not need an organics bin, you will receive one and pay for it. So the state government introduces the policy, and the council receives support for the purchase of the bin, but the ongoing cost of collection across hundreds and hundreds of kilometres for the various bins is a cost that local councils are expected to carry, and of course this cost flows on to ratepayers, who are already struggling with rising living costs. Now, this may not be a big imposition on city-based councils where bins are very close together – they could be just a few metres apart – but in rural areas they are not just metres apart, it is many, many kilometres between bins, and the ongoing costs to small councils are much greater.

It has taken years for this government to introduce the container deposit scheme and finally catch up to other states like South Australia, the Northern Territory, Queensland, New South Wales, ACT and Western Australia, which all have the schemes in place. In Victoria to date only around half of the 600 consumer locations have been announced, but I remain optimistic about the potential of the container deposit scheme to make a positive impact in Victoria. It has potential environmental benefits

as well as generating jobs in the region and providing an opportunity for community groups to fundraise. Charities, schools and community groups looking to raise funds should consider this scheme and invite supporters to donate their refunds or containers. This scheme has been a success in other states, increasing and encouraging recycling and reducing landfill, but now the state government must step up to ensure the container deposit scheme is effective and delivers on its objectives in Victoria.

Ryan BATCHELOR (Southern Metropolitan) (15:35): I am pleased to rise to speak on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. The legislation amends the Circular Economy (Waste Reduction and Recycling) Act 2021 to clarify cost recovery for the container deposit scheme and minimise operational costs for the Victorian CDS, the container deposit scheme, to support the scheme and to ensure it operates as intended. It will also provide a mechanism to recover the costs of Recycling Victoria in administering the waste-to-energy scheme, establish a Recycling Victoria Fund to recover costs and fund its operations under the container deposit scheme and waste-to-energy scheme, enable regulations to set variable standards for determining applications made or submissions received under the act and further amend the Environment Protection Act 2017 to give better effect to the intent of that act and to enhance its operation and effectiveness.

It is important this legislation is before us, because it is important that the Parliament irons out some of the issues that were identified in the implementation of the container deposit and waste-to-energy schemes, particularly because the container deposit scheme is proving such a hit with Victorians. It has only been a couple weeks, and already you can see from the activity at the collection sites and the enthusiasm of people on social media and in community organisations and in the way that people are rethinking what they do with their cans or bottles when they finish drinking from them that this scheme is having an impact. You can probably hear it clinking in the piggy banks of many of the people who have got money coming back into their bank accounts as a result of the containers that they have deposited at the depots and at the drop-off points in the scheme. It has been a hit. It has been a long time coming – a long time coming back.

Sonja Terpstra: We wanted to make sure we got it right.

Ryan BATCHELOR: We wanted to make sure we got it right – absolutely, Ms Terpstra. There is no doubt that what we have seen in the last couple of weeks is indicative of how much support there is for this scheme out there in the community, and making sure that we get those implementation details right is critically important for the government. That is why this legislation is important – to facilitate the smooth implementation of the scheme.

The commencement of the container deposit scheme cements Victoria's position as a leader in the nation on waste management and a leader in how we approach the questions of the circular economy. Not only do people want to play their part at an individual level in helping reduce the waste that goes to landfill, but they want to do their part by making sure that we get the most out of the materials that we are using by re-using them where we can. And we know that things like aluminium cans have a very high recycle usage in the circular economy. We know that glass bottles, for example, and other sorts of bottles have an enormous contribution to make to be repurposed into new forms of goods. So people want to play their part in reducing waste going to landfill and creating a circular economy that extracts the value out of these materials, supports new industries right here in Victoria and supports the jobs that go with them.

Nothing more sums up the attitude of the Labor government to these sorts of public policy questions than enabling people to do their bit for the environment and helping to support industry to create jobs. Right across public policy domains, that is the approach that we take: helping people to play their part, supporting new industries and creating more jobs. You see it time and time again, and here in the circular economy we are absolutely doing it, and what it is doing is transforming our recycling sector.

We have already invested more than $300 million in a range of significant reforms helping to make the shift across the state towards a circular economy. As we mentioned at the start, the most obvious and tangible example to households at the moment, this month in particular, has been the launch of the container deposit scheme, which gives Victorians 10 cents back for every eligible can, carton and bottle that they return. It is changing attitudes, it is changing behaviours and it is creating new, innovative systems to enable the capture of those materials and get them back to depots. It will invigorate existing businesses and it will create new ones, and accompanying every step of the way are the jobs that it creates.

The bill will introduce another couple of amendments to help ease some of the issues that have been identified in the transition and the implementation of the container deposit scheme and also in the waste-to-energy schemes. It will deal with some matters that will better enable Recycling Victoria, which is a body that we have set up to help the industry deal with these issues; set appropriate licensing fees to recover costs from beverage producers, helping to fund its operations; and ensure that recipients of remedial notices can pass them on to polluters and that certain authorised officers and protective services officers have the authority to act as litter enforcement officers. Further, it is going to assist the CDS by amending the circular economy act to clarify cost recovery arrangements to fully recover costs to Recycling Victoria, who regulate the container deposit scheme, and establishing a clear legislative basis for the existing contractual cost recovery fee being paid by the scheme coordinator to Recycling Victoria. In effect what we are doing here with this legislation is giving a legislative guarantee, legislative surety, legislative protection, to a set of contractual arrangements that are already in place between the container deposit scheme coordinator and Recycling Victoria.

I mentioned earlier that right across Victoria in the last couple of weeks and in the weeks preceding we have seen people become enthused about recycling their containers. One of the great examples we saw recently was a young kid called Ashton, who lives in Bentleigh in the Southern Metropolitan Region; I know my colleague the member for Bentleigh caught up with Ashton recently. I am sure his parents will be happy that the container deposit scheme is now up and running, because the eager beaver that Ashton is, he collected 4000 bottles and cans before the start of the scheme on 1 November. He was interviewed on the telly, on the evening news, and you could see how neatly those containers were amassing themselves on his parents' property. The garage was looking somewhat full in the lead-up to 1 November. Interestingly, Ashton's parents, clearly loving and caring and supportive of their son's endeavours, went through their workplaces collecting cans and bottles and they were bringing them home. But I am sure the family is glad that the scheme is operational now, because I suspect they have got more of their garage and more of their house back from the bags and boxes of cans that Ashton had been accumulating. He had 4000 before the scheme started. The enthusiasm clearly is infectious for Ashton because his plan is to get to 10,000 next year, and I have no doubt that he will be able to do that. The stories like that of Ashton and his family, who are embracing this scheme, show just how excited Victorians are for its implementation and its operation. Those scenes are going to be repeated again and again across Victoria as the scheme rolls out.

One of the benefits that the scheme has in its design and operation is that people have got a choice about how they allocate the returns that they receive from the container deposit scheme. Industrious kids like Ashton can use those returns to buy the next Lego set that they want, but others who might have a different approach to these things can work with a local community group or work with a local charity to facilitate and support community organisations that they consider to be important and who do good work in their local area by allocating the 10 cents per can or per container to that community group and raising vitally important funds. They may not be grand amounts every time, but every little bit adds up for the community groups right across all of our communities who stand to benefit when they get nominated as a community group who can receive funds. It provides us as individuals with the choice about how we want to allocate our funds. It is presenting new opportunities for industrious kids, it is supporting local clubs and it is supporting local community groups to get a little bit extra coming in through their door. Fundamentally the container deposit scheme is also allowing us to

accelerate our path towards a more circular economy, getting more materials that would have been going to landfill diverted and making better use of what they seek to do.

The other thing which I will spend a couple of minutes on is the set of arrangements relating to cost recovery for the waste-to-energy scheme. The bill will amend the Circular Economy (Waste Reduction and Recycling) Act 2021 to allow for periodic, recurring fees to be charged to waste-to-energy licence holders. We know that what the Circular Economy Act in its principal operation has facilitated in Victoria are schemes that allow Recycling Victoria to engage in regulatory measures to support waste-to-energy projects. What has become clear as that has been rolled out and implemented is that currently, while Recycling Victoria can charge a one-off licence application fee and amendment fees, there is no provision in the current arrangement for fees to be levied that cover the ongoing costs of the regulator's monitoring, compliance and enforcement functions. When it was established, there were effectively establishment fees put in place. We cannot just tick something off at the start, check it once and then forget. The regulator has an ongoing job – Recycling Victoria has an ongoing job – in ensuring that the waste-to-energy operators and the waste-to-energy schemes are compliant with necessary regulations and that things are being done properly. That is what people would expect the oversight body to be doing, and one of the amendments in this legislation is to ensure that they have got the necessary funds to do that through an ongoing cost recovery arrangement set at appropriate levels in accordance with the government's pricing for value principles.

The last couple of things the bill is going to do is establish the Recycling Victoria Fund, which will include a special purpose operating account for CDS Vic and the waste-to-energy scheme, enabling the revenue collected through those cost recovery arrangements to be set aside in the Recycling Victoria Fund rather than having them flow into consolidated revenue. So it is protecting the money that is being raised through these new, additional levels for the purposes for which they are intended, and that is to ensure ongoing compliance and regulation of these aspects of our circular economy.

The bill is a sensible update to the implementation arrangements for what are proving to be wildly popular and successful changes that are giving Victorians an incentive to recycle – bring their cans back and get cash for them – and I know there are going to be a lot more kids like Ashton doing that collecting in years to come.

Melina BATH (Eastern Victoria) (15:50): I am pleased to rise to discuss the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. It has been most interesting to listen to the debate so far. It is a bill that encompasses a number of aspects, and certainly my colleagues Mr David Davis, Mrs McArthur and indeed in a very good contribution Mrs Gaelle Broad thoroughly investigated and interrogated the container deposit scheme, as have members of the government. I will not at this particular point in the day delve back into those issues – I think they have been well canvassed – other than to say that I certainly was part of the 2019 waste and resource recovery inquiry of the Environment and Planning Committee and had the opportunity to go to New South Wales and look at their container deposit scheme, noting very positively that all schemes usually have teething troubles. New South Wales was not exempt from that, but one of the key factors in that container deposit scheme – the positive, the benefit, the outcome – was a reduction in waste, in rubbish, working its way into the state's water systems, rivers and streams and then out into the ocean. So it was really good to see that come to fruition.

I know the current government implemented the container deposit scheme starting in November, this month, and it has had more than its fair share of teething troubles. As I have said, Mr Davis has canvassed that, so I will move on to a specific area of interest of mine, and that is to talk about the circular economy and the importance of using Victoria's resources in the best possible way to indeed avoid the by-products of manufacturing, industry and human life in the first place if we can and be smarter and not just use up these resources but see how we can reduce them. I know every schoolchild in Victoria has probably had those lessons in their classes about how to reduce the amount of products that we use, re-use and recycle.

Also, that recycling component is very, very important. You only have to go to your local transfer station – for me, I live in South Gippsland – to see the evolution. Once upon a time it was a bit of a dump-all. Now we see that there are highly organised transfer stations taking not only cardboard and paper but batteries, glass and metal for recycling and green waste of course – that is a regular trip, and particularly at this time of the year you take your green waste there. There is also – I know the South Gippsland shire does it very well – e-waste recycling. It is always good to plug them and the work they do in recycling all of our modern-day society products. We should continue to do that.

Of course there is always the balance of the cost of taking your recyclables to the tip versus those people who in the end just cannot seem to afford to do that and dump it. There needs to be that tension and that balance between being able to provide the service and still having the majority of the population taking that service up and being prepared to pay for that. Also, the whole idea of custodianship and through manufacturing being able to recycle goods – these are all very much the modern way that we need to be.

The landfill issue is of course, in the hierarchy of waste and recycling, the last option in that hierarchy which sane, sensible and modern societies should be focused on. We do not want landfill. We need to remove that as much as possible. We see certainly in Europe, where there is energy-from-waste technology – that is the way I prefer to say it, 'energy from waste' – incredibly good outcomes and diminished percentages of landfill through that whole recycle scheme. I note – and this was in the report that the 2019 committee came up with – that certainly some of the top 10 European countries have reduced their municipal waste that cannot be recycled any further down to at least 10 per cent. On average what is happening in these top 10 countries across Europe is we are seeing landfill being down to 3 per cent. Just imagine that – 3 per cent of waste going to landfill. In some of those countries you are seeing 46 per cent in energy-from-waste facilities and 51 per cent recycling and composting that green waste as well. Now, that is what we should be aspiring to. What we see by comparison in Victoria at the moment is zero per cent of that municipal red-bin waste that cannot be further recycled going to energy-from-waste facilities. We also see that recycling and composting is around 40 per cent, yet still we are looking at upwards of 60 per cent going to landfill. I am sure I have made my point there.

Also on the issues around landfill, we know that there is methane production from landfill. If that landfill is highly evolved, you can trap that methane and use it in production. The idea ultimately, though, is not to have that methane produced in the first place, and that is where you can get that percentage right down. We also know that on the eastern side of the city we have got Hampton Park landfill reaching its capacity in the next few years, and that is going to be a solid waste management crisis, an issue that we need to address.

Also, as part of this whole discussion indeed on those European countries, I have heard members of the Greens et cetera have the discussion around incineration. It is not like the 1950s, when Mum and Dad had the incinerator in the backyard and would burn all the rubbish and that was the done thing. These are highly evolved, highly state-of-the-art closed-circuit incinerators, where you get thermal energy, you can have steam and then you can also produce electricity. And going back to these modern European energy-from-waste facilities, they are safe, they are clean and they do meet those most stringent standards.

Indeed the very important part that I would like to get to today is talking about the Opal facility in Maryvale, on the outskirts of Morwell, which has been working towards this basically almost since I have come in, so it would be almost eight years. They have been planning, they have taken it through various stages and they have got green lights all the way, and I am here to support that energy-from-waste facility. At its peak, if it comes to fruition, we are looking at diverting 325,000 tonnes of waste from landfill annually through that really highly evolved system. We also know that the Opal plant – Australian Paper, as it has been called in the past – has been a key business that has been a massive employer over more than 80 years in the Latrobe Valley. We know that the government has shut down the native timber industry and that has constrained supply around white paper. It is very sad. I have

got a box of Reflex that was part of that recycled Reflex paper, and I should keep it for posterity because we are no longer going to make white paper in Australia or Victoria. But one of the key things is that it is still a massive employer, because through changing society we are using more and more and more specialised cardboard and packaging that is still needing to come from trees and more often than ever from the plantation industry. They still need energy. Certainly Australian Paper is a very high user of natural gas. If they can get the energy-from-waste program up and running, it will mean a reduction in that usage of natural gas, which has to be good for everyone because it is back into the market, and it is also reducing those carbon dioxide emissions. The EPA – there has been a stringent process in terms of the works approval for Australian Paper's project, and it does meet the highest standards. I just want to reassure people of that. These are the facts on the ground. It has been approved.

The other thing that we often hear pushback from people around is the remnants, the residual. The residual ends up being about 4 per cent. Taking in all those 325,000 tonnes a year, you end up with 4 per cent which is residual. At the end of that residual there has been amazing recovery of the materials, of metals as well, and that can be recycled and re-used. Also, the end residual can be an inert substance – I have seen it, a grainy sort of inert substance – that can be used in road base to create a far more durable road base. And if there is something that our roads need in Victoria, it is durability, because they are in a sad and woeful state.

Speaking about some of the conditions under which this would operate, Australian Paper's facility can reduce up to 543,000 tonnes of greenhouse gas emissions with this state-of-the-art system, or the equivalent of taking 100,000 cars off the road. It also can create upwards of 1000 jobs during construction and 900 jobs ongoing. This is very good news for an area that is having diminishing returns in terms of industry and the shutting down of coal-fired power stations and the closure of the native timber industry and therefore mills. We need jobs in the region, and this has to be seen as a win–win–win. In terms of population growth, Victoria is going to continue to grow. Even if we can re-use and recycle to the nth degree, there will still be landfill that is non-recyclable. This is one way to go.

A couple of points on this before I finish. Under part 5 of the Circular Economy (Waste Reduction and Recycling) Act 2021 there is going to be this cost recovery. There are concerns in there – those recurring fees – and we have heard discussion today about the regulator's enforcement and cost recovery. There is no quantum at the moment – it is all going to be set out in regulations. I have had conversations in relation to this. What does that mean? It is unclear as to the fee that will be charged. If the fee begins now when the licence is approved and yet the facility takes two or three years to finish construction and get up and off the ground, is this government wanting to disincentivise this very workable and positive part of the circular economy? That is a question I have for the government. There needs to be some clarity about what that cost recovery fee would look like.

Given that there are only going to be a handful of operating energy-from-waste licence holders – perhaps six or more, but less than 10 in the next 10 years – this could well be a very significant impost. I do not want that to be a barrier or disincentive, and we do not want this to be code for 'Let's fleece the companies'. There needs to be a sensible approach. We also have certain concerns around balance in the support from councils to make it fair and reasonable so that the agreements – the contracts – can still be in the positive to enable these facilities to occur.

I do feel that Recycling Victoria seems to be a duplication of the EPA. With some of those functions, to my mind, there seems to be a doubling up. We do not want more bureaucracy; we need it to be streamlined. I also note that often the Greens like quoting the IPCC – the Intergovernmental Panel on Climate Change. Indeed one of their recent reports speaks to:

> Incineration and industrial co-combustion for waste-to-energy provide significant renewable energy benefits and fossil fuel offsets.

I was quoting the IPCC as a positive for energy from waste. There are some certain questions that I have raised – the minister might like to address those – on fee structures as part of that regular enforcement. But certainly I take a not-oppose position for this bill.

Adem SOMYUREK (Northern Metropolitan) (16:06): I rise to speak in support of the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. The main purposes of the bill are to amend the Circular Economy (Waste Reduction and Recycling) Act 2021 and the Environment Protection Act 2017. The bill amends the Circular Economy (Waste Reduction and Recycling) Act to do many things, which I will not go into here, because other speakers have. I can value-add to this debate, as a former local government minister at a time of crisis for the local waste management system.

This bill is part of a process of responding to the crisis in Australia's recycling system following China's decision in about 2018 or so to stop accepting a wide range of solid waste, including low-grade recyclables, into China. Since we as a country and as a state were so reliant on China for waste processing, China's policy shift certainly had a profound impact on Victoria, as it did on Australia and as it did on other countries in the world also. Now, the loss of that export market for Australian waste to the tune of over $500 million – I think it was $520 million – as you would expect, put a significant and big financial strain on local councils and the local recycling industry.

In response to the ban the Victorian councils resorted to emergency measures like stockpiling – not ideal – and landfilling, which again was not ideal, as local waste management systems struggled to adapt. I was the local government minister at the time, and I recall spending a lot of time and energy trying to find a solution to this problem. Mind you, I was the local government minister, and that did not make me responsible for that particular issue. The EPA was under the purview of the minister for environment, so the minister for environment had carriage over this issue. But certainly as the local government minister, because local government was at the coalface of the issues that were being faced by the waste management processing system, I saw it as my job to advocate on behalf of local government. I recall at the time that there were stockpiling facilities that were going up in smoke quite regularly. I cannot recall how often, but I seem to recall that quite often there were fires at some of those facilities. Why? Because they were overcrowded and were operating beyond capacity. I saw it as my job. Clearly there was a huge loss of revenue, and therefore local contractors, local operators, had to give back their contracts as they could not continue to operate, and the councils had to sort of absorb those costs. So my job was to advocate within government for more money for local councils.

As a government we decided that it was not just about money; money would have been just putting a bandaid over this issue. We needed a sustainable solution to this problem. We needed a systematic change in Australia's approach to waste management, including the development of a robust and sustainable local recycling system. I recall, I think it was in 2020, Minister D'Ambrosio as the environment minister introduced a circular economy paper. What followed was a bill and then a subsequent bill. I see this bill as a bit of further fine-tuning as part of the process of changing Victoria's approach to waste management, in shifting to a more robust and more sustainable model. With that, I commend the bill to the house.

Tom McINTOSH (Eastern Victoria) (16:10): I rise today to support this bill. It is a great thing. It is being celebrated by people all over Victoria, and we saw that within the first day of operation. We had, I believe, a million containers recycled, and within the first week it was 10 million. It does not matter where you go or who you talk to – whether it is individuals or community groups – towns all over the state are absolutely excited. I was just having a bit of a brief look through the interactive map on the cdsvic.org.au website before, which is a great way for people to keep up to date with more and more container deposit facilities that are popping up all around the state. I did not have time to look at the whole electorate, because there are just so many container deposit facilities around, but starting from the east of the eastern region Mallacoota is there. I believe they filled a 20-foot container in the first week, which just shows that all of our towns, no matter where they are across the regions, rural or remote, are getting into it. Orbost, Maffra, Lakes Entrance, Bairnsdale, Loch Sport, Heyfield,

Kilmany, Rosedale, Yarram and Sale – there are multiple facilities in some of these towns, and that is just what I could get through in a few minutes looking at the interactive map. It is a great thing that so many people right across the state, no matter where they live, have the opportunity to get involved.

Of course this is a broader piece of work that the state government is doing around the circular economy. It is something that we are absolutely committed to – that is in our DNA. When you look across everything that government is doing to reduce our emissions, to reduce our waste, to have a more sustainable Victoria and to ensure that this sustainability leads to a more economically productive Victoria, it sits there. I often talk in this place about purpose, and we absolutely have a sense of purpose to ensure that every generation of Victorians have a better quality of life than those before them. That is deeply within our DNA. We have seen some debates, even yesterday, with people advocating on the other side for nuclear reactors and whatnot. That sense of purpose and that sense of clarity about where they are going just definitely, definitely seems to be missing.

Diverting waste from landfill – we have got a target on that to get to our goal. Our target is on the way: 80 per cent by 2030. We are looking to cut our waste generation by 15 per cent and to halve the organic matter going to landfill by 2030, which we know is so important because of the emissions that occur in that process. Looking on the other side of it, coming back to that circular economy and coming back to getting the most out of our product, it is making sure that the organic matter is being consumed, but where it is not, it is making sure that it is not going to landfill. In order to hit those goals, we are making sure that households across Victoria have the opportunity to reduce their organic matter, which is a program already well underway.

The other thing I love about this program is that Victoria is a proud state. We are proud for so many reasons, whether it is our arts, our sport or our spectacular scenery, or whether it is Maxwell last week hitting the most incredible 200 runs in an ODI over at the World Cup. Things like this generate immense pride in our state. I think this absolutely taps into that pride, because we believe in keeping our streets clean, keeping our waterways clean, keeping our natural spaces clean and keeping our communities clean so that we are living in one of the best environments in the world. That is something we have been proud of, and we have seen that for many, many years with our Tidy Towns. We have seen towns all over Victoria be so proud to clean their town and compete with each other – there is nothing wrong with a little bit of friendly rivalry – to show how we care for our local places. This program not only enables that, it captures that pride, it captures those environmental outcomes, whether that is emissions, local environment, local species, all these sorts of things. But then it also captures the element of community and pride in community. We know that – and particularly I and Minister Shing, who is also in the chamber – in Eastern Victoria we see that pride in community, whether it is the local sports club, whether it is the schools. As I said before, whether it is art groups, whatever it is, there are so many places of pride, so many places of community connection that have the opportunity now to collect these containers that would have otherwise been going elsewhere and to save that money. So this is another brilliant part of the scheme.

If it is a container deposit facility that is being used, people putting them in can get the voucher, take it to the local supermarket or other store where they can either use the credit or get cash. At other facilities that are being run people can go in and get cash on the spot, or the other brilliant thing is they can have the money donated to a registered charity or a local community organisation that has registered for it as well. I think that spirit is embodied through, whether it is youngsters or oldies, collecting not only to keep their local environment safe but to support local people and local community groups. I just love that image of old and young together collecting this waste to keep things clean and to support each other. I love the saying, if I get it right, 'There is nothing as beautiful as our elderly planting a tree of which they will never feel the shade.' That giving for others is a beautiful part of what it is to be Victorian.

What can be recycled: aluminium, glass, plastic, liquid paperboard and cardboard drink containers. Look out for the 10-cent mark on the container; that lets you know that you can recycle it. The lids can stay on. For some other items that are too small – really, really small items – or bigger items over

3 litres, you can still use traditional recycling methods for those, because this is all about ensuring that we are keeping as much product out of landfill as we can and re-using product in that circular economy. And it fits with a number of other policies that we have rolled out. Incredibly popular this year, certainly since I have come into this place, has been eliminating soft plastic use. We know the incredible damage it does, particularly to a lot of our aquatic life, when soft plastics, straws and whatnot enter the waterways. It is simply unnecessary harm.

The community feedback about the government bringing forward these changes – look, there were a few naysayers. Probably some of those opposite were saying the sky would fall in like they always do. Every time we try and take a positive step forward to ensure a better environment and a better quality of life for everyone, the naysayers say 'Oh, no, we can't change.' I think with plastic shopping bags you would have thought we were taking away the air that could be breathed, but we have gone on and we have got a better quality of life. When you look at creeks, when you look at rivers, when you look at streams, they are not filled with plastic bags. The single-use plastic removal – whether that is cutlery or straws, which I was starting to touch on before – has been a really good thing as well. People adapt, and we adopt these things in a way that just sees so much less waste. But I think it also allows people to really be present in their choices and make great choices for themselves, their kids and their grandkids, which is of course what so much of this is about.

Before I get too negative, I must say that Ms Bath did make a pretty good contribution. That is twice I have stood up here in the last two days and said –

A member: What's going on?

Tom McINTOSH: I know. I think the Nationals are starting to flock to the progressive side of the Liberals. I have said that the Greens and the Nationals are only a shade apart in some of their approaches to politics at times, with some of their negativity and whatnot. But I must say that Ms Bath was making some good comments about sustainability and the way we can approach this in a collective manner, which I think is really important. Because whether it is climate or whether it is environment, it should be above politics, because for the best economic outcomes for all of us – as I have said in here before – we want our farmers to have the best conditions so that they can grow the best products and have the most productive lands so that consumers can go to supermarkets and get goods at the best possible price, so they can feed themselves and their families and live in a climate where we have got moderate temperatures, which we have evolved to and which we can exist in, and so we are not seeing our elderly and our most vulnerable suffering through terrible heatwaves and whatnot. I appreciate those comments.

I must laugh. Mr Davis was over the other side there, as usual harking back to last century and not being able to be in this century or look forward, which is pretty typical of those opposite. I do not know where they want to take us back to, but it is back to the future – we all hop into the car, we go back and we live like it is the 1950s. But anyway, I have touched on that before so I will not touch too much on it again. That negativity that was coming out of them – I think the biggest thing that they could talk about was not crushing the cans. The whole point of this scheme is that people right across the state can get to these facilities – a lot of them can get there 24/7. You do not need to stockpile your whole garage full of cans and take them along once a year. This is the whole point. I think there is constant negativity and constant dragging backwards by those opposite, who can never acknowledge a good policy. Coming back to that point of purpose: we want to advance us, as a state and as a people, forwards. They have got to be negative and drag us back. We see that again with Mr Davis's comments and negativity.

I have to pick up on a comment from the lower house. I may give my lower house colleagues a bit of stick from time to time, but the contribution of Mr Cianflone, a fine member for Pascoe Vale South, was incredible. I think one of the few Liberal members they have got down there was saying the scheme could not work and nothing was possible and all this sort of stuff. I did love Mr Cianflone's comment about the coalition deposit scheme – the recycling of leaders, whether it is the member for

Malvern, the member for Bulleen a couple of times or the member for Hawthorn. Who is next – Berwick, Sandringham or Kew? I think that was a very, very apt comment, because although they might not be focused on recycling and the environment and climate action, they are definitely very focused on depositing their leaders so someone else can get a go in the seat and move things around for a little bit – give a few more people a few toys before they do it all again.

I have spoken at length about having an understanding of the purpose here to deliver for Victorians – to deliver quality jobs so people can get safe and secure housing, have access to quality health care and make sure they can get the education, skills and training to go back into jobs. The government is putting in the public infrastructure, whether it is public transport or road infrastructure, so people can get from A to B and is doing all that in a sustainable, safe, ongoing climate – which brings me back to what we are talking about here: the circular economy. It is this sense of purpose; those on this side get up every day having a clear vision of what we are about. It is not about people; it is about policy, it is about outcomes and it is about delivering that better quality of life for every generation of Victorians. That is why I think those opposite get so lost on the people stuff, spoiling for that slight climb up the rungs of the ladder of whatever opposition position they are after and getting after each other. But anyway, I will not give the opposition too much more airtime, because I will leave the negativity to them. This side is about positivity and delivering the things Victorians want to see.

I just want to touch on a couple of points on the acts and the amendments the bill makes to them. The bill amends the Circular Economy (Waste Reduction and Recycling) Act 2021 to clarify the cost-recovery mechanism for the container deposit scheme to ensure the scheme regulator head, Recycling Victoria, is able to recover all of its costs associated with the scheme; enable a new periodic licence fee to be prescribed in regulations to provide a mechanism for the head, Recycling Victoria, to recover ongoing costs of monitoring compliance and enforcement activities performed by the head, Recycling Victoria, as the scheme regulator; and establish the Recycling Victoria Fund, divided into the container deposit scheme account and the waste-to-energy scheme account, to support cost recovery for these schemes. The bill will also amend the Environment Protection Act 2017 to allow the Environment Protection Authority Victoria to retain financial assurances in specified circumstances to protect the state from having to bear clean-up costs and will make a number of miscellaneous amendments to improve the operation of the act. This is another fantastic piece of policy from the government that is delivering for Victorians, not only today but into the future.

Sonja TERPSTRA (North-Eastern Metropolitan) (16:26): I rise to also make a contribution on the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023, and I can say I am really pleased to make a contribution on this bill because I was one of the members in 2019 who served on the Environment and Planning Committee recycling inquiry, which looked at a number of matters. One of them was indeed whether Victoria should have a container deposit scheme, but we also looked at other initiatives which would reduce waste to landfill. One of the ideas that came out of that was how to deal with landfill, which is also about waste to energy. I will talk a little bit about the container deposit scheme, but before I do that I will just quickly go into what the point of this bill is.

The bill amends the Circular Economy (Waste Reduction and Recycling) Act 2021 to clarify the cost-recovery mechanism for the container deposit scheme to ensure the scheme regulator head, Recycling Victoria, is able to recover all costs associated with the scheme; enable a new periodic licence fee to be prescribed so that Recycling Victoria can recover ongoing costs of monitoring, compliance and enforcement activities; establish the Recycling Victoria Fund, divided into the container deposit scheme account and the waste-to-energy scheme account, to support cost recovery of those schemes; minimise operational risks for the container deposit scheme and ensure it operates as intended; enable regulations to set variable fees for determining applications made; and make other minor amendments. Further, the bill amends the Environment Protection Act 2017 to allow the EPA to retain financial assurances in specified circumstances to protect the state from having to bear clean-up costs and to make a number of miscellaneous amendments related to the operation of the act. So that is what the bill does.

Of course we have heard many contributions today. Whilst we talk about the technicalities of the bill, the real-world impacts of what the bill seeks to facilitate the operation of is the container deposit scheme. When the inquiry took evidence in relation to recycling in Victoria there were a range of things we looked at. Looking across Australia at the various container deposit schemes was a really interesting exercise. I know there has been some criticism and negativity from those opposite about, you know, 'Victoria took so long' and why hadn't we done this. The reason was because there was a range of differing schemes that operated across Australia – not all states have exactly the same scheme. Even though we were the only state that did not have a container deposit scheme, it put us in a really good position to be able to look across all of the states and see what the best and perhaps maybe the not so great features were of all of the schemes. It really allowed us, when we were looking at the schemes, to cherrypick the best features. We travelled up to New South Wales to look at how the container deposit scheme operated in New South Wales, and we were able to go and visit a Tomra facility – they have the contract up there in New South Wales – to look at the recycling facilities. They also had a vending machine there that was operational. So that was really interesting to see how the plant collected and separated the waste.

We have heard a lot of discussion as well about what a container deposit scheme is actually aimed at doing. A container deposit scheme is principally designed to manage waste. It is not about taking recyclable materials out of the yellow bin, for example, because that is already being recycled at the kerbside point with household collection. What it is really about is litter. It encourages people to gather up litter. This is about whether the manufacturer has signed up to the scheme but also registered those particular containers for collection, but it can be plastic drink bottles, glass bottles, coffee cups and those sorts of things. As long as it is registered and has got the barcode on it, those are the containers that can be redeemed through either a vending machine or another collection point.

What we saw in New South Wales was about three different options for how people could return containers. They were through a vending machine option. You turned up and you put the container into the slot and it read the barcode. Depending on how many containers you had, it then calculated it. At the end of that you had an option to either collect your cash or you could donate your cash to a charity or an organisation of your choosing that had registered through the scheme. It was an amazing thing, and it was really nice to see that element where you could pay it forward. We heard amazing stories of people saving for a trip to Fiji for their honeymoon all through gathering up containers – it was pretty impressive. I thought, 'Wow, that's real dedication to recycling', but what a nice story it was for that couple to say, 'Oh, we saved for our honeymoon through the recycling scheme.' That was just one example.

Sporting clubs and the like were able to encourage people to donate the cash that they might have generated through the containers to those clubs. That was one thing, the vending machine, but the other point was you could take them to either a shop or a depot. If there was a St Vincent de Paul or something like that which had a depot, you could back your car in if you had a carload or a vanload of bottles because you had been out there avidly collecting containers. You could back your car or your truck or your van up, and they would collect them for you.

Just the other day I visited a shopfront recycling point in Croydon South, at the Dorset Road shops, and it was amazing. The benefits from this scheme are not just through the collection of waste and recycling. The proprietors of that local shop there – a small business, a grocery shop – were really happy. They told me that on Melbourne Cup Day they had a thousand containers just come through their shop and they were able to recycle those containers. A thousand containers just on Cup Day, and that was a range of containers, whether it be bottles, cans, beverages essentially – everyone likes a bit of a drink on Melbourne Cup Day clearly. The benefits to that small business were that when people came in to redeem their cans or put their cans through the recycling point, while they were there in the shop they might grab a loaf of bread or grab some milk or whatever they needed at that point in time. People who have small businesses and sign up to be collection points are also noticing it bringing more

people into their local businesses. That is another benefit as a result of the scheme. That is paying it forward.

The container deposit scheme, as I said, is primarily about litter, but it is also about product stewardship. The manufacturers of those containers who are selling beverages are basically having to take ownership of the container, which is really the container that is designed to hold their product. They have to take responsibility through product stewardship rather than people getting rid of their container, which then becomes waste after the beverage has been consumed. That manufacturer, through that product stewardship scheme, is responsible for the disposal of the container. Again, it is making manufacturers responsible for any waste that they create. That is just one aspect of that scheme. Like I said, I am really pleased to say that we did a thorough analysis looking at all the different schemes, and we talked to the department and we were able to analyse the pluses and minuses in regard to that.

The bill amends the Circular Economy (Waste Reduction and Recycling) Act 2021, but one of the other schemes we did look at was the waste-to-energy scheme, and we talked about waste-to-energy plants that exist in other countries. These are not a new thing, but they would certainly be new to Australia. I know a number of people are looking into how this might happen. I think there was some concern about not wanting any materials that are recyclable to end up at the waste-to-energy plant and be burnt. Well, that is not the case, because with a focus on a circular economy any products that are made should have more than one life. That feeds into what we talk about when we talk about the circular economy: having more than one life and how things can be used again or re-used.

If a product, however it is made, comes to the end of its useful or productive life and is taken to a waste-to-energy plant and burnt, you can capture gases as a by-product of incineration. All of these things are done in a chamber; these things are not exposed to the elements. But the gases that are created from burning off those products are captured, and rather than having tonnes and tonnes of rubbish and refuse that may have reached the end of its productive life, what is then left is a very much smaller amount of material that can be potentially used in things like road base, if that is appropriate, and other things. Again, even though we are incinerating something that may have reached the end of its productive life, we are still creating something else that can be potentially used.

The good thing about a waste-to-energy plant is that it actually creates energy as a consequence of that incineration. So again, the gases that are produced through the incineration process get captured and also it creates heat and energy. The good thing is that, like I said, we are trying to look at how we can reduce our waste. I mean, on one level, when you look at the rubbish that we create as humans, it is a renewable source of energy, if you like. When we create rubbish, if it cannot be recycled, that then can go to something like a waste-to-energy plant rather than to going into landfill.

The problem we have with landfill is that it also creates gases. It creates methane, and that pollutes the environment, so we have got an issue there. We are going to run out of space for landfill at some point in the future, and this creates problems. It has created problems where we have had old landfill sites, where over the years different authorities have changed and different planning controls have meant that houses have been built on top of very old landfill sites and people have had methane gas coming up through their properties. This can be a problem where there is an old landfill site that all of a sudden has been discovered. The idea of continuing to put rubbish into landfill is an old idea that just creates more problems. So looking at moving away from putting rubbish into landfill is part of, I guess, the shift in thinking about what we can do with our rubbish and how we can recycle and improve what we do with our waste.

The other important and exciting aspect of looking at moving towards zero waste, zero to landfill and waste to energy is that the creation of waste-to-energy plants creates jobs. It creates jobs through people being able to work in these industries, just like with the container deposit scheme where you are going to need people to collect the tins, cans, bottles, containers and whatever they may be to take them to the recycling plant to be recycled. There are upstream and downstream jobs. There are things

like truck driving, for example. You need someone to drive the recycling truck to come and pick that up. You need someone to be at the plant sorting the containers.

Likewise, if something is no longer able to be recycled or have a second life, you need somebody at the waste-to-energy plant working out how they are going to sort that. The plant needs to be run, and if you have got a plant, whether it is a recycling plant or a waste-to-energy plant, the other jobs that are needed there could even be in administration or operational things. You are going to need fitters and turners or maintenance fitters onsite as well, and also truck drivers. You are going to need people to maintain equipment. So the creation of jobs that comes with these projects is also admirable and a very important aspect of our policies when we think about the environment. It is not just about making our environment cleaner and better, it is also about the creation of jobs that enable people to have a decent life, a decent living and the ability to put food on their table – and secure jobs as well, not insecure jobs, which we know cause people a lot of stress. In a cost-of-living crisis there is no better way than to have well-paid and secure jobs.

I am really pleased to be able to speak on this bill. As I said, I was a member of the Environment and Planning Committee, which did the inquiry into this. It was one of the biggest inquiries that the Environment and Planning Committee undertook at that time, with many, many witnesses giving evidence before the inquiry and many, many days of hearings. It really was a fascinating insight and look into how we can make our environment better and clean up waste and reduce litter. As has been remarked upon earlier, often these containers end up as rubbish, with people throwing them away perhaps in an unthinking manner. They end up in our waterways, our creeks and rivers, and it is not good.

As part of the inquiry we also looked at another aspect, which does not get picked up by the CDS: plastics and microplastics and small amounts of litter. We have banned single-use plastic bags, and plastic straws we are getting rid of as well. Those are the things that end up in our waterways and end up creating real problems for our marine environment as well. The good position that Victoria was left in, because we had not had a CDS, as I said earlier, was that we were able to look right across the Australian jurisdictions and see how we could pick out aspects from the container deposit schemes that worked the best and make it easier for Victorians to engage with. I might leave my contribution there. It was a real pleasure to speak on this bill, and I commend this bill to the house.

Michael GALEA (South-Eastern Metropolitan) (16:40): I rise this afternoon to talk rubbish – not the rubbish that we often hear from those opposite of course but the rubbish that is the CDS, Victoria's container deposit scheme, and what a wonderful thing it is. As my colleague Ms Terpstra commented, it has been just over two weeks now since the CDS was launched, with providers in the western zone; the northern zone, which covers some of my electorate; and the eastern zone, which covers the vast bulk of my region. What a fantastic thing it has been to see such a strong uptake already. It is 16 November now. It has been 16 days since this scheme launched in Victoria. How many people did we see on the first day take it up? A million products were recycled, and it was 10 million containers in the first week. Was it the first week or to date? Two weeks. It is a remarkable figure, despite whatever claims are put forward by those opposite. I am not sure what their stance has been; sometimes they are taking credit for it, sometimes they are opposing it. They were taking credit for it in the Assembly last week. Apparently the member for Brighton thinks it has been his idea all along. Good for him.

Harriet Shing: The only recycling he's good at is other people's ideas.

Michael GALEA: Other people's ideas, that's exactly right. I am a bit disappointed in my colleague Mr McIntosh for some of his lines; I think he stole them from me. I was going to mention in terms of the opposition its enthusiasm for the circular economy in recycling its leaders, but I will leave that to far wittier people than me to delve into.

Evan Mulholland: Says the man who backed Ben Carroll.

Michael GALEA: Absolutely. This is a fantastic –

The ACTING PRESIDENT (John Berger): Order! There is a lot of chatter in the chamber.

Michael GALEA: Thank you, Acting President. This bill, the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023, is another big step forward of course for what is this government's unprecedented investment – $515 million – to transform Victoria's waste and recycling system. This does include the new standardised four-stream waste and recycling system as well, which supports our target of diverting 80 per cent of all material away from landfill by the year 2030, for the reasons Ms Terpstra went into extensively in her contribution – the absolutely sound reasons why it is such an important target for us to be working for. It does speak for itself, and Ms Terpstra has gone into excellent detail on that, so I will not seek to relitigate that.

It is worth making a few comments on the container deposit scheme, which has already seen 10 million containers put into it, deposited in, just in the last 16 days – how fantastic is that. There are multiple ways in which people can partake in the scheme, whether it is the reverse vending machines, through the various depots, the over-the-counter sites, as well as those pop-up refund points. There are many, many different ways in which people can return their eligible containers. Depending on the type of refund point, people can also choose whether they want to receive the refund in the form of cash in hand, a retail voucher or an electronic refund. They can also of course select a charity to donate their refund to. And what better time to mention that it is of course the month of November, so many of us are acknowledging Movember – none of us quite so much of course as my colleague Mr Tarlamis. It was wonderful to have the Movember team in the Parliament today and to have bipartisan support obviously for that initiative, which is a wonderful thing to see and a wonderful thing for us all to be getting behind, even if some of us have not quite gone as far as Mr Tarlamis with his impressive moustache.

There are a number of collection points across Victoria already. I know I heard some commentary earlier today. Some members opposite seem to misunderstand what a rollout is. They seem to think that it should all be up and running from day one at every single site. But a rollout, by its very definition of course, is just that – a rolled-out program. Already there are a huge number of sites where people can bring their containers to deposit.

I noticed in flicking through contributions last week from that other place with the green carpet – a far less salubrious place than where we are here today of course – that there was some discussion and debate between the member for Mordialloc and the aforementioned member for Brighton. He did not seem to think that there were any container deposit scheme locations in the Mordialloc electorate, and he was rightly corrected by Mr Richardson. There are in fact four locations just in the Mordialloc electorate alone, and it is terrific to see them being attended with great gusto as well.

This is by no means an exhaustive list, but in the South-Eastern Metropolitan Region we have a number of depots in Braeside, which is in the Mordialloc electorate too; Carrum Downs; Cheltenham; Frankston; Hallam; Keysborough – also in the Mordialloc electorate; and Mulgrave, which is of course in a very good location there on Wellington Road. It also just happens to be around the corner from a certain campaign office for the wonderful Eden Foster, who I have had the great pleasure of campaigning for as she seeks to fill the seat of Mulgrave. Hopefully it is auspicious for her office to be located near one of the many successful CDS depots that has been opened there in the Mulgrave area.

In addition to the depots there are of course many kiosks in places including Berwick Springs; Braeside, which is in Mordialloc too; Cranbourne North at the Thompson Parkway shopping centre; Cranbourne West; Dandenong; Dingley Village; Frankston; and Casey Central shopping centre, which of course is in Narre Warren South. There is another fantastic member there, the member for Narre Warren South, who I know is a keen recycler and very excited about this initiative as well. I have enjoyed the conversations I have had with him about this program.

As well there are various other over-the-counter and retail drop-off points, including at Cranbourne South; Dandenong; Aspendale Gardens, which is again in the Mordialloc electorate; Beaconsfield Upper; Cranbourne; Doveton; and there is another site in Mulgrave. There are so many places, and that is in the eastern region alone. There are many, many more places across the broader eastern and south-eastern suburbs where people can be, and by all accounts have been, making full use of this container deposit scheme. It is a great thing to see, and I am sure it will continue to go from strength to strength as this scheme enters into its next stage and becomes more and more established. In my patch we have the two providers for the eastern region. They are Return-It as well as Visy, which looks after the northern zone, which covers a small part of my electorate as well.

From the first day, statewide there were 392 collection points available. Obviously I have just gone into some detail about some of the ones in my region, and there are many more in many other pockets of Victoria. This initial network of refund points, where people can go and deposit these containers, will of course grow in 2024 – again, this is what we mean by 'rollout'– ensuring that the scheme will be accessible to even more Victorians. Glancing at the list earlier I noted that there is a huge amount of regional locations too in many, many small towns right across the state. I particularly enjoyed my colleague Mr McIntosh's contribution just prior and noted that he cited many towns, and there are many, many, many more towns across Gippsland, across the peninsula and, I am sure, across many other parts of regional Victoria as well. As I said, VicReturn is the scheme coordinator, whilst Return-It, Cleanaway and Visy are responsible for their respective regions. It is all part of the Allan government's commitment to developing and supporting the circular economy.

This bill, as part of that measure, makes a number of significant amendments to various acts relating to the circular economy and the operation of the CDS, the container deposit scheme. It also seeks to clarify some of the cost recovery mechanisms for the CDS by mitigating the operational risks associated with it to ensure its smooth operation and alignment with its intended purpose. It introduces a mechanism for recovering costs that Recycling Victoria incurs in administering the waste-to-energy scheme by enabling the establishment of periodic licence fees through various regulations. It also creates a dedicated Recycling Victoria Fund with special-purpose operating accounts to facilitate Recycling Victoria to recoup costs and support its operations within the CDS and the broader waste-to-energy scheme. It also allows for the setting of variable fees through regulations for the processing of applications and submissions under the Circular Economy (Waste Reduction and Recycling) Act 2021 and it enhances the Environment Protection Act 2017 to better align with the original intent of the act and improve its overall functionality and effectiveness as well. So this bill amends the circular economy act to clarify cost recovery arrangements to fully recover the costs to Recycling Victoria of regulating the CDS. The bill will create a clear legislative basis for the existing contractual cost recovery fee to be paid by the scheme coordinator to Recycling Victoria.

It also includes a range of other amendments to the circular economy act, which will support the further implementation of this scheme. It will enable regulations to prescribe matters that must be included in a scheme coordinator agreement or network operator agreement. It clarifies that the scheme coordinator or network operator agreement may contain matters that are not specifically listed in the circular economy act. It provides for retrospective validation of agreements with the existing scheme coordinator and network operators to minimise residual risks of provisions in those agreements being challenged as being beyond their power. It allows concurrent contracts between the state and both an incumbent and a successor scheme coordinator. Finally, as well, it amends the definition of 'material recovery facility' – MRF – in section 3 of the circular economy act to include any operation prescribed by regulations to be an MRF to provide for participation in the CDS by bottle-crushing service operators and other glass recyclers that do not fall within the existing definition of an MRF, as well as making a range of other minor amendments and clarifications for the CDS.

The bill will further amend the Circular Economy (Waste Reduction and Recycling) Act 2021 to include a cost recovery mechanism to ensure that the beverage industry will bear the cost of the scheme entirely, in line with the principle of extended producer responsibility. This means that the first

suppliers of beverage products in the CDS will bear the entire cost of managing beverage containers across their life cycle, taking responsibility in a holistic way for their packaging.

This bill also establishes the Recycling Victoria Fund, without which any fees paid to Recycling Victoria through the container deposit scheme or the waste-to-energy scheme would have gone into the state's consolidated revenue. This amendment also allows for a dedicated account, to provide for a more efficient, transparent and accountable mechanism, to demonstrate that funds collected from the scheme's participants are only used to recover the state's costs in administering and overseeing the scheme. This is important for extended producer responsibility schemes – such as CDS Victoria – intended to function as a closed financial loop. The beverage industry participants funding the scheme will expect the industry contributions to be directed solely to the scheme, and that is what this bill helps to achieve. Creating a dedicated account for this purpose will ensure that that is achieved and provide the appropriate assurance to industry that the funds are being managed and used in line with their reasonable expectations.

There are amendments as well to the Environment Protection Act 2017 to provide that the EPA is not required to automatically release a financial assurance when property or permission is no longer held or when a notice no longer applies to the person who has assured a liquidators disclaimer or another event if environmental and financial risk still exists. This power will protect the EPA and the state of Victoria's taxpayers from bearing clean-up costs when remediation is still needed. It will ensure that recipients of remedial costs can recover costs from all polluters in the circumstances for which a notice can be issued. It is commonsense, and it is consistent. The polluter should pay, and this change in legislation will enable that.

To conclude my comments today, I do wish to again note what my colleague Ms Terpstra said: we have learned the lessons, we have learned the best practices from other parts of the country, and this is a robust, sound container deposit scheme that all Victorians can have faith in. This is a fantastic initiative, and Victorians clearly are already voting with their feet. Once again, I just note the point that 10 million containers have already been deposited and it has only been open for 16 days, including today of course. There are many, many good reasons to support this bill, because this bill supports our container deposit scheme. With that, I will yield and commend the bill to the house.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (16:55): I would like to thank members for all of their contributions to the Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023. As we saw during the debate in this chamber, there are a lot of good stories and certainly there is a large dose of excitement around about the Allan Labor government's plan for the circular economy, not least of which is the Victorian container deposit scheme, or the CDS Vic. Since the launch of the Victorian government's circular economy plan in 2020 the state's waste and recycling sector has entered a period of dynamic change. The government has used this opportunity to initiate a once-in-a-generation reform across the sector and broaden its bold plans to reduce emissions, reduce waste and create a sustainable future for our children.

As we have heard from a number of people today, I would like to take time to clarify some of the issues that have been put forward. We heard from those opposite that they believe that the rollout of the CDS was, as they described it, chaotic and that it has taken us 10 years to roll out this scheme. I would like to set the record straight here. We have been working hard since 2018 to implement a series of coordinated measures to address the complex issue of waste and recycling. We released the *Recycling Industry Strategic Plan* that year, a detailed blueprint for a safe, resilient and effective recycling system. In 2020 we released *Recycling Victoria: A New Economy*, our circular economy plan. With this plan we invested $300 million to overhaul the recycling system. The CDS is one part of our plans to create a sustainable system for our future, and it is only the Allan Labor government that is ensuring that we have a recycling and waste system that is fit for purpose now and for the next generation to come.

We have also heard accusations that due process has not been undertaken prior to the rollout of the scheme and that the operation of these contracts is unclear. To clear this up I can confirm that the contracts are indeed effective. The parties have freely agreed to contracts that they have entered into to administer the CDS, and those contracts are definitely in place. The statutory validation in this bill operates to ensure that the terms of those agreements are enforceable. The bill clarifies authority for matters included in the agreements that are taken to apply and always have applied to the agreements.

We have also heard accusations that there were only 300 sites open on 1 November. I can assure the chamber and I am sure members will be pleased to hear that there were in fact 392 sites that were in operation at the opening of the scheme. And there will be an incredible 600 sites that will be open by August next year, which shows how rapidly we are progressing. I know that members here today will also be glad to hear that there will be up to 15 operational sites in the City of Melbourne LGA by August next year.

I would also like to point out that we are delivering CDS sites for metropolitan Melbourne, our suburbs and our regions. As Minister for Regional Development I am extremely glad to hear that we are focusing on regional and rural areas just as much as our metropolitan areas. I have also heard concerns about the distance between sites in rural areas, and I would like to remind members that regional towns with more than 750 residents and remote towns with more than 300 residents will have at least one refund point when the network is complete by August next year.

Making the scheme as accessible as possible for all Victorians has been one of our main goals from day dot. We have already had an incredible take-up of the CDS in our rural areas. In terms of regional areas, I can give the example of the member for Wendouree in the other place, who visited the new CDS depot in Ballarat. The team there have partnered with the McCallum Disability Services to provide meaningful and stable jobs for locals. They have already processed hundreds of thousands of containers to be recycled, and what a fantastic local story for Victorians.

I would also like to highlight the work of Latrobe Valley Enterprises, who have processed an incredible 115,000 containers in five days alone. What sets Latrobe Valley Enterprises apart is that they accept cans that have been crushed, which I would like to expand on a little bit. There were a number of MPs in the other place who were quite put out by the fact that cans cannot be crushed if they are to be recycled. I am happy to say that you can crush your cans and get a 10-cent refund if you take them to a depot or the over-the-counter recycling centre and the staff can identify the can as eligible under the scheme. As the reverse vending machines have to be able to read the barcode of a can to determine its eligibility, the community is encouraged to keep their cans whole. Those who like to crush their cans will be excited to hear that they can get the best of both worlds; they can crush their cans and get a refund.

There have also been comments about the cost-of-living impact that this scheme will have on the community if drink prices rise to cover the additional costs of the CDS. Costs for collecting and recycling drink containers through CDS Vic are funded by the beverage industry through scheme contributions, and it is expected that these costs will be reflected, similar to what has occurred in other states and territories, when their schemes have commenced. There have also been accusations raised in the other place that the machines do not work and are faulty. I can confirm that there was a very small number of sites that had technical issues, but our fantastic zone operators have been quick to fix them and make sure that Victorians have the best experience possible with our CDS.

I would also remind members that in the first two weeks of the scheme we have seen 7 million containers returned. And hot off the press, I can advise the house that as of yesterday, 15 November, there have been 21.3 million containers deposited. That is an amazing number, I think everyone would agree. And of course that has meant that individual Victorians and Victorian sporting organisations and local community groups have seen $2.1 million back into their pockets. I am sure that everyone would agree that that is significant and has beat our wildest imagination in terms of the success of this fantastic rollout and this fantastic scheme.

We heard from Mr Batchelor about a young constituent who, with the assistance of his parents, has provided a huge number of cans that have been deposited in his electorate. We have also heard from Katie Hall, the member for Footscray, about a constituent – Carol, her name is – who has collected 3000 cans. And in Nick Staikos's electorate of Bentleigh, Ashton has collected 5000 cans. I have also heard stories from the member for Melton Steve McGhie, who said there is a great crew at the Melton CDS depot who have been working extremely hard for some time and in the first week alone processed over 400,000 containers. Of course I use this as an opportunity to give a great shout-out to Steve, but also the workers at the depot and their partner, the not-for-profit organisation KARI. So again, thank you. Also I can confirm that as of yesterday Tomra Cleanaway, our zone provider in Melbourne's west, confirmed that they had already collected 10 million containers. Again, what an incredible achievement.

I can also just say, from my own experience on Melbourne Cup Day being in Ararat, I went and had a look at the machine. The car park that it is located in is on the road that goes through Ballarat on the way through to Melbourne, and it was a hive of activity. People were unloading their car boots. They were unloading trailers. They were unloading caravans that had been stored in their sheds that had been piled with cans. Obviously at this time of the year it is important to clear out caravans so that you can actually use them for the purpose that they were originally intended, and that is to go on holiday at some stage. It was great to see how popular it was, and it was also, I have got to say, really powerful to see the gleefulness in the eyes and the activities of the young kids that were helping unload and then load the machines who were anticipating that their pocket money was going to be boosted somewhat as the result of being involved in the activity that day.

Rather than go on about the success of the CDS, I would like to bring us back to what this bill is about today. It is about making sure not only that we have our flagship recycling program financially sustainable in the long term by making sure Recycling Victoria can recover the costs it needs to run the CDS and waste-to-energy scheme but that the burden of recycling our waste should be with the companies creating the waste, and this bill solidifies that point. These amendments are critical to ensuring that we realise the full benefits of the schemes to communities and to the environment, and today we are also considering amendments to the Environment Protection Act 2017 that will keep major polluters accountable and streamline the work done by the EPA. The bill also amends a number of other points that have been covered off by other speakers, and they go to issues pertaining to PSOs, game management officers et cetera. So I will not go into those points at all. They are not controversial, and they are not a point of question for anyone in this chamber or anywhere else.

There was a point that I think Mr Davis had made about the locations of the different recycling points, and what I can say to him is that the list of current locations is available. That will not be an issue at all. But he was also seeking information in terms of the timing and the location of the further rollout of the scheme up to 600 points. I will seek that information, and I take that information on notice, Mr Davis. I am sure that that acquits the undertaking that I have provided to you informally as well.

This is a piece of legislation that this government is incredibly proud of. It acquits a number of things that this government has been pursuing for some time. It is incredibly protective of our environmental system going forward. It talks to industry, it is fit for purpose and of course it is absolutely resonating with many, many Victorians in this state, whether they be young or older. I am sure that there will be a lot of relieved Victorians that are clearing out their spare rooms, garages and sheds who are looking forward to making space or indeed filling them up again so that they can go to the vending machine and get a further 10 cents for every container. It is a great move, and I absolutely applaud everyone that has been involved in the work leading up to today.

Motion agreed to.

Read second time.

Third reading

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (17:10): I move, by leave:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The ACTING PRESIDENT (Michael Galea): 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.

Motions

Budget papers 2023–24

Debate resumed on motion of Jaclyn Symes:

That the Council take note of the budget papers 2023–24.

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (17:10): I rise again, on this occasion in terms of my response and my contribution in respect to the state budget. Of course most of my comments will be confined to issues that impact on the electorate of Western Victoria, an electorate that I have now represented for over 17 years, and with that the government's efforts to make sure that no matter where you live in Victoria, whether it be in western, eastern or northern Victoria or metro Melbourne, this government does bring about better schools and health services, better housing and overall better outcomes for all Victorians.

My electorate of Western Victoria geographically comprises nearly one-third of the entire state, and it is the home of very diverse communities and industries. In fact I do not think there is necessarily any one single thread of commonality in Western Victoria, because it is so diverse – whether it be the geography, the types of local economies that exist or the composition of the communities – not just in terms of size but also in terms of where people were born and what their experiences have been. I do note that we have got large regional cities, we have got large rural cities, we have got small towns, we have got coastal villages and we have got manufacturing, although it is not as big as it was in the past. We have manufacturing throughout Western Victoria, but we also importantly have a very serious agricultural industry and very strong food and fibre sectors, and of course tourism is a focal point of Western Victoria. We are very fortunate to have been incredibly blessed to live in an electorate that has got the Twelve Apostles and an amazing coastline. We have the Grampians, we have the You Yangs, we have the beautiful Bellarine and of course broadacreage visuals of the Mallee and beyond. We are very, very fortunate to live in a beautiful place. But of course living in a beautiful place is only one thing; making sure that we have got the facilities and the services that we need to go about our daily business is also incredibly important.

Of course the government has very much been focused on the education system – that is why we are known as the Education State – but also of course the health system, and that has been increasingly highlighted as we have been coming through COVID. It is about making sure that there is sufficient government intervention to ensure that there are high-quality services that enable fairness and equity to be played out in our local communities. We have invested over $1.2 billion in Western Victoria alone in school infrastructure since 2014. This is a proud record, and the 2023–24 budget continues this important work.

We are investing something like $2 million to upgrade Wallington Primary School's main building, nearly $9 million to upgrade Woodmans Hill Secondary College in Ballarat, $3 million to upgrade Bacchus Marsh's St Bernard's Parish Primary School, over $3 million to upgrade Geelong East Primary School, over $7 million to build a competition-grade gym for Western Heights College in

Geelong, $3 million to upgrade St Brigid's College in Horsham, over $8 million to rebuild infrastructure at Melton Secondary College and upgrade their soccer pitch, $5 million to deliver a new campus for St Lawrence of Brindisi Catholic Primary School in Melton, $3.69 million for Mount Duneed Regional Primary School and $5 million for Our Lady Help of Christians Primary School in Warrnambool. There is funding for the planning of Kurunjang Secondary College, Melton South Primary, Toolern Vale and District Primary School, Cobden Technical School, Colac West Primary School, Lismore Primary School, Belmont High School, Mount Duneed Secondary College, Edenhope College and Stawell West Primary School. So you can see that this is a government that not only seriously invests and makes announcements with money attached to projects within our school system in western Victoria, but it plans ahead as well. That is why there is such a lengthy list of further schools that will go through a planning process that we will see outcomes for into the future as our local communities in Western Victoria grow. This government is a government that absolutely invests in the infrastructure that is so important to give our kids the very, very best start in life.

This budget also invests $235 million to support students and children with disability or additional needs in school. This will enable easier access to services that they need, whether it be in kinder, primary or secondary school. In addition, government specialist schools are progressively receiving funding for NDIS navigators to help them work through their NDIS complexities. This government has now delivered an upgrade to every single specialist school in Victoria, an amazing achievement. Nowhere is this more obvious than the two schools in south-west Victoria, Hampden Specialist School P–4 and Lake Colac School, formerly known as Colac specialist school. In the last month alone I have been able to go to both of those facilities, and I have got to say they are just amazing. Having been part of that campaign and that community push to get these changes, it is fantastic to actually see the bricks and mortar in place. With Hampden, the kids are already in there in the classrooms, and with Colac coming on board it will mean that kids will be able to attend that school early next year, with the plan being first day, first term next year.

For anyone that is on the Princes Highway going through Colac and they see the old Colac high school on their right-hand as they go towards Camperdown, they will see an amazing change where they have really brought about the modern and the new into something that is incredibly positive. What you will not see is all of the work that is done behind, and it is almost like a mini university campus. It is seriously impressive, and I would encourage you to have a look at that because it has set an amazing standard.

Equally, can I say that in fairly recent previous budgets we have also seen a brand new special school at Portland, and of course we have got the Merri River School, what was the Warrnambool special school, in Warrnambool. Again, these are facilities that are awe inspiring. The kids are so pleased to be in facilities that are fit for purpose, that make them feel comfortable and of course engender a community feel that will only bring out the best in each other. I do look forward to seeing Colac open its doors early next year and being part of the excitement as the kids march into the school.

But it is an opportunity for me to also give a shout-out to the school councils, the parents and staff and the supporting local governments, the shires, who have been so much a part of the campaigns to make sure that our kids that are doing it tough and that have got different ranges of abilities are given the very, very best opportunities. The Hampden Specialist School was a $12 million investment, and the Lake Colac school is a $17 million investment. Again, I know special schools and the issue of disability and access and quality of life are very much on the agenda in our communities, and I am sure that our communities in Western Victoria would like to share our experiences and our learnings from the campaigns that have been run in these communities with other communities if they so wish.

In terms of post-school education, successive budgets have made Victoria's TAFE and training system better than it has ever been. We are absolutely committed to a post-school education system that is not only underpinned by quality but of course aligned to what is required in terms of the labour market. We make no apologies for the fact that we are absolutely committed to ensuring that what we deliver is actually connected to what is needed by industry and the labour market. To do this we have had to

save TAFE, because it was on its knees. We have had to rebuild it, reform it and also transform it in terms of what its core objective is.

Communities right across the state but of course in Western Victoria have now got an opportunity to access TAFE through eligibility provisions which enable people to acquire more than one qualification. They can do qualifications at different levels and indeed in certain streams that are priority areas. They can continue to learn and acquire skills that are required in their local area. There are over 80 free TAFE courses now. There are short courses that are available so that people can upskill as well. This budget invests over $500 million in TAFE and training and reinforces our determination to deliver quality public provision in training and skills in the great facilities that we have in Victoria.

Our continued major capital investments include South West TAFE, with campuses in Warrnambool, Hamilton, Portland and of course Colac. It services much of my electorate and is an exemplar in delivering this government's key initiatives. When you look at Colac, there was hardly anything there just a few years ago, and now you have got a very vibrant delivery of a range of courses that are assisting the local community. When you look at Warrnambool and their CBD campus, you cannot believe the changes that have taken place, and of course the Warrnambool learning library hub has been located in the middle of that campus as well. That has won massive international architectural awards – Los Angeles, London, you name it. It has been an amazing project, and the community has responded. In the first couple of days of opening, 5000 people went through it. There has been a quadrupling of the library membership, and it is much loved by those that attend South West TAFE, because they need to walk through that library to go to the cafeteria to get their lunch. So we are embedding a culture of reading and learning in all corners of the campus.

We have also revitalised and, in the most recent budget, expanded the trade section of South West TAFE. Sherwood Park, which is located at the Deakin University site at Warrnambool, houses many of the trades that are underway, and in fact they have had a recent awards night where a number of people were congratulated for their levels of excellence being applied. Also in the most recent budget there was a further $5 million awarded to that park for renewable energy training, and I look forward to seeing that come on line. Similarly, there were moneys provided to Federation Uni at Ballarat, where we know they have got an amazing initiative in terms of the wind energy industry. They will be part and parcel of the renewables package that also takes into account the SEC centre of excellence.

There are so many things that are happening in the area of post-school education in western Victoria, all of which we are incredibly proud of because we know we are actually delivering. We are joining the dots with young people in particular but also for those who are wishing to change their careers being able to get the information they need and enrol in a course that they know they will get a job out of at the end of the day if they finish. Can I thank everyone for their efforts, and I look forward to the next iteration of what we need to do in the post-school system.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:26): I move:

> That this matter be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Bills

Corrections Amendment (Parole Reform) Bill 2023

Introduction and first reading

The PRESIDENT (17:26): I have a message from the Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Corrections Act 1986** in relation to parole and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:26): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:27): 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 Corrections Amendment (Parole Reform) Bill 2023.

In my opinion, the Corrections Amendment (Parole Reform) Bill 2023, as introduced to the Legislative Council, is, in part, incompatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill inserts new provisions in the *Corrections Act 1986* (Act) dealing with the powers of the Adult Parole Board and the Secretary to the Department of Justice and Community Safety (DJCS).

Specifically, the Bill will:

- limit the circumstances in which the Adult Parole Board may order the release of Paul Denyer on parole – namely, the prisoner Paul Denyer who was sentenced by the Supreme Court on 20 December 1993 to three concurrent sentences of life imprisonment for three counts of murder; and
- require the Adult Parole Board to impose a no-return period after refusing parole to a person serving a life sentence, and the person cannot receive parole within that period except if they are dying or incapacitated, and
- empower the Adult Parole Board to make a 'restricted prisoner declaration' preventing a person serving a life sentence for a particularly serious crime from receiving parole while the declaration is in force except if they are dying or incapacitated, and
- allow the Secretary to DJCS to share information about a no-return period and restricted prisoner declaration with registered victims and, if it is in the public interest, the Adult Parole Board to share this information with other members of the public.

Human Rights Issues

Paul Denyer was sentenced in 1993 to three life sentences for the murders of three women committed with what the sentencing judge referred to as 'unbelievable savagery'.

Clause 7 of the Bill introduces a new section 74AC into the Act which provides that the Adult Parole Board can only make an order for the release of Paul Denyer on parole if satisfied, on the basis of a report prepared by the Secretary to DJCS, that:

(a) Paul Denyer is in imminent danger of dying, or is seriously incapacitated, and as a result he no longer has the physical ability to do harm to any person; and

(b) Paul Denyer has demonstrated that he does not pose a risk to the community; and

(c) the Adult Parole Board is further satisfied that, because of matters (a) and (b) above, the making of the order is justified.

Clause 8 of the Bill introduces new section 74AAD to the Act. Section 74AAD requires the Adult Parole Board to impose a no-return period of up to 5 years if it refused to grant parole to a prisoner serving a sentence

of life imprisonment. The prisoner cannot receive parole during the no-return period unless the Adult Parole Board is satisfied that the prisoner:

(a) is in imminent danger of dying, or is seriously incapacitated, and as a result, no longer poses a risk to the community, and

(b) has demonstrated that he does not pose a risk to the community; and

(c) the Adult Parole Board is further satisfied that, because of matters (a) and (b) above, the making of the order is justified.

Clause 9 of the Bill introduces new sections 74AAE, 74AAF, and 74AAG to the Act which create a restricted prisoner declaration scheme. The scheme will apply to 'restricted prisoners' which the Bill defines as prisoners serving life sentences for multiple murders, murder of a child, or murder and a sexual offence. New section 74AAE requires restricted prisoners to apply for a parole order before they can receive parole. New section 74AAF requires the Secretary to DJCS to prepare a report for the Adult Parole Board when a restricted prisoner applies for parole or approaches the end of their non-parole period or the end of the period specified in an existing restricted prisoner declaration. New section 74AAG empowers the Adult Parole Board to, after considering the Secretary's report, declare that a 'restricted prisoner' cannot receive parole for a period of 5–10 years if it is in the public interest to do so. A person cannot receive parole while a restricted prisoner declaration is in force unless the Adult Parole Board is satisfied that the person:

(a) is in imminent danger of dying, or is seriously incapacitated, and as a result, no longer poses a risk to the community, and

(b) has demonstrated that he does not pose a risk to the community; and

(c) the Adult Parole Board is further satisfied that, because of matters (a) and (b) above, the making of the order is justified.

If a declaration is made, the Adult Parole Board must, on receiving a report from the Secretary to DJCS, consider renewing the declaration before it expires.

These clauses collectively are relevant to, and in some cases limit, the following human rights in the Charter:

- the right to equality before the law (section 8)
- the protections against cruel, inhuman and degrading treatment (section 10(b)) and the right to humane treatment when deprived of liberty (section 22)
- the right to freedom of movement (section 12) and liberty (section 21)
- the right to a fair hearing (section 24)
- the right not to be punished more than once (section 26)
- the protection against retrospective criminal laws (section 27)

Clause 5 of the Bill amends section 30A of the Act to allow the Secretary to DJCS to inform victims who have been included on the Victims Register managed by DJCS of a no-return period or restricted prisoner declaration. Clause 5 also empowers the Secretary to DJCS to inform registered victims that the Adult Parole Board is considering making a restricted prisoner declaration to facilitate victims providing a submission to the Board if they wish to do so. Clause 10 of the Bill introduces a new section 104ZZAA to the Act, which allows the Adult Parole Board to inform other members of the public of a no-return period or restricted prisoner declaration if it is in the public interest.

These clauses are relevant to the right to privacy (section 13).

Human rights engaged but not limited by the Bill

Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The right to privacy is relevant to clauses 5 and 10 of the Bill, which empower the Secretary to DJCS to inform registered victims, and the Adult Parole Board to inform the public, of certain information about a no-return period or restricted prisoner declaration.

In my view, clauses 5 and 10 do not limit the right to privacy, for the following reasons.

The nature and extent of the information permitted to be disclosed is precisely confined and concerns a prisoner's carceral status, the length of any no-return period and any restricted prisoner declaration applicable to them (and by extension, when they may next be considered for release into the community on parole).

While this is personal information, it is information that a prisoner would arguably not retain a reasonable expectation of privacy in regards to, given that it largely concerns administrative decisions concerning a prisoner's release, in the context where their head sentence and non-parole period would generally be publicly available information.

However, to the extent that disclosure would interfere with privacy, this would not occur arbitrarily. The extent of any interference is confined, as, in addition to the type of information that can be disclosed being limited to specific matters as set out in the Bill, the persons to whom it may be disclosed are limited to registered victims and persons to whom the Adult Parole Board considers it is in the public interest to disclose it to.

The amendments serve the legitimate and important purpose of reducing the stress and trauma of the parole process for victims and provide reassurance to the public where appropriate. Empowering the Secretary to DJCS to inform victims that the Adult Parole Board is considering making a restricted prisoner declaration is necessary to allow the victim to make submissions to the Adult Parole Board. If a restricted prisoner declaration is made or no-return period imposed, it is also critical that this information can be shared with victims and, if it is in the public interest, members of the public, to reduce the stress and trauma they may experience when there is uncertainty about when a prisoner could next be considered for parole.

There are also several safeguards in place to ensure personal information is not shared arbitrarily.

With respect to the information that the Secretary to DJCS can share with registered victims under clause 5, section 30A(2) gives the Secretary discretion around whether to share information. This means that the Secretary can refrain from disclosing the information where appropriate, such as if it may put the security or safety of a prisoner at risk. Sections 30H and 30I of the Act also apply to information shared with victims under section 30A of the Act. Section 30H ensures that persons to whom information is disclosed must treat that information in an appropriate manner that respects the confidential nature of the information. Section 30I provides that it is an offence to publish the information, cause it to be published, or solicit or obtain the information for the purpose of publication. The Secretary will also be obliged under the Charter to give proper consideration to the right to privacy when exercising this discretion.

As discussed above, new section 104ZZAA requires the Adult Parole Board to be satisfied that disclosing the information is in the public interest before it can do so, which protects against any arbitrary interferences.

Accordingly, I am of the view that the human rights in section 13 are not limited by these reforms, which ultimately permit disclosure of a very limited set of information, in limited circumstances that are justified and established by law.

Right to liberty and freedom of movement

Section 21(1) of the Charter provides that every person has the right to liberty. Section 21(2) provides that a person must not be subjected to arbitrary detention. Section 21(3) provides that a person must not be deprived of their liberty except on the grounds and in accordance with procedures established by law. Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely, enter and leave it, and has the freedom to choose where to live.

Where a prisoner becomes subject to a restricted prisoner declaration or a no-return period, they will be no longer be eligible for release on parole during the specified period except in strictly limited circumstances. This may appear to constitute a deprivation of liberty and limitation on freedom of movement. The severe curtailment of Paul Denyer's ability to be granted parole may also appear to constitute a deprivation of liberty and restriction on his freedom of movement, as he will only be eligible for release on parole in strictly limited circumstances.

However, the constraints on granting parole if a declaration or no-return period is imposed under clause, 8 and 9 do not themselves deprive any persons of their liberty or right to move freely. Nor does the constraint on granting Paul Denyer parole in clause 7. That deprivation occurred when the sentencing court imposed the sentence of imprisonment.

The right to liberty and freedom of movement is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The Bill does not affect the head sentence of imprisonment imposed by the sentencing court nor does it increase the limitation caused by the court's sentence. The Bill only alters the conditions on which the Adult Parole Board can order that Paul Denyer, or other prisoners subject to a no return period or restricted prisoner declaration, be released on parole during their sentence. This does not change the fact that these prisoners have been deprived of liberty and lawfully detained for the duration of the head sentence. As such, the constraints on the granting of parole imposed by the Bill cannot properly be construed as effecting any new or increased deprivation of a prisoner's liberty.

I further note that the setting of a non-parole period does not create a right or an entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a

person's sentence. The High Court held in *Crump v New South Wales* (2012) 247 CLR 1, and has consistently re-affirmed in subsequent decisions, that the power of the executive government to order a prisoner's release on parole may be broadened or constrained or even abolished entirely by the legislature of the State, to reflect changeable policies and practices.

Accordingly, I am of the view that the human rights in sections 21 and 12 are not limited by these reforms.

Right to a fair hearing (section 24)

Section 24 relevantly provides that every 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.

It could be argued that the practical effect of allowing the Adult Parole Board to impose a no-return period or make a restricted prisoner declaration is equivalent to replacing a court-determined non-parole period with a new non-parole period determined by the Board. Likewise, the significant limits imposed by new section 74AC on Paul Denyer's ability to apply for parole could be argued to be replacing the judicial sentencing decision to impose a non-parole period.

However, I am of the view that the right to a fair hearing is not limited by these reforms. The Chief Justice of the High Court in *Crump v NSW* found that there is a clear distinction between the judicial function exercised by a judge in fixing a minimum term of imprisonment, and the administrative function exercised by a parole authority in determining whether a person is eligible for release on parole. In fixing a minimum term before a person in prison can be considered for release on parole, the sentencing judge determines that all the circumstances of the offence require that the offender serve no less than that term, without the opportunity for parole. The purpose of parole generally is to provide for mitigation of the punishment of the person in prison in favour of rehabilitation and reduced risk to the community through conditional freedom, when appropriate, once the person has served the minimum time.

Once an offender is sentenced, the administration of that sentence passes to the executive government. The executive decision to release or not to release a prisoner on parole reflects policies and practices which change from time to time. Although the fixing of a non-parole period permits the executive government to reduce the period of time which the prisoner would spend in prison, it leaves the head sentence unaffected. A person released on parole is still under sentence, until the expiry of the sentence.

Accordingly, following the High Court's reasoning in *Crump v NSW*, I am of the view that the right to a fair hearing is not limited, as the court's determination of the criminal charge and subsequent sentence remains unaffected by these parole reforms.

Further, in my view, the Adult Parole Board's decision to impose a no-return period or restricted prisoner declaration in respect of a person in prison does not engage the right, because such a person is neither charged with a criminal offence, nor involved in a civil proceeding within the meaning of section 24(1) of the Charter. A person applying for parole does not have any entitlement to be heard in respect of their application, and neither the Charter nor the rules of natural justice apply to decisions of the Adult Parole Board.

Protection against retrospective criminal laws (section 27)

Section 27(2) provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

It could be argued that the restrictions on parole for Paul Denyer and other prisoners retrospectively alter the original punishment given to the affected individuals for their offending. Therefore, the right under section 27(2) may appear to be engaged.

However, in my view, the right in section 27(2) is not limited by these reforms. Allowing the Adult Parole Board to impose a declaration or no-return period which significantly limits the conditions under which a person in prison can receive parole is not properly characterised as punishment. Nor is restricting the conditions under which Paul Denyer can receive parole.

Parole is administered by the Adult Parole Board under the Act. As already stated, although a sentencing court fixes the non-parole period, the fixing of such a sentence exhausts the relevant court's judicial function, and the punitive component of the sentence. Parole then becomes a matter of executive discretion, within the confines of a legislative scheme, and is focused rather on rehabilitation considerations. As previously mentioned, the High Court has held that it is open to the legislature to alter the circumstances in which particular persons may be released on parole, even during the currency of their prison term. The reforms therefore do not impose a penalty and the right in section 27(2) is not limited.

Charter rights limited by the Bill

Right to fair hearing (s 24)

I observe that the Adult Parole Board is not bound by the rules of natural justice and is declared to not be a 'public authority' for the purposes of the Charter. In other words, Parliament has already declared that decisions of the Board do not engage the right to a fair hearing. To the extent that this Bill, which will extend this existing abrogation of fair hearing to decisions where a no-return period exists or make a restricted prisoner declaration, the right to fair hearing is engaged.

To the extent that section 24(1) could be engaged and is limited by this Bill through the extension of the existing exclusion of natural justice to apply to these new decisions by the Adult Parole Board, any limits that may result are in my view reasonably justified. The exclusion of natural justice serves the important aim of facilitating the Adult Parole Board to respond quickly and effectively when performing its functions, which relate to the management of prisoners serving a sentence, many of whom may have dynamic and complex needs and pose associated risks. This includes facilitating the expeditious management of the Board's caseload to ensure that decisions concerning parole are considered without delay and at the earliest opportunity. This also includes flexibility to make prompt decisions in response to a sudden change in circumstances or elevated level of risk, without being required to provide an opportunity to be heard or consider submissions.

Finally, it is also important that the Adult Parole Board is able to discharge its functions without being impaired or frustrated by challenges to its procedures. I note that the Adult Parole Board remains subject to judicial review (other than on the grounds of denial of natural justice), and a prisoner will still retain the right to seek review of the Adult Parole Board's compliance with the applicable statutory criteria concerning these decisions. Accordingly, I am satisfied that any limits on fair hearing effected by this Bill are reasonably justified.

The right to equality before the law

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

There is some uncertainty whether this right is intended to operate as a prohibition on unequal treatment by reference to discrimination based on a protected attribute as defined in the *Equal Opportunity Act 2010* or has a broader application beyond the protected attributes.

Assuming an application beyond protected attributes, affording equal protection of the law could mean properly allowing those who have committed the same offences to have equal access to the parole regime. Removing the possibility of parole for Paul Denyer treats him differently to other prisoners who have committed the same offences.

This differential treatment is afforded on the basis of the egregious nature of Paul Denyer's offending, and not by reason of a protected attribute enjoyed by Paul Denyer.

If the broad application of the right to equality before the law – that is, the protection against discrimination of grounds beyond the protected attributes – is adapted, then I consider that the right is limited in relation to Paul Denyer because the Bill makes unique provision for him alone.

However, I consider that any limitation of the right to equality before the law is reasonable and justified because of the egregious circumstances of Paul Denyer's offending and his continued and persistent risk of harm to the community. That Paul Denyer still presents an unacceptable risk to the community 30 years after such serious offending means he should not be released on parole while physically capable of doing harm. It also provides greater certainty for the families of Paul Denyer's victims that any unsuitable application for parole by Paul Denyer will not progress, minimising the extent of further stress and trauma these families may experience in relation to the parole process. This justifies the imposition of special restrictive conditions on him for the granting of parole, which may limit the right to equality.

Cruel, inhuman, degrading treatment (section 10(b)) and inhumane treatment (section 22(1))

Section 10(b) provides that a person must not be treated or punished in a cruel, inhuman or degrading way. Similarly, section 22(1) provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

The rights in sections 10(b) and 22(1) have been interpreted as being collectively limited in circumstances where an offender serving a life sentence is given no real prospect of release so as to induce a sense of hopelessness, which may be contrary to human dignity and amount to inhuman and degrading treatment. The plurality of the High Court in *Minogue v Victoria* (2018) 264 CLR 252 [53] observed that there was 'clear support in European and international law for the principle that all prisoners, including those serving life sentences, be offered the possibility of rehabilitation and the prospect of release if that rehabilitation is

possible'. Courts have also found that the possibility of release if a person is terminally ill or physically incapacitated is not sufficient to comply with this right.

The reforms in clause 7 effectively make Paul Denyer ineligible for parole until he is either close to death or permanently incapacitated. This may be considered to constitute cruel, inhuman or degrading treatment, or inhumane treatment when deprived of liberty, as the reforms will have the effect of removing his prospect of release and diminishing his possibility of rehabilitation.

The reforms to parole in clauses 8 and 9 empower the Adult Parole Board to impose a no return period or restricted prisoner declaration preventing a person from receiving parole for a set period. In the case of a no return period, the restriction on accessing parole will only last up to a maximum of 5 years. In contrast, a restricted prisoner declaration must last between 5 to 10 years and there is no limit on the number of subsequent declarations that can be made.

Depending on the individual circumstances of the prisoner, a no return period or restricted prisoner declaration will not necessarily remove their hope of rehabilitation and release. However, if a prisoner is aged or infirm when a declaration or no-return period is imposed, it could have the practical effect of rendering the prisoner effectively ineligible for parole until they are either close to death or permanently incapacitated. The risk of this occurring is considerably higher with the restricted prisoner declaration, given the declaration can be in place for up to 10 years and can be renewed an indefinite number of times. The requirement for the Adult Parole Board to automatically consider making a new declaration before an existing declaration expires is likely to further exacerbate any sense of hopelessness experienced by the prisoner subject to the declaration.

For these reasons, there are circumstances in which the no-return or restricted prisoner declaration reforms could also have the effect of removing the prisoner's prospect of release and diminishing their possibility of rehabilitation, which may constitute cruel, inhuman or degrading treatment, or inhumane treatment when deprived of liberty.

While the Victorian statute book already provides for the possibility of life in prison with no prospect of parole, I accept that the restrictive constraints on the granting of parole imposed by a long-restricted prisoner declaration or no-return period may induce a sense of hopelessness in an offender so as to limit the rights in sections 10(b) and 22(1) of the Charter. While these rights are more likely to be limited under the restricted prisoner declaration reforms, there are circumstances in which the rights could also be limited through the no-return reforms.

It has also been stated in the jurisprudence of the European Court of Human Rights and the English Court of Appeal that continued detention beyond what can be justified on legitimate penological grounds also infringes on the right to be treated with dignity and to be free from cruel, inhuman or degrading treatment or punishment.

While the Adult Parole Board will likely consider a prisoner's rehabilitation prospects when determining the length of a no-return period or restricted prisoner declaration, there is a chance that a prisoner could be rehabilitated and not pose a risk to community safety before the expiry of any period set by the Adult Parole Board. If this occurs, the no-return period or restricted prisoner declaration would prevent the person from receiving parole, even though there is no longer justification to keep them in prison on community safety or rehabilitation grounds. Given the prisoner will have served the non-parole period set by a court, they have arguably also satisfied punishment and deterrence purposes of imprisonment. As a result, the Bill could have the practical effect of causing a prisoner to remain in prison beyond what is penologically necessary, contrary to their rights to be free from cruel, inhuman or degrading treatment, and inhumane treatment when deprived of liberty.

Again, the rights in sections 10(b) and 22(1) will not necessarily be limited in all or most instances where the Adult Parole Board imposes a restricted prisoner declaration or no-return period, but there are circumstances where a limitation could occur. The rights are more likely to be limited under the restricted prisoner declaration reforms given the longer length of the declaration, but the risk of limitation also arises with respect to the no-return reforms.

For these reasons, I consider that clauses 7, 8 and 9 of the Bill limit the rights in sections 10(b) and 22(1) of the Charter.

Limitation to sections 10(b) and 22(1) by clauses 7, 8 and 9

The objective of limiting Paul Denyer's access to parole in clause 7 of the Bill is to avoid the risk posed to community by the release from prison of Paul Denyer and to provide greater certainty to the families of his victims and reduce the stress and trauma they experience in relation to the parole process.

The objective of the Bill is to allow the Adult Parole Board to provide more certainty to both victims and prisoners about when the Adult Parole Board can be expected to reconsider the prisoner's suitability for parole following a denial. After a prisoner is refused parole, there is a clear expectation that the prisoner should address the reasons for the parole denial before making a further application for parole. For example, a

prisoner may need to identify suitable housing, which could take a few weeks or months, or successfully complete a rehabilitation program, which could take months, or demonstrate good behaviour in the latter half of their sentence, which could take months or years. The amendments in clause 8 formalise the Adult Parole Board's power to set a no-return period and expressly prevent a prisoner from receiving parole during that period, reducing the stress and uncertainty experienced by victims and providing prisoners with more clarity.

The objective of the Bill is also to reduce stress and trauma experienced by families and friends of victims of serious crimes and further enhance community safety and protection by allowing parole eligibility of particularly serious offenders to be restricted where this is in the public interest.

There are significant benefits to be gained by reducing the stress and trauma experienced by family and friends of victims of serious crimes, including the family and friends of Paul Denyer's victims. Providing the victims' families and friends with confidence that a prisoner will not be considered for release into the community unless there is effectively no risk associated with that decision promotes their right to security of person. This is particularly appropriate in circumstances where the prisoner has no realistic prospect of being granted parole.

Notwithstanding that these are pressing and substantial objectives, I accept that the nature of the limitations on the rights in sections 10(b) and 22(1) are severe for Paul Denyer and other prisoners whose parole prospects are affected by these amendments. The Bill will prevent Paul Denyer from being released on parole except in very limited circumstances, and those circumstances are not conducive to leading any meaningful life post-release. In certain cases, a no-return period or restricted prisoner declaration could have the same effect for other prisoners. I also accept that the limitation is intensified by the retrospective effect of the provisions, because offenders, including Paul Denyer, would have had an expectation that they may have had some possibility for release in the future and the capacity to live a meaningful life post-release, which will be removed.

The Bill includes a number of features which lessen the limitation on the rights in sections 10(b) and 22(1) by the no-return period or restricted prisoner declaration scheme.

- Both the no-return period and restricted prisoner declaration provisions will only apply to a very narrow cohort of offenders, where a court imposed head sentences of life imprisonment. The reforms are therefore appropriately targeted at prisoners who have committed the most serious offences, where victims are at the highest risk of retraumatisation through the parole process, and where a court contemplated the possibility of the offender spending the rest of their life in prison.
- The Adult Parole Board will have discretion as to whether it will impose a declaration, the length of the declaration, and the length of a no-return period. This means that if the Adult Parole Board considers it appropriate, it can take into account a prisoner's age and infirmity when determining the length of a declaration or no-return period to minimise the risk of effectively removing the prisoner's hope of release. The Adult Parole Board can also take into account a prisoner's community safety risk and rehabilitation prospects to avoid a situation where a rehabilitated prisoner is unable to access parole. This will significantly minimise the risk of a decision limiting the rights in section 10(b) and 22(1).
- The Bill also sets limits on the length of a no-return period and restricted prisoner declaration. As noted above, the 5-year limit on a no-return period significantly reduces the risk that a prisoner will remain in prison without any hope of release or beyond what is penologically necessary. The 10-year limit on the length of a restricted prisoner declaration also goes some way to reducing the risk of limiting section 10(b) and 22(1). While the Adult Parole Board can make subsequent restricted prisoner declarations, the Adult Parole Board will be required to re-consider whether a declaration would still be in the public interest, before a new one can be imposed, which could give the individual some hope that rehabilitation efforts could lead to release.

While the above framework will mitigate the extent of limitations on rights, I accept that it does not completely mitigate the risk of arbitrary limits imposed by the reform on the rights in section 10(b) and 22(1). I also accept that there may be alternative less restrictive means reasonably available to achieve the purpose of the reforms, for example by providing more extensive exceptions allowing a prisoner to receive parole during a no-return period or during the period that the restricted prisoner declaration is operational, if they are successfully rehabilitated. However, these alternative means would be inconsistent with the Government's policy intent. Further, I note that since clauses 7, 8 and 9 only apply to people in prison who are serving a life-sentence for which a non-parole period has been set, the post-sentence detention and supervision schemes provided for the *Serious Offenders Act 2018* (which apply to offenders who have completed their custodial sentence, including a period served on parole) are not available as a less restrictive means for achieving the desired objectives.

For these reasons, I conclude that the limitation on the rights in sections 10(b) and 22(1) of the Charter are unable to be justified in accordance with section 7(2) of the Charter. Accordingly, I conclude that clauses 7, 8 and 9 are incompatible with human rights.

For this reason, clauses 7, 8 and 9 contain override declarations expressly providing that the Charter does not apply to each provision. Each provision also contains a sub-section providing that the override provisions do not need to be re-enacted every five years. Consequently, the Charter will have no application to these new sections in perpetuity. In this exceptional case, the Charter is being overridden and its application excluded to ensure that victims of serious crimes are provided with more certainty and not subjected to unnecessary stress and trauma through the parole process and to protect the community from the ongoing risk of serious harm presented by Paul Denyer and other particularly serious offenders whose parole eligibility will be affected by this reform. I also propose to make a statement explaining the exceptional circumstances of the sort of offending to which the provisions apply, and which justifies the inclusion of those override declarations.

Hon Enver Erdogan MP
Minister for Corrections
Minister for Youth Justice
Minister for Victim Support

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:27): I move:

That the bill be now read a second time.

Ordered that second-reading speech, except for the statement under section 31 of the Charter of Human Rights and Responsibilities Act 2006, be incorporated into *Hansard*:

Before I speak to the Bill, I want to acknowledge the victims of the heinous crimes that led to the development of this Bill. I want to say their names – Natalie Russell, Elizabeth Stevens and Debbie Fream. I also want to acknowledge the deep and ongoing grief experienced by their families, their friends and their community. I admire their resolve to contribute to making positive change so that other families in a similar, heartbreaking position receive the benefits of these reforms. These victims and their families have guided our work on the Bill, and I extend my heartfelt thanks to the family members represented in the gallery today – this Bill is testament to your courage, your conviction, and your advocacy.

The main purpose of the Bill is to prevent Paul Denyer from being released from prison on parole until he is incapable of posing a threat to anyone, and to provide more certainty to other victims of serious crimes in the parole process.

Paul Denyer was sentenced by the Supreme Court of Victoria on 20 December 1993 to three concurrent terms of life imprisonment for three counts of murder. Mr Denyer became eligible to be considered for parole this year but was refused parole in May 2023.

Parole is intended to promote community safety by providing people in prison with structured, supported and supervised transition back into the community. However, parole is a privilege that must be earned, it is not a right. The safety and protection of the community will always be the most important factor for the Adult Parole Board to consider when making a decision whether to release a prisoner on parole.

In the case of Paul Denyer, this principle was followed, and he was denied parole. In terms of the ultimate outcome, the system worked as it should have. However, the experience of the victims' families through the parole process revealed opportunities for us to do better when it comes to supporting victims and their families to avoid unnecessary trauma.

The Bill will be one important measure to protect the safety of the community, provide more certainty to the families of Mr Denyer's victims, and improve the experience of victims of serious crimes through the parole process.

Preventing Mr Denyer from receiving parole

The Bill introduces a new section 74AC into the Corrections Act, which will prevent Mr Denyer from being released on parole unless he is in imminent danger of death or seriously incapacitated and as a result, lacks the capacity to harm anyone. This mirrors the restrictions on parole for Julian Knight and Craig Minogue contained in sections 74AA and 74AB of the Act.

Mr Denyer's crimes were particularly heinous, and the Bill will ensure the community is protected and that both the community and the families of Mr Denyer's victims can have confidence that he will never be released until he can do no harm.

The Government accepts that this provision may be incompatible with Mr Denyer's Charter rights. The new section 74AC therefore includes subsections providing that the *Charter of Human Rights and Responsibilities*

Act 2006 does not apply to this provision, and that those override declarations do not need to be re-enacted every five years (as is ordinarily required under section 31(7) of the Charter). Consequently, the Charter will have no application to this provision. In this exceptional case, the Charter is being overridden to ensure the community is protected from Mr Denyer and the significant risk he poses to community safety. This is consistent with the existing provisions that apply to Mr Knight and Mr Minogue, which include Charter overrides.

The Bill will also introduce other reforms to minimise unnecessary trauma experienced by other victims of serious crimes during the parole process.

No Return Period

Currently, if the Adult Parole Board refuses to grant a person parole, there is no legislative restriction on when the person can apply for parole again. While the Adult Parole Board will often direct people in prison not to apply for parole again for a specific timeframe, this is not currently a requirement, and the timeframe is not communicated to victims. This can be extremely distressing for victims and their families, who hold the uncertainty of not knowing when the person could apply for parole again and be released into the community.

The Bill will introduce a new section 74AAD, which requires the Adult Parole Board to impose a 'no return' period of up to five years if it refuses to grant parole to a person serving a life sentence. During the 'no return period', the person will be unable to receive parole unless they are dying or incapacitated and lack the capacity to harm another person.

The no return power is a tool for the Board to select an appropriate timeframe within which it does not consider a prisoner should be able to reapply for parole. This will be informed by the evidence the Board considers as part of the parole hearing. The maximum period for a no-return period is five years, and the period can be tailored according to a person's rehabilitation prospects and other factors. For example, a person in prison who demonstrates more positive rehabilitation prospects may receive a shorter no return period, whereas a person who has not engaged in recommended rehabilitation programs or presents a higher risk may receive a longer no-return period to enable those programs to be completed before they can reapply for parole. Importantly, community safety will continue to be the paramount consideration in making parole decisions and when setting a no return period.

After a person in prison applies for parole, victims and their families may be left in the dark, uncertain about whether the person could be released – this is incredibly distressing. The legislation will bridge this information gap by allowing the Victims Register within the Department of Justice and Community Safety to inform registered victims about a no return period set by the Board. If the person is denied parole, victims can have a level of certainty on when they be next reconsidered for parole. This level of certainty is intended to make the process less stressful and less retraumatising for victims.

Restricted prisoner declaration scheme

The Bill also introduces a restricted prisoner declaration scheme through new sections 74AAE, 74AAF and 74AAG. The scheme gives the Board the power to make a restricted prisoner declaration for certain serious offenders, which will prevent them from being able to receive parole for a specified period if it is in the public interest. A similar reform was introduced in Queensland in 2021 and has seen several declarations made to date.

The declaration scheme will apply to a smaller cohort of people serving life sentences who have committed the most serious crimes. This cohort, known as 'restricted prisoners,' will include people serving a life sentence in prison for having committed multiple murders, a single murder where the victim was a child, or a single murder where a serious sexual offence was also committed against the same victim.

The Bill requires the Board to consider making a restricted prisoner declaration when a restricted prisoner applies for parole, or when the person reaches 12 months from the end of their non-parole period (the point at which they are eligible to be considered for parole). This recognises that, for victims, merely knowing that there is a possibility that a person could apply for parole and be released into the community is extremely distressing. It will ensure that the Board will be required to consider whether to make a restricted prisoner declaration before the person can even be considered for parole.

If the Board decides to make a declaration, the length of the declaration must be at least five years up to a maximum of 10 years. Shortly before a declaration expires, the Board will be required to consider making a new declaration. This will give victims some certainty about whether the person in prison can apply for parole at the end the declaration period. It will also give the person in prison more clarity about their ability to receive parole. There will be no limit on the number of declarations that can be made for an individual prisoner.

The decision about whether to make a declaration will sit with the Adult Parole Board. Importantly, this ensures that these significant decisions will be made by the independent Board – the body that is entrusted to make decisions about parole. The Board will need to be satisfied that it is in the public interest to make a declaration. This is a broad concept that will grant the Board flexibility to assess a variety of factors, such as the person in

prison's level of community safety risk and the prisoner's rehabilitation efforts. The Bill also expressly empowers the Board to consider the potential impact on victims if the prisoner were released on parole.

Like the no return power, a narrow exception will apply that will allow a person who meets the definition of restricted prisoner to receive parole if they are dying or seriously incapacitated and no longer able to pose a threat to community safety.

Importantly, the Bill will empower the Secretary, Department of Justice and Community Safety to inform registered victims about the making of a restricted prisoner declaration.

Nothing can take away the pain experienced by families who have lost loved ones. This provision empowers the Board to, where it is in the public interest, give those families a level of peace knowing that the person who inflicted that suffering upon them won't be in a position to apply for parole, and won't be leaving prison for a considerable period.

In the Bill, new sections 74AAD and 74AAG also include subsections providing that the *Charter of Human Rights and Responsibilities Act 2006* does not apply to either provision and that those override declarations do not need to be re-enacted every five years (as is ordinarily required under section 31(7) of the Charter). Consequently, the Charter will have no application to these provisions. The Government accepts that in some limited scenarios, these provisions may have consequences that are incompatible with the Charter. In this exceptional case, the Charter is being overridden to prevent victims of the most abhorrent crime from being retraumatised as part of the parole process, and to minimise the additional stress inflicted upon them by the person who caused their ongoing suffering. Overriding the Charter for these provisions is consistent with the approach previously taken to override the Charter for existing provisions in the Act that limit parole in relation to Mr Knight, Mr Minogue and people who have murdered police officers.

Disclosure of no-return periods or restricted prisoner declarations

The Bill will also empower the Adult Parole Board to disclose details of a no-return period or restricted prisoner declaration to the public, including the media, if it is in the public interest to do so. This will ensure that where appropriate, the Board can keep the public informed and to dispel any misinformation that might arise. It will also help to prevent the harassment of victims and their families that can occur in high profile parole matters.

The reforms in the Bill will go some way towards reducing the trauma that victims of serious crimes and their families can experience during the parole process. It can give victims, their families and friends and the community more security and more peace, knowing that, where appropriate, prisoners who have committed the most horrific crimes will not be considered for parole for a set amount of time.

I commend the Bill to the house.

Section 31 of the Charter of Human Rights and Responsibilities Act 2006

Lizzie BLANDTHORN: I rise to make a statement under section 31 of the Charter of Human Rights and Responsibilities Act 2006 explaining the exceptional circumstances that justify the inclusion of the override declaration in clauses 7, 8 and 9 of the Corrections Amendment (Parole Reform) Bill 2023.

New section 74AC: the bill introduces a new section 74AC into the Corrections Act which will prevent Mr Denyer from being released on parole unless he is in imminent danger of death or seriously incapacitated and as a result lacks the capacity to harm anyone. This mirrors the restrictions on parole for Julian Knight and Craig Minogue contained in sections 74AA and 74AB of the act.

Mr Denyer's crimes were particularly heinous, and the bill will ensure that the community is protected and that both the community and the families of Mr Denyer's victims can have confidence that he will never be released until he can do no harm. The government accepts that this provision may be incompatible with Mr Denyer's charter rights. The new section 74AC therefore includes subsections providing that the Charter of Human Rights and Responsibilities Act 2006 does not apply to this provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. Consequently the charter will have no application to this provision. In this exceptional case the charter is being overridden to ensure the community is protected from Mr Denyer and the significant risk he poses to community safety. This is consistent with the existing provisions that apply to Mr Knight and Mr Minogue, which include charter overrides.

New sections 74AAD and 74AAG: in the bill, new sections 74AAD and 74AAG also include subsections providing that the Charter of Human Rights and Responsibilities Act 2006 does not apply to either provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. Consequently the charter will have no application to these provisions. The government accepts that in some limited scenarios these provisions may have consequences that are incompatible with the charter.

In this exceptional case, the charter is being overridden to prevent victims of the most abhorrent crime from being retraumatised as part of the parole process and to minimise the additional stress inflicted upon them by the person who caused their ongoing suffering. Overriding the charter for these provisions is consistent with the approach previously taken to override the charter for existing provisions in the act that limit parole in relation to Mr Knight, Mr Minogue and people who have murdered police officers.

Evan MULHOLLAND (Northern Metropolitan) (17:30): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Crimes Amendment (Non-fatal Strangulation) Bill 2023

Introduction and first reading

The PRESIDENT (17:30): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Crimes Act 1958** to provide for 2 non-fatal strangulation offences and to make a consequential amendment to the **Family Violence Protection Act 2008** and for other purposes'.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:31): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:31): 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 Crimes Amendment (Non-Fatal Strangulation) Bill 2023 (the Bill).

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

Overview

The Bill seeks to protect and promote the rights of victim-survivors of family violence by implementing the following reforms:

- Amending the *Crimes Act 1958* (the Crimes Act) to include two new offences of non-fatal strangulation:
  - an offence of intentional non-fatal strangulation committed against a family member, with a maximum penalty of five years' imprisonment ('the 5-year offence'); and
  - an offence of intentional non-fatal strangulation committed against a family member which intentionally causes injury, with a maximum penalty of ten years' imprisonment ('the 10-year offence').
- Amending the *Family Violence Protection Act 2008* to include choking, strangling or suffocating a family member, or threatening to do so, in the definition of family violence.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill are:

- Right to life (section 9)
- Protection from torture and cruel, inhuman or degrading treatment (section 10)
- Privacy and reputation (section 13)
- Right to liberty and security (section 21)
- Rights in criminal proceedings (section 25)

Promoting the right to life (section 9) and the protection from torture and cruel, inhuman or degrading treatment (section 10)

Section 9 of the Charter provides that every person has the right to life and has the right to not be arbitrarily deprived of life and section 10 provides that a person must not be subjected to torture or treated in a cruel, inhuman or degrading way. The government is required to use all means necessary to protect the health and life of all persons in Victoria.

Introducing non-fatal strangulation offences promotes both rights. Non-fatal strangulation can be fatal or cause serious, long-term injury. It is a particularly serious form of offending when committed as an act of family violence, where it is an indicator of serious future risk, including homicide. In circumstances of family violence, non-fatal strangulation is rarely isolated and often indicates an ongoing and escalating pattern of violence and coercive and controlling behaviour. While this conduct is already criminalised, the nature and predictive elements of non-fatal strangulation can be obscured when offenders are charged with generic offences, which may also attract inappropriately low penalties. Creating standalone offences will assist police, early intervention services and justice agencies to better identify, monitor and respond to instances of non-fatal strangulation and family violence. By enabling these earlier responses, the reforms seek to reduce further instances of family violence and allow intervention prior to a potentially fatal outcome.

Privacy and reputation (section 13)

Section 13 of the Charter provides that every person has the right not to have their privacy (including private, consensual sexual behaviour), family, home or correspondence unlawfully or arbitrarily interfered with.

This right is promoted by the availability of consent as a defence to the 5-year offence, including when non-fatal strangulation occurs as a sexual activity. This reflects evolving sexual practices in the community. When injury is not intentionally caused, and parties are wholly consenting to the practice, their privacy should be protected and promoted by the law.

Consent is not available as a defence for the 10-year offence. I accept that this restriction may limit the right of Victorians to engage in private, consensual sexual behaviour, and I am satisfied that the limitation is reasonable and justified. Non-fatal strangulation is an inherently dangerous act which can cause loss of consciousness or prove fatal, even when consensual. These significant risks, which may not be present in other sexual practices, justify excluding consent as a defence to the 10-year offence – where injury is not just possible, but must be intentionally caused.

I am satisfied that there are no less restrictive measures that would protect Victorians without limiting this right.

Right to liberty and security (section 21)

Section 21 provides that every person has the right to liberty and security (section 21(1)); that a person must not be subjected to arbitrary arrest or detention (section 21(2)); that a person must not be deprived of his or her liberty, except on grounds, and in accordance with procedures, established by law (section 21(3)); and that a person awaiting trial must not be automatically detained in custody (section 21(6)).

The word 'arbitrary' has a particular legal meaning. In section 21(2) of the Charter, it broadens the right beyond freedom from unlawful arrest and detention – an arrest or detention will limit the right because it is 'arbitrary' if it is capricious, unjust, unreasonable or disproportionate to a legitimate aim.

The *Bail Act 1977* (Bail Act) contains mechanisms to ensure bail decision makers pay particular attention to family violence risks when deciding whether or not to grant an accused bail. For example, in relation to bail applications for an accused charged with a family violence offence, the Bail Act specifically requires bail decision makers to consider the risk of the accused committing family violence if released and whether that risk could be mitigated either through bail conditions and/or the creation of a Family Violence Intervention Order.

Clause 5 of the Bill adds choking, strangling or suffocating a family member, or threatening to do so, to the list of behaviour that is considered family violence in section 5(2) of the *Family Violence Protection Act 2008*. By doing so, it ensures that Bail Act provisions which relate to family violence will apply to non-fatal strangulation offences, including the Bail Act's definition of 'family violence offence'. A further effect of this amendment may be that, if a person is charged with the offence of threat to kill, and the basis of the threat is choking, strangling or suffocating a family member, Schedule 2 of the Bail Act may apply. This would require a bail decision maker to apply the 'show compelling reason' reverse onus test in considering whether to grant bail for the offence of threat to kill as a family violence offence, which may reduce a person's likelihood of being granted bail and limit the right to liberty and security. However, this is not a new limitation, as the conduct of threatening to choke, strangle or suffocate a family member would likely already meet the definition of family violence and could fall within schedule 2 of the Bail Act.

Requiring a deeper consideration of family violence risk when considering bail applications for those accused of these offences does engage the right to liberty and security. However, I consider this right is not limited as any deprivation of liberty that would occur would be on grounds, and in accordance with procedures, established by law and detention would not be arbitrary. This requirement seeks to promote victim-survivor safety by ensuring decision-makers turn their minds to the risks posed by non-fatal strangulation. However, it will not automatically lead to bail being refused if the bail decision maker considers that risk can be appropriately mitigated. This greater consideration of risks is complemented by the Bill introducing guiding principles for interpreting and applying the new offences (new section 34AC of the *Crimes Act 1958*), which will alert police, bail justices and magistrates to the potential and likely consequences of further offending by an accused.

Rights in criminal proceedings (section 25)

Section 25 of the Charter provides for various rights of a person charged with an offence during criminal proceedings. The right to be presumed innocent in section 25(1) is closely related to the protection against self-incrimination contained in section 25(2)(k) of the Charter. This right provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained before or after the charge was laid. Both the presumption of innocence and the protection against self-incrimination encompass the right to silence, which includes the right of an accused to be free from adverse inferences drawn from their silence. These rights are integral to the fairness of the justice system, given the grave consequences of being charged with a criminal offence, including potential loss of physical liberty, social stigma and psychological and economic harms.

Clause 3 of the Bill engages the right to the presumption of innocence and the right against selfincrimination through the addition of new sections 34AF–34AJ, which form the defence of affirmative consent for the 5-year offence. This defence will apply where the conduct constituting the offence – the choking, strangling, or suffocating – is committed as a sexual activity or in the course of a sexual activity. The defence will be made out where the complainant either consented, or the accused had a reasonable belief the complainant consented, to being choked, strangled or suffocated. The accused's belief will not be reasonable if they did not say or do anything to ascertain consent.

When raising the defence, an accused person will need to point to sufficient evidence demonstrating that either the complainant consented or that they had a reasonable belief that the complainant consented. While the prosecution must then prove beyond reasonable doubt that the accused did not say or do anything, this may be easier to prove in the absence of any evidence from the accused and the defence may fail as a result. This may limit the right to be presumed innocent and the right against self-incrimination because the practical effect of the provisions may be that, even though not required by the legislation, an accused must lead evidence of certain matters as part of their defence. For example, they may decide to give evidence that they said or did something to ascertain consent. This may in turn abrogate their right to silence and freedom from adverse inferences being drawn from their silence, as well as expose them to broader cross-examination, including in relation to other elements of the relevant offence.

While I accept that this provision may limit an accused's right to silence to some degree, I am satisfied that the limitation is reasonably justified for the reasons that follow.

The 5-year offence serves an important and pressing objective of addressing the prevalence of family violence in Victorian society, and its devastating and lifelong impact on the safety of women and children in particular. Non-fatal strangulation is an inherently dangerous act, with potentially severe consequences. It is also a significant predictor of future fatal violence. It is therefore important that when the 5-year offence occurs as or during a sexual activity, the available consent defence sets an appropriate standard of consent consistent with that applied to sexual offences.

Common law consent, which allows for consent to be inferred and only requires a defendant to believe that consent is present, even if that belief is unreasonable, is not an appropriate standard in this context. The Bill therefore adapts the affirmative consent model recently introduced by the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022* as a defence where the 5-year offence occurs as or during sexual activity. This sends a strong message about the importance of taking steps to obtain consent and how it must be obtained by those who participate in non-fatal strangulation during sexual activity. By requiring an accused to have said or done something to ascertain consent in order for that belief in consent to be reasonable, the Bill appropriately directs scrutiny to an accused's actions in obtaining consent. This will support an effective justice system response to sexual violence and ensure consistency with Victoria's high standards for consent in the context of sexual conduct.

Although this does limit rights in criminal proceedings, Parliament considered such a limitation was justified and proportionate when considering the 2022 affirmative consent reforms on which these reforms are modelled. The limitation is mitigated by the fact that the Bill does not place any legal burden on an accused to disprove elements of the offence charged, nor does it reverse the onus of proof in respect of the consent defence. Consistent with the usual allocation of onus of proof for defences, if the accused wishes to rely on the affirmative consent defence, they must point to sufficient evidence raising the defence. The burden is then on the prosecution to disprove the defence – in this case, to prove that the complainant did not consent, and that the accused did not have a reasonable belief. Hence, while the accused may decide to bring evidence in support of the defence, there is no legal or practical requirement that they do so, and where the prosecution does not disprove the defence beyond reasonable doubt, the defence will be able to succeed even where an accused does not give evidence.

In my view, there are no less restrictive means available to address consent in sexual contexts which have the same level of efficacy for victim protection. This is because the framing of the defence is clear and robust in expressing the need for reasonable belief in consent, and the associated actions a person must take.

I am also satisfied that sections 34AI(3) and (4), which impose a legal burden of proof on an accused to establish, on the balance of probabilities, that they have a cognitive impairment or mental illness that was a substantial cause of their failing to say or do anything to ascertain consent, is compatible with the Charter. My reasons are the same as those expressed in the Statement of Compatibility for the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, which introduced sections 36A(3) and (4) of the Crimes Act on which sections 34AI(3) and (4) are based.

As such, I am satisfied that reforms introducing the affirmative consent defence provisions for the 5-year non-fatal strangulation offence are compatible with the Charter. To the extent that they may limit rights in the Charter, those limits are moderate and reasonably justified to achieve a critically important aim.

Hon Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:32): I move:

That the bill be now read a second time.

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

Strangulation is a highly dangerous and easily fatal form of violence which can cause unconsciousness within seconds and death within minutes. Blood clots, stroke, and brain damage caused by strangulation can cause death quickly, and up to weeks or months after the event. Victim-survivors of non-fatal strangulation may also suffer from long-term physical and/or mental disability as a result of the conduct.

Non-fatal strangulation is a particularly dangerous and insidious form of family violence. In circumstances of family violence, non-fatal strangulation is rarely an isolated event and often reveals an ongoing and escalating pattern of violence and coercive control. Someone who survives non-fatal strangulation by a current or former intimate partner is seven times more likely to be seriously injured or murdered by that partner. Because of this, non-fatal strangulation is recognised in Victoria's Family Violence Multi-Agency Risk Assessment and Management framework as a serious risk factor, associated with increased likelihood of death or serious injury for victim-survivors. However, the absence of a stand-alone offence has been a barrier to appropriately responding to the serious and unique risk profile posed by family violence offenders who use non-fatal strangulation as a means of terror and control.

The Bill delivers on Victorian Government commitments, including in the 2023–2027 Gender Equality Strategy and Action Plan, to introduce a stand-alone offence of non-fatal strangulation. The offences introduced by this Bill will more effectively hold offenders to account and will also provide clearer indications to police and community service practitioners of escalating violence and control in family violence contexts. Additionally, the Bill aims to improve understanding of the dangers and potential lethality of non-fatal strangulation among police, courts and community service practitioners and help drive more effective medical, legal and law enforcement responses.

Much work has gone into developing these offences, and I want to thank stakeholders for their considered views. I would also like to acknowledge the powerful advocacy from the family of Joy Rowley, who was a victim of non-fatal strangulation prior to her murder.

The non-fatal strangulation offences

This Bill will introduce two new offences of non-fatal strangulation into the *Crimes Act 1958* – an offence of non-fatal strangulation with a 5-year maximum penalty and an offence of non-fatal strangulation intentionally causing injury with a 10-year maximum penalty.

Both offences will capture a broad range of conduct

The offences will prohibit 'choking, strangling or suffocating' which will be defined, non-exhaustively, as:

- applying pressure to the front or sides of the neck
- obstructing or interfering with a person's respiratory system, or
- impeding respiration.

Some Australian jurisdictions that have stand-alone offences have seen courts narrowly interpret the terms 'choke, strangle or suffocate' where these terms are not clearly defined. These narrow interpretations have imposed inappropriately high evidentiary burdens on the prosecution and may serve to further traumatise victim-survivors. The broad definition used in this Bill aims to avoid this issue.

For both offences, the conduct must occur between family members

While a broad definition of the prohibited conduct is appropriate, the government has listened to concerns that this definition increases the risk of inadvertently capturing conduct outside the scope of the intended reforms, with community groups who are already over-represented in the criminal justice system likely to be disproportionately affected.

Accordingly, the offences will only apply to conduct between family members. This will also focus on the main policy rationale of the reforms – to appropriately respond to the serious and unique risk profile posed by family violence offenders who use non-fatal strangulation as a means of terror and control.

The definition of 'family member' used in this Bill is the same broad, flexible definition used in the *Family Violence Protection Act 2008*. This definition includes children, parents, stepparents, siblings, current or former spouses and domestic partners, as well as current or former intimate personal relationships (which need not be sexual in nature). It also includes other relationships that could reasonably be regarded as like that of a family member. Community understanding of what makes someone a 'family member' continues to develop and change over time. Using this definition of 'family member' will ensure that the scope of the offences keeps up with contemporary community values and expectations.

In many cases, it will be clear whether a complainant and accused are family members without the complainant needing to give evidence. Accused persons will not be able to assert that they mistakenly and honestly believed they were not a family member of the complainant. However, they will be able to contest whether they met the definition of 'family member' at the time of the alleged offending.

The focus of this Bill on non-fatal strangulation of a family member is not intended in any way to minimise the seriousness of non-fatal strangulation in other contexts. The government hopes that the Bill will increase awareness of the risks and consequences of non-fatal strangulation more generally. Non-fatal strangulation

that falls outside the scope of this Bill will continue to be dealt with by existing offences, such as causing injury offences and assault.

The 10-year offence

The 10-year offence is designed to capture conduct where the offender intentionally injures their victim with an act of non-fatal strangulation. 'Injury' includes both physical injury and harm to mental health. The element of intentional injury means there is a higher level of culpability attached to this offence, triggering the higher maximum sentence. It is also consistent with comparable existing offences that have 10-year penalties, such as conduct endangering life and intentionally causing injury. This offence is framed to capture the most egregious forms of non-fatal strangulation.

The 5-year offence

The unique nature of non-fatal strangulation means it often leaves no visible signs of physical injury, or injuries may only become evident weeks or months after the offending takes place. Historically, this has made prosecuting non-fatal strangulation challenging, with prosecutors resorting to charging offenders with common assault to get a conviction. Common assault only attracts a maximum penalty of three months, which is inadequate for such serious offending. The 5-year offence addresses these issues by imposing an appropriately high maximum penalty and only requiring that the offender choked, strangled or suffocated the victim-survivor – there is no requirement that the non-fatal strangulation cause injury, unconsciousness or incapacity.

Defences will be available for both offences

Existing common law and statutory defences such as self-defence, duress, or sudden and extraordinary circumstances will be available for both the 5-year and 10-year offence.

Consent will be available as a defence to the 5-year offence but will not be available for the 10-year offence in any circumstance. Excluding consent as a defence to the 10-year offence recognises that non-fatal strangulation with the intent of causing injury cannot be done safely. While this is a departure from the general position for other Victorian criminal offences, it is justified by the application of the offence to conduct against family members only, and the very serious risks posed by the conduct which caused that injury.

The 10-year offence also contains statutory exemptions for medical conduct and body modification performed in good faith. Statutory exemptions for the 5-year offence are not necessary as the lawful excuse of consent will operate to ensure the 5-year offence does not capture body modification or medical procedures.

Sexual activity and the defence of consent applicable to the 5-year offence

Consent will be available as a defence to the 5-year offence. The Victorian Parliament has long recognised that the common law defence of consent is not appropriate for sexual activities. As such, a new statutory defence of consent will apply where the non-fatal strangulation occurred as a sexual activity. In these circumstances, the defence will be made out where either the complainant consented to the non-fatal strangulation, or the accused reasonably believed the complainant consented. In line with the sexual offence reforms passed by Parliament in 2022, consent in this context will be defined as free and voluntary agreement and must be communicated – absence of resistance is not sufficient to establish consent, and consent cannot be assumed even if the parties had previously consented to the same sexual activity with their current or former partner. An affirmative consent model provides victim-survivors with stronger protections and recognises that sexual non-fatal strangulation is an increasingly common practice, particularly amongst young Victorians. The defence also incorporates the recent reforms to the meaning of 'reasonable belief', so that an accused cannot be found to have held a reasonable belief that the complainant consented if they did not say or do anything to determine whether their belief was correct.

The common law defence of consent will apply when non-fatal strangulation does not occur as a sexual activity. This will ensure that the 5-year offence does not inadvertently punish legitimate conduct between family members, such as occurs during contact sport, medical procedures, hugging, massages, and tattoos and other bodily adornment.

Guiding principles will assist courts and the wider community in understanding this form of family violence offending

Many known difficulties affect the identification and management of family violence offending. The risks of non-fatal strangulation have also not always been widely understood by those who come into contact with victim-survivors and offenders, contributing to low detection and prosecution rates. To support the new offences, the Bill contains guiding principles that courts must have regard to when applying the offences, including in sentencing. These principles include the fact that non-fatal strangulation often occurs within the context of family violence, is a predictive risk factor for future harm or even death, and that even short or individual periods of non-fatal strangulation can create an atmosphere of fear and compliance.

Consequential amendments will support implementation of the Bill

The Bill also amends the *Family Violence Protection Act 2008* to insert choking, strangling or suffocating of a family member, or threatening to do so, into the list of behaviours constituting family violence.

This consequential amendment will ensure that that non-fatal strangulation is recognised as an act of family violence in family violence intervention order and family violence safety notice processes. It will also mean that the protections afforded by Part 8.2 of the *Criminal Procedure Act 2009* to family violence complainants giving evidence in court will be available in non-fatal strangulation proceedings. Further, it will have the effect that bail decision makers must consider whether there is a risk of further family violence, and whether that risk could be mitigated, when considering whether to grant bail to persons charged with either of the non-fatal strangulation offences.

Conclusion

Introducing these offences into the *Crimes Act 1958* will bring Victoria in line with most states and territories in Australia who have enacted stand-alone non-fatal strangulation offences. Given their significance, the government will liaise with stakeholders on the operation of these offences, to ensure they work effectively and as intended. This review process will also be able to draw upon experiences and learnings in other jurisdictions that have recently introduced stand-alone non-fatal strangulation offences.

This Bill is an important piece of legislation that will ensure appropriately serious penalties are available for this very serious form of offending. It will also provide better protection for victim-survivors, particularly in the context of family violence, and provide vital information to police and community service providers in how they understand, identify and assess family violence risk.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:32): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

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

Introduction and first reading

The PRESIDENT (17:32): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Workplace Injury Rehabilitation and Compensation Act 2013**, the **Accident Compensation Act 1985** and the **Occupational Health and Safety Act 2004** and for other purposes'.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:32): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:33): 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 table a statement of compatibility in relation to the **Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023** (the **Bill**).

In accordance with section 28 of the Charter, I make this statement of compatibility with respect to the Bill.

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

Overview of the Bill

The Bill makes various amendments to the *Workplace Injury Rehabilitation and Compensation Act 2013* (the **Principal Act**), the **Accident Compensation Act** (the **AC Act**) and the *Occupational Health and Safety Act 2004* (the **OHS Act**).

The amendments in the Bill relevantly seek to:

- introduce new eligibility requirements for work-related mental injuries so that only mental injuries diagnosed by a medical practitioner in accordance with the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (**DSM**) that are predominantly arising out of or in the course of employment are compensable;
- clarify that there will be no entitlement to compensation for mental injuries that are predominantly caused by work-related stress or burnout arising from events that may be considered usual or typical and are reasonably expected to occur in the course of the worker's duties;
- confirm that mental injuries predominantly caused by work-related stress or burnout resulting from traumatic events experienced by a worker that may be considered usual or typical and reasonably expected to occur remain compensable;
- introduce a Whole Person Impairment (**WPI**) threshold of greater than 20 per cent, alongside the existing capacity test, for injured workers to remain entitled to weekly payments beyond the 130 week second entitlement period;
- clarify that disputes relating to whether a worker has suffered an injury in circumstances that are compensable under the WIRC Act are not disputes that can be referred to the Workplace Injury Commission (**WIC**) for arbitration;
- amend the Principal Act and the OHS Act to allow the Authority to use information collected for the purpose of those Acts to fulfil its functions or exercise its powers under any Act, in certain conditions; and
- requires the Minister to cause an independent review of the amendments to the WorkCover Scheme arising out of this Bill, in the 2027 calendar year.

Human rights issues

The Bill may engage and limit a number of rights that are protected by the Charter, including the right to equality (section 8), the right to privacy (section 13(a)) and the right to a fair hearing (section 24).

For the reasons detailed below, I am satisfied that the Bill is compatible with the Charter and, if any of the abovementioned rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors within section 7(2) of the Charter.

Section 8(3) – Right to Equality

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of the right in section 8(3) is to ensure that all laws and policies are applied equally. 'Discrimination' for the purposes of the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* (the **EO Act**) on the basis of an attribute in section 6 of that Act. Relevant attributes include (but are not limited to) age, race, sex and disability. 'Disability' is defined in section 4(1) of the EO Act to include a mental or psychological disease or disorder.

Eligibility requirements for mental injury

The Principal Act already imposes special eligibility requirements for mental injuries. Section 40(1) of the Principal Act provides that there is no entitlement to compensation if a mental injury is caused wholly or predominantly by, among other things, reasonable management action. There is no entitlement to compensation for mental injury in the circumstances specified in section 40(1) of the Principal Act because it was considered that employers should not be liable for mental injuries that arise from the legal exercise of the rights of the employer to manage their workforce.

Clauses 4, 5 and 6 of the Bill will introduce additional eligibility requirements for mental injuries.

- Clause 4 of the Bill will introduce a definition of 'mental injury', which is currently undefined. Under clause 4, 'mental injuries' will be defined as injuries that cause significant behavioural, cognitive or psychological dysfunction and are diagnosed by a medical practitioner in accordance

with latest DSM. That definition will have the effect of narrowing the concept of 'mental injury', which is not presently defined and therefore is not limited to dysfunctions that are 'significant' or diagnosed in accordance with the DSM.

- Clause 5(2) of the Bill will have the effect that a person will only be entitled to compensation for mental injuries predominantly arising out of or in the course of employment.
- Clause 6 of the Bill will have the effect that a worker is not entitled to compensation for a mental injury predominantly caused by stress or burnout that has arisen from events that may be considered usual or typical and reasonably expected to occur in the course of the worker's duties. However, clause 5(3) will have the effect that despite the exclusion in clause 6, a worker is entitled to compensation for a mental injury if it is caused by traumatic events experienced by the worker that may be considered usual or typical and expected to occur in the course of the worker's usual duties.

These changes will result in some workers who have a mental or psychological disease or disorder (and therefore have a 'disability' as defined under the EO Act) no longer being eligible to receive compensation under the Principal Act. That may in turn engage section 8(3) of the Charter, on the basis that the provisions may discriminate on the basis of disability by introducing new eligibility requirements into the Principal Act for workers seeking compensation for a work-related mental injury.

Any discrimination that is effected by clauses 4 to 6 is demonstrably justified. Clauses 4 to 6 serve two important purposes.

First, they are intended to ensure that the process for the assessment of mental injuries is rigorous. Currently, the assessment of mental or psychiatric injuries is not undertaken in the same way as physical injuries. Diagnosis of mental injuries presently relies largely on self-reporting and examination by medical practitioners. As a result, diagnosis generally turns on clinical judgement and consideration of the subjective viewpoint of claimants. Because of this, mental injuries may be more susceptible to misrepresentation by the claimant as compared to physical injuries. Further, there are particular difficulties involved in establishing a sufficient causal link between the general activities of a worker's role and their mental injury. Among other things, that is because mental injuries can often be the result of a myriad of factors, including a worker's personal life and their interpersonal relationships.

The Bill seeks to address these issues by requiring a diagnosis be made in accordance with the latest DSM and by requiring that the mental injury predominantly arise out of or in the course of any employment.

Second, the amendments reflect the fact that while compensation should be available for mental injury in appropriate cases, the WorkCover Scheme must also remain financially sustainable for the long term. The requirements that mental injuries must cause 'significant' dysfunction in clause 4, and clauses 5(2) and 6, are directed to that purpose. Clauses 5(2) and 6 effect specific and targeted exclusion of mental injuries caused by the general stressors of the modern workplace and modern life. Providing financial compensation in respect of claims that are not clearly attributable to employment or serious psychological stressors risks the imposition of significant costs on the compensation scheme that would undermine its ongoing viability. The importance of ensuring the financial viability of the scheme is recognised by the Principal Act in sections 493(1)(g) and 493(2).

At the same time, the Bill recognises that some jobs necessarily involve exposure to traumatic events and that this should not mean that a person is not entitled to compensation if they develop a mental injury caused by work related stress or burnout, as a result of exposure to those events.

Thus, an important qualification to the limitation effected by clause 6 is contained in clause 5(3), which recognises the fact that certain workers (such as frontline workers) may regularly be exposed to trauma, and ensures that these workers are entitled to receive compensation even if the trauma is a usual or typical part of their roles. Clause 5(3) provides that a worker is entitled to compensation if they suffer a mental injury predominantly caused by traumatic events experienced by the worker that may be considered usual or typical and expected to occur in the course of the worker's duties.

Clauses 4 to 6 seek to ensure that support is available for those workers who experience a diagnosed mental injury resulting from serious workplace events, while ensuring that the diagnosis is undertaken in a rigorous manner and that there is a sufficient nexus between the mental injury and the worker's employment, having regard to the need to ensure that the scheme is financially sustainable.

Moreover, the existing access to provisional payments for mental injury provide tailored support to those workers who have suffered an injury, but are not eligible for compensation under the WIRC Act. These supports aim to deliver earlier medical treatment and targeted return to work support to assist workers in achieving improved return to work outcomes. These supports also seek to connect workers with other more suitable support services to encourage improved health and return to work outcomes.

Importantly, workers will continue to have an ability to dispute decisions relating to their eligibility for compensation through conciliation, internal Agent review, WorkSafe's Worker's Compensation Independent Review Service and the courts.

To the extent, if any, that these clauses impose a limitation on the right to equality, for the reasons detailed above I consider that this limitation is reasonable and justifiable in accordance with section 7(2) of the Charter and as such, these clauses are compatible with the right to equality.

Weekly payments after the second entitlement period

Clauses 13, 14 and 15 of the Bill will introduce additional eligibility requirements for injured workers to continue to receive weekly payments beyond the second entitlement period of 130 weeks into sections 163, 164 and 165 of the Principal Act. These clauses introduce a WPI threshold alongside the existing work capacity test. Once these changes are enacted, only those workers with no ongoing capacity to work and with a WPI of more than 20 per cent will be eligible to continue receiving weekly payments. Consequently, those workers with a lower WPI score will be disadvantaged under these reforms.

Further, clause 17 of the Bill amends section 175 of the Principal Act to apply these changes to those workers residing out of Australia, who, in addition to establishing they have no ongoing capacity for work indefinitely, will be required to demonstrate a WPI of more than 20 per cent after the expiration of the second entitlement period to continue to receive weekly payments. Clauses 26 to 29 make equivalent changes to the **AC Act** to apply to injuries occurring before 1 July 2014 which have not yet passed the second entitlement period.

The operation of clauses 13 to 17, and changes to the determination of entitlement to ongoing weekly payments after the expiration of the second entitlement period may affect the right to equality by treating people unfavorably on the basis they have a particular disability.

These reforms are necessary to ensure that weekly payments after the second entitlement period take into account that some workers will continue to have no ability to return to work after their injury. They are intended to ensure that financial compensation is available to those injured workers who are most in need of ongoing support, that is, workers with a permanent impairment resulting from their work-related injury who have no ongoing work capacity indefinitely. This revised test for ongoing entitlement seeks to achieve that purpose by introducing an objective assessment of permanent incapacity. That objective assessment is undertaken in accordance with the procedure to be established by clause 16. Broadly, assessment of impairment will be conducted consistently with existing processes for assessing impairment benefits compensation under Division 4 of Part 2 of the Principal Act. Decisions will be based on the available medical evidence to support a decision to continue or cease weekly payments. Where workers dispute these decisions, they will continue to be able to refer medical questions in relation to the degree of impairment to Medical Panels for a binding expert opinion. Where decisions made by the Authority, Agents or self-insurers relate to something that is not a medical question as to degree of impairment, such as a determination not to refer a worker for assessment, these disputes can be referred through existing dispute resolution pathways, including to conciliation by the WIC. In this way, the right to challenge decisions is maintained and decisions relating to impairment will be based on medical expertise.

The threshold of 20 per cent WPI has been identified as necessary to ensure that the scheme remains viable and able to continue to deliver services into the future. Importantly, workers who do not meet this revised test and new impairment threshold will be actively supported to transition to other income replacement services and suitable supports if they are unable to return to work.

To the extent that these clauses relating to WPI assessments after the expiry of the second entitlement impose a limitation on the right to equality, I consider that the limit is reasonable and justifiable in accordance with section 7(2) of the Charter.

Section 13(a) – Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. Section 13(a) contains internal limitations: interferences with privacy will only limit the right if they are unlawful or arbitrary. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The right to privacy is broad in nature. The fundamental values which the right to privacy expresses are the physical and psychological integrity, individual and social identity, and autonomy and inherent dignity, of the person. It protects the individual's interest in the freedom of their personal and social sphere.

Use of information that may be personal information

Clauses 22 and 31 of the Bill will introduce information-sharing provisions that will enable WorkSafe to share and use information more effectively across its insurance and health and safety business units. These clauses

will enable information collected under either the Principal Act or OHS Act and associated regulations to be used by WorkSafe to perform its functions and exercise its powers under any Act, if the use of that information is reasonably necessary or directly related to the performance of a function or power conferred on WorkSafe under that Act. Clauses 22 and 31 may engage the right to privacy because it will permit WorkSafe to use information, which may be private and which has been collected by WorkSafe for a particular purpose, for a different purpose.

While WorkSafe is a single organisation, it has a dual function as Victoria's occupational health and safety regulator and administrator of Victoria's workers' compensation scheme, with each function subject to differing regulatory regimes under the OHS Act and Principal Act. Despite WorkSafe being a single organisation, both the Principal Act and the OHS Act place restrictions on how WorkSafe may use or share information, which applies to both internal and external sharing of information.

These restrictions inhibit WorkSafe's ability to use information that it collects for a workers compensation purpose to inform health and safety outcomes, or to use information that it collects for an occupational health and safety purpose, to improve support for injured workers.

Clauses 22 and 31 are intended to remove the stated restrictions, and thereby enable WorkSafe to use information that it has collected for one purpose for a further purpose of performing functions and exercising powers under other Acts administered by WorkSafe. In that way, they are intended to strengthen WorkSafe's ability to respond to workplace safety concerns and support injured workers. The provisions are tailored to their purpose: information will only be permitted to be used by WorkSafe to perform its functions or exercise its power under another Act, where it is reasonably necessary, or directly related to, one or more functions or powers conferred on WorkSafe by that Act. Further, and importantly, existing restrictions and protections relating to the release of personal and medical information will continue to apply. The operation of other relevant privacy legislation including *the Health Records Act 2001*, the *Privacy and Data Protection Act 2014* or the *Victorian Data Sharing Act 2017* and the operation of legal professional privilege will not be impacted.

For the reasons detailed above, I consider that the clauses do not result in an unlawful or arbitrary interference with the right to privacy, and that the impact that the clauses have on the right to privacy is proportionate in all the circumstances, having regard to the significant public benefits that will accrue from WorkSafe being able to share information across its business functions and the fact that the provisions are tailored to the purpose that they serve. On that basis, I consider that the Bill is compatible with the right to privacy in section 13(a) of the Charter.

Section 24(1) – Right to 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.

What constitutes a fair hearing will depend on all the circumstances, including the legislative framework, the nature of the decision to be made, the nature and complexity of the issues and the impact of the decision to the rights and interests of the parties.

The right to a public hearing incorporates the principle that justice should not only be done, but be seen to be done, by subjecting legal proceedings to public scrutiny. It has been described as an indispensable element of the rule of law in a democratic society.

The right to a fair hearing should be read together with sections 25, 26 and 27 of the Charter, which confers various criminal process rights.

Arbitration amendments

Arbitration was introduced into the Principal Act by the *Workplace Injury Rehabilitation and Compensation Amendment (Arbitration) Act 2021*. Currently, disputes relating to whether a worker has an injury that was sustained in circumstances giving rise to an entitlement to compensation under the Principal Act, may proceed to arbitration following unsuccessful conciliation, as an alternative method of dispute resolution compared to commencing court proceedings. The WIC is limited to awarding up to 52 weeks of weekly payments or up to $20,000 in medical and like expenses by way of an arbitration determination. Appeals from decisions of the WIC may only be brought in relation to questions of law.

Clauses 23 and 24 of the Bill will provide that disputes relating to whether a worker has an injury that was incurred in circumstances giving rise to an entitlement to compensation under the Principal Act can proceed to conciliation, but can no longer be referred to arbitration. Consequently, where the matter has not resolved at conciliation, disputes relating to these matters will be required to be resolved at Court. Insofar as this amendment limits the right in s 24(1), the limitation is justified.

While clauses 23 and 24 remove the ability to submit a matter concerning whether a worker has an injury that was sustained in circumstances giving rise to an entitlement to compensation under the Principal Act to arbitration, it does not mean that a decision of the Authority or self-insurer concerning entitlement to compensation may not be challenged. The effect of clause 24 is, rather, to direct all disputes concerning specified matters under the Principal Act to courts after unsuccessful conciliation rather than arbitration. This has the effect that decisions concerning initial entitlement to compensation are subject to the dispute process that existed prior to the introduction of arbitration in 2022. In those circumstances, the extent of the limitation on the right to a fair hearing is relatively minor.

Clause 24 pursues an important public purpose. As explained above, under the Principal Act, appeals may only be brought from arbitration determinations on questions of law. This has the effect of limiting the capacity of parties to challenge arbitration determinations. This effectively provides two pathways to dispute decisions after conciliation, which may lead to different potential outcomes based on similar questions of fact. This may lead to unfair outcomes for workers. Amending the Principal Act to provide that all eligibility disputes, not just those relating to mental injury, are subject to the same process is intended to reduce the potential for inconsistency by requiring all such disputes to be decided by the courts. This will result in the development of judicial precedent concerning the provisions related to entitlement to compensation (including the new mental injury provisions), which will in turn, result in guidance as to the operation of those provisions. There is no less restrictive means of achieving those purposes.

For those reasons, any limitation on the fair hearing right effected by clauses 23 and 24 is demonstrably justified.

Hon Jaclyn Symes MP
Attorney-General
Minister for Emergency Services

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:33): 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 makes several amendments to the **Workplace Injury Rehabilitation and Compensation Act 2013** to deliver on the Victorian Government's commitment to build a modern workers' compensation scheme that gives security to Victorian workers and businesses and helps workers get healthy and back to work, following a workplace injury. These changes address the increasing financial pressure on the WorkCover Scheme (Scheme), amending structural issues in the design of the Scheme to respond to these challenges. This Bill will deliver a more contemporary, sustainable Scheme that will continue to support injured Victorian workers into the future. These legislative changes, combined with premiums that better reflect the cost of claims and the creation of Return to Work Victoria, will ensure that the Scheme and the Victorian Government continue to support positive outcomes for Victorian workers into the future.

The Bill makes a range of amendments to the **Workplace Injury Rehabilitation and Compensation Act 2013** and **Accident Compensation Act 1985** to:

a. introduce additional eligibility requirements for mental injury so that only significant mental injuries diagnosed by a medical practitioner in accordance with the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM) that predominantly arise out of or in the course of employment are compensable;

b. clarify that there will be no entitlement to compensation for mental injuries that are predominantly caused by work-related stress or burnout arising from events that may be considered usual or typical and are reasonably expected to occur in the course of the worker's duties;

c. confirm that, where a worker's duties are usually or typically traumatic, mental injuries predominantly caused by work-related stress or burnout as a result of traumatic events experienced by a worker remain compensable;

d. clarify that disputes relating to initial eligibility decisions under the **Workplace Injury Rehabilitation and Compensation Act 2013** cannot be referred to arbitration;

e. introduce a permanent Whole Person Impairment (WPI) threshold of more than 20 per cent, alongside the existing work capacity test, for injured workers to remain entitled to weekly benefits beyond the 130-week second entitlement period; and

f. require the Minister to cause an independent review of the amendments to the Scheme arising out of this Bill, by an expert panel, during the 2027 calendar year.

Finally, the Bill further amends the **Workplace Injury Rehabilitation and Compensation Act 2013** and the **Occupational Health and Safety Act 2004** to allow information collected in accordance with either Act, to be used where reasonably necessary or directly related to a function or purpose of WorkSafe Victoria under any Act that it administers.

I will now address each of these amendments in more detail, turning first to the amendments relating to compensation for mental injuries.

Workers Compensation for mental injury

The Scheme was designed more than 30 years ago, primarily to respond to physical injuries. Since that time, the number of mental injuries has increased, now representing approximately 16 per cent of all new claims and around 50 per cent of costs to the Scheme. We know that workers with mental injuries have poorer return to work outcomes, remaining off work for longer than those with physical injuries, increasing the duration and cost of claims supported by the Scheme.

The mental injury eligibility reforms are designed to strengthen the nexus between employment and its potential to cause injury. It also improves the rigour applied to diagnosing mental health conditions, to ensure the Scheme supports those it was intended to.

The Bill introduces a definition of mental injury as an injury that causes significant behavioural, cognitive or psychological dysfunction and is diagnosed by a medical practitioner in accordance with the most recent version of the DSM. Therefore, injuries that do not significantly impair or impact a worker's function, or are not diagnosed in accordance with the DSM, will not be eligible for compensation under the Scheme. The Bill also requires a mental injury to be predominantly caused by work to be compensable.

The Bill will introduce an additional exclusion for compensation for mental injuries predominantly caused by work related stress or burnout that has arisen from events that may be considered usual or typical and reasonably expected to occur in the course of a worker's duties.

In this context, 'predominantly caused' takes its ordinary meaning and refers to the strongest or largest contributing factor relative to all others. This may be proved by establishing that the contribution of employment is greater than the sum of all other contributing factors.

Events that are reasonably expected to occur, or that are typical or usual, include modern work-related stressors that most workers experience during employment, such as reasonable additional hours and reasonable work-related interpersonal interactions. The determination of eligibility for a mental injury claim will consider what is reasonably expected to occur during the course of that worker's employment. For example, certain interpersonal conflict, workload pressure and long hours are not considered to be unusual or go beyond what is reasonably expected in the course of employment.

However, events that would not be reasonably expected or typical in employment include where the worker experiences bullying, harassment of any kind or discrimination. Mental injuries predominantly caused by experiences of this kind will not be captured by the new exclusion and will remain compensable.

The exclusion relating to usual or typical duties a worker would be expected to undertake will not apply to a worker who routinely experiences traumatic events in the usual course of their duties and whose injury was predominantly caused by experiencing those traumatic events. Where a worker's mental injury is predominantly caused by traumatic events experienced by the worker that may be considered usual or typical, and reasonably expected to occur in the course of their duties, the worker will continue to be eligible for compensation. This includes the experience of vicarious trauma.

This exception to the new exclusion is intended to apply to workers in frontline roles, emergency service roles and other occupations with regular exposure to traumatic events as part of their usual duties, many of these being public sector workers. As a result of the traumatic nature of this work, these workers will continue to be eligible for compensation despite the mental injury being predominantly caused by their usual or typical employment. Where a worker is exposed to trauma, they do not need to demonstrate a diagnosis of post-traumatic stress disorder to satisfy the exception, as any mental injury captured by the new definition would be eligible for compensation.

These changes ensure that workers experiencing a significant work-related mental injury that is predominantly the result of work-related events continue to be supported in recovery and return to work. To ensure these changes are understood and implemented effectively, guidance and training on the new definition

of mental injury and the application of the work-related stress and burnout exception will be provided to WorkSafe Victoria's agents and self-insurers.

Importantly, workers will continue to have access to provisional payments from the time they lodge a mental injury claim. Provisional payments provide access to early treatment and support through the payment of reasonable medical and like expenses from the time a claim is lodged until the claim is accepted, or where the claim is not accepted, for a total of 13 weeks. In addition to the 13 weeks of provisional payments, workers who have a mental injury claim not accepted will be provided with transitional support, including appropriate support services, return to work support if they have a capacity to do so, or if not, identifying any income replacement services. Workers will also be provided with information on how to dispute a decision they disagree with.

These changes will apply to mental injuries sustained on or after the commencement of the bill. There will be no retrospective application of these changes.

Changes relating to arbitration

The Bill will also amend the **Workplace Injury Rehabilitation and Compensation Act 2013** to provide that initial eligibility disputes, relating to whether a worker is entitled to compensation under that Act, cannot be referred to arbitration. Instead, where conciliation has been unsuccessful, disputes relating to initial eligibility decisions can only be referred and resolved by the Courts. This amendment ensures that disputes relating to initial entitlement, including whether a claim satisfies the new mental injury eligibility criteria, will be determined and heard effectively, and the tests can be applied appropriately. This ensures that decisions relating to eligibility are applied consistently and in accordance with judicial interpretation.

Workers who can currently make an application for review to the Workers Compensation Independent Review Service through WorkSafe Victoria, will continue to be able to make applications regarding initial eligibility decisions following conciliation.

The changes relating to arbitration will apply to a genuine dispute in respect to injuries sustained on or after the commencement of the bill. There will be no retrospective application of these changes.

Weekly payments after the second entitlement period

Since 2015, the number of injured workers remaining on weekly benefits following the expiry of the second entitlement period has increased. In 2015, eight per cent of injured workers received weekly payments after 130 weeks. Recent modelling projects that, in 2023, 18 per cent of claims will continue beyond 130 weeks. The Bill amends the current requirements that need to be satisfied to continue to receive weekly payments after 130 weeks by introducing an additional requirement that the worker must have a permanent whole person impairment of more than 20 per cent for injuries arising from the same event or circumstance. This threshold is in addition to the existing requirement that the worker must be assessed as having no work capacity, and likely to continue indefinitely to have no work capacity.

This amendment will bring Victoria in line with other states and territories that have introduced impairment assessments, as a more objective determination of the impact of a work-related injury. Where a worker has capacity for work or a whole person impairment of 20 per cent or less, their entitlement to weekly compensation payments will end after 130 weeks. The process for assessing permanent impairment for this purpose is consistent with the existing provisions relating to determining a worker's level of permanent impairment for lump sum compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**.

These reforms are focussed on addressing the long-term financial risk to the Scheme, while ensuring that workers with a significant permanent impairment and an indefinite incapacity for work resulting from their workplace injuries continue to receive support. Those who are no longer eligible to continue to receive weekly payments will be supported to return to work or access other appropriate support or income replacement services, where required.

Workers who are approaching the end of the second entitlement period will be assessed on their degree of permanent whole person impairment for injuries arising out of the same event or circumstance. The determination of permanent impairment for this purpose will be conducted by a qualified independent impairment assessor in accordance with the existing process for assessing impairment under the **Workplace Injury Rehabilitation and Compensation Act 2013**. Where a worker is assessed as having no current work capacity that is likely to continue indefinitely and a whole person impairment of more than 20 per cent, they will continue to receive weekly payments. The existing test of whether a worker has no current work capacity will continue to apply after the second entitlement period.

Acknowledging that some injuries, such as progressive diseases like silicosis and asbestosis, may not stabilise for the purpose of an impairment assessment being undertaken after 130 weeks, the Bill allows for interim entitlement decisions to be made. Where a worker's whole person impairment cannot be assessed because

their injury has not stabilised, they are under 18 years old, or there is not enough information to conduct an assessment, subject to certain requirements, WorkSafe Victoria, the agent or the self-insurer can make an interim decision to continue or to cease weekly payments after the end of the second entitlement period.

An interim decision to cease weekly payments can only be made if, following a review of existing medical evidence, WorkSafe Victoria, the agent or self-insurer is satisfied that the injury is not likely to be permanent, save for progressive diseases, and that the whole person impairment is likely to be 20 per cent or less and the worker has a current work capacity. An interim decision to continue weekly payments will be made where WorkSafe Victoria or its agents are satisfied that the worker's impairment is permanent, the impairment is likely to be more than 20 per cent and the worker has no capacity for work indefinitely. Interim decisions will remain in force until a further interim determination is made or WorkSafe Victoria or its agents make an ongoing eligibility determination.

In recognition that these changes could lead to resourcing pressures for independent impairment assessors, provided certain conditions are met, the Bill makes amendments to allow WorkSafe Victoria, its agents or self-insurers to make a determination that it is not necessary or practicable to obtain an assessment of injury for the purposes of a determination of entitlement to continued weekly payments. These administrative decisions are not a determination of a worker's degree of impairment, rather it is a decision that the worker does not need to be assessed by a qualified impairment assessor to determine their entitlement to continue to receive weekly payments after the expiry of the second entitlement period.

An administrative decision can only be made where there are no reasonable prospects of a worker's injury being assessed as below the whole person impairment threshold, such as in the case of catastrophic injuries, or where there is no reasonable prospect of the injury reaching the threshold, such as minor sprains or fractures or standalone back injuries which do not require surgery. The ability for WorkSafe Victoria, its agents or self-insurers to make these decisions will ensure that workers with significant injuries are not required to attend additional assessments and resources are not expended on claims where there is no prospect of the worker remaining eligible for ongoing weekly payments. The Bill provides that these decisions can only be made where there is no disadvantage to the worker.

The Bill also provides that the assessment relating to the degree of impairment obtained from the second entitlement period assessment will be the assessment of impairment used for other purposes under the **Workplace Injury Rehabilitation and Compensation Act 2013**. For example, where a worker has received an impairment assessment for the purpose of determining entitlement after the second entitlement period, that impairment assessment must also be used where the worker applies for lump sum impairment benefit compensation under the Act or pursues common law damages. These amendments ensure that impairment assessments are applied consistently, and that impairment assessment availability is not depleted by these reforms. An injured worker may choose to initiate a claim for lump sum impairment benefits at the same time as the second entitlement review, or can choose to initiate an impairment benefits claim later, using the same whole person impairment assessment. However, it will not be possible for a worker to pursue an impairment benefits claim at the same time as a review is being undertaken to determine eligibility for weekly payments, post the second entitlement period. It is not the intention that the impairment decision for the purposes of determining entitlement post 130 weeks forces the commencement of an impairment benefits claim. That decision remains the choice of the worker.

The **Workplace Injury Rehabilitation and Compensation Act 2013** currently allows a worker to apply for compensation in the form of weekly payments after the expiry of the second entitlement period in certain circumstances. This application can only be approved if the worker has returned to work for at least 15 hours per week, earns at least $177 per week and is incapable of undertaking further additional employment due to their injury. Currently, payments continue until the worker ceases to be eligible or the worker's circumstances change. The Bill will amend the **Workplace Injury Rehabilitation and Compensation Act 2013** to include an additional requirement that a worker must also meet the new whole person impairment threshold. The provision will operate in the same way it currently does, but with the whole person impairment threshold as an additional requirement the worker must satisfy. This provision encourages return to work after the second entitlement period while acknowledging that certain injuries will have an ongoing impact on a worker's continued capacity for work and subsequent earning capacity.

The whole person impairment threshold will also apply to workers who cease to reside in Australia. Currently injured workers leaving Australia need to demonstrate that they have no capacity for work indefinitely to continue to receive weekly payments regardless of whether they have exceeded the second entitlement period. The Bill will amend the Act to require these workers to also be assessed as having a whole person impairment of more than 20 per cent after the expiry of the second entitlement period to continue to receive weekly payments.

These changes will apply to injured workers due to reach the end of the second entitlement period on or after the date of commencement. Claims which have already passed the second entitlement period will not be subject to the new test or required to be assessed for impairment.

Section 85(5) of the Constitution Act 1975

Lizzie BLANDTHORN: I make the following statement under section 85 of the Constitution Act 1975 of the reasons why it is the intention of clause 16 to alter or vary section 85 of the Constitution Act 1975. This clause is consistent with existing limitations in the Workplace Injury Rehabilitation and Compensation Act 2013.

Clause 16 introduces section 167J of the Workplace Injury Rehabilitation and Compensation Act 2013 that provides that section 208 of the act applies to determinations relating to a worker's impairment made for the purpose of determining eligibility for weekly payments after the second entitlement period. Section 208 prohibits an appeal to a court or tribunal for a determination as to the degree of permanent impairment. The extension of this limitation ensures that there is consistency in the disputation of decisions relating to permanent impairment and ensures that there is finality in the opinion of the medical panels. This recognises that medical experts are best equipped to ultimately determine medical questions.

Incorporated speech continues:

Information sharing

The Bill also amends the **Workplace Injury Rehabilitation and Compensation Act 2013**, and **Occupational Health and Safety Act 2004** to allow information collected by WorkSafe Victoria under either Act, to be used where reasonably necessary or directly related to a function or purpose of WorkSafe Victoria under any Act that it administers. This change is intended to provide for improved internal information sharing between WorkSafe Victoria's business functions.

These changes will allow for information obtained under WorkSafe Victoria's health and safety function to be used, where appropriate, for a compensation function and vice versa. These changes will require that the use of information only occurs where reasonably necessary for the purpose of performing a function or exercising a power conferred under an Act that WorkSafe Victoria administers or is directly related to a function or activity conferred on the Authority under the other Act. These changes allow relevant information identified in health and safety activities to inform WorkSafe Victoria's role in administering Victoria's workers' compensation scheme. Similarly, it allows for information obtained in insurance functions to inform WorkSafe Victoria's prevention activities under the **Occupational Health and Safety Act 2004**.

Statutory Review

Finally, the Bill requires the Minister to cause an independent review of the operation of the amendments made by this Bill during the 2027 calendar year. The review must be conducted by a panel of experts with experience in the law, medicine, finance and occupational health and safety in accordance with terms of reference set by the Minister. This independent review will examine all changes made by the Bill, to measure their effectiveness, identify areas for potential improvement and assess the ongoing impact of these changes on the continued operation of the Scheme.

These significant changes to the Scheme included in the Bill seek to ensure the Scheme is appropriate for the modern workplace, capable of facilitating successful return to work outcomes and is financially sustainable, so it can continue to support Victorian workers into the future.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (17:35): I move:

That debate be adjourned until Tuesday 5 March 2024.

Council divided on motion:

Ayes (20): Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Aiv Puglielli, Samantha Ratnam, Adem Somyurek, Rikkie-Lee Tyrrell

Noes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Tom McIntosh, Rachel Payne, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Motion agreed to.

Debate adjourned until Tuesday 5 March 2024.

David DAVIS (Southern Metropolitan) (17:42): I desire to move, by leave:

> That this house requires the Economy and Infrastructure Committee to inquire into, consider and report, by 5 March 2024, on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023, and in undertaking this inquiry the committee is required to hold public hearings and is empowered, under the standing orders, to utilise a subcommittee.

Leave refused.

David DAVIS: President, since leave has been denied, I wonder if leave could be provided to put the motion on the notice paper now so that people can see what we are talking about exactly.

Jaclyn Symes: Email it around.

The PRESIDENT: I will take that as a no.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:43): I move:

> That the house do now adjourn.

Southern Metropolitan Region multicultural communities

John BERGER (Southern Metropolitan) (17:43): (596) My adjournment is for the Minister for Multicultural Affairs Minister Stitt. No state is better at promoting multiculturalism than Victoria, and no government does more work to promote cross-cultural understanding, social cohesion and friendship than the Allan Labor government. Just last Friday the Premier held the annual Diwali dinner, a great opportunity for the community to come together in peace and harmony to celebrate the festival of lights. It is events like this that we are supporting with our $1.3 million investment to deliver events that celebrate and showcase Victoria's diverse cultural communities.

Just last month the minister made an announcement that continues the commitment to celebrate multicultural communities' history, culture and tradition, all thanks to the Multicultural Community Infrastructure Fund and our $16 million investment. Grants of up to $400,000 will be available to build or upgrade places and provide safe spaces for communities to access and connect to services. To the large Chinese, Korean, Greek and Italian communities in Southern Metro, please note that there are dedicated funds for you to access, and if you need help applying, please get in contact with my office. Applications close on Wednesday 6 December.

Since 2014 we have invested more than $52 million to deliver 386 multicultural community infrastructure projects. That includes the Korean Society of Victoria in Oakleigh, who received funding to upgrade community halls. I am proud of the work multicultural community leaders do in my community. Now more than ever we need to promote unity, not division. That includes Sikh community leader Ravneet Sohi, the founder of Keenagers Club Victoria – their work is diverse, from fighting domestic violence and promoting gender equality to the weekly bus trips for seniors aimed at supporting their leisure and physical and mental health – and Kamal Ibrahim, the founder of One Ball, someone my colleague from the other place the member for Albert Park knows a lot about. Their group brings together young people and migrant communities over soccer.

Then there are the countless Jewish leaders who bring my community together, Australia's largest Jewish community, from art and culture, like Gary Samowitz at the Jewish Arts Quarter, to religion and community, like Rabbi Kaltmann, who the minister met at the Ark Centre. We have a large community from Eastern Europe in Prahran, a large Chinese community in Ashwood and a Greek community in Oakleigh. That is why I have decided to establish a multicultural advisory group for southern metropolitan Melbourne: to listen with open minds and open hearts, to walk together and to build a better future for all of us. My adjournment is: will the minister join me at a meeting of the advisory group to speak with the community representatives that are working together for all of us?

Pink Elephants Support Network

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:46): (597) My adjournment is for the Minister for Women, and I am calling on the minister to acknowledge and provide a commitment for significant financial support for the Pink Elephants Support Network. The network hosted a morning tea at Parliament House on 19 October – it is a while back now – to raise awareness and lessen the stigma around pregnancy loss. It was really distressing to hear that an estimated one in four pregnancies end in miscarriage, with Victoria having around 18,500 pregnancy losses reported each year.

I myself am one of these people that has experienced this loss, and I can testify to the pain that one goes through when you are desperately wanting to have a child and you lose that. I had hoped to have all my children much closer together. They are still close together – they are two years apart for four kids – but I can tell you, you never forget the ones you lost. I have many friends as well that I know have gone through this. For some of them the loss was a little bit later, so it was required to have a funeral, and it was very difficult. It is a difficult time, and I can say that there are many women that grieve in this time but there are also men. We even heard from some of the members in the other house that are in the coalition of the grief and loss of what it means to lose a twin or to actually have a twin be born premature and not manage to survive. To lose a baby through miscarriage is to suffer a grief that is confusing and isolating without any real answers. It has been described as open heart surgery without an anaesthetic. It is very difficult for people to talk about. They do not go around telling their friends. They will only find a few people that they might share it with. For some reason it is something that we keep to ourselves, and I think that makes the emotional pain much more difficult to overcome. It can lead to mental impacts, and it is experienced by many women and their partners across Victoria.

This particular service, the Pink Elephants Support Network, aims to ensure that families know that they have the support services and the resources available to them. It was wonderful to see that this was not just a bipartisan event but a multipartisan event, that it was supported by people from across all sides of the chamber and that many people understood this tremendous loss that women and families and partners go through when an anticipated little one never eventuates or does not make it. Despite over 100,000 Australians experiencing this profound physical and emotional health issue each year, early pregnancy loss is continually minimised and ignored when it comes to ongoing government funding, research and formal support pathways. This can result in poor mental health, as I have mentioned, and if people are left to their own devices to navigate it, it means that they can actually get worse and have other issues develop. So please fund this, Minister.

Poker machines

Katherine COPSEY (Southern Metropolitan) (17:49): (598) My adjournment this evening is for the Minister for Planning. In August 2019 the City of Melbourne requested that the Minister for Planning approve their planning scheme amendment C366 gaming policy. More than four years later the City of Melbourne has yet to be advised of the minister's decision. The City of Melbourne seek to revise their policy to strengthen the criteria for installation of new poker machines after assessing vulnerability to gambling harm in the city. Similar to some other local government areas, the City of Melbourne has mapped areas of high social vulnerability in their municipality using SEIFA scores, the socio-economic indexes for areas. The ABS regularly publishes these scores, combining census

data on income, education, employment, occupation, housing and family structure to summarise the socio-economic characteristics of an area. Among its objectives, the City of Melbourne's revised policy assists in guiding the appropriate location and operation of gambling venues and reducing the concentration of poker machines in the Hoddle grid, where they contribute to convenience gambling. A range of other social and economic impacts are also assessed. My adjournment to the minister: surely after more than four years you have had ample time to consider this amendment, and I request that you provide your decision to the City of Melbourne.

Regional dermatology services

Wendy LOVELL (Northern Victoria) (17:50): (599) My adjournment matter is for the Minister for Health, and it concerns the significant shortage of dermatologists faced by regional healthcare systems. The action that I seek is for the minister to develop a strategy to address the shortage of dermatologists in regional Victoria and also for the minister to advise me of any assistance she can provide for families who are forced to travel to Melbourne for specialist treatment for their children.

We would all agree that watching your child suffer is one of the most difficult things you can do as a parent, but for many families in regional Victoria it is a daily reality. Eczema and other skin conditions affect one in three children aged six or under, and it is one of the top 10 most common diseases in Australia. But with many regional families having no access to local specialists to treat their conditions, they can face a minefield in seeking support for their children.

Eczema Support Australia is one of the leading organisations campaigning for better support for young people in regional areas who face the disease on a daily basis, with one of their key priorities being to increase dermatologists in regional communities. With many families forced to travel to Melbourne regularly, 75 per cent of families reported that the condition placed a financial burden on their household. Families across Australia are bearing costs of $1.2 billion per year for medication, special food and clothing in an attempt to manage their children's eczema.

One of my constituents from Kialla region told her family's story of her child suffering from eczema before she was even able to verbalise her pain. Unfortunately, living outside of Melbourne, dermatologists are few and far between for families like hers. Without local specialists, regional communities often face a barrier in accessing information. In a desperate state many families will take to the internet in seeking support only to find misinformation, which has the potential to cause further harm. Simply searching the Australasian College of Dermatologists map of dermatologists reveals that the closest clinic for my Kialla constituent is in Sunbury. Faced with a 2-hour drive each way, this exposes a clear failure by the Victorian government to support the health needs of regional Victorians and the growing needs of regional communities. With the shortage expected to grow to 90 FTE dermatologists in 2030 across Australia, the issue is clearly growing. With only 6 per cent of dermatologists being in regional areas, the lack of regional training and supervision of training will only worsen the divide between regional and metropolitan access to dermatologists. I urge the minister to address this issue.

Animal welfare

Georgie PURCELL (Northern Victoria) (17:53): (600) I rise this evening in a bit of disbelief, to be honest. The action that I seek is for the Minister for Agriculture to urgently overturn her recent decision to introduce a commercial dog breeder logo. As someone involved in the anti-puppy-farming campaign here in Victoria, including passing the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 in my capacity as president of Oscar's Law, imagine my shock when I opened a government media release late on Friday night proudly giving a literal stamp of approval to puppy farmers. In my role as president I worked closely with the then Minister for Agriculture on consultation for Victoria's landmark anti-puppy-farming laws. The original bill only allowed for 10 breeding dogs per breeder. The intention was to regulate puppy farms out of existence and make the model commercially and economically unviable in this state, given that most puppy farmers had between 50 and 300 breeding dogs. But when the bill went to a parliamentary inquiry, and without the numbers

on the crossbench at the time, a concession was made to allow for a ministerial exemption where breeders could apply for up to 50 breeding dogs if they met certain criteria.

It was never the government's intention for this to be in the bill, but it was the only way for it to pass. Now, years later, the government has designed and stamped a logo on these very breeders we had the intention of closing. I have two dogs from Barlow Kennels, who will now use this logo and are proudly promoted on the departmental website. They lived on concrete for three and eight years. They slept in plastic tubs, and they were scared of everything, including grass, when they came to me. They had skin and ear infections and even had a blown eardrum from not receiving basic veterinary treatment. One of these dogs, Aggie, still cannot be touched five years after her rescue and recently had every last tooth removed because she was never given dental care while at Barlow Kennels. I live with and help Aggie's and Greta's trauma every single day, and now this government is rewarding the very people who caused it.

This decision is promoting the government's own concession on a bill that was never meant to exist in the first place. It is giving the handful of existing puppy farmers left in Victoria a monopoly on the market, fooling consumers that it is the right choice. 'Commercial' does not mean 'ethical', not to mention that there are many smaller registered breeders in this state who do not qualify for this logo because they are not large-scale commercial breeders under the legislation. This is a decision that will infuriate not only the animal welfare and rescue community but the registered dog breeding community too. We were proudly the first state to stamp out puppy farms in this country, and this half-baked decision that was not consulted on sets us backwards. I am pleading with the minister to reverse it immediately.

Northern Victoria Region housing

Gaelle BROAD (Northern Victoria) (17:57): (601) My adjournment is to the Minister for Housing in relation to public housing, or the lack of it, across Northern Victoria. Recent data shows that the Premier's Big Housing Build is more like a tiny housing build. In 2020 Labor pledged $5.3 billion to build 12,000 new homes by 2024. To date they have spent more than $3 billion, but public housing stock has only increased by 395 homes, while the total number of bedrooms has actually gone backwards – 2700 less bedrooms than in 2018. Victoria's public housing waitlist has continued to grow by close to 20,000 more families. Now more than 65,000 people are on the list. Over the last five years more families have been displaced than have been given a home. Families fleeing domestic violence are now waiting close to two years to relocate to a public housing property. A lady in Echuca fleeing domestic violence and in need of urgent access to public housing was told the best the state could offer was a tent at a local caravan park for six months.

With workforce shortages, shortages of building contractors and supplies, escalating costs and climbing interest rates, the state government's plan to build 800,000 homes over the next 10 years looks more like a big dream than a big build. Labor's latest promise is to build 220 homes per day every day for the next 10 years, but when you look at their track record, in 2020 only 12 extra homes a week were created. The Shadow Minister for Housing Richard Riordan is right when he says the Big Housing Build has been a big letdown.

The Premier promised to deliver the Commonwealth Games and much-needed housing to go with it but dropped the baton, cancelling the games, and regional Victoria has been left waiting on the blocks for the housing build to start. An athletes village was promised for Bendigo, located in Flora Hill, but the site remains vacant and surrounded by temporary fencing.

When it comes to public housing, it is important to consider a fair distribution of funds to address housing needs across rural and regional areas, because homes are needed right across the region. I remember driving into Castlemaine in the middle of winter and seeing tents set up on the side of the road due to the increasing number of people experiencing homelessness.

I note the state government says it welcomes local councils to identify opportunities for development. Mount Alexander shire has identified sites like Etty Street in Castlemaine. Early planning suggests that 80 to 90 homes could be built on the site, and they would welcome the opportunity to speak with the minister to progress this development. The Homes Victoria government website lists a number of projects underway that are a part of the Big Housing Build, but with limited detail. The action I seek is for the minister to provide a list of projects currently underway in Northern Victoria, outlining the locations, project costs and time frames for completion of these homes, including whether 1300 new, social and affordable homes will be built using the $1 billion allocated to regional housing following the cancellation of the Commonwealth Games.

Middle East conflict

David ETTERSHANK (Western Metropolitan) (18:00): (602) My adjournment matter is for the Premier, and the action I seek is for her to advocate to the Australian government for an immediate ceasefire in Gaza and the West Bank. The criminal, sadistic attacks and kidnappings perpetrated by Hamas are nearly impossible for us to contemplate. But what is equally hard to contemplate is the brutal retaliation by Israel in response to the attack, its massacre of Gazan civilians having continued unabated for 41 days now. We have seen over 10,000 Palestinians killed, more than 4000 of them children, many more injured and more than a million civilians driven from their homes.

Let us try and imagine, if you would, the reality of life in Gaza today. We can start by picturing an area about a quarter of the size of the city of Geelong, with a population, however, of 2 million people. That is a lot of people in a very small space, and they are fenced in by high walls and watchtowers and hundreds of miles of razor ribbon. Food, water, medical supplies, electricity and sewerage have been cut off. You have been told to flee but there is nowhere to escape to, and there is little or no fuel to get there anyway. Thousands of bombs and artillery shells are being rained upon this small space every day, accompanied by increasingly intense ground assaults. This is what is happening in Gaza now. These Israeli actions against a civilian population are collective punishment. It is a war crime, and it is a genocide unfolding in front of our eyes.

In the face of this situation, there is but one clear priority: an immediate ceasefire. While this conflict may seem far away and removed from the concerns of many of our constituents, we have a moral obligation to use our platform as members of Parliament. So I urge the Premier to advocate to the Australian government to call for an immediate ceasefire and an end to the siege of Gaza. Australia is a part of the international community, and we cannot continue to be mere bystanders while this relentless carnage continues.

Growth Areas Infrastructure Contribution Fund

Evan MULHOLLAND (Northern Metropolitan) (18:02): (603) My adjournment tonight is directed towards the Minister for Planning and Minister for the Suburbs and concerns the Growth Areas Infrastructure Contribution Fund. When I called the Premier out earlier this year – the former Premier – for hoarding funds and sitting on half a billion dollars worth of GAIC money, money that is owed to growth areas, the then Premier denied this was the case strongly: 'We don't rush to provide funding to projects, we think about the best projects for a local community and we do that properly.' He made it sound like progress was already underway in delivering that GAIC money to communities, despite holding it up to prop up the budget for 2½ years. But we found out recently – and I know, because I speak to my local councils – that my local councils in growth areas have only just been consulted recently on what they would like from the Growth Areas Infrastructure Contribution Fund.

This is a fund that has been used to prop up the budget, but I would like to humbly ask the minister to strongly consider using these GAIC funds to improve public transport for the people of Greenvale. In particular there are two specific bus routes that I am really passionate about and I have spoken to a lot of locals about. There should be a bus service between Greenvale and Craigieburn; it is a no-brainer. You have got Greenvale shopping centre on one side of Mickleham Road and you have got Craigieburn Central up the top end of Mickleham Road, with no way for people getting by public

transport from Greenvale to a bigger shopping centre up at Craigieburn Central. This is a really important project. I often do listening posts at Greenvale shopping centre, and about every second person complains there is no bus.

The second bus service needed is one between Greenvale and Airport West and back. I know many of my constituents have asked me about this particular bus service and when it would possibly be available. Some of the bus routes in the northern suburbs, just like the western suburbs, have not been updated in about 10 years, so we are living a decade ago, we are not living in today's time.

You have got tens of thousands more people moving into these areas. It is important to remember the GAIC money is not government money or GAIC money; it is money funded by developers, passed on to homebuyers, to fund infrastructure in their growing communities. Over $90 million is now owed to communities within the Hume City Council area. I thought it was a bit of chutzpah for the government in the housing statement to say that they are bringing forward a package of works out of the Growth Areas Infrastructure Contribution Fund when they had been sitting on it for 2½ years doing nothing with it when it is meant to go to growth areas in my community and around the state.

Family violence

Rachel PAYNE (South-Eastern Metropolitan) (18:05): (604) My adjournment matter is for the Attorney-General, Minister Symes. I recently attended Respect Victoria's fifth anniversary event at Parliament House celebrating the progress Respect Victoria have made in the five years since the passage of Victoria's Prevention of Family Violence Act 2018. It was great to hear from the minister at this event about all the important work this government is undertaking to lead the nation in preventative reforms, but disturbingly this event happened in the context of the preceding week in which at least five women had been killed by men. These numbers are in stark contrast to the often quoted figure that on average one Australian woman is murdered by a current or former partner every 10 days. According to Counting Dead Women Australia, the number of lives lost due to violence against women as of 16 November is 48. I had to increase that number from 47 to 48 overnight.

Almost one in four Victorian women have experienced physical or sexual violence by their intimate partner since they were 15, but violence against women is not inevitable. It is preventable. Coercive control is the most common risk factor leading up to an intimate partner homicide. This term captures a wide range of abusive behaviours, including social, financial, psychological and technology-facilitated abuse. Tasmania has already introduced specific crime offences that cover elements of coercive control. The Queensland government introduced legislation to criminalise it. South Australia is undertaking consultation on draft legislation, and from July 2024 coercive control will be a criminal offence in New South Wales. Here in Victoria, despite many calls for it, there have been no similar announcements. In late 2021 a motion was passed to call on the government to look into ways to enhance the understanding of coercive and controlling behaviours in our community and the justice system. The action I seek is that the minister commit to undertake consultation with the view of criminalising coercive control.

Melbourne Water

David DAVIS (Southern Metropolitan) (18:07): (605) My matter is for the Minister for Water tonight, and it concerns the Melbourne Water authority and specifically Melbourne Water's general manager, major capital delivery, for eight years, Niru Gosavi. I understand that he quit about two weeks ago under a serious cloud. It is clear that he did not declare a conflict of interest and that his wife Avanti Gosavi worked for several years for Aqua Metro. Aqua Metro's projects page makes it clear that they are doing millions of dollars worth of work for Melbourne Water. Avanti Gosavi now consults at Aqua Metro via her firm SRA Civil Services. The question is: what has happened in terms of the conflicts of interest? I am reliably informed that the conflict-of-interest register was not properly filled in and that Mr Gosavi is out, left under a serious cloud. This is potentially significant corruption here at Melbourne Water. I also understand that a probe has been organised. The minister may wish to advise whether she is aware of this scandal and is aware of these internal probes that are occurring

at Melbourne Water. I understand internal probes are what is occurring. The action I am requesting of you, Minister, is that you, number one –

Harriet Shing: You get one action.

David DAVIS: Well, this is two parts, actually, to the one action: that you shine a transparent light on this by doing two steps. The first is that there is a conflict-of-interest register at Melbourne Water and you insist that the details of that be released in full, and that you refer the matter to the police. This is a serious matter – a matter of corruption, it does appear. At an absolute minimum there is a clear conflict of interest here where the serious position of a major bureaucrat, a significant bureaucrat, a general manager, has oversighted and dealt with contracts that involve a firm with which his wife is closely involved. If he has not made that declaration, that is very serious, but in any event this is a very close matter and it needs to be dealt with appropriately. My information is that it has not been dealt with appropriately, so I ask you to release the conflict-of-interest register and refer the matter to the police.

University sector industrial action

Aiv PUGLIELLI (North-Eastern Metropolitan) (18:10): (606) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to meet with the vice-chancellor of RMIT. Minister, I was recently contacted by two students at RMIT who have been the subject of disciplinary action by the university. This disciplinary action followed their attendance at a National Tertiary Education Union staff strike. Their crime was talking to other students about staff working conditions and encouraging other students to join the strike.

Over the last few decades our unis and our TAFEs have changed. Academics and teachers are no longer being supported to deliver world-class education and produce groundbreaking research. Instead, greedy university boards and university executives are treating these workers like they are disposable. Casualisation has spread throughout this sector like a cancer, and now it seems when students dare to stand with their teachers and fight for better conditions they are punished.

Minister, the right to political activity and political speech is a fundamental pillar of our democracy. When students are punished for political speech it sends a chilling message. Be it on Palestine, the climate crisis or workers rights, it seems like there is a pattern this week of students being reprimanded for standing up for what is right. Minister, I sent a letter to your office two weeks ago, and I have yet to receive a response, but I will say it again: please meet with the vice-chancellor of RMIT to request that the university reverse their decision and clear these students' names.

More Trees for a Cooler, Greener West

Trung LUU (Western Metropolitan) (18:12): (607) My matter is for the Minister for Environment. With climate change, in my electorate in the west where the land is bare and natural foliage and trees are scarce, tree canopy cover is important not only for biodiversity, cleaner air and shade but also for cooling and preventing urban heat island effects. Currently there is only 5.5 per cent tree canopy cover in the west – the lowest in Melbourne. This is compared to the north, which has 12 per cent tree canopy cover, and the east, which has 25 per cent cover. To address this, the coalition committed at the last election to planting 2 million trees, because this side of the chamber understands the importance of greening the environment as the suburbs grow. So the action I seek is for the minister to increase the number of trees planted in phase 4 of the More Trees for a Cooler, Greener West program and also make the program available to private residents who want to plant trees in their backyards.

In 2021 the government announced a new project to plant 500,000 trees in four phases across the western suburbs to assist in addressing this issue. To date in 2023, after phase 3, only 325,000 trees have been planted – almost 200,000 short of its goal. In the next phase, phase 4, it is only planning to plant 56,000 trees. This is well short of the 500,000 target. Phase 4 of the program only provides for trees to be planted in parks, reserves and some streets. The Greening the West strategy states that it is

essential to increase the level of vegetation on private residential land. To have an impact on urban heat effects, there must be trees amongst houses and buildings to provide shade and cooling. The north-east greening program provides for backyard tree planting, so I urge the minister to provide the same in the west, and I ask the government to deliver the 500,000 trees it promised.

Stalking law reform

Renee HEATH (Eastern Victoria) (18:15): (608) Today marks three years since the violent murder of Celeste Manno. As many would be aware, Celeste was a beautiful 23-year-old girl who was stalked by a former co-worker. He contacted her repeatedly. She got an intervention order, she kept police informed and followed their advice to the letter. He breached it, he was arrested and then she did not hear from him for three months. Then he allegedly broke into her bedroom, and we all know what happened next.

She was a beautiful, happy-go-lucky girl who brought so much joy to those around her. She had her whole life ahead of her, and she had dreams and goals. She had studied criminology and psychology, and she was about to enrol in her honours year. She was excited about entering the field of psychology, and she had so much to offer. But on 16 November 2020 it was all stolen from her. Recently I attended a vigil to celebrate her life. There was an amazing piece of artwork there called *The Lost Petition*, which ran down the length of the steps of Parliament and listed the names of women and children that have died at the hands of male violent offenders. All of those lives were robbed.

When are we implementing the 45 recommendations that were tabled in Parliament last September in response to the Victorian Law Reform Commission's inquiry into stalking? This question has already been asked twice – once by David Limbrick and once by Michael O'Brien – and there has been no response. My adjournment is to the Attorney. The former Attorney-General and the former Premier promised Celeste's mother Aggie that they would strengthen stalking laws. The current Attorney has promised that she would honour these commitments. They have told Aggie to just be patient, but now it is three years on and nothing has changed. The action that I seek is that they take immediate action to implement these recommendations.

Container deposit scheme

Ryan BATCHELOR (Southern Metropolitan) incorporated the following (609):

> My adjournment is to the Minister for Environment.
>
> The action I am seeking is an update on how the Allan Labor Government is reforming Victoria's waste and recycling sector through the Container Deposit Scheme, and how many people in Southern Metro have deposited containers so far?
>
> Victoria is leading the way in transforming waste and recycling systems.
>
> We've recently launched the container deposit scheme, which is already bringing benefits to the Victorian community, environment, and economy.
>
> It's delivering more and better recycling, less waste, less litter, and hundreds of new jobs and economic opportunities across Victoria.
>
> The scheme rewards Victorians with a 10-cent refund for every eligible can, carton and bottle they return. It's a fun and enticing opportunity for our community to get involved and get some extra cash in their back pockets in the process.
>
> We've already seen people enthusiastically taking up this opportunity, such as ten-year-old Ashton in my electorate. Ashton collected 4,000 bottles and cans before the scheme started and is working to get to 10,000 next year.
>
> The container deposit scheme is also offering Victorian charities, community groups, environmental groups, sporting clubs and educational organisations a new and creative way to raise money.
>
> The Container Deposit Scheme is laying the groundwork for a better, more ecofriendly future here in Victoria.
>
> We're showing the nation that reducing waste can be fun and accessible to everyone.

With more than 600 refund collection points across the state, I'm proud to say that this scheme is the most accessible and convenient container scheme in Australia.

Any step forward that improves waste management and ensures ongoing opportunities for the public to recycle is always worth taking.

It's common sense that environmental reforms work better when Government provides public education and community participation – and the latest container deposit scheme is doing exactly that.

We have a once in a lifetime opportunity to transform our waste and recycling sector for the better, and in the process cutting waste, and boosting recycling and reuse of our precious resources.

Schemes like this are a great opportunity for Victorians to help clean up our environment, whilst also supporting sports clubs and community groups to raise valuable funds through collection drive events and donations.

The Allan Labor Government is committed to dealing with waste which would otherwise end up in the environment.

We know that landfill is an ongoing issue, contributing to climate change and unstainable practises.

And so, we're taking bold action to fix it.

CDS Vic alongside our new standardised four-bin system is set to assist us achieve our goal of diverting 80% of all materials away from landfill by 2030. This is extremely important if we want to see a cleaner future.

We envision a greener, more sustainable future that is community driven and empowered.

I'm proud to be part of a government which is working to protect and preserve local environments, whilst encouraging greater community participation and education around recycling.

We understand acting now to combat climate change is vital.

We are embracing our chance to build a more sustainable and thriving circular Victorian economy, through transforming our state's waste and recycling sector.

The time is now to create a cleaner, greener future with less waste and pollution. We owe it to our younger generation and their futures.

Let's keep up the fight and keep making change.

Kialla West Primary School pedestrian crossing

Wendy LOVELL (Northern Victoria) incorporated the following (610):

My adjournment is for the Minister for Roads and Road Safety and concerns the Kialla West Primary School Crossing.

Action: The action that I seek is for the Minister to commit funding to construct a pedestrian underpass to replace the current Kialla West Primary School crossing on the Goulburn Valley Highway.

Five years ago on Monday, 10 September, a terrible three-vehicle collision occurred at the crossing on Goulburn Valley Highway outside Kialla West Primary School.

The circumstances of the collision were that two vehicles, one facing north and one facing south, were stationary at the crossing while students crossed the Goulburn Valley Highway at the end of school.

A truck travelling north on Goulburn Valley Highway collided with the stationary vehicle facing north, pushing it through the school crossing and into the vehicle facing south. The vehicle hit by the truck contained a mother, Jane Sharp and her three young daughters and narrowly missed colliding with students using the crossing.

Jane and her two eldest daughters were treated at Goulburn Valley Health. Unfortunately, Jane's youngest daughter Addison a Grade 1 student at the time had to be airlifted to the Royal Children's Hospital with serious head injuries. She remained in a coma for several days and still faces challenges due to the accident.

Over the past five years I have raised the need for a safety upgrade at this crossing 18 times and the reason I am raising this issue once again is twofold, one because five years have passed without any safety significant safety upgrade to this crossing and because Addison who is now in Gade six is about to graduate from Kialla West and the Government owe it to her to make a commitment to upgrade the crossing before she leaves.

I first raised this issue on the 18th September 2018 and despite having raised it in Parliament 18 times I have only ever received six responses. The first response I received in February 2019 Identified short term improvements like refreshing line marking, re-painting of faded bollards and vegetation trimming to improve visibility and also referred to long term improvements such as a pedestrian underpass or overpass.

In June 2019 Minister Pulford responded to me saying, 'RRV continues to meet with Kialla West Primary School and Council to develop a longer- term proposal for a pedestrian underpass at this location'.

In a March 2020 response Minister Pulford said, 'I have directed RRV to assist the council in the planning and development of a future pedestrian underpass along with exploring possible funding opportunities for construction'.

However, the latest response from the Government received from Minister Horne in May 23 seems even less committal merely saying 'DTP is continuing to work in consultation with the City of Greater Shepparton and Kialla West Primary School to identify possible solutions to address safety concerns associated with this school crossing'.

The short-term improvements which were nothing more than window dressing were completed but five years later there has been no significant action taken by this Government to improve safety for the students and families of the Kialla West Primary School community.

It is time the Government got on with the job to provide safety for all at the Kialla West Primary School crossing.

LGBTIQ+ community

Michael GALEA (South-Eastern Metropolitan) incorporated the following (611):

My adjournment matter is for Minister Shing in her capacity as the Minister for Equality. The action I am seeking is for the Minister to provide an update on the unprecedented support being provided to the trans and gender diverse communities in Victoria.

This week is Transgender Awareness Week – a week where awareness is raised to explain the inequity experienced by trans and gender diverse people. It is a week where stories are told about people subjected to discrimination and limited life opportunities as a result of their diversity. It is also a week where trans and gender diverse people and their families come together as a community for peer support.

There are many events being held during this week around Victoria and throughout the country that will highlight the struggles experienced by trans people and their families and inform the community about how to achieve gender equity through compassion and understanding.

The Pride Centre is hosting a short film gala with panel discussion with films including "The Dream Life of Georgie Stone". Forums that share lived experience through films or guest speakers are so important for others transitioning or living as trans or gender diverse and their families.

Georgie is an example of the struggle but also of how the trans life experience can and should be. Georgie has always been backed by her family throughout her transition yet this family support is often what is missing for most and as a result, trans and gender diverse are more likely to experience depression, anxiety, discrimination, and, poverty as a result of employment discrimination.

You can't be what you can't see. So if the community does not get to see, hear and learn of the experiences of trans people – our transgender people will suffer, but so will the wider community.

The more we hear their stories, struggles and successes – the stronger our society will be.

North-Eastern Metropolitan Region housing

Sonja TERPSTRA (North-Eastern Metropolitan) incorporated the following (612):

My adjournment matter is for the Minister for Housing and the action I am seeking is an update and further detail on the government's housing statement and how it will tackle the issue of housing availability in the North-Eastern Metropolitan Region.

Victoria is the fastest growing state in the country, and the North-Eastern Metro region has been seeing increased demand for affordable housing for families, particularly in higher-activity areas like Croydon and Warrandyte, where families have access to quality public education, local employment opportunities, upgraded community facilities, great local sporting clubs and many parks and green spaces.

With so many attractive amenities in these areas, it is vital that housing supply meet the needs of the growing community, with affordable and secure housing available for families as our population grows.

The Allan Labor government *Victoria's Housing Statement* lays out the framework to address these issues, and I am proud to be part of a government that is actively working to improve the lives of all Victorians by ensuring they have an affordable and safe place to call home.

I look forward to a response from the minister to provide more information on how the housing statement will address housing affordability and supply issues for my constituents in the North-Eastern Metro Region, and I look forward to sharing that response with my community.

Energy policy

David DAVIS (Southern Metropolitan) incorporated the following (613):

My matter for the adjournment for Wednesday night 15 November 2023 is for the Minister for Energy and it concerns her announcement that she will ban, through executive fiat, rebates on gas appliances from 30 November.

This action is misplaced and will lead to perverse outcomes. I am concerned that the Minister has not consulted widely enough and does not understand the implications. The clear implication of the decision to ban rebates on gas appliances, cookers, water heaters, house heaters, by 30 November with just one month's consultation period will be the loss of hundreds of Victorian manufacturing jobs, noting that around fifty percent of gas appliances sold in Australia are made in Australia, while the equivalent figure for electric appliances is just four per cent. The first of these jobs will go before Christmas in Melbourne's southeast.

Another unfortunate impact will be moving some people from relatively low emission gas appliances to high emission electric appliances powered by brown coal produced electricity. This, in the immediate term and for the foreseeable future, will see higher greenhouse emission rather than lower greenhouse emissions whilst destroying Victorian manufacturing jobs. This is truly cooking with coal, not cooking with gas.

The Minister has also not understood that this is a matter of choice that is being denied under her proposal to ban rebates on gas appliances.

The Minister appears to have done this in haste and without broad and proper consultation. In this circumstance, I am asking the Minister to pause and delay any steps in this draconian ban on appliance rebates for at least twelve months. I am also calling on her to release any modelling or assessments she has on the impact of this decision on Victorian households and small businesses forthwith. She must not act precipitously on 30 November, banning rebates on domestic gas appliances. It would be draconian, denying choice to Victorians.

I would also welcome if the Minister would join me at a Victorian manufacturing plant for gas appliances in the next two weeks to fully understand the impact her plan will have on the manufacturing workers and businesses. I will separately contact her office on this matter.

Southern Metropolitan Region housing

John BERGER (Southern Metropolitan) incorporated the following (614):

- President, my adjournment is for the Minister for Housing, Minister Shing & relates to the innovative ground lease model.
- I was excited to learn in this chamber two weeks ago from the Minister that around 500 pre-existing dwellings on four housing estates in Southern Metro will be replaced with 1370 new homes – thanks to a new round of Ground Lease Model projects.
- And of these, 650 will be social housing, 180 affordable homes, 470 market rentals and 55 specialist disability homes.
- Thank you to the Minister for the great news.
- I'm the co-chair of the Bangs Street Community Committee that is guiding the re-development at one of first round of ground lease model sites in the Electorate of Prahran, just around the corner from my office in Southern Metro.
- And it's almost complete.
- Just south of Prahran at New Street in Brighton, there's another site being redeveloped under the Ground Lease Model.
- This Brighton project is vital to my community – it will deliver 291 new homes, including 151 social housing homes.
- And will increase the social housing at the site by more than 18 percent, on top of the 140 new market homes that boost Melbourne's housing supply.
- In Brighton, like at Bangs Street, the homes will be modern, energy efficient, and include important amenities like a new café, community pavilion, and a garden for all to enjoy.

- As part of the model to deliver the project, the Allan Labor Government will lease the land to Building Communities to build, operate and maintain for 40 years.
- And after that, they will return to public ownership.
- President, the Ground Lease Model will deliver more than a thousand homes by early next year across three sites, two of which are in Southern Metro.
- And I'm proud that the Allan Labor Government recently announced that we're delivering a new round of these ground lease model projects.
- Our nation leading 5.3-billion-dollar Big Housing Build is on.
- More than 7600 homes have already been completed or are underway – more than 3 thousand households have either:
- Moved in or are getting ready to move into brand new homes.
- We're on track for 12 thousand vital social & affordable homes.
- And we're on track to create 40 thousand construction jobs.
- I've seen first-hand how this will change peoples' lives.
- Building the homes of the 21st century.
- I was pleased to hear the Minister speak on this very topic today during Question Time.
- As Minister Shing said today:
    - Without the iPads, without the sneakers, we are getting it done – despite the howls from those opposite.
- So, my adjournment to the Minister is this – can the Minister explain what will the new round of the ground lease model mean for my community of Southern Metro?

Grampians rock climbing

Bev McARTHUR (Western Victoria) incorporated the following (615):

My adjournment matter is for the Minister for Environment and concerns the extraordinarily long delays on the part of Parks Victoria and Barengi Gadgin Land Council in conducting archaeological surveys and community engagement at Mt Arapiles Tooan State Park in my electorate of Western Victoria.

Rising sharply from the Wimmera plains, Mt Arapiles is a world-renowned rock-climbing area with more than 3000 routes established on the many cliffs, crags and pinnacles, presenting variety and challenge for all climbers' levels of experience.

Mt Arapiles is much loved by thousands of visitors and climbers who contribute 12 million dollars a year to the local region.

In October 2020, significant sections of Mt Arapiles were suddenly closed to climbers and walkers.

Parks Victoria announced they were conducting archaeological surveys to assess Aboriginal cultural heritage and it would be completed within 6 to 12 months.

That was three years ago and climbing bans are still in place and the archaeological assessments have not been made public.

After many locals repeated requests for information, Parks Victoria finally said in May this year,

"we will undertake community engagement on the findings of the survey work and share any proposed changes to access in the coming months.

We will be in touch with the community shortly to provide an update on the proposed timing of the engagement process."

That was six months ago, and locals have no further communication from Parks Victoria and only have continued silence from the Barengi Gadgin Land Council.

It has now been more than three years and we still had no indication as to when we can expect the archaeological assessments to be made public, or as to when we can expect any community engagements to occur.

If Parks Victoria wish to support the long-term sustainability of climbing, as indicated on their website, they must swiftly act on the climbing and walking bans at Mt Arapiles.

The action I seek from the Minister is to make the archaeological assessments at Mt Arapiles public and to conduct immediate community engagement so that climbing and walking bans at Mt Arapiles Tooan State Park can be lifted as soon as possible.

Housing

Ann-Marie HERMANS (South-Eastern Metropolitan) incorporated the following (616):

I am calling on the Minister for Housing to acknowledge and supply immediate support for people in social and public housing, especially for those who are experiencing homelessness, and I also call on the Minister to provide more support systems for those on low to extremely low incomes.

The Government has announced a "fast-track planning decisions" for developments at a cost of more than $50M while this includes a portion of affordable housing and stronger protection for renters, but social housing is still not be addressed adequately.

According to Government reports and press releases, the new housing minister was asked a question about housing, and it wasn't answered.

This new housing initiative by the Government is expected to lead to the construction of up to 800,000 new homes in the next decade, increasing by 2.2 million by 2051, which is all great, but what about people suffering now. What about our homeless and those on a desperate waiting list, all 32,000 of them. What happens to them?

According to journalist Benita Kolovos, in The Guardian newspaper on 20 September 2023, we hear that the $5.3 million "big build" due to finish in 2024 is expected to be redesigned to build and upgrade more social housing across the state, which apparently "could" include several of the state's ageing high-rise towers, with tenants to be briefed in the coming days.

This is expected to be considered to determine if it is "feasible" to convert under-utilised commercial buildings in the CBD to apartments and allow super funds to become affordable housing providers. The Guardian Benita Kolovos 20 September 2023

When will the Government support those most vulnerable.

According to the Government's website on Victoria's Big Housing Bid program, the program seeks to boost total social housing supply by 10%, but CoreLogic head of research Eliza Owen said it was increasingly difficult for the private sector to include affordable homes in their housing projects.

As she says rising land values, high-interest rates, tight labour markets and increased material costs, delivering affordable housing can become less and less feasible. We need the government to fix this.

Community Housing Industry Association chief executive Jess Pomeroy said: "Any new initiatives to deliver affordable housing (rather than social housing) should be targeted to the people we know are missing out: low-wage and insecure workers.

"It's the cleaners and baristas, childcare and aged care workers that can no longer afford the rent."

Those on the public housing list, who are on extremely low to low incomes and are often experiencing homelessness, family violence or have other special needs, are still being horribly neglected.

Some may say – Well let's freeze rent prices but this won't work or will asking the private sector to build more affordable housing, especially for people on lower incomes. The Government needs to step in and acknowledge that people on low or little income are being neglected in this process and some further systems need to be developed to help those most in need, not fill the pockets of developers and government coffers.

I have had numerous complaints from my constituents because they cannot get public housing in the Cranbourne, Clyde, Narre Warren North, Carrum, or Frankston areas.

Currently 32,000 people on the priority waiting list.

Over eight years from 2015 to 2023, under this Government, Victoria's total public housing waitlist has nearly doubled growing by 33,627.

Last year, the Victorian Ombudsman, Deborah Glass, in her assessment of the complaints process in the housing system, said that about 150,000 Victorians live in either public housing provided by the government or community housing run by registered organisations.

Ms Glass also recommended that the government fund advocacy services and consider adding a right to housing to the Victorian Charter of Human Rights. Financial Review 7 July 2022

According to a "state government spokesperson" in the AAP in July 2022: "All renters in social housing, whether in public housing or community housing, should expect to be treated consistently and with respect, and have complaints managed effectively."

Well, this just is not happening – these people are being forgotten.

Responses

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:17): There were 13 matters for the adjournment and response from relevant ministers tonight, which includes two matters for me this evening.

I want to perhaps deal with Mrs Broad's adjournment matter at the outset. We have contemplated a process for discussion around the specific example raised today by you in question time and then again today in the adjournment. As I said, I am really happy to work with you to understand more about this particular matter, noting that there may well have been, if the area is Echuca, an interface with natural disasters, floods et cetera. I do want to get to the bottom of that, and I am looking forward to those conversations so that we can actually provide additional information and a measure of support, should it still be required.

Where your adjournment matter relates to the Big Housing Build and the $5.3 billion, that is an investment which has yielded 7600 properties, which are either complete or in the process of being constructed through planning and construction processes. This is added to by at least an additional 1300 homes across rural and regional Victoria as part of the regional package, and then on top of that there is an additional $150 million for regional worker accommodation. This is, as you asked in one component of your adjournment, about providing an additional 1300 social homes. This is work that is already well in train around project development through Homes Victoria. There have been a number of properties that have already been provided in the course of that additional $1 billion allocation, including to flood-affected areas, and that is about making sure that people who are still recovering from last year's floods are in a position to more readily access social housing.

I am very happy to take you through – and I am sorry – with the chamber's forbearance, the detail of housing in the various areas that you have raised. In the Campaspe local government area we have got 16 new homes completed. The total Big Housing Build investment is $5 million, and 44 jobs have been created. A further two new homes are underway as part of other capital programs, and 283 homes have had or are in the process of having maintenance and/or upgrades undertaken across that area, with an investment of $5.4 million.

In the Greater Bendigo area 51 new homes have been completed and 261 new homes are underway. The total Big Housing Build investment is $111 million, and 998 jobs have been created. In addition to the above, a further two new homes have been completed and 48 new homes are underway as part of other capital programs, with an investment of $19.5 million and 174 jobs created. 855 homes have or are in the process of having maintenance and/or upgrades undertaken across this area, with an investment of $11 million. The minimum investment guarantee and the contracted investment for the Greater Bendigo local government area is $111 million against a minimum investment guarantee target of $85 million.

In the Mildura region, 30 new homes have been completed and 75 homes are underway. The total Big Housing Build investment is $39 million, and 352 jobs have been created. In addition to the above, a further three new homes have been completed, and four new homes are underway as part of other capital programs, with a $2 million investment and 17 jobs created. 431 homes have had or are in the process of having maintenance and/or upgrades undertaken across this area, with an investment of $7 million. The minimum investment guarantee and contracted investment for this area is $39 million against a minimum investment guarantee target of $40 million.

In Wodonga and that area, under the Big Housing Build 51 new homes have been completed and 94 new homes are underway. The total Big Housing Build investment is $55 million, and 495 jobs

have been created. In addition to the above, a further eight new homes have been completed and another six homes are underway as part of other capital programs, with a $9.5 million investment and 85 jobs created. 455 homes have had or are in the process of having maintenance and/or upgrades undertaken across the Wodonga local government area, with an investment of $5.5 million. The current contracted investment for the Wodonga region is $55 million against a minimum investment guarantee target of $30 million.

In Greater Shepparton and that area, 48 homes have been completed and 94 new homes are underway. The total Big Housing Build investment is $52 million, and 467 jobs have been created. In addition to the above, a further 28 homes have been completed, and 36 new homes are underway as part of other capital programs, with a $19.5 million investment and 174 jobs created. 630 homes have had or are in the process of having maintenance and/or upgrades undertaken across the area, with an investment of $9 million. The current contracted investment for the Greater Shepparton local government area and broader region is $52 million against a minimum investment guarantee target of $45 million.

In Wangaratta, under the Big Housing Build 55 new homes have been completed and 106 new homes are underway. The total Big Housing Build investment is $57 million, and 514 jobs have been created. In addition to the above, a further six new homes have been completed as part of other capital programs, with a $2 million investment and 18 jobs created. 261 homes have had or are in the process of having maintenance and/or upgrades undertaken across the Wangaratta local government area, with an investment of $3 million. The current contracted investment for the Wangaratta local government area is $57 million against a minimum investment guarantee target of $20 million.

Mrs Broad, what I also want to do is underscore the fact that 60 per cent of the Big Housing Build Funds at the end of September had been allocated. There is, as I said, that further $1 billion fund with at least 1300 homes, and this will of course include consideration of village sites for the purpose of residential development. That is being done and developed in consultation and close partnership with local government authorities, local organisations and communities to make sure that what is being delivered is fit for purpose and is able to go straight to final state rather than the athletes village accommodation and those configurations which were originally contemplated and would have required decommissioning, retrofit upgrades and possibly relocation to other rural and regional areas.

When we also talk about the work that is happening across rural and regional Victoria, affordable housing is a big part of that too. There are 2400 additional affordable homes as part of the overall figure, and we are working really closely alongside community housing providers, including as that relates to programs, support and services. We have got an investment of more than $100 million in this budget which is about refuges, about crisis accommodation and about providing support to people once a triage process has been undertaken at times of acute need. I am very happy again to provide you with additional information. There was, however, a lot of detail requested in the course of your adjournment, and that is why I have taken the time I have to take you through it. It is there, and I am very happy to continue to update you, but there is also information publicly available.

Mr Davis had the only other adjournment matter that remains outstanding for tonight. I am aware, Mr Davis, of a matter from Melbourne Water that has been brought to my attention, and there are a number of allegations that you have made in your adjournment tonight. I do not intend to go into them, on the basis that there is an investigation in place at the moment. There are matters –

David Davis: An internal investigation, as I understand it.

Harriet SHING: There may well be other investigations, Mr Davis, and it would not be appropriate for me to know about them – or for you to know about them, for that matter. Again, I would hate for you to take from my contribution this evening, Mr Davis, that I know what investigations or inquiries might be in train at the moment. I would hope also that any other people who may know about investigations or inquiries are not insinuating that they are breaching any form

of confidence or confidentiality requirements in talking about any matters that are relevant to allegations of the nature that you have put to the chamber tonight.

David Davis: I don't want you to cover up this stuff.

Harriet SHING: Mr Davis, I am going to actually pick you up on that interjection. You have just referred to a cover-up. This is actually a matter that Melbourne Water is dealing with by way of investigation. I have been advised that an investigation is occurring. It is not –

David Davis interjected.

Harriet SHING: Well, Mr Davis, it appears that you know exactly what is happening, which is more in fact than what I know. If it were the case that I knew exactly what was happening, where in fact there may be inquiries or investigations or matters referred to agencies which are beyond the scope of this Parliament to comment on and where there may well be obligations to maintain utmost confidentiality, which I hope you would appreciate, Mr Davis, then I am not going to know about them, am I? Nor would it be appropriate for me to know about them. Mr Davis, I have been advised that there is a matter under investigation. I have also been advised that the person whom you have referred to in your adjournment no longer works for Melbourne Water. I have a full expectation that Melbourne Water will make sure that relevant processes are followed, including as they relate to allegations of the nature that you have levelled. There are a range of obligations that exist for employees in every setting I can imagine around acting in the best interests of an employer and indeed in disclosing relevant matters which may have a nexus to the nature of the work being undertaken. Mr Davis, Melbourne Water is required to uphold and maintain those standards of integrity and of disclosure. Again, I am not going to comment on a matter that Melbourne Water has indicated to me is the subject of investigation, nor would it be appropriate for me to do so.

The PRESIDENT: The house stands adjourned.

House adjourned 6:28 pm.