PROOF

Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 29 May 2025

By authority of the Victorian Government Printer

CONTENTS

CONTENTS

Thursday 29 May 2025

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

Rulings from the Chair

Motions of urgent public importance

The PRESIDENT (09:33): Members, I have a ruling to give on a matter of urgent public importance. Pursuant to standing order 6.09, yesterday afternoon I received a submission from Dr Mansfield for the house to debate a matter of urgent public importance. The matter sought to be debated relates to the Commonwealth government's recent decision to approve the extension of the Woodside North West Shelf gas project until the year 2070. Under standing orders, if the President is satisfied that the matter is of such importance as to warrant urgent consideration, the matter must be dealt with as a priority over all other business.

In determining the urgent matter I am required to take into account consideration of a number of factors under standing order 6.10(1). I consider that Dr Mansfield's submission meets some criteria, including that the matter is of recent occurrence and has been raised at the first opportunity. However, in consideration of this matter I should also give consideration to two other important factors, those being whether the rights, welfare or security of citizens are in jeopardy and whether there is a distinct possibility of the matter being brought before the house in reasonable time by other means.

Firstly, I am not convinced that the subject of the proposed motion by Dr Mansfield is one in which the rights, welfare or security of citizens are in jeopardy to warrant an urgent motion today. Secondly, I believe there are other opportunities for the matter to be brought before the house in reasonable time by other means. Dr Mansfield may give notice of motion to be debated in general business on a future Wednesday. She also can raise the matter during questions without notice and the adjournment debate. Further, I notice that this matter relates to the Commonwealth government's decision on a project in another state. As such, I am not convinced that the Victorian government should be debating this matter today as an urgent matter of public importance. Accordingly, while the request meets the criteria on some levels, on balance I am not satisfied that the subject matter should proceed to debate as a matter of urgent public importance.

Bills

Control of Weapons Amendment (Machete Ban) Bill 2025

Introduction and first reading

Evan MULHOLLAND (Northern Metropolitan) (09:36): I introduce a bill for an act to amend the Control of Weapons Act 1990 and the Terrorism (Community Protection) and Control of Weapons Amendment Act 2025 and for other purposes, and I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Evan MULHOLLAND: I move:

> That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Committees

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2022/23

Ryan BATCHELOR (Southern Metropolitan) (09:36): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table the report on the performance of Victorian integrity agencies 2022–23, including an appendix, from the Integrity and Oversight Committee and present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Ryan BATCHELOR: I move:

That the Council take note of the report.

The Integrity and Oversight Committee is responsible, on behalf of the Parliament, for oversight of the state's independent integrity agencies, including the Independent Broad-based Anti-corruption Commission, the Victorian Ombudsman, the newly renamed Integrity Oversight Victoria and the Office of the Victorian Information Commissioner. We on an annual basis as a committee undertake performance reviews of the integrity agencies as really the primary mechanism that Parliament has to assess whether and how integrity agencies are performing. Obviously sitting independent of the executive, it is the Parliament's function, and the IOC has the responsibility on behalf of Parliament to exercise those functions.

The committee's annual performance review this year has made 14 recommendations for improvements to the performance of the integrity agencies. We had public hearings where we heard from all the integrity agencies. This year the committee, the IOC, decided to take a particular look at the performance of the Independent Broad-based Anti-corruption Commission's handling of complaints about police-perpetrated family violence. IBAC is the oversight body of Victoria Police, and part of its function is to assess how Victoria Police handles complaints. In particular there have been concerns raised about how IBAC has in the past handled complaints made by victim-survivors of family violence perpetrated by serving members of Victoria Police. What was then known as the Victorian Inspectorate, now Integrity Oversight Victoria, tabled a very significant report which I think was quite critical of IBAC's handling of these matters in October 2022. Obviously it was under a former commissioner. It was the subject of some quite significant criticism.

David Davis interjected.

Ryan BATCHELOR: Mr Davis, the fact that you have no capacity to listen and understand that we are talking about an exceptionally serious issue right now speaks volumes about how little you care about the victim-survivors of family violence in this state. The Victorian Inspector was damning of IBAC's handling of life-threatening circumstances that the victim-survivors of police-perpetrated family violence faced. They released a report under the pseudonym of Emma, who detailed her story. Very bravely, Emma decided to front up to a public hearing and retell her story and told the IOC in these performance hearings – and it is detailed in this report – that there have been failures in the handling of these matters that have put the safety of members of our community at risk. They need to be continually monitored, and I am very pleased that Integrity Oversight Victoria is continuing its monitoring progress of both Victoria Police's and IBAC's handling of police-perpetrated family violence. Whilst I remain a member of the Integrity and Oversight Committee, I am not going to let this matter rest. I take it very seriously. No-one should be put in the position that the victim-survivors of these circumstances were, and we will continue to do our job to monitor them.

I have a couple of other points. The committee in its recommendations in the report made some recommendations about the fact that IBAC is not meeting its budget paper 3 performance measures

for timeliness, and we think that they need to be reviewed. The other thing that the committee realised during this process was that the Parliamentary Committees Act 2003 does not require the independent integrity agencies to report to the Parliament on their implementation of recommendations that the committee makes. Government is required to respond to parliamentary committees' work but not the independent integrity agencies. We recommended some changes to the Parliamentary Committees Act to make sure that independent integrity agencies respond within six months to the recommendations contained in reports such as this, and I commend the report to the house.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Statutory Rules under the following Acts of Parliament –

Forests Act 1958 – No. 34.

Freedom of Information Act 1982 – No. 32.

Legal Profession Uniform Law Application Act 2014 – No. 33.

Meat Industry Act 1993 – No. 31.

Road Safety Act 1986 – No. 36.

Surveying Act 2004 – No. 35.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 33.

Business of the house

Notices

Notices of motion given.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:50): I move:

That the Council, at its rising, adjourn until Tuesday 17 June 2025.

Motion agreed to.

David Davis: On a point of order, President, quite shortly this morning we will be debating the Justice Amendment (Miscellaneous) Bill 2025. The opposition was late last night informed that the government seeks to amend that bill. No information or formal briefing has been provided to the opposition. Importantly, no justification for the amendment has been provided. As a matter of courtesy I think it would be helpful if the government were prepared to provide a formal briefing and documentation as to why this last-minute amendment is being brought forward at this point, noting that the bill, if amended, will need to go back to the Assembly and could not be enacted until next sitting week.

The PRESIDENT: Whether that is a point of order or not, I think the government is taking note of what you have got to say, Mr Davis. I think you can consider that argument when the second-reading debate starts.

Members statements

Upfield Soccer Club

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (09:52): Last Friday night I attended the Upfield Soccer Club seniors match alongside the hardworking members for Greenvale and Broadmeadows,

Iwan Walters and Kathleen Matthews-Ward. We were delighted to see the club's oval lighting delivered through our government's investment in community sports infrastructure. But this club is more than a sports team; it is a social anchor, a multicultural success story and a proud institution in Melbourne's north.

Founded over 40 years ago by members of the Greek community, Upfield Soccer Club has grown into one of Victoria's most diverse and inclusive clubs, with over 300 players, many from refugee and migrant backgrounds across the Middle East and in particular Iraq. Led ably by president Walid Hanna and supported by major sponsor Simon, the club builds confidence, creates connection and welcomes new arrivals into the heart of our community. It is also expanding multicultural programs, running family events and providing youth mentoring and volunteer pathways to support broader community engagement.

The club is now seeking support for a range of upgrades, including redeveloping the ovals and, at the top of the list, a new women's change room to ensure girls and women have equal access to safe, modern facilities. I look forward to working with Hume City Council and the club to make this happen. I am proud of our government's record of investing over $3.7 million into more than 700 clubs and organisations to boost women's and girls' participation in sport. Clubs like Upfield are the backbone of our suburbs, and we will be backing them.

Emergency Services and Volunteers Fund

Melina BATH (Eastern Victoria) (09:53): Labor's egregious emergency services tax is causing outrage in our regions and in our cities. Sung to the tune of *American Pie*, Grassmere's CFA captain John Houston sings:

> A long, long time ago,
> I can still remember how the CFA made us feel so proud.
> And I knew if we had our say,
> We'd keep the levy far away,
> But now the storm is rolling in the crowd
> But Jacinta came in with her plan,
> A shiny tax across the land,
> Said it's for our safety,
> But it smells like revenue lately.

John ends with:

> This'll be the day her polls die.

I agree wholeheartedly with John. Three billion dollars over four years – this appalling tax grab impacts the whole of our state from the city suburbs to our country towns. It means a 150 per cent increase for our farmers. Every Victorian who owns a home, a business or a rental property will be slugged with an additional tax because Labor cannot manage money. The Nationals and Liberals in government will scrap the tax.

Leongatha and District Netball Association

Melina BATH (Eastern Victoria) (09:55): I want to thank and congratulate the Leongatha and District Netball Association on their 60th milestone. Congratulations to president Emma Smith and the organising committee of Pat Kuhne, Maria Evison, Philomena Smith, Julie Bloye and Chloe Cope. Excellence in achievement and leadership in sport. Congratulations, LDNA.

St Kilda Primary School

Katherine COPSEY (Southern Metropolitan) (09:55): My members statement today is in solidarity with students, staff and families of St Kilda Primary School, who have once again been left out in the cold by this government's failure to prioritise public education. Despite a broken state

government promise, despite years of advocacy, despite being shovel ready and desperately needed, St Kilda Primary's hall project has been overlooked for funding again in this year's state budget. This is more than just bricks and mortar. It is about a space for learning, for assembly, for sport, for music and for connection, and it is about equity.

To make matters worse, the already delayed Gonski funding commitments, promised to deliver full and fair funding to public schools, have now been pushed out to 2031. That is six years later than New South Wales and means another cohort of Victorian students will go through their whole primary school lives without the support that they deserve. It is a double betrayal: first, by refusing to invest in basic infrastructure for schools like St Kilda Primary; and second, by continuing to deny public school students the resources guaranteed under Gonski funding commitments. While private schools enjoy record levels of funding, public schools are left to patch holes, fundraise for essentials and watch promised funding evaporate. It is not fair, and it is failing our kids. The Greens will keep fighting until every child, no matter their postcode and what school they attend, gets the quality education and resources they deserve.

Western Victoria Region schools

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:56): The Allan Labor government is delivering for our local schools in the 2025–26 state budget. It was fantastic to join principal Josh Baker and school captains Eliza, Poppy and Angus at Belmont High School last week to announce the $11.2 million for the next stage of the school's master plan. At Colac West Primary School I visited Ashley Kalkandis and school captains Jordyn and Bella to share the news of $10.2 million to upgrade and modernise the facilities – a huge investment in this very proud school community.

Over at Winchelsea Primary School, I was pleased to announce $500,000, which will kickstart planning for future upgrades supporting this growing school with a bright future. And there is more good news: $1.8 million for Lismore and $4.7 million for Stawell West primary schools will deliver brighter and more modern classrooms for our youngest learners; Hamilton North Primary School will receive $400,000 for upgrades of facilities; and $13.1 million will deliver our commitment to improvements at Edenhope College.

These investments will mean upgraded facilities, modern learning spaces and more opportunities for our local students to thrive. I cannot wait to see the next chapter and what it holds for these fantastic regional schools. We are backing what matters most – our children, our schools and our communities – because every child in Western Victoria deserves a great place to learn.

Blackburn activity centre

Richard WELCH (North-Eastern Metropolitan) (09:58): I rise today to share concerns on behalf of the residents of Blackburn regarding the future of Blackburn Village in the activity centre that has been designated over it. For generations Blackburn Village has been more than a commercial strip, it has been a genuine community hub and a home to family-run cafes, local grocers and small businesses that have served that community very well, but the character is deeply under threat.

The Blackburn activity centre is opening the way for anything from six- to eight- to 12- to 20-storey buildings in the village heart. Surrounding residential streets may see buildings of six to eight storeys as the preferred heights. If there is social housing, there is no limit – it may go higher. There is no binding consultation. There are sweeping changes. I recently spoke with an owner of the local fish and chip shop on South Parade, which has served the community for over a decade. They told me that once this plan is put into place, they will be forced to leave and will be out of business. The sentiment is shared by many. At the Blackburn market I heard the same concerns from new Australians who had moved here because of the neighbourhood's village-like character and surrounding suburbs.

We are going to lose massive amounts of tree canopy and local treasured assets like the Blackburn Lake Sanctuary – their ecosystem will be under threat and overshadowed. Please do not let the pursuit of windfall gains tax override the will of everyday Blackburn residents. I urge the government to rethink their approach. I stand with the people of Blackburn in saving Blackburn.

Swinburne University of Technology

Jeff BOURMAN (Eastern Victoria) (10:00): Unless you are blind, you would have noticed in Queen's Hall the Swinburne space showcase from the Swinburne University of Technology. A little while ago I went out to Swinburne to have a look at their technological stuff. Of course 99 per cent of it was over the top of my head, but from that we arranged what we see out there. In the last couple of days I have been nerding out like you would not believe. I have been talking to people far smarter than I, which is most, but one of the interesting things I have found with these very intelligent, very educated people is that they are the antithesis of what we expect from researchers, professors and things like that. They are engaging, they are personable and they have managed to even educate a dolt like me on some stuff. So far they have answered all my dumb questions without pulling faces, which is a good thing. I highly recommend that everyone does stop and have a look and have a chat. There is stuff there that is easy to understand. We have a great, big drone out there, but there is also other stuff. I was speaking to a PhD candidate on Tuesday about removing noise from radio signals from pulsars. Of course that went way over my head, but I got some of it. I would like to thank Carla Drakeford and her team and the team from Swinburne for doing this. Also I am going to give a rare shout-out to my staffer Norm Dunn, who did all the work behind the scenes. It has been really good to see, and we will have them back when we can.

Virtual fencing

Jacinta ERMACORA (Western Victoria) (10:01): I wish to raise a win for farmers in south-west Victoria and in fact across Victoria. Victorian cattle farmers will soon be able to harness the benefits of virtual fencing and herding technology. The technology uses solar-powered smart collars that use electronic cues to contain animals within a virtual fence and guide them to areas of the farm via a mobile phone app. It also allows farmers to monitor the cows' location, health and reproductive status. Virtual fencing uses collars with GPS and wireless technology to control livestock without physical fences. If the animal leaves a designated area, the collar is sent three warning noises, a vibration not unlike our Apple Watches, except it is not a phone call or a text. The new regulations will allow this technology to be used in Victoria. There is significant experience with this technology in New Zealand and Tasmania. I want to thank all of the farmers that raised this with me, particularly at Sheepvention last year. I also want to thank the Minister for Agriculture Ros Spence for the work that she has done in this space.

Mineral resources

David DAVIS (Southern Metropolitan) (10:03): I want to draw the chamber's attention and the community's attention to the latest big fat tax that this state government is bringing into operation – a 234 per cent increase in tax is to be promulgated if the government's preferred model goes forward. They have got a regulatory impact statement, but this is to hit the resources sector and the extractive industry sector. We should be building up mining in our state, not sending it away. We heard what the head of Santos had to say yesterday, likening Victoria to North Korea. But a 234 per cent increase in fees and charges by government will not in any way see more mining happen in our state. On our extractive industries, our quarries, we are going to put a 234 per cent increase, according to Labor. This is Labor's plan. This is a bad plan, a plan that seeks to clobber these important extractive industries that are so much a part of our building and construction sector. How does it help young families to push through increased taxes on quarries, raising the cost of the stone that is used in concrete? This is going to push up the cost of housing further, so the government should think twice before going forward with its preferred model, its big new tax on extractive industries and mining.

Budget 2025–26

Moira DEEMING (Western Metropolitan) (10:04): Budget season always reveals more than it intends. Behind Labor's glossy figures and spin we see the same old playbook: take more from working families, grow the bureaucratic class and give more control to those who already have it. For Labor socialists, government and leadership are not really about service, let alone service delivery; it is about self-insulation, a lifestyle and a kind of entitled attitude that leads you to believe that when you are in government the state pays for your mistakes. The state is just a euphemism for the ordinary people who are expected to pay for the mistakes and abuse of authority from those in power. Even when they get caught paying for ghost shifts, phantom Commonwealth Games, chauffeurs for dogs, road accident cover-ups or almost $200 billion in debt, they still have no shame. They blame everybody else and expect somebody else, often their own victims, to pick up the tab. Thankfully the Liberal Party stands for genuine equality before the law, the principle which ensures that no king, no leader, no Premier – former or otherwise – no CEO and no union boss will ever be excused for breaking or corrupting the law just because they are rich or powerful. We stand for fair laws, fair taxes and a fair go. That is the Liberal way, and that is the only way that the state's finances and fortunes are going to be turned around.

Crime

Wendy LOVELL (Northern Victoria) (10:06): Violent crime in Victoria is not just happening in Melbourne, and shopping centre violence is certainly not limited to machete fights in Northland, but Premier Jacinta Allan and her government are not doing enough to stop it. In the City of Greater Bendigo violent crime and shopping centre assaults are happening right under the Premier's nose. In recent weeks a shopping centre that is just across the road from the Premier's electorate office has been the site of three violent crimes. The first was the sickening and violent attack of a security guard by a gang of around 10 youths who ripped his turban from his head, knocked him to the ground, punched him, kicked him and stomped on his head while their mates filmed the assault. The second was an assault on a customer by the same gang of youths. It was an all-in assault that knocked him from his feet as the youths, including several females, continued to punch and kick him and others filmed the assault. Then last week a jewellery store in the centre was the site of an horrendous smash-and-grab that terrified staff and customers. Thank goodness local builder Anthony Haby was on hand and put aside all thought for his own safety to tackle the offender, who was armed with a hammer to smash the glass cabinets. Anthony Haby has single-handedly done more to improve safety in Bendigo than the Allan Labor government, and we all thank him for his efforts and his bravery. It is time the Premier recognised that her soft-on-violent-crime approach is placing Victorians at risk.

Energy policy

Bev McARTHUR (Western Victoria) (10:07): I am getting a little sick of the demonisation of gas from that little corner over there, Minister Tierney. I had the pleasure of visiting Amplitude Energy's site at Port Campbell the other day, and I thank the team for organising a community event to let the community and everybody know, as they regularly do, the importance of gas, because without gas, Victoria stops. From powering homes and hospitals to driving our manufacturing sector and supporting regional jobs, natural gas is the unsung hero of our energy grid. I visited Amplitude Energy at Port Campbell, which is in the great electorate of Western Victoria Region. It is a world-class facility playing a critical role in keeping the lights on and our economy moving. We should know and we should all learn that gas supplies 27 per cent of Australia's energy, supports approximately 275,000 manufacturing jobs and 91 per cent of gas powers essential feedstock and process heat. Gas must remain an essential part of our energy generation, especially when the sun does not shine and the wind does not blow, and we must allow households to have the choice of cooking with gas.

Carrington Primary School

Michael GALEA (South-Eastern Metropolitan) (10:09): I rise to speak on some very exciting announcements last week that were made as part of the Victorian 2025–26 state budget, and how

wonderful to see $13.9 million in funding allocated for the full rebuild of Carrington Primary School's facilities in Rowville. It was great to visit with my colleague Mr Tarlamis, meet with principal Brett Speed, have a chat with him and see the excitement in the school community about this wonderful new project that is going to take down the old, out-of-condition buildings and replace them with a brand new learning hub and a staff and administration space as well as STEM facilities and the like. It is going to be a wonderful asset for the local community as a whole, and the school is already working on proposals for how they can activate those spaces outside of school hours with the community. The staff, students and broader community at Carrington Primary School are all very excited to see this very important project progress with the full amount of funding as promised at the last state election and delivered in this very important state budget.

Business of the house

Notices of motion

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

That the consideration of notices of motion, government business, 278 to 943, be postponed until later this day.

Motion agreed to.

Bills

Justice Legislation Amendment (Miscellaneous) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (10:11): I rise to speak on the Justice Legislation Amendment (Miscellaneous) Bill 2025. On the face of it, as we have been consistently briefed on the way through, it is a reasonably non-controversial bill, and I would like to thank my colleague Mr O'Brien, the Shadow Attorney-General, for his work on the bill to look at technical amendments. What I am really disappointed about is the apparent surprise amendment to this bill that has been talked about really in the last 12 hours rather than much earlier in the week. The government is seeking to move an amendment to supposedly make clear that Mike Bush, the new Chief Commissioner of Police, can go about his business as a non-citizen. This is extraordinary – extraordinary because of the amount of times we have heard blistering statements and sanctimony from that side of the chamber about bringing amendments to this house late and not giving the government the opportunity to have a briefing or to review legislation. Yet here we are. We got told late last night, after the house had adjourned, that the government has an urgent amendment. We have had no opportunity to have a briefing, no opportunity to have a shadow cabinet meeting and no opportunity to have a party room meeting where we can make decisions on the government's amendments, which we have not seen, which we have not had a briefing on, about which we have not been told why this needs to happen and for which we have not been given the legal documents that make clear that this is the actual advice. It is quite clear the Office of the Chief Parliamentary Counsel has been working on something, and usually it would have to work on something for a couple of days. It would have been nice if the Minister for Police and the Leader of the Government in this place had given the opposition a heads-up well before, while the house was still sitting, so that we could review processes in the proper way. We have not been given the clear evidence. Where is the advice to government made available to the opposition to put beyond reasonable doubt that this is the situation they are in?

We know this government has had a pretty sorry saga when it comes to police leadership recently. That has not been a problem of police leadership, it has been a problem of government leadership, whether it be their weakening of our bail laws or whether it be not properly funding our police force and closing down and reducing hours at police stations across the state. It really dates back to COVID

and what police had to do during that pandemic, which has ruined the morale of many Victoria Police officers, with one in five Victoria Police members leaving the force, and growing. It has really been a failure of government leadership, and this tops off their failure when it comes to keeping our community safe and making sure we invest in Victoria Police, because they went through an entire recruitment process where they basically sacked the chief commissioner; hired a new chief commissioner, who did not even last 90 days; and then went through a big process to hire a new one, and hired a new one, being Mike Bush, but did not even know at the time that his position was legally uncertain. It was not yesterday they appointed Mike Bush. It has been known for several weeks. Where was the clarification earlier? Where was the ordinary process, where the government would get a brief and then would brief the opposition? The government knew this bill was coming, and it has just tried to tack it on. Also I would state that there is no rush with this anyway because any amendment has to go back to the house. Any amendment has to go back to the Legislative Assembly, which is not sitting for a few weeks.

We have a government that has botched this process, and what I say to the government is: do not ever criticise the opposition for not bringing on things and not letting the government know. We have seen this in many debates where you have had people like Ms Symes, like on 5 March 2024, criticising my colleague Mr Davis for not engaging with the government earlier on amendments, saying they were rushed amendments and the government was not afforded the opportunity to see drafts of proposals and saying it was sloppy work. Well, we do not even know if the government's work is sloppy, because we have not seen it. We have not seen the advice. You have, supposedly, a police minister who was meant to brief us earlier but did not, and then you have others in the government who are upset because the police minister did not brief us earlier. This is a whole-of-government issue. If your left hand is not talking to your right hand, how can we trust you to govern the people of Victoria and keep us safe? I do not want to hear these mealy-mouthed words, 'Oh, the process should have been better – we understand this.' We are talking about the leadership of Victoria Police, and it is government leadership that has failed miserably in both directing our police force in the right manner and showing leadership and investing in our police force so they are not reducing operating hours and shutting down police stations.

We have seen a revolving door of police commissioners. We had a police commissioner basically sacked by the police minister. We had that whole sorry saga where one day they were okay with the police commissioner and the next day they were not. Then we had another police commissioner who did not even last 90 days and then was out the door. He was on holiday, came back and was out the door. Then, 'This is the search. This is the search that we're going to do.' They were very thorough, and they appointed Mike Bush. I am sure he is a good candidate, but they did not even do the work to make sure it was legally sound for him to be appointed police commissioner. Then you came to us as a government late last night, after the Legislative Assembly had adjourned, to tell us you are going to bring forward an amendment of this bill. That is not proper process, and it is emblematic of the way in which this government operates when it comes to keeping our community safe and the way in which this government operates when it comes to the respect it has for Victoria Police.

I am aghast at the way this government has handled this. I am aghast at the way this government has botched this entire affair of rolling police commissioners. But again, it is emblematic of the leadership of this government. You cannot go and blame the police minister, saying, 'Oh look, his office should have come to us earlier.' The left hand is not talking to the right hand, and we have seen a really sorry saga play out in this way. I am actually interested in what might have happened if we had had a proper briefing, if we had been told maybe even at the start of the week. Usually we get told earlier – we get a briefing a few weeks before, so that we can put our proposals through our normal process. I would have been very interested to be at a briefing and to see the legal advice that says this is not possible. We had Sir Ken Jones serve in a deputy role I believe. We also had a chief commissioner – yes, this was back at Federation – Hussey Chomley, who was born in Dublin. Perhaps he was not eligible to serve as police commissioner.

What I want to know from the government is: where is the evidence? Where is the advice? Why haven't we been shown it? Why has it taken so long for the government to take action on this? We have got a pretty non-controversial bill – I do occasionally enjoy these non-controversial bills because they are fixing errors and things like that and you get to have a rant on a few different issues and there are a few jibes back and forth – and this could have been a really non-controversial morning in the Parliament, except the Minister for Police has stuffed up again and rammed this through late at night, blindsiding the opposition and apparently blindsiding his own colleagues. How can anyone trust that the government has the confidence to keep the community safe when the police minister and this government keep botching basic advice like this – things that should have been done earlier, things they should have picked up, like 'Is it legally possible for us to appoint Mike Bush?' Those are the kinds of decisions that are flagged in cabinet papers.

I have worked for a federal government before, and this kind of advice is usually picked up. If they are not picked up by the Attorney-General's department, they are usually picked up by Premier and cabinet. Sometimes they are picked up by other departments looking at that advice, and then they are put as a note in the cabinet submission for when they are signing off on an appointment like for Mike Bush and then the government is able to play it from there. If the legal advice is sound, the cabinet will meet and say, 'Okay, we're still keen' – on Mike Bush – 'let's go about preparing legislation to make it absolutely clear that we can appoint him. Let's go about doing that. Let's speak to colleagues in the Parliament. Let's brief the opposition and the crossbench on these processes to really make sure that it is possible for us to make the right call.' That process has not happened, which leads me to believe that something is really wrong with this government. Something is really wrong with this government when it cannot get the basic processes right.

We have a government that has waxed lyrical lately. Once they saw their opinion polls sliding and once they had federal MPs and others on the phone after doorknocking demanding the government strengthen bail laws, all of a sudden the government was interested in crime, after telling us that we were only after a 3AW interview or *Herald Sun* headline as Mr Galea said. He said that it is not an issue out there in his community, it is not an issue for the Victorian people, which is in *Hansard*. The government all of a sudden came out and said, 'We're going to get tough on crime. We're going to introduce the toughest bail laws,' and crime is an actual problem. The problem for this government is that it weakened the bail laws in March 2023, and as it stands the laws on the statute books at the moment are weaker than what they were in March 2023. We have got aggravated burglaries at record levels, car thefts at record levels, theft from cars at record levels and machete crime, and this government still claims that it has introduced the toughest bail laws. Well, it has not. This is why we are calling on the government to adopt our 'break bail, face jail' set of policies to make sure there are serious consequences.

I live in the northern suburbs and go to Northland regularly, and I am usually there on a Sunday. Last time we went to mass at a different time of day, so went on Saturday instead, and on Sunday there was the most horrific of machete brawls with people bloodied and running through the food court with machetes. That could have been prevented had the government, back in 2023, when we moved a bill in this place – I moved a bill in this place – instead of laughing at us, as they did on that side of the chamber, and mocking us, have said, 'Do you know what? Okay, we're going to take a look at this. We're going to pass it.' But they did not. They did not, because they would rather cynically mock the opposition than listen to their actual community about a real problem that is going on at the moment.

They mocked us when we talked about strengthening the bail laws. They mocked us when we tried to prevent them. I moved an amendment to Ms Symes's bail reforms, seeking to reverse the changes they were making, which would have meant the removal of the indictable offence whilst on bail so that these offenders do not continually face the lowest test to get bail again. But that is what has occurred under this government. Then we find out that many of the offenders that took part in that wild machete brawl at Northland were on bail. They were on bail, and then many of those that were arrested as a result of the Northland incidents, even the ones that were on bail, are now on bail again. They are on

bail again because of this government. This government might find it inconvenient, but my constituents do not.

Gayle Tierney: On a point of order, President, I do not see the need to be screaming and yelling into the microphone. We are sitting here listening quietly. We do not need to be yelled at.

The PRESIDENT: I do not think there have been any previous rulings about how loud someone speaks, so I cannot uphold that point of order.

Evan MULHOLLAND: That is right, President. There has been no precedent in regard to the volume in this chamber, and I would point the minister's attention to some of her other colleagues' previous debates in this chamber, where they have significantly raised the volume. I think it is important because it is a topic of concern for my community, and so I am reflecting the will and the sentiment in my community when it comes to crime and when it comes to community safety.

In the same suburb, Reservoir, the former police minister Lisa Neville opened a brand new police station, just in, I believe, 2021. It was a brand new police station, right, and it was billed as a 24-hour police station in all the media releases. In all the documents it was billed as a 24-hour police station, and it had all the facilities and fit-out to be able to operate as a 24-hour police station that would protect the community. It is now an 8-hour police station. It is now a shopfront because this government cannot manage money. You have got them spending millions – it was over $20 million – on a new police station and then reducing the hours, even though it was meant to be a dedicated 24-hour police station. That police station is around the corner from Northland shopping centre, and now they do not have the staff numbers to be able to operate it 24 hours because of this government's failure of leadership.

We saw that failure of leadership on display with the revolving door of police commissioners that we have seen recently. I think really it is quite a shame because our Victoria Police members deserve our respect. Our Victoria Police members have this side of the chamber's absolute respect for the work that they do in our community protecting us and risking life and limb to protect Victorians. The work they do is heroic, the work they do is brave, the work they do is commendable and I thank them for their service. Unfortunately they have been let down by a bad government. Their previous no-confidence vote was more of a no-confidence vote in the government. You saw it on their police vans about the perpetrators in their divvy vans being bailed. I speak to my local police both in the Hume region and in the Whittlesea region, and they come up to me – they probably come up to Mr Welch as well – and tell us that they are arresting the same people later that night that they arrested that afternoon. They are sick of it because it is a lot of work to arrest someone and a lot of paperwork, and then they are doing exactly the same thing later that night. Imagine how demoralising that is. Victoria Police members should expect that the law is going to act as a punishment and is going to keep the community safe. They are arresting people who are a threat to the community. They are arresting people to keep the community safe. Then they are out committing the same offences, putting the community in danger, and the same police officers are arresting them again. That would be soul-destroying, demoralising, having to go through this process of continually re-arresting the same people in the same day, but that is what occurs under this government.

There has been a complete failure of leadership when it comes to Victoria Police. You have got a police minister that has gone through multiple police commissioners. You had one that the government had confidence in one day and then did not. You had another that did not last 90 days. Then you went through a search to get a police commissioner and did not even follow the proper process. Surely there should have been some advice to cabinet at the time of the cabinet decision clarifying that there might be an issue with this appointment, but we have not seen any of that. Why did that not occur? Why were we only told late last night, after the Assembly had adjourned, that there is an issue and we are going to need to amend a reasonably uncontroversial bill in order to pass this through?

The government could have gone about it the ordinary way. If the government came to us on Tuesday, even Wednesday morning, we at least would have had the ability to have both a shadow cabinet and a party room while all of our colleagues were here and go through the ordinary process where we could have a briefing. We still have not seen the advice to government and the evidence that this is even necessary, so this is a real sudden drop in standards on the way you deal with and treat your colleagues both in the opposition and on the crossbench. To pull something out of nowhere is quite disrespectful. We hear weasel words that it should have been earlier and they are disappointed, but it shows that the left hand is not talking to the right hand when it comes to this government.

I think that is emblematic of deeper issues and deeper tensions within this government that are yet another example that the community cannot have confidence in the government when it comes to keeping our community safe. You only have to look at what happened last Sunday at Northland to know that the government has lost touch with the community. How many times were we lectured by the other side? I brought a machete ban bill to this place, and we were lectured by the other side, saying this was not an issue and we were just wanting a *Herald Sun* headline or a 3AW interview, trying to suggest that the Nationals were opposed to it and cynically mocking us. Now all of a sudden Jacinta Allan turns around and says, 'I'm angry. I'm taking action – Australian-first machete ban!' What is really disappointing for my community is that nothing ever seems to be a problem for this Premier unless it is a political problem, unless it is a problem of her own leadership or opinion polls. not because it is a problem for the Victorian people. I think the Victorian people have worked this Premier out. Nothing ever seems to be a decision that she has made because she believes in it or the Victorian people want it. It has always been because there are opinion polls or threats to her leadership that mean she has to act, and that is really disappointing. It is also no way to govern. It is no way to govern the people of Victoria when you are jumping from reaction to reaction. We have seen the opposition listen to our communities and introduce bills like our bill to strengthen the bail laws after this government weakened them and our bill to ban machetes as a result of listening to our communities.

My colleagues Michael O'Brien and David Southwick, and Brad Battin before him, have attended countless crime forums in our communities in areas like Kew, Brighton, Craigieburn, Point Cook, Werribee, Ringwood, Warrandyte – all over Victoria – where people are expressing deep concern at the crime crisis that is going on in our communities. This government, at every single turn, has botched attempts to resolve the crime crisis and get on top of it. We continually see police stats at record highs in terms of the crimes that are being committed.

I was going to give a pretty bland speech on the Justice Legislation Amendment (Miscellaneous) Bill 2025, but I will not really have time to go through it. Broadly, having looked at the bill, and my colleague the Shadow Attorney-General having been briefed on it, it is a bill that we do not oppose. But we will have to leave our position open ended on the amendment because we have not seen it. We have not been briefed, because this government has botched what it is trying to do. this is the latest failure in a succession of failures when it comes to Victoria Police leadership. Surely on your third time lucky with the police commissioner you would dot the i's and you would cross the t's, but that has not happened. That has not happened because of a failure of leadership by this government, where the left hand is not talking to the right hand and it has got it wrong once again. Where was the cabinet submission from the Attorney-General's department or the Department of Premier and Cabinet along with the appointment to clarify that this might be a problem? The Office of the Chief Parliamentary Counsel has been working away on an amendment so I assume that you must have known since at least the start of this week. Once you figured out that you might have to add it to this bill, where was the cursory phone call to the opposition just to say, 'This might be coming up. let's get a briefing in,' and everything else? Instead we had an eleventh-hour meeting last night between the police minister an the and the shadow police minister. That is no way to treat colleagues. As I said, there are several examples – both on 5 March 2024 and 8 February 2023 – where my colleague Mr Davis was criticised by the Leader of the Government here in this place about not giving the government the opportunity to look at amendments. It is glaring hypocrisy that we are now told that we should support an amendment that we have not seen and have not had the opportunity to look at. I just find it absolutely

extraordinary the way that the opposition have been treated with regard to this. We could pass this bill now – we do not oppose this bill – but the opposition are going to need some time to consider the amendment when we actually see it and get a briefing on it.

Jacinta ERMACORA (Western Victoria) (10:41): This bill introduces a range of amendments to justice legislation. In itself each amendment is not hugely significant, but as a whole these amendments demonstrate our government's commitment to ensuring our laws work as intended and are clear, efficient and fair. I am just going to focus this morning on the particular changes relating to trustee commissions, but there are a number of other amendments.

Section 180 of the Crimes Act 1958 makes it an indictable offence for a trustee to give or receive something of value, or for someone to offer it, when appointing a new trustee in the trustee's place without the assent of all trust beneficiaries or the Supreme Court. Recent decisions of the Supreme Court have raised the possibility that trustees could be in breach of that section, even if there was no corrupt purpose. This provision was first introduced in 1905, and it has remained largely unaltered since. It was introduced in response to the 1905 Commonwealth Royal Commission on the Butter Industry. According to the royal commission's report, 'there was a marked unrest in the trade and amongst the dairymen'. There were murmurings of disapproval about the frequent collapse of dairying companies, who then passed their interest in the butter trade on to others, who worked them in their own special interests and not in the interests of producers.

The commission looked into, among other things, the payment of secret commissions, which was apparently rife. Out of these findings came this provision. Shifting back to today and the roles and activities of trustees, they look very different. Trustees manage a huge range of entities. These include commercial trusts, managed investment schemes, discretionary trusts and superannuation funds. Trustees may be responsible for highly complex organisations with millions or billions of dollars in assets and thousands or millions of beneficiaries. In practice, trustees regularly make payments on appointment of trustees. These might include indemnifying outgoing trustees or paying costs of a transaction.

As currently drafted, trustees would have to obtain unanimous consent from the trust's beneficiaries or the consent of the Supreme Court to avoid committing an offence under section 180. This is clearly unworkable. Most Victorians would be the beneficiary of at least one trust, their superannuation fund. Imagine if we all had to sign a consent form every time our super fund made a payment relating to a change of trustee, and I doubt the Supreme Court would appreciate being flooded with applications for consent for mundane transactions. This bill reframes the provision to make clearer what is being prohibited and when criminal liability might be invoked. It redrafts provisions to make it clearer what the offence is and adds a mental element to make clear that the prosecution must prove that the conduct was done for a dishonest or otherwise corrupt purpose and with the necessary intent or knowledge. It removes the requirement to obtain the assent of the trust beneficiaries or the Supreme Court for the proposed conduct and provides that these amendments apply retrospectively except in limited circumstances. The unusual retrospective application of these reforms is warranted because the reforms clarify the original intent of the trustee's secret commission offence, which was to prohibit dishonest conduct during the replacement of a trustee.

You can see that this is the logical change that is needed. It has got very deeply historic origins and is a very commonsense tidy up of the act. In addition, before I close, this bill also streamlines criminal proceedings. It postpones summary appeal reforms and also removes a number of redundant provisions. I will conclude my remarks there and say that I heartily commend the bill to the house.

Richard WELCH (North-Eastern Metropolitan) (10:46): I am pleased to rise and speak on the Justice Legislation Amendment (Miscellaneous) Bill 2025. As the title suggests, this bill comprises a suite of technical amendments across a range of legislative instruments within the justice portfolio. The bill does not have many headline-grabbing features to be debated in this chamber, but it is important that we do good housekeeping across our laws, and this is clearly a function, for the most

part, of that. The first amendment I will address is the repeal of the outdated regulation-making power of the Magistrates' Court Act 1989. Specifically, the bill eliminates the power that allowed the prescription of municipal areas where police were not required to serve civil process. This is a very, very outdated clause. We are not aware of police actually performing any of these civil functions in any recent memory at all. The opposition sees no reason to object to this amendment.

The bill also addresses an oversight in the Social Services Regulation Act 2021. Under current laws, workers in out-of-home care were inadvertently excluded from protections during the three-year transitional period for the suitability panel. This amendment rectifies that issue by clarifying that exclusion from working in the out-of-home sector will only occur where the suitability panel finds both that the individual engaged in misconduct and that they pose an unacceptable risk to children. It is that dual test that is essential. It ensures procedural fairness while prioritising the protection of vulnerable young people. We have received, in our consultation, no negative feedback regarding this change, and the opposition offers no objection.

Further technical corrections are made to the Worker Screening Act 2020, particularly relating to working with children checks and NDIS worker screening. These changes correct cross-referencing errors. They are somewhat technical in nature, but they are of significant importance. Working with children checks are crucial; I think everyone in this house would concur. We all recognise the necessity of protecting children and vulnerable people from harm, but that protection hinges on the proper functioning of administrative systems – systems that must be accurate and dependable. While I acknowledge that the implementation of working with children checks has not been without some flaws, that is no excuse for ongoing carelessness. Any mistake, however minor it may appear on the surface, risks opening the door to exploitation and harm. This is not an area where we can afford to be lax. I think it is very prudent to have zero tolerance in this area. I urge the government to continue working to maintain and improve these systems; children deserve nothing less.

The bill also proposes amendments to improve the operation of the case management system – the CMS – in the Magistrates' Court. IT projects are fraught, and this is no different to many other IT projects. There has been a difficult path, and there are many magistrates who are still not happy with the full operation of the system, but we must press on. These amendments will enable the court to expand the use of the CMS in the criminal jurisdiction. The amendments themselves are sensible. However, I raise the concern about the government's record in delivering IT projects and delivering productivity within government services and other services in general. The CMS has become one of those very familiar tales of a government and state technology stuff-up frankly – delayed for years, over budget and still failing to deliver all the benefits as promised. And it is not a nuisance; it is a drain on resources, it hampers efficiency and it reflects poorly on governments. Government IT projects, especially those in critical sectors like justice, must be managed competently, and that means adequate planning, budgeting and above all accountability. These particular amendments may be technical, but they exist in the context of a broader systemic failure, and that context cannot be ignored.

Turning now to more substantive matters, the bill amends section 180 of the Crimes Act 1958, which currently criminalises the offering or receiving of secret commissions in the appointment of trustees. As it stands, the provision does not require that the conduct be undertaken with a dishonest or corrupt purpose. That means individuals could be potentially targeted even when their conduct was in good faith and without any ill intent. This bill narrows the offence by introducing the requirement that the conduct be undertaken with a dishonest or otherwise corrupt purpose. That is a significant and in our view reasonable change. The law should target the actual wrongdoing, not technical breaches undertaken without malice or deception. And I think in those cases, that is where the law can be weaponised.

The second part of the amendment removes the current requirement for the assent of beneficiaries or the Supreme Court in relation to these appointments. Again, given the new requirements for corrupt purpose, this adjustment seems measured and fair. What makes the particular amendment unique is the fact that the bill also introduces new section 640 to the Crimes Act, which makes these changes

retrospective to 1 April 1959. I have lots of reservations about any law being retrospective. Generally you are treading dangerous ground, and certainly dangerous ground in terms of basic fairness and due process in that case. Again, in this particular case we do not have an explicit objection given the intention is to prevent the law being weaponised against people who have not acted in bad faith or have not acted with corrupt purpose. The Attorney-General's office did explain the rationale for the date. It was when the original offence under section 180 was first introduced. We can go on there, but I will not.

The other particular area on this is the delay in the commencement of abolishing de novo hearings in the County Court, and that delay, if we go through the history of it, was first proposed in 2019 for implementation by 2021. At that point it was then deferred to 2023, and now it is deferred further to July 2025. The explanation throughout that period has been that it takes time, cost and complexity to implement. But I struggle to understand that in two senses. One is it is six years since 2019: how much time, cost and complexity can there be in six years to implement it? And at the same time, the government is cutting the budget of the very services that need to implement it. In fact we have had $19.1 million cut from the current year, 2024–25, and we have got $58 million being cut in the 2027–28 year. If on the one hand we are saying that the delay is due to a lack of resources or inability to implement it but at the same time we are cutting the budget, these two things seem very much at odds. The words are there, but is the genuine intent there? It seems very strange. These cuts are not trivial. When we are in the middle of a crime crisis, when the confidence of the community is shaken, you would think we would be doubling down and bringing things forward, not pushing them back further and further.

In terms of the amendment – and Mr Mulholland spoke at length about the failure of proper process in having us consider the amendment – I would like to offer a perspective that is from outside the political bubble and just consider the opinion of the person in the street who would hear this. Here we have had a carousel of police commissioners. We have had extreme doubt sown into the minds of the community at a time when their confidence in police is low and when their lived experience in the community is one of fear. To have a new uncertainty thrown into it – I think the community would have every right to be exasperated, and not just exasperated but deeply disappointed and have their confidence further dented.

Consider this: it did not have to happen this way. An appointment like this is not meant to be political. An appointment like this is a very, very important role. Therefore if it has an amendment that speaks to this role, it is even more beholden on the government to consult quietly and sensibly with the opposition so that we could also add maturity to the process and reassure the community that nothing is amiss here. It seems absolutely extraordinary that after you have gone through the due diligence process of appointing a commissioner, you suddenly come up with a question over their eligibility and then treat the issue without the gravity it deserves. It is very, very poor, and in the eyes of the community the way this will be interpreted will be very negative for our police. It is a very, very bad start for what we would all hope would be a new period.

Again it is tangential, but it is an appropriate analogy or cross-example. It is sort of the same as when for three years running we have had problems with VCE exams. We were given the big statement: 'We're going to rectify it now. It's all going to be okay. You can be confident in the process going forward', but there was a problem the next year. 'No, no, no, this time we've got it right' and then again there was a problem. The confidence of the community in education was completely unsettled by this. It is the same with the machetes and saying, 'Oh, look, we've made the big statement. We're going to ban the machetes. We've come around to your point of view. We're finally listening. Oh, but hang on, it can't be until September. We'll get them out of the shops, but it'll be on Wednesday, so we'll give everyone time to buy some on sale.' I could go on. There are any number of examples where the government is basically a week late and a dollar short on what it plans to do, and it undermines the community's confidence in these very important institutions that are not meant to be political.

As Mr Mulholland said, we reserve our position on the amendment because we have not even seen it. We do not even know what the question of eligibility may be. We do not know what it is. We do not know why it has suddenly come up now and not for any previous appointment. What have they learned? It has been treated flippantly in respect to a role that should not be treated flippantly. We do not oppose the bill – there is good housekeeping in the bill – but where it really, really matters now is in the amendment, and we have not even seen it, which I think is extremely poor. With that I end my remarks to the house.

Michael GALEA (South-Eastern Metropolitan) (11:00): I rise to make some comments on the Justice Legislation Amendment (Miscellaneous) Bill 2024. Many aspects of this bill are, as other speakers have referenced, relatively minor but nevertheless important to ensure the continued effective operation of our legislation. As is customarily the case, from time to time in this chamber we do have bills that are of this nature and make relatively minor technical changes. I wish to acknowledge the work of both the Attorney-General and her office, who have worked thoroughly and comprehensively on the aspects of this bill and I know have consulted widely and appropriately.

This bill will implement some very time-critical reforms to achieve administrative efficiencies and correct technical errors in legislation. One of the key measures is to amend the Crimes Act 1958 to narrow the trustee secret commission offence so that it only prohibits dishonest or otherwise corrupt conduct. It will amend the Justice Legislation Amendment (Criminal Appeals) Act 2019 to extend the default commencement date of summary appeal reforms by three years from 1 July 2025 to 1 July 2028 to allow additional time for implementation planning. It will amend the Criminal Procedure Act 2009 and the Sentencing Act 1991 to allow the Magistrates' Court to achieve efficiencies following investments in its case management system. It will correct section reference errors in the Worker Screening Act 2020. It will amend the Social Services Regulation Act 2021 to rectify an unintended deemed exclusion for out of home care workers. It will amend the Magistrates Court Act 1989 to remove an obsolete regulation-making power to prescribe areas where police officers are not required to serve civil process.

In terms of the Crimes Act 1959, this bill will repeal section 180, which relates to secret commissions for trustees. The changes break the old offence down into five discrete, separate offences to make them clearer and to narrow their scope to only capture that conduct which is done with a dishonest or otherwise corrupt purpose. It will remove the requirement to obtain assent from trust beneficiaries or the Supreme Court for the proposed conduct, which will streamline routine transactions. Removing the requirement to seek assent has appropriate safeguards, as neither trust beneficiaries nor the Supreme Court would assent to conduct done for a dishonest or otherwise corrupt purpose. These reforms, as has been noted, will in some cases apply retrospectively, but that retrospectivity will not apply in some other limited circumstances.

I do take on board the comments of Mr Welch and the general disposition that we all have against retrospective legislation, but I note that the function of the amendments in this particular case is to clarify what was already intended as part of the original legislation. Recent Supreme Court decisions have demonstrated that the current offence may capture routine, good faith and standard transactions which are associated with the replacement of a trustee. Without these reforms we run the risk that applications to the Supreme Court will increase for routine matters to ensure that trustees avoid criminal liability, which can be costly, has an administrative burden, causes delays and adds to the court's workload. I note that these changes will apply to an equivalent provision in New South Wales legislation. This provision was recently amended to require the conduct was done corruptly in that state and to remove the requirement to obtain the assent of trust beneficiaries or the Supreme Court.

There are also some amendments, as others have discussed, to the Criminal Procedure Act 2009 and to the Sentencing Act 1991, which will allow the Magistrates' Court to maximise and fully utilise the benefits of its updated case management system and to then apply those efficiencies and timesavings into a more efficient process. The bill will also amend the Worker Screening Act 2020 by correcting section reference errors relating to administrative processes and required definitions for working with

children checks and NDIS checks. We know when it comes to these areas, especially working with children checks, how important they are and what an important role they play in keeping our communities safe.

There are a number of errors that this bill will correct, making some minor changes to the Magistrates' Court Act, as well as amendments to the Justice Legislation Amendment (Criminal Appeals) Act 2019, as I mentioned, which will enable the court system to roll out these measures in a way that will not impact on the services that they provide. It will not impact on the timeframes within which they are able to provide those services to the community and will be very valuable indeed. It builds off our continued large investment into the court system. With those remarks, I commend the bill to the house.

Georgie CROZIER (Southern Metropolitan) (11:06): I rise to speak to the Justice Legislation Amendment (Miscellaneous) Bill 2025. Others have laid out what the bill entails in relation to why the bill has been brought before the house. The reforms in this bill are mostly minor and administrative, making administrative changes, with one exception, and that is the further delay to the Magistrates' Court criminal appeal processes.

Changes to the Crimes Act 1958 are being made to clarify the trustee secret commission offence in response to recent court decisions. In relation to a lot of these issues the bill amends the Crimes Act, which currently makes it an indictable offence for a person to offer or give to another, or for that other person to solicit or receive, any valuable consideration as an inducement or reward for appointing or otherwise authorising a person to be appointed as a trustee or to act in their place as a trustee without the assent of the persons beneficially entitled to the estate or the Supreme Court of Victoria. The bill narrows the offence by requiring that relevant conduct be done with a dishonest or otherwise corrupt purpose, and I find that line pretty curious coming from this government, given its track record of allowing corruption to thrive in this state within so many elements that we are seeing. It is Victorians who are paying the massive price for that ongoing corruption that has been exposed in recent times, especially around the Big Build and the issue around taxpayers having to foot the bill because of that corruption and rorting. But to get back to this bill, it also removes the requirement for the consent of beneficiaries or the Supreme Court.

There are another few elements to this bill, but I do want to make a couple of points around what has been already raised by my colleague Mr Mulholland in his contribution around the government's late amendments that have come before us. It is just extraordinary that the government are so chaotic and so dysfunctional that they do not know what they are doing and are bringing the amendments at this late hour when it is only the Legislative Council that is sitting. We do not have our colleagues here. We have not had any proper time to be able to consider the government's amendments. It just highlights the dysfunction and the chaotic nature of how policy is being formulated and how it is being legislated. To have no ability for the opposition to have due consideration on an issue like this, I think is extremely concerning, and it should be concerning.

What we are seeing with this government with the police is a revolving door of police commissioners who are going in and coming out. It is no different to Ambulance Victoria with its revolving door of appointments in these very important positions. I raise Ambulance Victoria in the context of this bill with what we are relating and the government's amendments because these two areas of emergency services are incredibly important for Victorians. We know that crime is out of control in this state. We are being regarded as the crime capital of the country, which is just the most appalling title to have. But it is a fair one because of what is happening. We have a Premier who goes out and lies to the people. Look at the latest issue around the machete ban. She goes on public radio a week before she introduces this ban and says there will be no ban, there are no changes, and is steadfast in that position that she takes. She tells Victorians that in the public domain, and then a few days later completely backflips and tries to champion that she is some sort of incredible reformist, that Victoria is the first state to ban machetes. I mean, it is absolutely comical. I wish *Yes Minister* was still running because

they would take so many episodes from this government and have a television episode every single week, because that is another *Yes Minister* moment if ever there was one. Oh, my God.

And while I am on crime, can I just say that in my area of Southern Metropolitan Region, in Glen Eira, for instance, which takes in the electorate of Bentleigh, from 2023–24 the stats are aggravated burglaries are up by 18 per cent, car theft is up by 31 per cent and theft from retail stores is up by 12 per cent. I mean, this is just a snapshot of what is happening right across our city and right across our state. These statistics are damning, but more than that, they are concerning for everyday Victorians who are running their businesses, who are being threatened by these thugs and crims and crooks and these young people. Many of them are in state care, but the minister refuses to tell the Victorian public how many of these vulnerable children are being caught up in these horrendous crimes, because the government is doing the worst job possible for some of these kids. I am reminded of years ago, of a former commissioner and the bad parent that the state is. Well, if ever there was one, there is one now. It is this government being a bad parent for these very vulnerable kids who are doing these heinous and shocking crimes.

But not just those – we have got organised crime gangs that are going around bombing tobacco stores. We have seen that in Bentleigh. We have seen it in Prahran. We have seen it right across the city, as I say, this ongoing out-of-control lawlessness in this state. And we are a lawless state because we have not had a government that has stood up to the issues that have been running not just in recent months, they have been running for many years. The gangs that we see today – the government finally concedes that we have a problem with groups of people that are gangs. Years ago when we used to raise it in this house it was, 'There are no such thing as gangs. They're just groups of affiliated young people.' That is what the government called them. I mean, it is just astounding. How ridiculous and absurd that they just turned a blind eye to what was happening. And now we have this situation where we have this monumental problem around crime, so I say to the government in relation to their amendments that it is not the police's fault that the community does not feel safe. It is not the police's fault that the community is not safe. It is this Labor government that has led us to this position, and I think many Victorians are aware of it. They speak out openly about their concerns on crime. It is why you get this kneejerk reaction from the Premier and her team and her ministers. It is why you have her saying defiantly one thing on Melbourne radio on a Wednesday morning and then on the following Monday a couple of days later she completely backflips. I mean, it is just laughable, but it is not laughable – it is a really serious issue.

I say again that I commend the police's efforts, given the very difficult circumstances that they are under. I have said before in this place that I was a victim less than 18 months ago from somebody trying to get into my home, the terrifying aspect of that, and I was lucky he did not get in. I do not know what could have happened should that have occurred. And I have friends who in recent weeks have had knives put to their stomach – very violent home invasions. A friend is still seeking counselling for the trauma that she was subjected to because of a violent aggravated burglary, and she has spoken out about it. I met with her a few weeks ago, and she said to me, 'I'm still struggling to go to sleep at night. We've moved out of our home into my father-in-law's because I don't feel safe in my home.' No-one should have to feel that way. No-one should have to worry about, 'Am I going to be a victim again?' And I know that feeling, because that is how I feel many, many nights when I am woken. And as I said, I am a lucky one; they did not get in. I do not know what may have happened if they had. The police told me on the night – they were very, very concerned – that this is a revolving door that they are fighting with and they are doing everything they can to bring it into some order. I think, like other Victorians, they feel very failed by this government.

I say to the Leader of the Government: don't you ever lecture the opposition around community safety or bringing amendments to this house when you disgracefully and, quite seriously, show your true form in ramming stuff through, with no proper consideration and no ability to ask questions before we come in here and debate. This shows the chaos of a government that has lost control of crime and lost

control of the justice system – and quite frankly, given all of those serious concerns, it is Victorians who are most definitely paying the price.

John BERGER (Southern Metropolitan) (11:18): I rise to make a contribution on the Justice Legislation Amendment (Miscellaneous) Bill 2025. This bill makes amendments to a series of bills, which will implement some time-critical reforms as well as reforms to achieve greater administrative efficiencies and correct technical errors in legislation as it currently stands. It amends the Crimes Act 1958, the Justice Legislation Amendment (Criminal Appeals) Act 2019, the Criminal Procedure Act 2009, the Sentencing Act 1991, the Worker Screening Act 2020, the Social Services Regulation Act 2021 and the Magistrates' Court Act 1989. Given this bill aims to provide amendments around six pieces of legislation that are extensive and comprehensive in nature, I would like to take the opportunity to explain the complexities of the bill.

First, this bill will make amendments to the Crimes Act 1958, which move to replace section 180 of the act relating to secret commissions for trustees. The primary challenge is to break the old offence down into five separate offences in order to make them clear and narrow them down to only capture conduct with a dishonest or otherwise corrupt purpose. The change also removes the requirement to obtain assent of trust beneficiaries or the Supreme Court of Victoria for a proposed conduct. This ought to help with streamlining routine transactions rather than backing up a system with more administrative burden. Removing the requirement to seek assent has appropriate safeguards, as neither trust beneficiaries nor the Supreme Court would have assented to conduct done for a dishonest or otherwise corrupt purpose. These reforms will also be applying retrospectively, except in limited circumstances. This is because the reforms clarify the original intent of the trustee secret commission offence prohibiting dishonest conduct during the replacement of a trustee. It is more so a technical correction for what should be a straightforward interpretation of the legislation otherwise.

Recent decisions made by the Supreme Court have demonstrated that the current offence may capture routine or otherwise good faith standard transactions associated with the replacement of a trustee. These reforms restore the original legislative intent for these matters. Without the amendments to the Crimes Act here, there is a risk that applications to the Supreme Court will increase for routine matters and ensure trustees avoid criminal liability. That can be costly and brings with it a significant administrative burden, causing compounding delays and adding to the court's workload even more. This amendment should clarify the original intent in a more definitive manner for legal interpretation. It should bring with it more efficient and streamlined processes without the need for assent from trust beneficiaries or the Supreme Court. The changes will also align with an equivalent provision in New South Wales. That provision was also recently amended to require that the conduct was done corruptly and to remove the requirement to obtain the assent of the trust beneficiaries or the Supreme Court – meaning the similar situation in New South Wales has been amended in a similar manner, correcting the same technical error.

This bill also amends the Criminal Procedure Act 2009 and the Sentencing Act 1991. The bill will be amending the Criminal Procedure Act and Sentencing Act to remove outdated requirements for criminal proceedings in legislation, which can include things such as requirements for making certain applications in person or by post. This will improve administrative efficiencies and reduce the burden on the Magistrates' Court. The changes here will allow the court to expand its case management system to automate various high-volume administrative functions in criminal proceedings, such as filing applications and documents. Administrative burden can cause and is causing serious strain on our legal system, and this amendment will take that pressure off. We must make sure that the courts are being enabled to do their job, and if they are being slowed down by administrative work, then it is on us in this place to do what we can to ensure that we are helping them to streamline the process. This would then enhance the administrative functioning of the criminal jurisdiction of the Magistrates' Court, which has a significant volume of matters to sort through and deal with.

There are a series of changes in the Magistrates' Court Act 1989 contained within this bill. These are chiefly amendments of a technical aspect, which will help clarify civil processes under this act. This

means that they are not necessarily the most exciting reforms to ever make their way through this chamber, but that does not take away from their importance. Repealing the relevant section of the Magistrates' Court Act, as done by this bill, removes a redundant regulation-making power that basically states that the Governor in Council may make regulations when it concerns municipal districts or subdivisions of municipal districts in areas in which police officers are not required to serve civil process. If you inspect the legislation closely and compare it to the real world, you will notice that police do not actually serve civil process under this Magistrates' Court Act, so this section is redundant. For that reason this amendment will repeal that relevant section to clarify that police do not serve civil process under the act. If it was not repealed, the Governor in Council would need to make regulations clarifying that police do not need to serve civil process, which would effectively be a longer and roundabout way of achieving the same thing, which could be more succinctly and decisively resolved with this bill.

This bill also amends the Justice Legislation Amendment (Criminal Appeals) Act 2019. The bill will postpone the commencement of the summary appeal reforms contained in the Justice Legislation Amendment (Criminal Appeals) Act 2019. It will shift the date of commencement from 5 July 2025, as it currently stands, to 1 July 2028. With most changes in the justice system and the broader legal profession, we aim to stage a delayed or gradual introduction of new legislation or provisions in order to give the profession time to adapt and prepare in order to effectively execute them once in effect. This is because no system can work without the people inside it, and this is why these reforms will not happen overnight. They have been implemented gradually so that we do not overwhelm the system and so that legal professionals have time to adjust. We always need to, and should, give the justice system time to expand, adapt and prepare itself for the entry of new laws like this. With that, I will conclude my remarks and commend the bill to the house.

Ryan BATCHELOR (Southern Metropolitan) (11:24): I am very pleased to rise to speak on the Justice Legislation Amendment (Miscellaneous) Bill 2025, a bill that makes a number of changes to various acts to further support the justice system, including narrowing the trustee secret commission offence under the Crimes Act 1958 to only capture dishonest and otherwise corrupt conduct; to defer commencement of the summary appeal reforms; to improve the operation of the case management system in the Magistrates' Court; to correct technical errors in the Worker Screening. Act 2020; to rectify an unintentional deemed exclusion for out-of-home-care workers in the Social Services Regulation Act 2021; and to remove an obsolete regulation-making power from the Magistrates' Court Act 1989, where police officers are no longer required to serve civil processes.

The bill is obviously an amendment bill that deals with a range of things. The government from time to time is required, due to the practical application of previous legislation and how it evolves, how it works in practice and what we learn from the practical application of legislation, to make amendments and tweaks to the system. But also, particularly in the justice space, we do find from time to time that the courts interpret law in various ways, whether that be the law as written or the common law. That has implications for the continued operation of various parts of various legislation, and therefore bills like this are a necessary part of governing to make sure that we have got laws operating as intended.

This bill makes amendments to the Crimes Act to respond to some recent decisions of the Supreme Court in the case of the trustee secret commissions offence. The consequence of the Supreme Court decisions that were handed down in 2023 in the Diversa and Guild cases is that there may be routine, good faith and standard transactions associated with the replacement of a trustee caught up in the new interpretations that the Supreme Court decision has consequences for, and those actions, which would be good faith and standard transactions, may attract a penalty as a result. That is obviously not something that was intended when those provisions were put in place. This legislation clarifies that there is not an intention to include legitimate transactions in this space for the purposes of section 180 of the Crimes Act.

The bill replaces section 180 of the act and makes some changes. The consequence of this is to avoid the inclusion of transactions that might include the payment of indemnities in favour of transactional

costs and expenses to an outgoing trustee. The new provision will create five specific offences in total, in each adding a clause that the actions must not be for a dishonest or otherwise corrupt purpose, ensuring that only legitimate transactions are captured by the law. Without these reforms, applications to the Supreme Court for assent to routine transactions are likely to increase as trustees and their representatives become aware of the two cases I mentioned earlier. It is imposing a significant burden on trustees and beneficiaries in the Supreme Court. What these changes do is also amend the act to remove the requirement to obtain the assent of trust beneficiaries or the Supreme Court for the proposed conduct. Removing this requirement to seek assent has appropriate safeguards, as neither the beneficiaries nor the Supreme Court would assent to conduct done for a dishonest and otherwise corrupt purpose, and therefore this requirement is unnecessary. The reforms will apply retrospectively except in limited circumstances.

There are other provisions of the bill amending the Criminal Procedure Act 2009 and the Sentencing Act 1991 to modernise the systems of the courts so that they can operate more efficiently, amending the Criminal Procedure Act and the Sentencing Act to remove outdated requirements for criminal proceedings and legislation, and as such, requirements for making certain applications in person or by post would improve the administrative efficiency and reduce the burden on the Magistrates' Court. These amendments will allow the court greater flexibility to carry out a range of high-volume administrative tasks more efficiently for criminal proceedings. In the immediate term, the amendments will enable the court to roll out the case management system in its criminal jurisdiction, generating greater efficiency. The case management system for the Magistrates' Court is an important update to how the legal system works, leading to better experiences for people engaging in the legal system. It will replace the legacy information technology systems such as Courtlink and enhance the access to justice and improved processes to strengthen information sharing.

I have spoken a lot in the past in this chamber about the importance of information sharing in the criminal justice context. There are certainly elements of the old information technology systems that were being used in the Magistrates' Court that impeded those activities in the past. Those deficiencies were identified in many prior fora, including in the Royal Commission into Family Violence. The case management system commenced operation in the Magistrates' Court civil jurisdiction in October 2022 and the Children's Court child protection jurisdiction in October 2023, and a further rollout of the case management system for criminal law and intervention order matters is expected in 2025. I think this is going to make a significant and very positive difference to the operations of the court and will bring benefits to the administration of justice more broadly in the state.

The bill is also making some technical amendments to the Worker Screening Act to correct section reference errors relating to administrative processes and required definitions for working with children checks and NDIS checks. The changes will not operationally affect the sections but correct minor drafting oversights. The bill also proposes to repeal a certain section of the Social Services Regulation Act to ensure that out-of-home care workers cannot be subject to an exclusion decision under the workers and carers exclusion scheme unless they both engage in misconduct and pose an unacceptable risk of harm to children and young people. A range of very important amendments are both responding to the operation of schemes to improve the operation of the Magistrates' Court and responding to decisions of the Supreme Court. These are important changes, and I commend the bill to the house.

Sitting suspended 11:32 am until 11:43 am.

Lee TARLAMIS (South-Eastern Metropolitan) (11:43): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Building Legislation Amendment (Buyer Protections) Bill 2025

Second reading

Debate resumed on motion of Ingrid Stitt:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (11:44): This is the Building Legislation Amendment Buyer Protection Bill 2025. This is a bill that has been drifting around for some time. It is a bill that the government has been slow to bring forward. It is a bill where consumers have been thumped and crunched for a long period, where the government has been slow, very slow indeed, to take action that will assist the community.

The problems at the Victorian Building Authority and the problems with insurance on building have been known for a long time. I have mentioned this in the chamber repeatedly. In fact I have called the VBA a basket case on numerous occasions in this chamber, and the reason I did that is because in fact it has been an absolute basket case. I know the government has embarked on a reform process. I know the government is trying to address some of the many problems with the VBA and with builders insurance and with building protections for consumers statewide. This bill is part of that process, but it is clear that this bill falls short. It is clear that the bill does not achieve what the government wants to achieve, and that is the appropriate balance between the regulation of builders and the protection of consumers. Greater regulation tends to add to costs. We have a housing supply problem and we have a significant issue with the ability of young people to get into homes, but this bill does not really deal with many of these points.

The objects of the Building Legislation Amendment (Buyer Protections) Bill 2025 are to provide for the transfer of the Victorian Managed Insurance Authority (VMIA) domestic building insurance operations and the operations of Domestic Building Dispute Resolution Victoria to the Victorian Building Authority. I have got to say, we are moving it to the Victorian Building Authority, a body that has been a basket case for a long while, despite the government's attempts at reform. I know there have been referrals to IBAC for corrupt practices that have occurred at the VBA. I know the new CEO there is trying to clean up these matters, and I wish her well in that process. But this is giving more authority to the VBA at a time when we are still unsure whether the changes and reforms that the government has tried to institute have worked. The bill establishes a monopoly for the provision of domestic building insurance for homes, including in buildings up to three storeys, by the VBA; establishes a statutory insurance scheme for homes, including buildings of three storeys, to be operated by the VBA; provides the VBA with stronger powers to order the rectification of defective, noncompliant and incomplete building works; and establishes a system of developer bonds for residential apartment buildings above three storeys of 2 per cent of build costs for up to two years.

As I say, this is designed to rectify the problems. We saw – and people will remember – the problems with the Porter Davis firm, which because of the increase in construction costs and because of the failure to act in a proper way left many home owners high and dry without insurance. I think many believed that the insurance system was much more extensive than it was. It is genuinely a last-resort insurance system that will have been in place in this state until this bill moves forward.

As to cases of poor workmanship on homes by builders – and, look, I want to be very clear here: the vast majority of builders do a good job. The vast majority of builders are honourable people trying to do a good job and to bring homes to our community, but there is a small group and often repeat offenders where issues have developed over time. Those issues have often been very serious and repeated, and consumers have been left with firms that have not completed the rectification works that are required. The consumer – the home owner – is then often left without that rectification work that is required.

The government has been preparing a response to a number of these problems, including a promised review of the Domestic Building Contracts Act 1995, which controls the basis of the contractual

relationship between builder and customer. While purchasers of new homes expect government to provide contractual safety through adequate regulation and supervision of the building industry, all key building stakeholders have expressed strong opposition to this particular bill in its current form. One of our concerns as an opposition is the establishment of the new Building and Plumbing Commission. It is an aggregation of existing personnel from the VBA, VMIA and Consumer Affairs Victoria, and without reform of initial contracts there seems to be no guarantee that dispute resolution, quality management of projects and enforcement will be enhanced. There is no sign that extra monitoring or management of building quality has been identified as part of the solution, and it should have been. The 10-year period for defect claims – customers are able to lodge, under this scheme, a claim for defects from builders for up to 10 years; that is an increase from seven. Without clear definitions of what the word 'defect' can mean and without obligation for consumers to raise concerns and issues in a prompt and timely manner this will lead to ongoing uncertainty and will lead to fewer builders and increased costs. No doubt this bill will add to the cost of housing, which has already surged.

Monopoly insurance is another issue. As with other state government insurance like the TAC and WorkCover, there is a strong concern, a real concern, about the risk of bureaucratic costs that will not be capped. Premiums will steadily increase, compliance costs for small builders will become more burdensome and the risk of a new effective tax impost is very real. Some of us remember the old Housing Guarantee Fund. We have been around long enough to remember the old Housing Guarantee Fund, and that became an absolute dog's breakfast. In the early 1990s the scheme ran out of control, the costs blew out and the community paid a big price in additional costs of building and outcomes. Nobody should believe that a government-run monopoly insurer is necessarily the solution. The President would have been around at the time when the old Housing Guarantee Fund was in operation. He, I am sure, will remember that it was replete with problems. There were endless stories in the media. The more things change, the more they stay the same. I am interested to see how this actually turns out, but I am cautious and nervous, I might say, for the outcomes for our consumers statewide.

The developer bond scheme aims to protect apartment purchasers in buildings over three storeys. While the bond scheme seeks to address a real problem of holding builders responsible for their work, the mechanism proposed is considered by many in the sector as clunky and not well coordinated with existing accountability structures, such as those remaining in place under the Building and Construction Industry Security of Payment Act 2002. There is also universal concern that the 2 per cent bond scheme as proposed will just add 2 per cent to the cost of building.

Young families can ill afford another 2 per cent on top of the costs of building. This is going to be another cost which makes building more expensive. Even today we have seen the government's proposal for a 234 per cent increase in mining and extractive industry costs. The extractive industries are direct inputs into the cost of construction, so if you if you jack up the fees and charges on quarries, you add to the cost of housing. It is a direct input cost. If you make rock more expensive, the concrete that is produced, whether it be for housing or for major projects, becomes more expensive. A government tax on extractive industries, on quarries that produce rock for concrete, is a straight input cost that is going to jack up the price of houses.

Everywhere you look this government is jacking up the costs, the taxes and the charges and making housing and construction in our state more and more expensive. We wonder why costs blow out – because government puts new taxes on. Aside from their chronic inability to manage projects, there is also this factor of new and increased imposts and burdens put on.

I should say that there has been a wide range of consultation, and our shadow Richard Riordan has talked very widely to the major bodies, the Housing Industry Association, the Master Builders, the property developers – a range of individual firms, I might add – the Property Council of Australia and also to many consumers. I know every electorate office, mine included, has a steady stream of people coming forward with trouble and poor performance by builders. Families that have been left without proper arrangements in place, without repairs that should be made inside the current seven-year period,

and soon to be, if this is carried, the 10-year period – these defects that have not been properly acquitted by builders.

In that sense, steps are welcome to go forward and strengthen those points. The question is: are these the right steps? Are these going to deliver the right outcomes? And we are far from convinced that the right steps and the right outcomes will be achieved.

The construction industry and consumers all acknowledge that there are serious issues around building quality rectifications and the building warranty insurance scheme. We just saw what a dog's breakfast the approach of the government was, with many of those firms going under and leaving consumers high and dry. The Victorian Managed Insurance Authority knew about these problems a lot earlier. I know this because I have actually seen their minutes and looked closely at their minutes, and their minutes show that they knew a long way ahead and failed to act in a timely way, leaving families exposed to the issues with many of these firms.

There is also no clarity in this about the contents and obligations in a building contract that are often at the root of disputes between builders and consumers. VCAT is still the ultimate umpire, and it is poorly resourced and funded. It is under-resourced, and in committee I will raise with the minister a couple of cases where there have been long waits. One I will highlight has been a six-year wait, and they still have not got their proper VCAT hearing. In this case the home owner has tried valiantly to get a hearing at VCAT, and the builder has used every legal shenanigan and trick in the book to try and avoid it. I understand it is scheduled for July, but this is years down the track and a case study in how things ought not be run. The future renaming of the Victorian Building Authority to the Victorian Building and Plumbing Commission, the VBPC, is symbolic perhaps – that is the best you could say. A badging issue is truly what it is. The 10-year defect liability responsibility is long and not sufficiently defined. The definitions are a problem.

Assuming legislation is passed, we will want to monitor this extremely closely to get a clearer understanding of how this will actually be implemented. As I say, I welcome the government's newfound enthusiasm to clean up the mess at the VBA. It has been a mess for a long while, and I wish the CEO of the VBA well in trying to clean it up and welcome the referrals that have occurred from the VBA to IBAC to deal with some of the corrupt practices that have clearly been occurring at the old VBA – it has been a group of old dinosaurs running the museum, as it were.

A member interjected.

David DAVIS: Well, it is actually quite serious what has gone on. It is deadly serious. I have raised this matter in this chamber many times over the years. I have done that because, as many of us in this chamber have had, people come to our offices and they are in dire need. Their major asset is their home, and the building of the home has not been acquitted properly – there are serious defects. They cannot get the builder to take proper responsibility, and they push forward in every way they can to get an outcome. I understand why this bill is necessary, but I also do not think the government has got to the proper solution, the proper outcome.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Mineral resources

David DAVIS (Southern Metropolitan) (12:00): (933) My question is to the Treasurer. Last Friday the Allan Labor government gazetted plans for a big bad new tax on the mineral resources sector and the extractive industries sector through the announcement of a RIS proposing in its preferred model a 234 per cent increase in fees and charges for miners and extractive industries. I ask: how will a 234 per cent increase in charges on miners help expand mining in this state?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): I thank Mr Davis for his question. At the outset I would reflect that this is a question that would be better directed to the minister for resources, because you have specifically asked for information in relation to the mining industry now and into the future. In relation to mining fees, we are consulting on proposed increases to fees paid by the mining and quarrying industries because it is accepted that we need to be looking at the correct settings, and I do not think that is actually disputed. The number of mineral licence applications has increased 2.5 times since 2018, and we want to see faster approvals and better service for industry, helping them reduce costs and get their resources to market quicker. The information that I have is that current fees only cover 36 per cent of the costs to provide the regulatory service to the industry. It is a good opportunity to have a dialogue with industry to ensure that we get the settings right to support that industry, particularly in relation to what we need in relation to the regulator services that they depend on.

David DAVIS (Southern Metropolitan) (12:02): I do not think the question was really answered as to how a 234 per cent increase will help. The nasty new tax is focused on a 234 per cent increase in fees and charges for extractive industries in Victoria, including quarrying, which provide rock, a critical input into concrete used in all types of construction and home building. Treasurer, will you explain to the house how jacking up the cost of construction in Victoria will make homes more affordable for young Victorians?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:03): Mr Davis, I am not the minister for resources. I answered your question. To add to the comments that I made before, we are having a conversation with the industry about the right settings. This is not unique to Victoria. Cost recovery for regulators is a standard approach used across the board and around the world. For more information on the industry and the consultation with government I would be happy for you to direct your next question to the appropriate minister, and that would be Minister D'Ambrosio.

David Davis: On a point of order, President, it was a very simple question about how increasing charges on the extractive industry will help affordability for young people. The minister has not answered that at all.

The PRESIDENT: I think we have been through this before. The house does not deny your right to ask a question to any minister, but the minister has every right to reply that that particular topic is not within her remit and is within another minister's remit.

Energy policy

David DAVIS (Southern Metropolitan) (12:04): (934) My question is again to the Treasurer. The most recent CPI figures show electricity prices surging, with a 16.2 per cent increase between the March quarter 2024 and the March quarter 2025. Why has the Allan Labor government forced up the price of electricity for families and small businesses in this state by 16.2 per cent in a cost-of-living crisis?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:04): I understand your frustration, Mr Davis, that your shadow is not in this house. I will attempt to answer your questions, but electricity prices are a matter for the minister for energy, and there is no disputing that. Of course I am interested in cost-of-living measures. That is why part of this year's budget has a cost-of-living measure in relation to the power saving bonus for vulnerable Victorians – those with concession cards, those who need the additional help for the upcoming winter bills. But you asked about electricity prices, and of course our focus is on driving down bills for Victorian families. It is why we called on the Essential Services Commission to put households first and energy company profits second in the Victorian default offer. It is why we are investing in renewable energy – because it is the cheapest form of new-build energy.

We continue to have the lowest energy prices in the country, and that is something that you like to ignore. I do not know why you would do that; you should be promoting our state. The average Victorian default offer will increase by less than 1 per cent next financial year, and that is far lower than increases in other states. Victoria's wholesale electricity prices remain the lowest in the country, which means lower bills. So, if you are an energy-intensive –

David Davis interjected.

Jaclyn SYMES: Mr Davis, I have answered your question in relation to the limited remit I have in relation to providing you information that is squarely the responsibility of another minister. Hopefully the information I have given you you would find useful. It would be really good if you started some of your questions with 'I acknowledge that Victoria is the best, but', but you never do.

David DAVIS (Southern Metropolitan) (12:06): The Treasurer does not want to engage with the fact that the electricity price, according to the ABS, has increased by 16.2 per cent to the end of the March quarter in Victoria. Treasurer, other than Brisbane, where the state government rebate concluded, Victoria had the highest increase in electricity costs across the 12 months to the March quarter 2025, according to the ABS. Why have you driven electricity costs up or failed to bring them down to achieve an outcome for our economy and our businesses?

The PRESIDENT: It is very difficult when the minister has said that electricity prices are the responsibility of another minister and then the supplementary question is around electricity prices. As I said, Mr Davis, you have every right to ask any minister any question you like, and the ministers have got every right to say it is the responsibility of another minister.

David Davis: On a point of order, President, the economy is driven by cost inputs and so forth, and electricity is one of them. Electricity costs have gone up more than 16 per cent in the last year, and that should be a matter of concern for the Treasurer. If the Treasurer is going to tell us that an input cost like electricity into the economy and businesses is unimportant, good luck to her.

The PRESIDENT: I am happy to put the question to the Treasurer, but once again, every member has a right to ask a question of any minister about any issue, but the minister has got the right to say that it is not within her responsibility.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): Mr Davis, just to build on the information I gave you before in relation to the impact of the Victorian default offer and the fact that it is driving down prices, we are ensuring that all of our initiatives are about reducing the impost on households. We are bringing back the SEC, which is all about ensuring that these are the things that are the focus of our government and ensuring you can make the choice to upgrade appliances in your home – we are making that easy. We are making it easy to find trusted installers and know which rebates you can access. That is what the one-stop shop is going to be all about. We have got hot-water rebates, solar and, as I said before, the energy saving bonus. Mr Davis, we are a government that is squarely focused on households and how we can bring down their bills. But you also mentioned industry. If you are an energy-intensive business, Victoria remains the best place to be. Our wholesale electricity prices averaged $101 in 2024, the lowest in the national electricity market.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:09): Our government understands that Victorians need help with the cost of living and sometimes no amount of belt-tightening can prevent a slide into housing insecurity. Last week's budget invests in the services that people rely upon when they find themselves in that situation of vulnerability. The budget provides funding for the Salvation Army's after-hours crisis service, Aboriginal-specific homelessness entry points and Victoria's rough sleeping action plan. There is funding for resources and responses tailored to the

needs of specific communities, like Audrey Rainsford in Carlton, which provides housing support to older people with experiences of chronic rough sleeping, or Viv's Place in Dandenong and McAuley House in Ballarat, which keep women and children fleeing family violence safe. And there is our world-leading Pride in Place program that offers inclusive recovery pathways for LGBTIQA+ people experiencing homelessness. The budget also advances our commitments to *Mana-na woorn-tyeen maar-takoort* and the blueprint for an Aboriginal-specific homelessness system to deliver on self-determined responses across Victoria.

Underpinning these responses is a belief in helping each other and helping people to live well. When one of us falls or falters, those of us who can offer a helping hand do. I saw this same belief last week during another visit to the Horace Petty estate in South Yarra, where I met with South Yarra Public Tenants Association members to hear more about the work that they are doing, from managing information, assistance and engagement as part of relocations to accessing services and support. We discussed the impact of change as we continue to redevelop the ageing high-rise towers, and locals including Janice, Vladimir and Carol shared their stories with me. What was immediately clear was how the community is supporting each other as that relocation process takes shape. I am committed to working alongside residents every step of the way throughout that process, so they can all have access to the standards of service and housing they deserve.

Land tax

David LIMBRICK (South-Eastern Metropolitan) (12:11): (935) Many of my constituents in the south-east, both individuals and businesses, have begun receiving their land tax bills recently, so my question is for the Treasurer. Understandably, many of them are very upset at the huge increases. In fact I spoke to one factory owner who had a bill in the order of $200,000. It was totally unplanned for and unexpected that it would be that high. What is the Treasurer doing to ensure that the SRO can come to arrangements with people who may be having trouble paying these bills? I have had feedback from accountants that the ATO is far more accommodating than the SRO in coming to arrangements to prevent bankruptcy, which would be no good for the taxpayer and no good for the state itself.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:12): I thank Mr Limbrick for his question. At the outset, land tax calculations are based on unimproved value of your land or your site value, and the values are determined as part of the annual statewide valuation process conducted by the valuer-general. They are usually made annually, and as you have appreciated as people have come to ask you questions, people get their bills roughly between January and June each year.

There is an opportunity for people that have an issue to raise an objection with the SRO. The SRO processes hundreds of thousands of tax assessments each year. Rarely, but occasionally, there are errors, so if people do have concerns that there is an issue, they should raise that. When people write to me, I refer it directly to SRO for advice in relation to those matters. I will, in good faith, take on board your feedback that individuals are concerned when they have trouble paying and about the hardship provisions and the like. I have regular meetings with the SRO, and these are the types of conversations that I have with them. There are obviously genuine issues when people have got a range of competing factors, and we do not want to make people's lives harder. There are a range of measures available in relation to payment plans and the like. I will get you more information on all of those measures and continue that conversation and provide that direct feedback to the SRO on your behalf.

Congestion levy

David DAVIS (Southern Metropolitan) (12:14): (936) My question is again to the Treasurer. Treasurer, I refer to the government's decision, incorporated in the budget but not yet brought forward in a bill, to expand the geography of and increase the rate of the congestion levy. This will hit whole new sections of territories and new suburbs. It will raise millions. I ask, Treasurer, how a big nasty new tax slapped on Chapel Street in South Yarra will help revitalise this street, which has become run-down in recent years under your government.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): I thank Mr Davis for his question, which is a matter for the Treasurer. As was announced at the budget update by my predecessor, it is our intention to make changes to the congestion levy. That is about ensuring that similar LGAs that are currently applicable would also be brought into the scheme. I am on the public record that it is not in the tax bill that has been considered by the Legislative Assembly because I want to continue to engage with industry. I have had Parking Australia in, I have had shopping centre representatives in and I have had local councils in in relation to the expansion of the levy. It is an existing levy; it has existed for some time. There is the opportunity to have a conversation with local councils about what they think of and need for the amenity in relation to the reduced congestion in their LGAs, because that is what this is about. It is all about ensuring that you are promoting more people onto public transport and less people into cars. But in relation to its applicability and how the changes are going to affect the new areas that are brought in and some of the other changes, I am in the middle of constructive discussions with interested parties right now.

David DAVIS (Southern Metropolitan) (12:16): Well, let me give you some input here: Chapel Street has become a poor shadow of its former vibrant self, with crime, drug taking and empty shops as dominant features. I therefore ask: how much will your government slap traders and residents in the City of Stonnington for through this savage new congestion tax? How much will they pay?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:17): Mr Davis, I think I provided you with quite a bit of detail in my answer to your initial question. In relation to initiatives, investment and business support, the way I look at it is not isolated to government revenue but also in relation to support and how we can help with some of the issues that they are interested in. There are a number of broad-ranging conversations that you can have with impacted councils – for instance, recent conversations that we have been having with the City of Melbourne in financially supporting CCTV cameras and the like. So there is an opportunity to have broader conversations about amenity within the communities and the LGAs that are brought into the congestion levy zone.

David Davis: On a point of order, President, whilst the minister has talked at length on the matter, she has not answered the central question of how much will be collected in the City of Stonnington.

The PRESIDENT: Further to the point of order.

Jaclyn SYMES: Mr Davis, I would put to you that Carlton and Fitzroy are currently covered by the levy, so extending it to like suburbs has an equity element. In relation to your specific question, I do not have that on me, but I will endeavour to give it to you. But just because it is the subject of consultation, I will commit to giving it to you when I have it.

Ministers statements: early intervention programs

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:18): Last week I had the opportunity to meet with two important organisations delivering youth justice services in Melbourne's South-East Metropolitan Region, OzChild and Afri-Aus Care. These organisations represent very different models, but both play a vital role in delivering early intervention support to young people at risk.

At OzChild I was joined by the hardworking member for Mulgrave in the other place, Eden Foster, to meet with the team delivering an important program that helps young people get back on track by tackling the root causes of offending. Multisystemic therapy is an intensive, evidence-based program that works directly with families to reduce offending and keep young people out of the justice system. Through the Victorian government's investment of over $4 million, this program delivers vital wraparound support to young people and their families each year in the south-east region. OzChild's clinicians work closely with families delivering support in the home, helping them strengthen relationships, set boundaries and respond to complex behaviours. An important part of the program, which I was really heartened to hear about, is how it empowers parents as well. The outcomes have

been recognised through their nomination in the 2025 Victorian Protecting Children Awards for their work with First Nations families.

I also had the opportunity to visit Afri-Aus Care in Springvale South, an African-led community grassroots organisation that supports young people through the Ubuntu mentoring program and Black Rhinos sports initiative. I was pleased to be joined by local member, the member for Clarinda, Meng Heang Tak, whose advocacy for his local community is deeply valued. Afri-Aus Care's programs draw on lived experience and cultural connection to build resilience, identity and belonging among African Australian youth. Under the leadership of Selba-Gondoza Luka OAM, Afri-Aus Care provides safe spaces, trusted mentorship and positive pathways for young people navigating difficult circumstances. I want to thank both organisations for their important work and their warm welcome.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:20): (937) My question is for the Minister for the Suburban Rail Loop. Minister, you have only received $2.2 billion of the $1.5 billion that you are gambling on from the Commonwealth. This week Deputy Prime Minister Richard Marles again was quite clear on 3AW that there are no forthcoming funds for the Suburban Rail Loop. Will Victorian taxpayers be picking up the other $9.3 billion?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:21): Thank you, Mr Mulholland, for that question. I would invite you to perhaps go back to *Hansard* and maybe correct what appears to be an inversion of the figures there in relation to the 1.5 of the 2.2.

Members interjecting.

Harriet SHING: Okay. I will leave you perhaps to correct the record on that one, Mr Mulholland. What I would say to you is something that I have said to you on a number of occasions now in this place and what I have said more broadly elsewhere. What I have said to you here is also consistent with what the Prime Minister has said, what the Treasurer has said, what the Commonwealth infrastructure minister, Ms King has said, what Infrastructure Australia has said and what the business and investment case also says about the Suburban Rail Loop being a necessary nation-building project that is part of making sure that Victoria grows well as our population grows to being the size of London by the 2050s.

Mr Mulholland, despite all of the efforts from you and your colleagues to talk this project down, it is a project that is supported by communities. It is a project on which you would be wise to do some further work to better understand, because if you understood a little bit more about this project and about the process whereby Minister King has released $2.2 billion, you would understand, like any major project, particularly a project –

Evan Mulholland: On a point of order on relevance, President, it was a simple question about whether Victorian taxpayers will be picking up the missing $9.3 billion. The minister has not come near that question.

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

Harriet SHING: Again, I reject the preamble of your question, Mr Mulholland. This is not money that is missing. This is a long-term project, but it is a project which is on time and on budget. You hate hearing that because this is a project that you have never supported, that you do not support and that you will never support, but you do not have the guts to admit that you do not actually have any solutions when it comes to dealing with growth. Your slogan, when your mate over there handed down the shadow budget this week, was to talk to a recycled component and concept of going for growth. You do not want to grow well. You just want to grow anywhere but Brighton, right?

Members interjecting.

Sonja Terpstra: On a point of order, President, I cannot hear – I cannot hear a thing – and the noise is coming from over the other side of the chamber.

The PRESIDENT: I uphold the point of order. A lot of noise has been coming from all parts of chamber, but I think when the side of the chamber that asks the question then starts drowning out the answer it makes it very difficult for the chamber. The minister to continue, hopefully in silence.

Harriet SHING: The Shadow Treasurer, who lives in Brighton, wants housing everywhere but Brighton; everybody else who lives in the peri-urban fringe wants more investment in infrastructure; and we know that Victorians need more housing, so we are going to keep working with the Commonwealth on a project that the Prime Minister and the Treasurer and the infrastructure minister have made very clear they support and that needs to be built.

Evan MULHOLLAND (Northern Metropolitan) (12:25): Minister, thank you for that non-answer. Is this embarrassing failure to secure the federal funds required the reason why the Suburban Rail Loop funding is listed as 'TBC' in the budget and across the forward estimates?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:25): Thank you, Mr Mulholland. What an embarrassment that you do not know how to read budget papers – yet again. You did not read the 2019–20 allocation, which referred to $300 million for the Suburban Rail Loop as a further measure of just how significant this work is and how it is on time and on budget, with tunnel-boring machines in the ground next year and trains from Cheltenham to Box Hill via Monash by 2035. Mr Mulholland, the work in the budget links back to negotiations, discussions and work with preferred proponents as part of delivering a nation-leading contract. If you are proposing that we publish the progress of commercial-in-confidence negotiations, which are about extracting the very best value for the taxpayer, then heaven help anybody on the other end of an investment from a coalition government – beyond the closure of the New Street, Brighton, level crossing, which is the only one that you ever delivered when you were in – because Victorians will not be getting a good deal under you. You are yet to form a position on the Suburban Rail Loop because you are too gutless to do so.

Space technology research

Jeff BOURMAN (Eastern Victoria) (12:27): (938) My question is for the minister for training and skills. Swinburne University of Technology is showcasing their unique skills, capabilities and innovation in space research and technology here in Queen's Hall this week. I hope you all went and had a look and a talk with them. Space is an industry that is projected to be worth $1 trillion by 2040. My question is: how does the government plan to invest in ensuring a strong advanced manufacturing future in Victoria, notably in the space industry?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:27): I thank Mr Bourman for his question, but I also thank him for his involvement in bringing Swinburne Institute of Technology – which was called that; now it is Swinburne University – to Queen's Hall so that we could all have a look at their ability to showcase what they are actually doing on the variety of campuses that they are on. Can I say that this is an area that is taking sway in terms of a whole range of different research areas not just right across this country but internationally as well. One of the reasons for that is that it does develop the need for the digital skills that are going to be required in a whole range of different industries. It is not just in terms of the space industry, it is across the board, whether it be data centres or other initiatives as well. Swinburne is particularly important because of its focus on technology, and it is particularly important because it is one of our four dual-sector universities. For people who do not know, being dual sector they deliver vocational education and training; they deliver TAFE courses as well as higher education. It is a very important pathway for people to pick up skills in the TAFE area, as well as then having that pathway to higher education.

In terms of the general question you asked, it is probably more relevant to the Minister for Industry and Advanced Manufacturing. I know that Minister Brooks is particularly interested in space and

space technology. I understand that Swinburne met with him as recently as yesterday. I am meeting with Swinburne this afternoon, and of course I have been a visitor to the showcase during the last couple of days. I endorse the remarks that you made in your members statement that it is really important to have that one-on-one conversation and connection with researchers who are actually at the forefront of groundbreaking research that has got major implications. But of course what I am really interested in is the application of that research, and this week has been an eye-opener, I think, for many, many people.

In terms of the investment, can I say that in terms of the government's *Economic Growth Statement* that was released before Christmas last year, this industry, and advanced manufacturing in particular, was a considered to be a priority area, so I know that Minister Brooks and his department are working overtime in terms of advanced manufacturing and what that offering is in terms of the advancement of economic growth in this state. Of course you asked – *(Time expired)*

Jeff BOURMAN (Eastern Victoria) (12:30): I thank the minister for her answer and for passing on what she can to Minister Brooks. I am going to be a little cheeky here, seeing as how we have Swinburne here. Minister, how will you, the government, support Swinburne to realise the vision of Victoria as the leading state in space industry research and tech?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:31): This is a good question, an important question, and what I can say is it is not a matter of 'What will you do?', it is also a recognition of what we already have done. You will recall that we did establish the $350 million higher education investment fund for the universities, and indeed Swinburne was one of the key recipients of that money. It received $12 million directly for its AIR Hub, which was funding to create innovative materials and manufacturing processes for passenger planes and air cargo as well as the space industry. So there actually has been significant pre-seed funding as well as seed funding in terms of a whole range of things. We also provided $5.2 million for their supercomputer capability. There was also a co-investment of $87 million with five Victorian universities, including Swinburne, through the university innovation program and – *(Time expired)*

Ministers statements: cost of living

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:32): I want to update the house on the Allan Labor government's real help to Victorians with the cost of living. Right now the cost-of-living pressures, we know, are hurting many, many Victorians. They are feeling it in their bills and in their grocery shops. The Labor government are on their side, and that is why this budget has delivered a record $2.3 billion in cost-of-living relief. We are making public transport free for kids under 18, saving families around $755 per kid. Seniors will also benefit from statewide public transport on weekends that is free, meaning that they can experience even more of our state without the extra expense. They just have to have their seniors card. We are delivering another round of the power saving bonus, which I talked about earlier, that is delivering $100 just in time for winter bills. We are also investing a further $18 million to expand the community pharmacy pilot to enable pharmacists to treat more Victorians and more conditions without a trip to the doctor for a prescription. We are also covering the cost of the consult, which means that Victorians can continue to access this care for free, which I have learned is something that other states do not do. We are the only state that does not charge a fee for that service. We are delivering targeted support for families that need it most by increasing the Camps, Sports and Excursions Fund to $400 a year so that kids do not miss out. This is on top of ongoing support delivering free breakfast, free glasses, free swimming lessons and free pads and tampons to every government school. We are also building on our landmark Best Start, Best Life reforms with a $2 billion investment in the budget to continue free kinder, which my colleague will be out spruiking again and again. This will save families $2600 a year. These investments make a real difference to families. This budget and this government are focused on what matters most to Victorians.

Emergency Services and Volunteers Fund

Joe McCRACKEN (Western Victoria) (12:34): (939) My question is to the Treasurer. Treasurer, in a social media post yesterday the member for Ripon, while talking about the emergency services tax that passed last week, said:

> I have spoken directly to the Treasurer and Premier to make them aware of my community's views.

Despite voting for the tax, the member for Ripon said:

> It is not fair …

Treasurer, did the member for Ripon raise flaws and problems with the emergency services tax, and did you ignore them?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:35): Mr McCracken, Martha Haylett is an amazing advocate for her community. This is a community that we know is under pressure in relation to drought. It is why Martha has been out there talking to her community about the drought support measures that are on offer. It is why Martha was very supportive of initiatives to ensure that any increases in relation to what was the fire service levy, which is now the Emergency Services and Volunteers Fund, would not be anything additional in those LGAs in the drought-impacted areas. That is something that is an initiative that we have been talking at length about with farmers and their representatives in relation to ongoing support for Martha's electorate. Many regional MPs are obviously very concerned about the outlook and the lack of rain, and we are continuing to have conversations and initiatives that are coming and available. There was another drought package announced just recently. The Minister for Agriculture is in the south-west today. The Premier and the Minister for Agriculture, with my support, have said that we stand ready to do more, and that is what we are –

Joe McCracken: On a point of order, President, on relevance, I asked about the emergency services tax, not about drought.

The PRESIDENT: I believe the Treasurer was relevant to the question.

Jaclyn SYMES: I will just finish on this for Mr McCracken, then. Mr McCracken, if you are a farmer, if you have a primary production landholding in a drought-impacted LGA, you will not receive any additional levy against your property compared to last year. And if you are a CFA volunteer or an SES volunteer, you will pay nothing or less because of the exemptions that we recognise in supporting and acknowledging the amazing work that our volunteers do. Many of those CFA volunteers are also farmers, so as I said, no increase from last year and many will pay nothing or less.

Joe McCRACKEN (Western Victoria) (12:37): You really did not answer my question, Treasurer. So my supplementary to you is that the member for Ripon also stated in the same social media post:

> It is clear the way this levy has been calculated has a disproportionate impact on farmers.

Treasurer, does the government accept that characterisation from the member for Ripon, or is she incorrect?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:38): Mr McCracken, the exemption for drought-impacted farmers is designed to address exactly that. When it comes to the levy and the collection of the levy, 27 per cent of the Emergency Services and Volunteers Fund would be collected from the regions and 73 per cent from metro at its current settings. I expect that that would change as a result of the drought measures that I have outlined for you. So yes, there are concessions and acknowledgements of what is happening out there in many parts of the state. I am more than happy to make sure you have got all of that information, because I am sure some of your constituents would appreciate accurate information in relation to the measures that we have announced.

Water treatment

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:39): (940) My question today is to the Minister for Water. PFAS and what are often referred to as 'forever chemicals' have been linked to a number of health problems, including cancers, liver damage, risks to fertility and increased risk of asthma and thyroid disease. We have seen reports this week that 97 per cent of people in our state who are over 12 years of age have detectable levels of PFAS in their bloodstream. Can you please update the house on the levels of PFAS contamination in Victoria's drinking water and recycled catchments?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:40): I thank the member for his question. It is a very topical question that I think many people are interested in, given that we all ingest water; it is part of us being alive as a race. What I can say is that our water quality is amongst the best in the world. I can also say that all Victorian water corporations fully comply with the *Australian Drinking Water Guidelines* and the Victorian Safe Drinking Water Act 2003. Victorian drinking water is safe, and it is secure for customers and communities. All water corporations routinely conduct tests to ensure drinking water quality meets the national guidelines, and all tests have been well within the guideline levels. The water corps monitor and manage water quality based on the risk-based approach required under the Victorian Safe Drinking Water Act, with guidance from the *Australian Drinking Water Guidelines*. The National Health and Medical Research Council are responsible for the *Australian Drinking Water Guidelines*. These are informed by the latest scientific knowledge and expertise in the Australian context.

In relation to me and my role as water minister, it is to provide expectations to the appointed members of our water corporation boards to ensure our water corporations are meeting their obligations under the Water Act. The Department of Health administers the Safe Drinking Water Act 2003 and the Safe Drinking Water Regulations 2015, so in relation to drinking water, questions relating specifically to standards and requirements around drinking water treatment and quality should be directed to the Minister for Health. Again, I know that this is very topical at the moment. I also understand that Mrs Tyrrell has asked a number of questions about PFAS in the past, and I am sure that her interest will continue in this area. I also understand that there is a Senate select committee inquiry that is currently underway, and they are due to report in August, so there will be continued interest in this area for some time.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:42): The federal government has said that it will introduce national controls for PFAS chemicals from 1 July 2025, so I ask: in your role as Minister for Water in our state, what steps will you be taking to ensure swift implementation of these controls and to bring down these levels in our waterways and our water supply?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:43): The member is correct. There is a ban that will take effect as of 1 July 2025. That is a Commonwealth ban, and of course the states will work cooperatively with the Commonwealth to ensure that that ban is implemented. I can also say that in terms of regulation and monitoring of non-drinking water, that falls within the realm of the EPA and the Minister for Environment, and I am sure that they will also work with the Commonwealth in making sure that that ban is applied.

Ministers statements: Kangan Institute Melton campus

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:43): We are delivering a new TAFE for Melton – right where it is needed. This week I joined local member Steve McGhie to announce the location of the new Kangan Institute TAFE campus. This new TAFE campus will be built in the heart of Cobblebank, perfectly located near the Cobblebank train station, the soon-to-be-completed Cobblebank secondary school, the future hospital and the council's Western Business Accelerator and Centre of Excellence. This location means Cobblebank secondary students will have a TAFE right next door to continue their education and training. Bendigo Kangan Institute will be on the ground with an interim offering of courses in digital technologies at the western business accelerator this year, while works progress on the TAFE campus across the road. The new $55 million

Melton TAFE campus will deliver world-class trades training so Melton residents can live locally and train locally for rewarding local careers.

Members interjecting.

Tom McIntosh: On a point of order, President, I am a metre behind the minister, who is making a really important contribution about TAFE, and I would like to be able to hear it.

The PRESIDENT: I uphold the point of order. Can I get the clock reset for the 2 minutes? I do not think the minister is being provocative. Minister – if she could be heard with no yelling around her.

Gayle TIERNEY: From the top, President? Thank you. We are delivering a new TAFE for Melton, right where it is needed. This week I joined local member Steve McGhie to announce the location of the new Kangan Institute TAFE campus. This new TAFE campus will be built in the heart of Cobblebank, perfectly located –

Members interjecting.

The PRESIDENT: Minister, could you sit down. Could the clock be reset. Everyone, without any yelling. Minister, we will have another go at it.

Gayle TIERNEY: Thank you, President. We are delivering a new TAFE for Melton right where it is needed. This week I joined local member Steve McGhie to announce the location for the new Kangan Institute TAFE campus. This new TAFE campus will be built in the heart of Cobblebank, perfectly located near the Cobblebank train station, the soon-to-be-completed Cobblebank secondary school, the future hospital and the council's Western Business Accelerator and Centre of Excellence. This location means Cobblebank secondary students will have a TAFE right next door to continue their education and training. Bendigo Kangan Institute will be on the ground with an interim offering of courses in digital technologies at the Western Business Accelerator later this year, while works progress on the TAFE campus across the road.

The new $55 million Melton TAFE campus will deliver world-class trades training so Melton residents can live locally and train locally for rewarding local careers. From Melton TAFE to the new Sunbury TAFE to the new Broadmeadows TAFE Health and Community Centre of Excellence, we are building a north-west skills triangle powered by TAFE. With three TAFE campuses 30 minutes apart, residents will be able to access free TAFE courses right in their own communities. We know free TAFE is popular, practical and delivers results, with over 200,000 students enrolling in free TAFE since 2019, saving an average of $3000 per course. This is about delivering skills, jobs and opportunities close to home.

David Limbrick: On a point of order, President, I would like to ask for responses to the following items: constituency question 1413 to the Minister for Transport Infrastructure, constituency question 1529 to the Minister for Transport Infrastructure, question on notice 1186 to the Minister for Emergency Services, question on notice 1887 to the Minister for Police, question on notice 1891 to the Minister for the Suburban Rail Loop; question on notice 1884 to the Minister for Emergency Services, question on notice 1890 to the Minister for Housing and Building, question on notice 1883 to the Minister for Police, question on notice 1882 to the Minister for Health, question on notice 1889 to the Treasurer, question on notice 1885 to the Attorney-General, question on notice 1902 to the Attorney-General, question on notice 1912 to the Treasurer, question without notice 426 to the Minister for Government Services, question without notice 881 to the Premier and question without notice 914 to the Minister for Government Services.

The PRESIDENT: Thank you, Mr Limbrick. Minister Erdogan indicated that he is happy to follow up.

Georgie Crozier: President, I unfortunately rise again to bring this point of order. I still have not received anything from the Treasurer, and it has been weeks since the question was asked on

18 March. There have been numerous requests and I am just wondering whether that information was actually passed on or are they deliberately ignoring the very important issue. I request that the Treasurer immediately discharge that issue.

Jaclyn Symes: On the point of order, President, I was reviewing that answer yesterday. As I said in my answer to you, I will endeavour to get you an answer from the Treasury portfolio. What is apparent is that it is not the Treasury portfolio that is responsible for the information that you have requested; that would be health.

Georgie Crozier interjected.

Jaclyn Symes: You asked for an amount of legal fees, so that would be information that is held by health or the VMIA. Neither of those are in the Treasury portfolio.

Georgie Crozier: What a lovely excuse, Treasurer. You are flipping it off.

Jaclyn Symes: Well, I will now. That is fine. I was actually going to try and get an answer from them for you, but you can do it yourself.

Georgie Crozier: On the point of order, President, this is a serious issue. It is about the wage theft of doctors. That is a very serious issue. $175 million has come out of the Treasury, and I would ask the Treasurer to address the question and provide to the Victorian public the answer.

The PRESIDENT: I believe she gave the response then.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:51): (1611) My question is for the Minister for Public and Active Transport in the other place. Minister, how is the Allan Labor government improving public transport in Gippsland? Constituents in Eastern Victoria love V/Line and recently celebrated 20 years since the Bracks government reinstated rail through to Bairnsdale again after it was cut by those opposite – shamefully cut. The regional fare cap has been a smash-hit ever since it came into effect last year, delivering on the election commitment. There is a great deal of interest in the cap and the investment in V/Line. The fare cap complements the upgrades on the Gippsland line and in the metro network that benefit regional Victoria, and the recent announcement of 40-minute off-peak services to Traralgon are funded in this year's budget. These upgrades have meant that people have had to be patient. I appreciate their frustration, but the benefits are starting to flow from the 20 years of investment to Gippsland, and of course visitors are coming from metropolitan Melbourne out into our regions.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:52): (1612) My constituency question is for the Minister for Education. Local school communities in Glen Waverley are growing increasingly concerned about the state of school facilities in our area. I have heard from parents and teachers about leaking roofs, outdated classrooms, rusting gutters, a case where an air conditioner has fallen through a ceiling and disgusting toilets. This comes as the 2025–26 budget reveals that dozens of Labor's promised school upgrades will not be delivered until after the next election, and $2.4 billion was quietly cut from public schools in the budget. Students in Glen Waverley deserve safe, modern learning environments, not delays and broken promises. My question is: why has the Allan Labor government once again overlooked schools in Glen Waverley, not just the one or two selected ones but the vast majority? And when will local students finally receive the facilities and investment they deserve?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:53): (1613) My question today is to the Minister for Public and Active Transport. Heide Museum of Modern Art is a wonderful place to visit in my region. I attend regularly. The art is spectacular, and the nearby parklands are a beautiful place to explore or to picnic. However, right now for residents from the Heidelberg area to access the museum by foot, they are not able to saunter across the parkland to the museum; they instead have to go a long way around, which includes walking along the narrow footpath right beside the busy six-lane Manningham Road West. For people walking with small children or with pets, this is very close to the road, without any barrier. It has been raised with me by residents that it would be much quicker, safer and frankly more pleasant to walk from Heidelberg to Heide through the parklands, and this would require the building of a bridge over the river to connect the community to the museum. Will you consider this proposal and improve pedestrian access to the museum of modern art?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:54): (1614) My question is to the Minister for Community Sport: how is the state Labor government investing in community sport facilities at Highett's Peterson Street Reserve? There was a win in the budget for the three sporting clubs who call Peterson reserve in Highett home – $250,000 provided by the Labor government to support upgrades to facilities. The Hampton Hammers football club, the Highett West Cricket Club and the East Sandringham Junior Football Club, with whom I played my one glorious season of under-10s, all play at the reserve, and it is the final oval in the City of Bayside to be on the list for upgrades for modern facilities for its members and players. It was a pleasure to join Richard, Anthony and Graeme, representing the three clubs, and in particular local councillor Andrew Hockley, who has been an absolute champion for Peterson Street Reserve, to announce the money from the state government, which will sit alongside the significant contribution from the City of Bayside to upgrade the facilities at the reserve. I very much look forward to seeing the progress of this project.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:55): (1615) My matter is for the Minister for Police regarding the urgent need to enhance community safety in Hobsons Bay. Data shows a 31 per cent increase in crime in the area, which has a direct impact on residents going about their daily activities, especially with the increase in daylight attacks. To make things worse, council reports a growing crisis in local police staffing, with 20 to 30 vacancies in the area. I received correspondence from the mayor of Hobsons Bay highlighting the urgency of the situation and detailing a distressing incident in Williamstown where a 92-year-old lady was violently assaulted and knocked unconscious in broad daylight outside her local Coles. My question to the minister is: can he please update my constituents on the police resources invested and initiatives to target community safety across the Hobsons Bay area? Every Victorian, regardless of age or postcode, deserves to feel safe in their neighbourhood. The residents of Hobsons Bay are calling for help. It is time for the government to listen.

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:56): (1616) My question is for the Minister for Energy and Resources. The floods across northern New South Wales and the drought in Victoria are devastating. Our hearts are with those who have been impacted, and thanks go to the emergency service volunteers who are hard at work protecting our communities. Remember this is a climate disaster. Floods and droughts are being made worse by the climate crisis, which is fuelled by mining and burning coal and gas, and Labor knows this. Yet the Victorian Labor government still supports new coal and gas projects. Earlier this year their federal colleagues the Albanese government approved a new offshore gas project in the Otway Basin just off the coast of my electorate. You can see it from the Twelve Apostles. New fossil fuel projects are making the climate crisis worse. My constituents in Western Victoria want to know: what conversations did the minister have with Victorian constituents before her federal colleagues approved the ConocoPhillips project?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:57): (1617) My constituent question is to the Minister for Treaty and First Peoples. Since 2020, Aboriginal cultural safety training is mandatory for staff at the Orange Door. The Victorian Auditor-General has highlighted the government's failure to develop and deliver cultural safety assessments, action plans and training across the Orange Door Network. Sadly, First Nations people are highly over-represented in domestic violence and family violence experiences. My Eastern Victoria constituents want to understand what you, Minister, are doing to address this gap and ensure that there is cultural safety training being fulfilled in inner and outer Gippsland.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:58): (1618) My constituency question today is for the Minister for Roads and Road Safety in the other place. My constituents ask the minister when the 60 kilometre per hour roadworks speed limit will be lifted from the Goulburn Valley Highway between Pretty John Road and Burkes Road. For at least eight months my constituents have been frustrated by the 60 k speed limit zone on the Goulburn Valley Highway, between Pretty John Road and Burkes Road at Wahring. This speed restriction was originally put in place for roadworks that have long since been completed, yet the speed restrictions remain in place. This is immensely frustrating for my constituents, many of whom travel this highway daily. My constituents ask the minister: when will the 60 k speed limit be lifted from the Goulburn Valley Highway between Pretty John Road and Burkes Road?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:59): (1619) My question is to the Minister for Roads and Road Safety, and it concerns the appalling state of the roads in my electorate. The budget revealed that major road-patching targets have been cut by 89 per cent in outer metropolitan Melbourne. This will directly impact my long-suffering constituents, particularly those in towns like Wallan, who consider themselves to be subject of somewhat of a Wallan tax because of the amount of times they have to get their car suspension, gears and tyres fixed every year due to the damage to their cars. Given the government's massive cuts to road funding, can the minister advise when the people of Wallan can expect the government to finally fix their roads?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (13:00): (1620) My question is for the Minister for Environment. On 3 April Victoria Police and authorised officers from the conservation regulator executed search warrants at a business address in Kyneton, where a range of live and dead wildlife specimens were seized. Images released to the media showed freezer drawers containing a dead echidna, with multiple native, exotic and introduced animals visible in the background, many appearing to have been prepared for taxidermy. Local media reported the operation lasted approximately 8 hours. This incident has raised serious concerns in my community about the illegal possession and trade of wildlife and whether current protections and enforcement efforts are sufficient, particularly in regional areas like northern Victoria. Can the minister outline which species of live animals were seized during this investigation and what has happened to these animals?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (13:01): (1621) My question is to the Treasurer. Right across my electorate, including at a CFA shed I recently visited, signs are appearing. They have been erected by farmers and CFA volunteers who are fed up with continually being ignored by the government. One sign at a local shed that I visited in Ripon recently said 'Farmers aren't ALP cash cows', with a hashtag #ThanksMartha. Another sign said 'Martha, thanks for nothing', with a hashtag #ESTax. Minister, my question to you is this: did your government do any consultation at all with any CFA volunteers, any consultation with farmers or any consultation with rural communities, especially

with the rural communities that I represent? It does not appear to be the case. Did you actually speak with anyone except for a bureaucrat before coming up with this tax – because even your own MPs appear to hate this tax? Why won't you scrap it?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (13:02): (1622) My question is to the minister for sport. The recent Bendigo Academy of Sport annual presentation night was a powerful reminder of what regional investment in youth sport can achieve. The academy has helped launch the careers of countless elite athletes and provided a vital pathway for young people to pursue their sporting dreams closer to home. Yet, despite the success of this model, the north-east remains the only region of Victoria without a dedicated academy of sport. Every other part of the state has access to this kind of support. Graham Gordon has led the Bendigo academy as executive officer for the past 15 years, and his parting request on his retirement is to see young athletes in the north-east receive the same opportunities as the rest of the state. Minister, will you commit to establishing an academy of sport in the north-east so our young athletes receive the same opportunities as young athletes in every other part of the state?

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:03): My question is to the Minister for Health and concerns the axed funding for the By Five early years initiative in last week's state budget. Operating across Horsham, Yarriambiack, West Wimmera, Hindmarsh and Northern Grampians, this award-winning program has transformed access to paediatric and development care for rural children in western Victoria by linking them with the Royal Children's Hospital specialists via telehealth. This program has reduced wait times from months to weeks, ensuring early diagnoses and timely support for complex medical conditions. Families in Western Victoria already face huge barriers to health care, but the dismantling of the colorectal and pelvic reconstruction service has already compromised health and quality of life. President, could I start again after the break.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:04): (1623) My question is for the Minister for Health. Can the minister confirm whether the 2025–26 state budget contains operational funding for Mernda community hospital, and if so, how much money is specifically allocated for each financial year over the forward estimates? The Victorian Health Building Authority website says that the construction of the City of Whittlesea community hospital, now known as Mernda community hospital, is on track to be completed in 2025. If the hospital is to actually open this year, it needs not just capital investment but operational funding. The recent state budget allocates funds for opening and operating hospital facilities, with $118 million set aside for the coming financial year, rising to $189 million in 2028–29. The minister must clarify how much of that money, if any, is specifically for the opening and operation of the Mernda community hospital in each year.

Sitting suspended 1:05 pm until 2:07 pm.

Western Victoria Region

Bev McARTHUR (Western Victoria) (14:07): (1624) My question is to the Minister for Health and concerns the axing of funding for the By Five Early Years initiative in last week's state budget. Operating across Horsham, Yarriambiack, West Wimmera, Hindmarsh and the Northern Grampians, this award-winning program has transformed access to paediatric and developmental care for rural children in Western Victoria by linking them with Royal Children's Hospital specialists via telehealth. This program has reduced wait times from months to weeks, ensuring early diagnoses and timely support for complex medical conditions. Families in Western Victoria already face huge barriers to health care. The dismantling of the colorectal and pelvic reconstruction service has already compromised the health and quality of life of many children across regional Victoria. Cutting funding for By Five will only further widen the gap between city and country health care. Minister, urgently reinstate the $3.5 million of funding over four years to this vital and proven initiative.

Bills

Building Legislation Amendment (Buyer Protections) Bill 2025

Second reading

Debate resumed.

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:08): I rise to make a contribution on behalf of the Greens on the Building Legislation Amendment (Buyer Protections) Bill 2025. This bill makes some welcome changes to improve protections for people who are buying or who have bought a home or an apartment, and it addresses some of the major challenges that people have faced over the years with defective builds and the struggle to hold those responsible for those defects accountable. There is definitely more work to be done in this space, but this is a good step in the right direction.

There are just too many stories of disastrous builds that have left owners in incredibly stressful and ridiculously expensive situations, people feeling powerless and defeated by the scale of the issues. Many have been stretched to and beyond breaking point during the process of trying to hold builders accountable for these defective builds. Everyone knows someone who has had to deal with a defective building, anything from minor defects to major issues that cover the whole building or that are so complex that a solution is not immediately available. Trying to get action and accountability on these defects can be a literal nightmare for owners, so I am pleased that this bill is taking steps to address some of these issues.

Most builders out there are genuinely doing a great job. They are building good homes for people in this state, but we must acknowledge that the dodgy ones are leaving a trail of destruction across Victoria. Integrating regulation, insurance and dispute resolution for the building and plumbing industry is good. The implementation of these changes will be crucial. It is incredibly important that the new commission is well resourced and that claims and disputes can be processed thoroughly, fairly and in a timely manner. I am pleased that the new Building and Plumbing Commission will have enforcement powers when it comes to incomplete, defective or noncompliant building work. A developer bond is a great idea. Providing first-resort insurance is also something that I and my colleagues support. These measures will improve all protections for consumers and should hopefully take a lot of the strain and confusion out of dealing with defects and dodgy builders.

I would like to just briefly outline some of the issues that people have raised with my office and with my Greens colleagues. Some may them benefit from the passage of this legislation and others will continue to wait for further reforms to come. I have heard from people whose newly built home was so defective that their health and wellbeing were impacted. After moving into their home, things became so bad that their health deteriorated. They had to move out. They had to pay to live elsewhere and pursue legal recourse against the builders, who had big, insurance-company-provided law firms whose lawyers were doing everything to draw out the time of the case in an attempt to wear out the home owners. The cost, the time and the stress of this are immeasurable, and I hope that this new legislation will have a positive impact on people experiencing these types of problems.

With more and more people living in apartments, we need to make sure that they are built to a good standard and that they run well. When apartment buildings can have anywhere from a handful of residents to several hundred, we need to get the management of strata buildings right. I look forward to the upcoming legislative review of the Owners Corporation Act 2006, and I know that many others are also keen to get involved in the consultation process. The current system is leaving everyday owners to manage huge maintenance, rectification or legal projects, and this can be a recipe for disaster. We cannot expect that people who buy into strata buildings will necessarily have the skills to deal with the significant responsibilities of running an owners corporation. This can lead to poor maintenance. It can lead to delays or to issues in dealing with defects. It can lead to big problems that all owners are left to mop up through their fees. I have heard too often stories of people who are frankly not sufficiently competent for this work and end up with too much power. I have also heard of toxic

or combative committees who refuse to listen to the wishes of other residents and who wield a lot of power and make decisions that are not necessarily supported by the resident community as a whole. It also means that other residents are not given the chance to get involved or they feel entirely powerless to take action to improve things within their building.

These problems are only further exacerbated when strata buildings have t defects. Having a toxic or ineffective owners corporation committee just makes everything harder and can lead to further deterioration of buildings. I think there is more work to be done to ensure that building inspections are done thoroughly and can identify defects before residents move in. Providing a one-page certificate that claims that the completed works generally appear satisfactory – which is from a report that was raised with my office about what was clearly a very defective building – is just not satisfactory. There is more work to be done to protect consumers when it comes to housing, but the intent of this bill and many of the provisions within it are sound. I believe it is being offered here before us to make things fairer and genuinely easier.

As I said earlier, implementation and resourcing will be key, and we will be watching closely to make sure that the commission works as intended. Further concerns that have been raised with me and my colleagues will be addressed, I hope, through the committee stage consideration of this bill. I commend the bill to the house.

Tom McINTOSH (Eastern Victoria) (14:15): I am proud to stand and support this bill. It is incredibly important, particularly when you consider the importance of and particularly when you are talking about a home, whether people own or rent, when they are in their home, how important it is to them. We know that to ensure there are enough homes for Victorians, we need to ensure there is supply, and alongside that supply we have to ensure that supply is of quality. We have got to ensure that homes are of quality for Victorians, that no matter what stage of life people are in, they have quality homes they can live in. Whether they are single, whether they are in families, whether they are in retirement, a home is the centre of people's lives. When you have a sound, quality home that you are living in, that is the place you can ground your life out of; where you can assure that you are healthy, when you can connect with health services; that you can get to work every day after a sound night's sleep in that sound, quality home; and the fact that you can connect yourself and your family to education, from early education all the way through to TAFE, training and skills – which I will touch on later, how we are training the next generation of builders and people in the construction trades. It is absolutely at the centre of what we value and what we should all value.

This legislation is so important because it is simplifying what has been a complicated process for consumers. We are not talking about someone buying a toaster; we are talking about someone buying and living in a home, something that is not only economically but emotionally a massive investment for Victorians. When you talk to Victorians who have been on the wrong end or the bad end of a building construction, the emotional and economic pain can be great. We are going to create this one-stop shop for Victorians for when they are dealing with a builder and thereafter, this one-stop shop to simplify their needs at a time which can be so incredibly difficult when things go wrong.

Now, we should be clear to note that the majority of builders in Victoria do the right thing. The majority are passionate, considerate and put the effort and the detail into their work, and they prosper and they thrive delivering for Victorians, building the housing, commercial, industrial properties that we need right across this state. But for those that do not, it is right that they are held to account. Those that do not deliver on the work they are contractually obliged to deliver for their customers need to be held to account. The builders that deliver defective work to those customers that they are contractually obliged to deliver to should be held to account. Whether it is holding them to account or for the consumer's experience in that process, bringing the current regulators in and making a one-stop shop for consumers is so vitally important.

The new Building and Plumbing Commission will supersede the Victorian Building Authority, the Victorian Managed Insurance Authority, the VMIA, and the domestic building – Domestic Building

Dispute Resolution Victoria, DBDRV. I am not even getting it out properly. That is the problem: everything is too confusing. Consumers come in and they do not know where they are meant to go when they identify a problem. Where are they meant to go for rectification of that problem? Where are they meant to go to if they get to the end of the path and they need insurance? They are going back and forth. By bringing it together, we are enabling the regulator to take the actions that are needed, whether that is mediation, whether that is rectification or whether that is insurance.

I worked in the building trade, as indeed did the President – not Acting President Broad, I do not think, but the President – and you can feel quality when you walk into a building. You have to go a layer beneath, but you can feel a quality build. You can see and feel it when builders take pride in the work they are doing. When that does not occur, we need them out.

I want to touch on a point that I am really proud of, which is the fact that we as a Labor government have invested in TAFE, because it is a really important part that you can skim over. We have invested in TAFE to ensure that the pipeline of trades and workforce is here for Victoria to deliver these quality builds. If you do not have that, you cannot get quality outcomes. We have invested in this – 27 TAFE campuses have been either built or upgraded. We have invested in the TAFE workforce, in the TAFE pathway and through the work that we are doing in high schools to support and identify that upcoming workforce rather than having a culture of not valuing the TAFE system, of not valuing trade certificates and of not encouraging young Victorians to be proud to come through the high school or secondary college pathway and go to a TAFE and get those qualifications. I think that is a consequence of last century when we devalued, when we privatised and when we cut pathways for the workforce and cut things like trade papers, which of course the Liberal–Nationals did away with. We are bringing those back so our tradespeople can travel not only Victoria and Australia but the world. And there are our school-based apprenticeships. That pipeline is so important, and I am really proud of that.

When those workers enter the workforce and work for builders there will be those that take pride in the work they do to deliver quality construction. But all builders must be of the knowledge that they have to deliver quality, and if they do not, they will be held to account. When consumers find themselves in a situation where they have issues, they must be able to quickly connect, communicate, identify and deal with issues before they blow out. Because when you talk to someone who has spent years trying to get issues in their home fixed, the emotional toll, as I touched on before, is as big as the economic toll for many of them. There seems to be a bit of a disconnect sometimes, particularly from the other side, on value. Value is getting that long-term, quality-built house that someone can live in and enjoy for decades to come, which does not have the maintenance costs of something that has not been built correctly and in which we can see lower energy costs. I just want to keep coming back to that word quality – it is absolutely key in the outcomes of the construction of these properties.

As I said at the start, I stand to support this bill and the outcomes that it will bring, to support the many builders and trades across Victoria that do the right thing and deliver quality-built homes for Victorians and to support the consumers that have builders looking to do wrong by them so that they have quick remedies and we can ensure that the industry continues to deliver the quality houses and the volume of houses we know that we need to house people in this state.

Lee TARLAMIS (South-Eastern Metropolitan) (14:24): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Justice Legislation Amendment (Miscellaneous) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:25): I thank all members who have contributed to the debate on the Justice Legislation Amendment (Miscellaneous) Bill 2025. This bill is largely uncontroversial, and there is broad consensus on most parts of the bill. I do note that the proposed amendment has been a lightning rod for those opposite, but I do hope that we have support of everyone in this chamber for this particular reform also.

As has been stated in the second-reading speech and the debate, this bill implements time-critical reforms – reforms to achieve administrative efficiencies and correct technical errors in legislation. Part 2 amends the Crimes Act 1958 by replacing section 180 on trustee secret commissions; part 3 and part 5, division 1, modernise court procedure; part 4 corrects drafting errors in the Worker Screening Act 2020; and part 5, divisions 2 and 3, addresses more substantive policy issues related to summary appeal reforms. These reforms are critical. They reduce costs and complexity, support court programs and underpin recent budget investments that have already driven a 14 per cent reduction in backlogs last year. This bill will also amend the Victoria Police Act 2013 to clarify the citizenship requirements for senior leadership roles within Victoria Police, including the Chief Commissioner of Police and deputy commissioners.

I would like to circulate the amendments in my name now, noting they are contingent on my instruction motion passing.

Amendments circulated pursuant to standing orders.

Enver ERDOGAN: This is a targeted amendment that will, out of an abundance of caution, ensure that there can be no question of the citizenship requirements of people appointed to the ranks of chief commissioner and deputy commissioners of Victoria Police. As part of the appointment process of the new chief commissioner, the Victorian government has identified a legal rule that suggests that there may be some citizenship requirements for the holder of the office of chief commissioner. As most of us would know, the Victoria Police Act 2013, which is the act which governs appointments to these roles, is currently silent on citizenship requirements. The amendments will put this beyond doubt by making it clear and explicit that Australian citizens, permanent residents, permanent visa holders and special category visa holders can be appointed to the ranks of chief commissioner and deputy commissioners. I would also like to bring to the attention of the chamber that this is currently what applies to police officers at the assistant commissioner level or below. So this is just bringing consistency across the force from below assistant commissioner level all the way up now to the top.

In summation, the bill and amendments seek to make broad improvements to the justice system, and I commend the bill and the amendments to the house.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Gaelle Broad) (14:28): I have considered the amendments on sheet EE11C circulated by Minister Erdogan, and in my view they are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to committee is a procedural motion. I call on the minister to move his instruction motion.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:28): I move:

> That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Victoria Police Act 2013 in relation to the appointment of the Chief Commissioner of Police, deputy commissioners and persons acting as Chief Commissioner of Police or deputy commissioners.

Evan MULHOLLAND (Northern Metropolitan) (14:28): I am happy to speak on this motion, and we will have more to say in committee. It is usual practice for us to support instruction motions, and we are happy to do so. But I still will say, as I said in my contribution, the process by which this amendment has come to light has been pretty poor, given that the minister knew about this, signed off on this and waited a whole three days to inform us of his decision to attach this amendment to this bill. It is pretty poor that the opposition and all colleagues were treated with such disrespect, and I think again it is emblematic of both the Minister for Police and this entire government, with the carousel of commissioners that they have had and with this bungle that we have seen once again. They had a commissioner they had confidence with one day, and then they did not the next day. They had another commissioner for about 90 days and then did not have a commissioner. They then went on a thorough international search but forgot to dot the i's and cross the t's, and now we are left with this bungle from this government. It really goes to show their lack of management and proper leadership when it comes to Victoria Police.

Katherine COPSEY (Southern Metropolitan) (14:30): The Greens will be supporting the instruction motion. We share some concerns about the regrettable situation the government seem to have found themselves in, but we will not stand in the way of facilitating an outcome through the chamber today.

Motion agreed to.

Committed.

Committee

Clause 1 (14:33)

David DAVIS: I will just ask a couple of questions quickly on the amendment that the minister has proposed. I am not going to go on other than to put on record the tawdry process by which this came forward and the lack of engagement with the crossbench and the opposition on this matter, but I am asking a very simple question: why did the government not realise, if there is some issue, much earlier? What was the breakdown in process that resulted in the government not being aware that it needed, apparently, to legislate?

Enver ERDOGAN: Mr Davis, I think in my summation I was talking about it. The current Victoria Police Act 2013 is silent, so the silence can obviously be open to different interpretations. We went down this path, we have obviously found someone – an international star – and I guess out of an abundance of caution, before he begins, we have made the judgement, based on advice, that we should be making this amendment so that he can fulfil his duties from late June onwards. I think it is fair to say that the act itself is silent. There is other case law – it is not specific to this scenario, but there is broader case law about the risks involved. I think the government is being proactive, before the new commissioner begins, in taking this action. I can understand those opposite and on the crossbench that have expressed concerns today. I take those concerns on board and I know the government does. But I think going forward, like I said, it is important that we get this change through today.

David DAVIS: Is the government in receipt of, or does it hold, formal advice of some type that says this is a problem, and would the minister make that available to the chamber?

Enver ERDOGAN: I understand that there has been advice provided. I am not at liberty to waive that privilege, but let me just seek some clarification from the box.

I am advised it came via the department to the minister's office. This issue was raised. I do not have that advice with me at present, but it may be something we could provide at a later date.

David DAVIS: I take on board the minister's engagement here and his concept that he will provide this, so perhaps 'a later date' might be later today before we finish this process, or even before the house rises might be very helpful. Is the minister aware that there have been six former chief commissioners from overseas?

Enver ERDOGAN: Mr Davis, I am not aware that there have been six from my preparation for this, but I think it is clear that we are looking at an abundance of caution here. The act itself is silent, so we are being extra careful because I understand the role of chief commissioner is the most important role in the police force and in law enforcement in our state. We are being extra cautious to ensure that there is clarity and there is no confusion. We are being explicit that non-Australian citizens that fit within the special criteria, such as permanent residents, permanent visa holders or special category visa holders, can take on the roles of chief commissioner and deputy commissioner. In the past that may have occurred, but going forward we want to make sure it is crystal clear so there are no risks.

David DAVIS: Just for the record, William Henry Fancourt Mitchell, birthplace England, was chief commissioner in 1854; Charles MacMahon, in 1858, from Ireland; Frederick Charles Standish, from England, in 1880; Hussey Malone Chomley, who I think my colleague mentioned, from Ireland, until 1902; George Steward, from England, between 1919 and 1920; and then the most recent, Alexander Mitchell Duncan, from 1937 through to 1954, from Scotland. I am just –

Members interjecting.

David DAVIS: He was a deputy commissioner. He was not a commissioner.

Members interjecting.

David DAVIS: I take up the point that was made to me by my colleague that Sir Ken Jones was a deputy commissioner too.

Jacinta Ermacora: Effectively it is the same country.

David DAVIS: Not in 1954 it was not. Australian citizenship commenced in 1949, so just to be clear, it is not the same. But either way we have had at least six commissioners from overseas and deputy commissioners, as has been pointed out by my colleague, who are from overseas. Is there any indication that their actions or the legality of what they have done would not stand?

Enver ERDOGAN: I think it is fair to say that our government is forward focused to ensure that we have the settings right for the incoming commissioner and also for potential future deputy commissioners. It is not a goal here today to look at necessarily retrospectivity in terms of the past, but going forward we want to make sure that the amendments achieve an appropriate outcome, which means there is clarity to this issue.

David DAVIS: With respect, it seems bizarre to be indicating that there is some problem with somebody from in this case a Commonwealth country and that there is some difficulty with that when we have had at least six such commissioners and at least one identified deputy commissioner in recent times. This is bizarre advice. How can it be that we suddenly need a special change to ensure that the commissioner is tickety-boo?

Enver ERDOGAN: I have been trying to make it clear that we are forward looking, focused on the future. We are making absolutely certain there are no issues. That is what we are looking toward. The act is silent, so we are saying, 'Here's the clarity in the act,' so no-one can even question the future commissioner's standing in that regard. I think it is important that we look to the future. A lot of the examples you gave were – some were before Federation, I note. I think it is important that we are forward focused. We have got a commissioner incoming. This reform needs to happen to ensure there

is no ambiguity here, and we do not want this tested. That is why we are bringing in these reforms. But I do appreciate your concerns and for sharing them with the chamber.

Katherine COPSEY: I have a question about a different aspect of the bill, and it relates to the delay to the implementation of the de novo reforms. Could you please outline for the chamber the reason for this delay?

Enver ERDOGAN: I thank Ms Copsey for that question on a really important issue. I was Minister for Victim Support up until late last year, so it is an issue I am very familiar with speaking to advocates on. It is something where I know there has been a lot of expectation from victims groups around it coming in. It is fair to appreciate that the court system during COVID and post COVID has obviously had a backlog, and it is something that I touched upon in my summation, going through quite significant changes. But it is clear that, in terms of so much work that is happening in the courts with our bail laws and other priorities, the courts and justice agencies are not necessarily prepared for the commencement this year. To be frank, to allow for the full benefits to be realised we need that focus and allocation of broader resources to the courts to be able to do this work. But there is a very busy agenda at the moment. As you know, there is a lot of change happening. We have got changes in other parts of the courts as well, so it is fair to say that the courts are just not ready at this point in time.

Katherine COPSEY: To make sure I understand, this has arisen out of discussions or requests from the courts themselves in terms of implementation readiness?

Enver ERDOGAN: Yes, that is right. As I said, I take into account that the courts are already in the process of implementing other significant reforms. As we speak there is work going on about bail and changes to youth justice and committal process that the courts are working through in 2025, so it has been brought to the government's attention, to the Attorney-General's attention, that these reforms, amongst all that, will not be able to be implemented at this point.

Jeff BOURMAN: First of all, I want to register my irritation that I found out about this from a journalist this morning, but I am not going to flog a dead horse. Minister, you mentioned that there was something to do with common law that was precipitating this. Obviously I am not expecting to get a clear answer now, but will the minister commit to having the department write to the non-government members and just explain what the basis of this is? I do not have a problem with it being precautionary. I do not have a problem with it being looking forward and all this other stuff, but I would just be very curious as to what is the nature of the concern.

Enver ERDOGAN: Very fair request, Mr Bourman. I will make sure that the police minister's office and the department do write to the crossbench and the opposition to update them on that advice. I understand it has something to do with public office holders, but I will not go into that. Like I said, I do not intend to waive privilege, but I think an explanation of how this came about in more detail – noting especially your history and your passion for the police force and your interest, I totally understand, and I will follow that up with the police minister's office.

Evan MULHOLLAND: It was good to receive a briefing from the government earlier on this and the need for this and also the process. We found out the minister had signed off on a brief for this to be attached to the legislation on Monday. We found out on Thursday. The Leader of the Government supposedly found out on Thursday as well. Minister, did you also find out late last night about this amendment?

Enver ERDOGAN: Mr Mulholland, I think at this point, as I said, I am looking forward. But if it pleases you, I can confirm I found out yesterday afternoon.

Evan MULHOLLAND: It just confirms, I think, a failure of the police minister to properly consult with colleagues. If you are aware of something and your office is aware of something on a Monday afternoon and has signed off on a way forward, you would think the minister carrying the bill in the upper house should be given a proper courtesy. And I think the lack of courtesy that has been applied

to all colleagues in this Parliament unfortunately applies to government members and ministers as well, and I think that is a shame. What would have happened if this was not picked up and his appointment had been questioned in terms of delegated authority for swearing in of officers? Was the government made aware perhaps of issues that might occur if his appointment was challenged?

Enver ERDOGAN: We are going down a speculative path here, but it is clear that commissioners of police have extraordinary powers. It is a very senior role. And like I said, they are effectively in charge of law enforcement in our state. The police force is led by commissioners, so there are a lot of powers that commissioners have. Potentially you would be able to question all those powers, if the ambiguity around citizenship was not resolved, so potentially every decision of the commissioner would be at risk.

Evan MULHOLLAND: This has been tacked on to a bill in the upper house. Obviously the lower house cannot sign off on it for another two or three weeks. That gives quite a short amount of time. Are we sure that this is going to be the last time we have to come back to this issue?

Enver ERDOGAN: I am very confident, Mr Mulholland. I think it is already the case that people below assistant commissioner level can work in the police force. It is quite common, from what I understand, that constables from New Zealand come over and work in Victoria Police. New Zealand and Australia have very similar systems of government, being Commonwealth countries and being such close neighbours and allies. This is really bringing the roles of chief commissioner and deputy commissioner into line with the lower ranks, so it is bringing consistency across the force. We are very confident that we will not need to relitigate these changes going forward.

Evan MULHOLLAND: Just for clarification, does this amendment provide for only New Zealand citizens on a special category visa? Or if a future government decides to do another international search and finds someone from, say, another country like the United States, Canada or somewhere, would this amendment solve that issue as well?

Enver ERDOGAN: The house amendments make crystal clear that it resolves it for a permanent resident as well – a permanent resident of Australia – but also for a person who has a permanent visa or is entitled to be granted a permanent visa. It also resolves it for a New Zealand citizen or someone who is entitled to be granted a special category visa under the Migration Act 1958. If someone comes in via a special category visa, who may be an American or from any other country like the UK et cetera, then these amendments will resolve that issue. I think it would be quite uncommon to probably have someone outside of a Commonwealth country just because of obviously the systems and the way the police force operates.

The DEPUTY PRESIDENT: If there are no further questions, I will call the minister to move his amendment 1, which tests all his remaining amendments.

Enver ERDOGAN: I move:

1. Clause 1, page 2, after line 10 insert –

"(ea) to amend the **Victoria Police Act 2013** in relation to the appointment of the Chief Commissioner of Police, Deputy Commissioners and persons acting as Chief Commissioner of Police or a Deputy Commissioner; and".

The DEPUTY PRESIDENT: Are there any comments?

Evan MULHOLLAND: Yes, a few. As previously mentioned with this amendment, we have got no issue with Mike Bush. We support the appointment. We deeply regret the carousel of police commissioners that have appeared under this government. The previous one did not last very long. I hope this one will, and I wish Mike Bush really well in his appointment as police commissioner, because we do need to do a lot to turn the police force around in terms of its morale so that we do not have one in five police officers leaving the force. We do need to do a lot to make sure that we are investing in Victoria Police and that when a police commissioner has a frank and fearless conversation

with government about investment, they are not rebuffed or rebuked. We need to continue that system of honesty without fear for their position.

We are, as I said, very unhappy with the way that this has come about. In future it will be much more difficult for the government to accuse us of not bringing in an amendment on time. Even if it is perhaps in a Monday government meeting sometimes when we raise that we are going to do something on a Wednesday, at least that is not being done on a Wednesday night for a Thursday sitting – it is a little bit longer. I think that is really poor, and the rushed way in which this is being done is emblematic of the left hand not speaking to the right and emblematic of the dysfunction that goes on within this government when it comes to Victoria Police and the leadership of Victoria Police. As I was talking about earlier, we have a brand new 24-hour police station, built in 2021, in Reservoir, specifically purposed and fitted out to be a 24-hour station, that had its hours reduced to about 8 hours. That police station is around the corner from where we saw some horrific incidents at Northland recently. We will not be opposing this amendment, but we want to make very clear our displeasure with the way this has come about.

Enver ERDOGAN: I think it is important that I did clarify it and thank the Minister for Police for his prompt action in this matter. As soon as he became aware of this possibility, he obviously acted and brought it into the Parliament as soon as possible in real terms.

Evan Mulholland interjected.

Enver ERDOGAN: A few days, Mr Mulholland, but we had very important gambling amendment legislation on Tuesday, which I was debating so I was busy, and I represent the police minister in this place. I do note that obviously these processes of recruitment are led by departments. It has clearly been missed by someone in the department. The police minister has promptly acted to rectify it, and so has the government. This can happen in a large department. In this case I am glad that we are at this point and that we have an opportunity to get rid of the ambiguity and provide clarity going forward, because we are future focused. I look forward to Mike Bush beginning. He was a very accomplished commissioner in New Zealand and definitely has a strong global reputation. The Department of Justice and Community Safety, led by the secretary, did undertake an international process to headhunt him, effectively, and bring him here. It is clear that someone of that stature wanting to work in Victoria signals the strong position that our state is in.

Katherine COPSEY: The Greens will not be opposing the amendment, but I also want to take the opportunity to remark that it is less than ideal, the process that has brought this amendment to us today. We appreciate that things do happen right up to the minute in this chamber, and we often have everybody making best efforts to circulate amendments, which can be complex to get drafted and can arise through consideration of the bill. We completely understand that. We thank the minister for making best efforts in this circumstance to bring parties up to speed when he could and to share the reasoning for the amendment with the chamber, but I do want to remark that it is not the first time that we have had quite significant house amendments come at the very last minute to bills in this place. What is particularly worrying to me is that they have tended to come quite frequently on justice portfolio bills, where we have had extremely complex pieces of legislation being altered in a very short timeframe, seemingly as a result of decisions, I would say, outside the minister's control and where we have had other parts of government dictating justice policy. To me it points to a recurring issue in this government that it seems very, very reactive on the topic of justice. When we see these quite panicked and reactive moves made by the Premier, which then flow on to our work in this chamber, it leaves the chamber in a really difficult position where we are unable to execute the level of diligence that I think each of us would want to bring to our roles.

That goes to the ability to go and speak to stakeholders about really significant changes. The example that is clearest in my mind is obviously the bail laws. I think this is a very worrying pattern that I have seen played out through this term of the Parliament, and it is really, frankly, not on. We have got to see better preparedness for the crossbench to be able to perform its role, the opposition to perform its

role and frankly the ministers to be able to perform their role as well. What really stood out to me about the bail debate was the complete sidelining of advocacy and stakeholder engagement that had gone on for many, many years, which was then steamrolled by what appeared to me to be a politically motivated backflip from the Premier, which upended years of heartfelt advocacy that people had put hard work and hard emotional work into to bring to this chamber's attention. It is tangential to today's debate, but I think it is relevant, because we are once again seeing a last-minute change that the chamber is forced to debate at short notice without really any realistic opportunity to go out and speak to people about what is a significant piece of legislation.

Enver ERDOGAN: I want to thank Ms Copsey for her sincere approach to this issue. She is right – her concerns are more tangent to other legislation. I am not sure if she is foreshadowing a future debate for the next tranche of legislation to come. But in relation to this, I want to thank the whole crossbench for their cooperation and their understanding of the importance of this change. This one is a relatively straightforward change. I feel this is one that, like I said, is completely out of the control of the police minister; a process led by the department – an international recruitment process. Now we have been made aware we have brought it in this week, but I do understand Ms Copsey's good faith feedback in relation to some of the broader justice reforms and her feelings around them. I might say I do not necessarily agree with some of it, but I do respect it. That is coming from a sincere place, so thank you, Ms Copsey.

Amendment agreed to; amended clause agreed to; clauses 2 to 19 agreed to.

New division heading and new clauses (15:01)

Enver ERDOGAN: I move:

2. Insert the following New Division after Division 3 of Part 5 –

'**Division 4 – Amendment of Victoria Police Act 2013**

19A Appointment of Chief Commissioner

After section 17(1) of the **Victoria Police Act 2013 insert** –

"(1A) The Chief Commissioner must be –

(a) an Australian citizen; or

(b) a permanent resident within the meaning of the Australian Citizenship Act 2007 of the Commonwealth; or

(c) a person who has a permanent visa or is entitled to be granted a permanent visa under the Migration Act 1958 of the Commonwealth; or

(d) a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth.".

19B Appointment of Acting Chief Commissioner

After section 18(1) of the **Victoria Police Act 2013 insert** –

"(1A) An Acting Chief Commissioner must be –

(a) an Australian citizen; or

(b) a permanent resident within the meaning of the Australian Citizenship Act 2007 of the Commonwealth; or

(c) a person who has a permanent visa or is entitled to be granted a permanent visa under the Migration Act 1958 of the Commonwealth; or

(d) a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth.".

19C Appointment of Deputy Commissioners

After section 21(1) of the **Victoria Police Act 2013 insert** –

"(1A) A Deputy Commissioner must be –

(a) an Australian citizen; or

(b) a permanent resident within the meaning of the Australian Citizenship Act 2007 of the Commonwealth; or

(c) a person who has a permanent visa or is entitled to be granted a permanent visa under the Migration Act 1958 of the Commonwealth; or

(d) a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth.".

19D Appointment of Acting Deputy Commissioner

After section 22(1) of the **Victoria Police Act 2013 insert** –

"(1A) An Acting Deputy Commissioner must be –

(a) an Australian citizen; or

(b) a permanent resident within the meaning of the Australian Citizenship Act 2007 of the Commonwealth; or

(c) a person who has a permanent visa or is entitled to be granted a permanent visa under the Migration Act 1958 of the Commonwealth; or

(d) a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth.".'.

New division heading and new clauses agreed to; clause 20 agreed to.

Long title (15:01)

Enver ERDOGAN: I move:

3. Long title, after "**Act 2021**" insert ", the **Victoria Police Act 2013**".

Amendment agreed to; amended long title agreed to.

Reported to the house with amendments, including amended long title.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (15:02): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (15:03): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Appropriation (2025–2026) Bill 2025

Budget papers 2025–26

Cognate debate

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (15:03): I move, by leave:

> That this house authorises the President to permit the second-reading debate on the Appropriation (2025–2026) Bill 2025 to be taken concurrently with the debate on the motion to take note of the budget papers 2025–26, contingent on such a motion being moved.

Motion agreed to.

Building Legislation Amendment (Buyer Protections) Bill 2025

Second reading

Debate resumed on motion of Ingrid Stitt:

> That the bill be now read a second time.

Melina BATH (Eastern Victoria) (15:04): I am pleased to rise and say a few words on the Building Legislation Amendment (Buyer Protections) Bill 2025 and to let the house note that consistent with the lower house and the lead speaker the Nationals and the Liberals do not support this bill. This bill has the intention of supporting consumers, of supporting clients, of supporting home owners and of supporting people who are renovating their homes, but it does not eventuate. It is flawed, and we cannot support its passage through the house. It is supposed to have protections, but it just has onerous implications for the building industry and does not solve that for the clients. The purpose of this bill is:

> A Bill for an Act to amend the **Building Act 1993**, the **Domestic Building Contracts Act 1995**, the **Sale of Land Act 1962**, the **Subdivision Act 1988** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes.

The reason for this bill is to provide the transfer of the Victorian Managed Insurance Authority – in some places for some constituents that I have spoken with and dealt with the acronym VMIA for that is just a headache in waiting – domestic building insurance operations and the operations of Domestic Building Dispute Resolution Victoria to the Victorian Building Authority. In some circles these entities are not viewed with kindness, they are viewed with frustration. It is also there to establish a monopoly for the provision of domestic building insurance for homes, including in buildings of up to three storeys, by the VBA and establish a statutory insurance scheme.

The key thing that I think is important for us to reflect on at the moment is the importance of the building industry in our regions, in our cities and in our towns and communities. If you go into any regional town, it is the retail sector and down our way it is often the agricultural sector which are the prime motivators and prime industries that support our towns and communities. But it is also our building industry workers that line our shops and are out in the industrial sector, including our tradies, both men and women – and there are more women plying their trade these days in the electrical trades, plumbing et cetera. They fill our towns, they fill our football clubs and our netball clubs and they fill our cricket clubs. When the building industry is doing well, then our towns are flourishing. There is money in our towns, there are homes going up and if we are lucky there is still industry revving up in communities, so it is important to get it right.

This bill certainly seeks to address an important and genuine issue, and that is that new home buyers are not exposed by shoddy builders. I know quite a few builders in my local area, and they are the epitome of decent people with a great work ethic who really care about professionalism, delivering a good product and having continuity of service over the warranty period after the build has finished. As I said, they are very decent people. In our regional towns reputation is everything, and if you are a shoddy builder in a smaller town or even a reasonably good-sized town, then your name will get

around. If you are a good builder, word of mouth will get you work, and that work will be critiqued and it will be talked about, whether it be down at the pub or in the supermarket or wherever. In metropolitan Melbourne there is a lot more provision to hide shoddy builders. People can move on, you can put out a new shingle or move to a new area and there is a lot more coverage for the shoddy. I am pleased to say that generally in the towns that I know well shoddy builders do not exist, but that is not to say that this issue is not real and should not be addressed.

I also know that in my electorate during Porter Davis – and then there were multiple other builders and building organisations that went to the wall – people came into my electoral office pulling their hair out with fear and concern for their families: how would their builds actually be finished and who would take that over? The VMIA's role was really crucial in that, and I know I raised in this house the fact that they were quite tardy in going back and assessing that house so that it could be then picked up by another builder. And thankfully sometimes when you jump up and down things can come to fruition. I know my good mate Bill Schultz, who was in the house the other day for the petition, was in one of those situations where his builder went belly up, and he was quite distressed, he and his wife. Thankfully it came to fruition, but neighbours down the road were still in a very sad state.

So these are some of the things that the government needs to address. Shoddy builders and homebuyers left in the lurch are not warranted or needed in Victoria. But unfortunately this legislation does not do what it is stipulating it is going to do.

The bill comes also in response to longstanding concerns about the failures of the Victorian Building Authority and Consumer Affairs Victoria to adequately handle consumer complaints, particularly in developments over three storeys. And again, we are probably speaking more about those more dense areas in suburbs and metropolitan Melbourne, but it does not deliver that solution that the sector or the consumers need.

What we also know is that over time this government has put a very big platform about the Big Build and 80,000 homes a year, and then it was 800,000 over 10 years. We know that last year they certainly fell well short of that. It was in the vicinity of 56,000 to 57,000 homes that were built. And the concern that many in the building industry have is that it will pump up the cost of building, it will pressurise builders and they will leave the market. I will put some stats in a minute about how they have done that, but it will continue to drive up the cost of homes, units and apartments et cetera and not serve the community whatsoever.

Again, what we have heard with this piece of legislation, and we have heard it through the Master Builders Victoria and the Housing Industry Association, two of the peak bodies, is that there has been that real lack of consultation. They have some significant suggestions, and the Nationals last year had a great briefing with the peak bodies about some of the solutions moving forward. But they feel very strongly that this government has not consulted with them and has not listened to their very sensible ideas. Keith Ryan, the executive director of HIA, speaks about the government. He said in the media that the government announced these reforms and indicated that the new body, the building and plumbing commission, will have new tough enforcement powers and will focus primarily on protection for consumers with little regard to builders and the impact the use of these powers will have on them. He also went on to say it is disappointing that there was no mention in the government's media release discussing this bill of any corresponding reforms for builders to resolve those payment disputes, and the proposed legislation is the second time in less than 10 years that the Victorian government has made major changes to the process for resolving domestic disputes. And he lastly said that last time they introduced Domestic Building Dispute Resolution Victoria, and we all know how unsuccessful that has been in resolving disputes but successful in preventing builders being paid for their work. We can only hope that the government has learned from their failure last time, and clearly many would say it has not.

In relation to our concerns about overreach and the monopoly on the insurance side of things, the bill proposes transferring insurance functions to the Victorian Building Authority and giving it the

monopoly over domestic building insurance. As I have just outlined, it creates the Building and Plumbing Commission, but in effect, and we have heard it from Mr McIntosh, it is a one-stop shop. Yet many feel, including the Nationals and the Liberals, that there is no structure or culture of true reform or effectiveness. We have seen that happen in the past with the government-controlled insurance schemes, which operate without oversight. WorkCover and the TAC are not success stories, and I can give you a personal one from my son – but I will leave that for a later date – who happens to be an electrician and is helping build homes in our region as well.

Some of the concern that we have had is around that extension of the defect liability to 10 years but without a really clear understanding about what a defect is, and there is no obligation on consumers to report issues in a timely manner. I have just been speaking with someone who builds new homes, and they also have the sense that in the past – and I know Mr Farnham in the other house, as a former builder, very eloquently spoke about what used to happen and the way that there could be resolution between the client and the builder. An independent arbiter would come into the house and say what needs fixing – A, B, C – and there would be a resolution. In his words, it was quite successful in the past.

But the concern is that what is happening now is that the consumer can literally just not bother going to the builder but can go straight to this new entity, and then the builder can be slapped with all sorts of demands. Rather than solving it at the grassroots level, it is actually making more bureaucracy, more headaches and ultimately more costs on the builder. Speaking with my builder friend today, he said builders are going to have to build into the cost of production this forward planning and this forward cost impost based on the fact that these things will happen into the future. It does not mean that they do not happen, but this additional time with this uncertainty around defects is certainly going to make more of a cost impost.

As I have said, the Big Housing Build, social housing and all of that are still blowing out. The bill does nothing to address the permit delays, the infrastructure shortfalls and the staggering 42 per cent in government fees. We also know from VAGO that the current dispute resolution takes 110 days, with the estimate of an additional 15,000 disputes a year. This is what the Auditor-General is reporting to the Victorian public. The system is going to be overwhelmed and indeed we are going to see more builders – there are around 20,000 now in the state – exiting Victoria. It is too hard to do business in Victoria under the Allan government.

We genuinely want to see good reform to protect consumers and protect home owners. We need that good governance that supports home owners, but we do not want to see decent builders destroyed. We do not want to see costs skyrocketing in addition to every other input cost that is happening and in addition to taxes that this state government is imposing on Victorians. The Nationals will not support this bill.

Jacinta ERMACORA (Western Victoria) (15:19): I am happy to speak on the Building Legislation Amendment (Buyer Protections) Bill 2025. This is about Victorians needing homes, and many Victorians want to own the home that they live in. The Allan Labor government is setting clear targets to deliver more homes in Victoria over the next 30 years. Victoria needs 2.24 million new homes by 2051 to preserve the dream of home ownership for young people and workers and to make sure that there are enough rentals for those who need them. For most of us, building or buying a house is the most important investment we will make in our entire lives. It is probably the most emotional financial investment that we will make in our entire lives. To build more homes, we must first focus on building better quality homes. When home buyers, particularly those looking at off-the-plan apartments, are confident in a new home's lasting quality, they will be more willing to buy. It takes trust to hand over your life savings and the future wellbeing of your family to a builder you may not even know. Unfortunately that trust has too often been broken by a very small number of unscrupulous operators in the building industry. These bad actors erode confidence for everyone. They provide fodder for television programs and occupy social media space.

This bill is designed to protect consumers and, in doing so, increase community confidence in the entire Victorian building industry. The bill will attack shoddy work. The current system often leaves home owners stuck with expensive repairs. If you google 'ripped off by builders', you will find many Facebook pages devoted to exposing dodgy builders and YouTube videos of people showing terrible examples. It is really quite frightening, and it can, quite rightly, distort the level of confidence that we have in our building industry. This bill aims to give authorities stronger powers to demand builders fix their mistakes and to penalise those who do not. I think the description that Ms Bath provided around what happens in country communities was a very good one, because I know that in Warrnambool it is largely word of mouth. As a tradie or a business operator, you generally cannot afford to do someone in because word gets around very, very quickly. But in big cities like Melbourne, as she said, it becomes harder, certainly with high-rise buildings where there are big corporate companies loaded with lawyers and financiers to protect themselves, and individual buyers might be, as I said, handing over the last of their hard-saved money for a deposit.

We have currently got a last resort. If an error or defect is identified, there is a really messy process to go through to try and get that rectified. It can take a couple of goes to figure it out. You might go to one entity and then another entity before you realise that you are in the right place to seek restitution. This bill holds builders to account, and it does so by providing stronger oversight and enforcement for dodgy builders.

The bill will also protect apartment buyers. For large apartment buildings the bill introduces a developer bond system, which is not uncommon in the sector. Developers of class 2 buildings, which are four storeys or higher, will be required to issue a 2 per cent bond to the Building and Plumbing Commission prior to applying for an occupancy permit. This process will involve the appointment of an assessor. For each new apartment an independent assessor will author an interim report on defective work within 15 to 18 months. For every single buyer there will be an inspection of the property, and if there are defects, the process will be triggered. The report will identify those defects and the developer and builder will be given an opportunity to rectify the defective work. Importantly, the second inspection will occur between 21 and 24 months of the occupancy permit being issued to check if the identified works have actually been rectified. This means that developers will be required to set aside funds to cover potential defect rectification costs, giving apartment buyers greater peace of mind.

All of these reforms will come together under the integrated building regulator in Victoria, which refers to the creation of the Building and Plumbing Commission. A new more powerful watchdog will be established to oversee the domestic building and plumbing industries across the state. I am very, very pleased to see this tidied up, and I am also very pleased to see that the checking of any defects becomes a front-end process rather than a back-end by default. It just allows people to opt in and get some of the things fixed if there is an issue. I think this is a really good reform, and it forms part of the bigger picture of legislation, strategies and programs that we have in place that support our housing industry but also the community who purchase their own homes. I commend the bill to the house.

David LIMBRICK (South-Eastern Metropolitan) (15:26): It is certainly the case, as many have mentioned, that buying a house, buying a home, is for most people the biggest financial purchase of their life. For many people this goes well; they buy a home, they are happy with it and they have a beautiful place to live for them and their family for the rest of their lives. But sometimes it goes wrong. Sometimes, as has been pointed out, there are a small number of operators within the building industry who do shoddy work and who rip people off. One only has to go on to Instagram channels like Siteinspection to see what sorts of things are going on out there in Victoria. There are some shocking examples of poor workmanship that is happening in Victoria.

Indeed I have met many constituents who have come to me with problems. In fact one of the worst ones was when I met a man recently who had purchased a home. It was built. They moved in. One of his children got very ill in the home. They checked it. It turned out that there were problems with the plumbing, and sewerage was within the walls and things like this. Mould was everywhere in the house. It was so bad that they had to evacuate and leave all their belongings behind in the house because it

was all covered in toxic mould. That is still a nightmare for him, and the experience was just absolutely shocking. I cannot imagine how horrible it would be for someone to have to go through that – to have this expectation of moving into this beautiful new home that they have paid huge sums of money for and gone into debt for or whatever and then to have that happen, where they end up building a building which is toxic and all their belongings are poisoned, effectively. This is an absolutely shocking situation.

So yes, we do need reforms with regulations on building homes. Fundamentally, the Libertarians do not have a problem with the state being involved in enforcement of contracts. That is effectively what has gone wrong here – contract enforcement – in that a buyer has a product that they have a contract for and then the contract is not fulfilled to the expectations of the contract. To that end, I welcome the government at least acknowledging that the current system is broken and then doing something going forward. However, this bill also does something that I am not very keen on and that I think it is a very bad idea, and that is setting up a monopoly insurance company. Whilst getting involved in issues of contract enforcement is one thing, government getting into the insurance business is quite another. As has been mentioned by the opposition, there have been cases of this in the past. I do not like the idea of the government being in the insurance business. Economies remain competitive when there is competition. That is the same in the financial sector, and when you set up a monopoly like this it leads to all sorts of perverse outcomes. I think that this is the wrong approach.

For that reason, the Libertarian Party will not be supporting this bill today. That said, I do hope that it works the way the government intends it to work. I do hope that it fixes some of these problems, but I also hope that it does not add costs onto buildings so much that builders do not want to build in Victoria and that home prices get more expensive in Victoria, because no-one wants to see that. We all know in this place that there are not enough homes being built in Victoria. The last thing we want to do is scare away builders and developers from Victoria.

One of the problems with regulations is that they can stifle innovation. I would also urge the government to be very mindful of this. I think Minister Shing spoke about prefabrication technologies. There are lots of new home-building technologies which can dramatically decrease costs and improve the quality of home construction, and sometimes regulations can get in the way of that. In fact we had an example in a display in Parliament a while ago when I think it was actually the Legalise Cannabis Party that hosted a group of different hemp construction producers. I spoke to many of those people, and there were some really innovative products. One of the biggest problems they had was that their products were not covered by current regulations, so even though they might be fit for purpose and fantastic products, because they are new they have to go through all these processes. That was a real pain for a lot of these companies, and I hope the government can make that process better.

Similarly with prefabrication, many of the modern prefabrication technologies avoid a lot of these issues that we are having with sites. When you go out on a site many of the problems are through project scheduling – you know, getting the different tradies in at the right time. Weather is a big problem, and quality control. Factories can solve all those problems, because you can have specialists working in the factory. You are not dependent on the weather anymore. Factories are very good at managing quality control and this sort of thing. Modern prefabrication techniques are very, very high quality and can lower costs and decrease construction times. I would hate it if we overregulated to the point where, because they do not fit into some building code or something, we deny Victorians the opportunity to access these sorts of new technologies. Concrete 3D printing construction technology is moving at a very fast rate. I have watched many demonstration videos of this technology, and I think it holds a lot of promise for certain applications if you can rapidly build homes made out of concrete using automated systems. I think we should be very open-minded to all of these new technologies, and I hope that the government does everything that it can to make sure that its efforts to regulate and control quality do not stifle and deny Victorians the opportunity to access these new, modern construction techniques.

With that said, the Libertarian Party will not be supporting this bill, primarily around this monopoly insurance operator. We do not think this is a good idea. That said, I do acknowledge that there are serious problems that need fixing in this state with regard to construction and quality control. There are many people who have been left in awful, awful, dire situations. It is my hope, regardless of my support or not, that this bill will solve many of those problems. I hope also that it will not increase costs too much and scare away builders.

Trung LUU (Western Metropolitan) (15:34): I rise today to speak on this Building Legislation Amendment (Buyer Protections) Bill 2025, and I do so as a member of this place who is proud to represent many tradies and constituents in the building industry in my region. Before continuing with this bill, I just emphasise that I too am a homebuyer, and we had it knocked down and then rebuilt on our premises. It got to the stage where actually, in relation to the builder's contract, during the contract we experienced difficulties with earthworks. After the build had been completed there were deficiencies which we negotiated, spoke with the builders about and had rectified as per the contract. As the years continued, there were things which did become defective, and having been outside the contract, I understand that the obligations were not the builder's situation. Having said that, we do also experience and have seen in society that there are dodgy builders that do leave their clients in the lurch, and it does drag on to long civil litigation between both builders and buyers.

In relation to this bill, I have listened to many constituents and builders in my community in the western suburbs who have contacted the office fearful about the government's overreach on this legislation itself. The thing is, in this chamber we are passing legislation. We have got to make sure it is fair and equitable for both parties – buyers and sellers – and make sure the economy proceeds with as minimal interruption as possible. However, with this bill as claimed, the builders and many traders in my community express that the Allan government has failed to consult the industries or even acknowledge the unintended consequences that may arise if this bill passes. Respected industry bodies like Master Builders Victoria, the MBV, and the Housing Industry Association, the HIA, are telling us that this bill, if implemented as it is, could create more issues for the housing sector than it seems to be trying to resolve.

We know we are in a building crisis at the moment, a housing crisis, and we need to build more homes. The bodies on record have condemned the proposal of this building legislation, labelling it, and I quote, 'unfair and unworkable'. That is what exactly this bill is. We need to make sure this bill is fair and workable. In Melbourne's western suburbs, which I proudly represent, we are home to some of the fastest growing suburban populations in Australia. Many young families are buying into the region. There are many houses popping up left, right and centre in areas like Wyndham Vale, Tarneit and Point Cook. These are young families and individuals purchasing their first home. In regard to the contract, they need to find the fine, detailed print of the contract – yes, we all do when entering a contract – but they want to do so knowing their dream home will be built free from defects and dispute. If it does arise, they expect peace of mind knowing that there is an authority to turn to to help to resolve a dispute in an amicable and timely fashion. This authority already exists in our building industry at the moment. Yes, there needs to be tweaks and adjustments in certain areas. But while it is not perfect in every situation, with some regulations needing to be tightened, as I mentioned, and with some reforms required to get a faster resolution between the client and the consumer and the builder, this legislation goes way beyond what experienced industry leaders consider reasonable.

It is possible to get the balance right, to protect consumers and not disenfranchise our builders – especially as we are in a housing crisis at the moment – who are already under considerable strain. We all understand the need to protect consumers and the need to do so and to have the processes in place to protect both consumers and builders when defects arise from poor workmanship. But this bill does not strike that balance. We need to make sure that there is a balance in there. In the industry bodies as mentioned earlier this legislation takes a potential sledgehammer to the rights of the builders. Basically this legislation is mainly focused on consumers.

We have seen in recent years the unfortunate collapse of building companies such as Porter Davis and Area Projects, who specialised in building new homes, townhouses and renovations. They went bust at a time when there was already a housing crisis due to lack of supply, at a time when the building industry was still undergoing significant pressures. This bill has the potential to make a bad situation worse, and I will go into detail in a moment on some of the key issues we on this side have identified and are concerned about, which will give the house more understanding as to why we are concerned about this bill.

Victoria already has the highest builder insolvency rate in Australia. If this bill goes ahead, it has potential to punish small builders and push them out of the industry, further increasing insolvency rates and accelerating our housing crisis – something we must avoid at all costs. There is a 63 per cent predicted increase in insolvencies in 2025 in the building industry alone. Just let that figure sink in – 63 per cent in 2025. Why would a government want to put pressure on an industry and make cash flow even harder? If this eventuates, how does the Allan government plan to improve the industry, to sustain solvency and keep house building continue?

Companies like Porter Davis have pointed to the rising costs in construction materials, labour costs and increasing taxes, to name a few, as causes of this demise. This bill touches on the payment of an additional 20 per cent bond under the new developer bond scheme, but it is unclear how long that bond will last. Developers need to pay 2 per cent of the actual build as a bond in case something happens down the track, but there is no specific timeframe as to when that bond finishes.

Builders will not be able to sign new contracts due to outstanding rectification orders, placing strain on cash flow as builders will be waiting months if not years to see the issue resolved. If this legislation proceeds, under the new rules a builder could be at risk of being subjected to rectification orders even a decade after the job is finished. Think about it: you purchase a product, you use it, you abuse it, and years and years later you make a claim that it is their fault. Materials deteriorate. Workmanship does not last decades down the track. That is why contracts are signed and understood by both parties. Certain things have a time span or life span, and certain things will last longer. Yes, we need to improve, but that is where communication between both parties needs to have a balance.

As this legislation stands, the new Builders and Plumbers Commission, set to be established, will be able to make a rectification order against home builders in response to any sort of complaint from the consumer with no need for the consumer to show cause as to the severity of the problem. Additionally, the builder has no rights under this legislation to challenge who is making that order.

Think about it: you purchase something, you build something, the client is happy, and years later – a defect – he makes a claim, and you have no defence. That is not a balance. That is unfair and unworkable in any market, in any economy. The ripple effects are quite clear. The wait time to build the houses that Victoria so desperately needs will blow out further. Families will wait much longer to purchase and move into their dream homes. The costs will skyrocket as builders will need to make sure they compensate for potential incidents or defects which might or might not happen 10 or 15 years down the track.

As a builder and as a business, you need to make estimates and considerations in case something happens, so that is when home owners and homebuyers will bear the cost. This will lead to an overall increase in construction price in an already inflated market, causing housing affordability to decline.

I thought the government would have looked at models elsewhere in Australia to realise that similar monopolies in insurance claims are inefficient. A good example is Queensland, which has a similar monopoly scheme. The result is an inefficient system with four-times-higher administrative costs which ultimately flow down to the consumers. As I mentioned earlier, one of the key components of this bill is creating the new Building and Plumbing Commission, the BPC, replacing the current Victorian Building Authority, the VBA. This new commission could be quite problematic in the long term, with the orders of rectification of building works, including post-occupancy permits, which are

fraught with danger. In addition, with the establishment of the monopoly insurance scheme the government intends to hand over the Victorian Managed Insurance Authority, Domestic Building Dispute Resolution Victoria, consumer affairs powers and roles of the VBA, the Victorian Building Authority, to this new Building and Plumbing Commission.

Of concern, especially during a cost-of-living crisis, are the rights of registered builders, who will have their rights stripped away to challenge orders by the new BPC regarding any outrageous claims that clients wish to make. A reminder to the chamber is that these claims can be made against the builder under these new laws up to a decade after the works are completed and carried out. Under these circumstances, what incentive is there for any builder, especially small builders, to enter into market contracts with the risk of regulatory and insurance intervention? What protections will there be in place if a client makes a defect claim against a builder, immediately escalating into an insurance claim without being resolved through proper contract processes? Currently dispute resolution takes on average 110 days in Victoria, with an estimated additional 15,000 disputes likely to occur a year. Once this is implemented, our system will be overwhelmed.

The government should focus on improving oversight of existing authorities, not bringing in further burdensome regulations. This means enhancing inspections and enforcement to prevent defects from the outset and beefing up independent mediation processes for contracts between builders and their clients. Have inspectors, have enforcement, check while the works are in process what is going on. That is where you cut down any issues down the track so that we do not end up with legal processes and disputes down the stream.

I would also like the government to look at increasing transparency mechanisms for processing fairer claims and have our builders front of mind – not just clients, both builders and consumers – when making these decisions.

As is clear, the Allan government has very little intention of improving the industry or making it workable. It is focusing on one party. It should be, on the basis that I mentioned earlier, fair and equitable for everybody. Those on this side of the house have grave concerns with this bill, and I would stress we need to make legislation and pass legislation that is equitable, workable. At the same time, do not slow down our economic process of building new homes. Make sure people are willing to take the risk, enter into contracts and proceed with the building of houses in Victoria. With 30 seconds left, I do urge the chamber members here to consider our amendments to this bill.

Ryan BATCHELOR (Southern Metropolitan) (15:49): I am very pleased to rise and speak on this Building Legislation Amendment (Buyer Protections) Bill 2025, because this Labor government is absolutely focused on getting more and more Victorians into home ownership. We are getting more Victorians into home ownership by approving more homes to be built than any other state. We are getting more Victorians into home ownership by completing more homes than any other state, and our reforms to planning and to building are creating the homes that Victorians need and want, and there is more to come.

This bill is a part of that package of planning reforms and building reforms. As we get more homes being approved and built, it is vital that we maintain and improve the building standards for the newly built homes here in Victoria. We do not want to be a government that just gets more Victorians into homes, we want Victorians to get access to quality homes, because that is what the buyers of new homes expect and deserve. We know that confidence in the system builds confidence in the system. Confidence in the system builds confidence amongst buyers to keep buying, developers to keep developing and builders to keep building. That is what we want to see here in Victoria, because that is how we are going to solve the housing crisis – building more homes and building more quality homes.

This legislation introduces reforms that will strengthen the regulatory system, simplify the system, reform domestic building insurance, establish a developer bond scheme and strengthen enforcement powers for the regulator to take action against developers whose buildings are not up to scratch. It

amends a variety of acts. It changes a fragmented regulatory system to put much more focus on having an effective regulator that can adequately and properly deal with issues that emerge in the building industry. This legislation paves the way, through subsequent legislation, for the new Building and Plumbing Commission.

Other speakers in the debate have spoken about just how significant home ownership is and how the purchase of a home is often the biggest purchase that an individual or a family will make in their lifetime. It is also done in an environment where often the homebuyers exist with considerable asymmetries of knowledge of information about the system and expertise. Homebuyers are not experts in building. Homebuyers are not experts in insurance and regulation. What this legislation is doing is helping to fix the system to empower those homebuyers and provide them with more confidence, to make sure that the system is always about reinforcing the need for high-quality workmanship and high-quality construction and to make sure that there are effective regulatory arrangements in place so that can occur.

There are a lot of things the bill does. I do not have a lot of time, and a lot of things have been canvassed across the debate. I think one really important thing is being done here. One of the frustrations that many people have who build new homes or have work done on existing homes is that when they get their occupancy certificate when the works are completed, the builder has gone and the defects have become apparent and there is often a long time and process that they have got to go through to try and get those issues fixed. We know it is already against the law for a builder or developer to supply a new home that is substandard and that they have already got a legal responsibility to fix identified defects after the issuance of the occupancy permit. But we know people still have significant problems, which is where this legislation is so important.

It introduces the power for the regulator to issue rectification orders after occupancy permits are issued – rectification orders that will compel builders to fix or finish work which, in the regulator's expert opinion, is deemed to be seriously defective. I know that Mr Luu in his contribution just now was concerned about what this might do to cost. I think the point that we want to make here is that the quality of the work that has been done is the solution to this. This is not about minor defects. This is not about little disagreements about colour and tone. This is about serious defects that an independent building inspector has identified as 'must be fixed'. The best way for builders to avoid those issues is to make sure that the work is done to the spec required in the first place. That is how we are going to solve these issues. If that is what these reforms drive in terms of confidence, if that is what these reforms drive in terms of culture in the sector, they are absolutely, absolutely welcome, and we think they will have a significant impact.

The last thing I will talk about is the new developer bond scheme, which is being introduced here. Developers are going to have to pay a bond of 2 per cent of the total construction cost for the development, which is going to be held in trust by the regulator, operating in the same way that a tenant in a rental property pays a bond to cover the cost of any damage that may occur to the property during the course of their tenancy. This developer bond scheme will ensure that if a defect is found in a home the developer has already put some money aside to fix it. There will already be money available to fix it so that home owners are not left in what sadly is an all-too-common occurrence, where defects are identified but there is no money there to fix them for a range of reasons.

As I have said, this is about driving better standards in the building industry, giving more confidence to home owners and creating a more effective, efficient regulatory system. Solving the issues that we have got in the building industry is one of the critical ways we are going to help solve the housing crisis here in Victoria. Labor are backing people's aspirations for home ownership, and we are backing those new home owners to ensure that the homes that they buy are high quality and that they have confidence that their dream can be realised.

Georgie PURCELL (Northern Victoria) (15:57): I rise to speak in support of this bill today. The Victorian population is growing exponentially, and the housing industry is booming as a result. It is

essential that new housing construction is done properly and is done safely. We have seen trust in the industry completely eroded, in some instances due to a small group of dodgy operators. Individuals and families place a huge amount of trust in handing over what usually is their life savings that they have worked so hard to achieve and attain to a company, with the promise of getting their dream home. As a result of dodgy builds we have seen people ending up millions of dollars in debt, trying to fix mistakes and going through the ongoing and stressful process of VCAT. In some cases they are suffering from respiratory and skin problems, and in the worst-case scenarios they are even hospitalised or have lifelong health problems from the presence of mould.

The current defect resolution process is long and it is confusing. Many either give up or just do not bother doing it at all. In the meantime, those construction companies are continuing to operate and continuing to build houses in the same way, affecting more and more people. We know that these dodgy builds are already far more likely to affect vulnerable Victorians. Most of our new housing construction is taking place in Melbourne's fringe on land that is susceptible to flooding and to fire risk. After already having to deal with the immediate fallout from a faulty build, having to then go through a long administrative process is absolutely soul crushing. We have seen people being hospitalised because of mental health issues related to this process.

It is something that I can actually very personally relate to from when I and my ex-partner bought our first home. At the time I was in my very early 20s, and we saved up enough deposit to buy a small townhouse in Brunswick. I am sure members can imagine how nervous I was taking on so much debt at such a young age. I was a university student, I was only just entering the workforce and we had really saved up to buy this home and then budgeted around our mortgage repayments. Within about six months of living in the home we noticed that our home was a dodgy build in a townhouse complex. The balcony had been built – as is often the story for many people – with improper sealing, in fact no sealing at all. Slowly but surely over many months and a year we saw our roof and our walls leaking and full of mould, and we just could not get any action from the builders or from insurance. Not only were we seeing the value of our home disappear before our eyes but we were also incredibly concerned about resale value and most importantly about our health if we continued to live in the home. We soon gathered that it was not just our home in the townhouse complex that had this problem – every single home had been built incorrectly.

I cannot overstate the impact and the stress that going through this process had on our mental health. We felt as if we had saved up all of this money as young people to invest in something that was not going to pay off and we were going to lose out on it. We were lucky enough to find a process with insurance, but we had to fight for it and we got rejected on multiple occasions. We thought it was not going to be possible. Then when it was approved we had to move out of the home and find alternate housing. It is one of the worst experiences that I have ever been through. It should not be this hard for people who just want to have their own home, who just want to have a roof over their head, who have the dream of owning their own home, which so many young people do and which is becoming increasingly less common. By fixing this today, we are building that trust and that confidence for the people who do do it, that their investment, which will be the biggest investment that they will ever make in their lives, will be safe, it will be comfortable and in the worst-case scenario, they will have a pathway.

It also flips the onus from individual workers involved in builds to big development companies that absolutely have the resources and capacity to comply with rectification orders. That is the impact that it will have. Those are the people who will have to front up to this process. By curbing bad practices in the housing and construction industry, we will help to build confidence and better protect vulnerable Victorians. For that, I commend the bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (16:02): I rise to speak on the Building Legislation Amendment (Buyer Protections) Bill 2025. There is absolutely need for reform and improvement in the way that we deal with the relationship between consumers and builders, particularly in the domestic home building market. In a former role, when I was the Shadow Minister

for Home Ownership and Housing Affordability, I saw firsthand some of the issues in this portfolio, a lot of the failures of the Victorian Building Authority (VBA) and of the Victorian Managed Insurance Authority (VMIA) process, and a lot of the failures particularly of this government to enforce existing regulations in the market.

One example that we saw of that was the collapse of Montego Homes, which left over 50 Victorian home buyers stranded. I said earlier today that for this Premier things only ever become a problem when they are a political problem for the Premier, and this was a classic example. We went through months of young families contacting the government and walking into electorate offices, like those of the member for Yan Yean and the member for South Barwon, begging them to offer the support scheme that was offered to Porter Davis Homes families. The response, whether by email or in person, was absolute silence because they did not think it was an issue or they thought the issue was too small, that it would not become an actual issue. But for many of these families, this was their entire livelihood. This was their entire life savings they had put into a home thinking they had VMIA insurance. Then they realised, once the builder went bust, that what had been submitted through a portal was a global VMIA policy number, not a VMIA policy number for their specific lot. So they were not able to get their deposits back, deposits they had spent years and years and years saving up for what was the biggest purchase of their life and the biggest dream of their life – to finally get into a home or get a plot of land where they were going to live and they were going to raise their families

It really was only because of the months and months of advocacy by me and the homebuyers that the Labor government finally expanded its support scheme. We know this because the government refused to over and over and over again. They said Porter Davis was a one-off and they would not be expanding the liquidated builders customer support scheme. It took stories like those of Jess from Doreen, who made it quite clear in the media that the government should offer the same support as it did for Porter Davis customers and that they were no different. That was on the front page of the *Whittlesea Review*, and I stood side by side with her on 7NEWS out in Doreen with a whole bunch of the families there, calling on the government to do something. The government response was, 'That was a one-off.'

Then we saw people like Chantelle and Hayden from Mount Duneed in the electorate of South Barwon, with their stories told on the front page of the *Geelong Advertiser* and the hardship that they were going through because they had handed their money, their deposit, over to a builder thinking they had insurance – actually seeing they had insurance – only to find out they did not. I want to also acknowledge my colleague Mrs McArthur, because I know that she advocated as well on behalf of those families. It was only really after then that the government acted, because it became a political problem. It was a political problem for the government because people saw how heartless this government was regarding a situation where its own laws had led builders to steal deposits off young homebuyers. That in itself was contemptible, this small number of dodgy builders fleecing money off hardworking young Victorians.

Unlike this government, I actually sat down with a lot of these young families at the time, and in the end we did force the government to extend the liquidated builders customer support scheme until 20 February 2024. There was a lot of communication between me and Danny Pearson at the time. They in fact even botched that request and that advocacy. They did. They extended it to 20 February and then had to go back and change it to 28 February because they forgot to include Chatham Homes, which had collapsed a couple of days after the date that they had set and had backdated to. Those people were not going to be able get their deposits back, yet we were able to achieve that as well for those Chatham Homes customers. Make no mistake, that would not have occurred – just like with the Porter Davis customers, and I want to thank my colleague Jess Wilson, who advocated on their behalf – without the advocacy of the Liberal Party and the opposition actually sitting down with those

families like Jess from Doreen, Chantelle from Mount Duneed in South Barwon or many other families. I want to read a card that they wrote to me afterwards, which says:

> Dear Evan,
>
> Thank you for advocating for all of us in Parliament! Your support has been instrumental for us getting our deposits back. We now have a second chance at the Australian dream of building a house! Just wanted to let you know we greatly appreciate everything you have done for us!
>
> …
>
> Thank you … from the bottom of our hearts!
>
> …
>
> Chantelle, Jess, Lisa, Louise + all of us other Montego victims

With that came many pictures, a collage of pictures of young families with young kids, young people in their late 20s and early 30s that just wanted to get on with their lives but had been victims of poor government regulation when it comes to domestic contracts, when it comes to insurance. I would say that process that we went through together is one of the proudest achievements of my relatively brief parliamentary career but an important one on behalf of those families. I really felt for those families, because what they went through no-one should have to go through.

I want to particularly point out the comment from Master Builders Victoria that:

> … it is not possible to fully assess the impact of the rectification order provisions in the Bill, without knowing the outcome of the review of existing consumer protections and domestic contracts.

We still have not seen that review that Danny Pearson was talking about back then. This house passed an ombudsman inquiry into the VMIA's management of DBI, domestic building insurance, contracts, which has all of a sudden we find out today been delayed for release until later this year. You have got two concurrent reviews that could inform the government of its process, but it is still wanting to ram through a bill that deals with this section. We cannot forget that many of those Porter Davis customers, Montego customers and others that stacked up through the VMIA process were awfully treated by the VMIA, which sent aggressive legal letters, had short conversations and then made decisions and argued that they would have to go to VCAT if they wanted to challenge their decisions. Many of them, even though they were promised, were not able to get their money back and were treated incredibly poorly by the VMIA, who I understand have recognised a number of flaws when it comes how they treat people. Porter Davis should have been a wake-up call for this Labor government and the issues with domestic building insurance noncompliance that were clearly not addressed.

Let us not forget: if you speak to anyone in the industry, whether it be the HIA or the Master Builders Victoria or others or builders themselves, they say absolutely this issue has been compounded by the government's wasteful Big Build, which is sucking up, hoovering up, all of the available supply materials and labour for its mismanaged Big Build sites with $48 billion of blowout. When you create an inflationary environment in the building and construction sector, you are going to get bad outcomes. You are going to get dodgy operators who cut corners because of costs, and this is what has happened. The community and Victorian people ought to know that it is the government's mismanaged Big Build that has caused a lot of these issues that mean it is more expensive for them to get into the housing market and it is more expensive for them to buy a home.

Under this bill consumers will be able to lodge defect claims against builders for up to 10 years without clear definitions of what the word 'defect' can mean and without clear obligations for consumers to raise issues in a prompt and timely manner. A lot of people on social media have built up an awareness for dodgy builders. I would like to pay particular credit to Site Inspections, and many of the flaws that he highlights with noncompliant builds – I will not say it in the way he says it – are on the fringe suburbs of Melbourne, many in my electorate, and many of the issues he highlights are with the VBA as well, who are not at fault in this. We all remember the VBA – the same VBA that was going around doing site inspections on FaceTime.

There is also great concern in the industry at a time we need to absolutely get more homes built, and we want more and better homes built, and one of the keys to doing that is engaging and working with the small builder market. Monopolies are not a good thing, generally speaking, and so with other state government insurers like TAC and WorkCover there is a strong concern that the bureaucratic costs will not be capped, premiums will steadily increase, compliance costs – especially for small builders – will become burdensome, and premiums will be at risk of becoming a new tax impost on construction costs. While there are a lot of players in the insurance market, private sector competition does not serve to act as a check against unreasonable monopolistic price gouging.

Instinctively I am pro-competition. It delivers the best outcome for the consumer, but we have seen a terrible track record from this government. Additionally the new Building and Plumbing Commission will be able to use the need for their insurance as a powerful lever to insist on certain actions and behaviours from builders that could be unfair or unreasonable, particularly during an unresolved dispute. The bill allows for a developer bond scheme, which aims to protect apartment purchasers in buildings over three storeys high. While this bond scheme seeks to address the real problem of holding builders responsible for their work, the mechanism as proposed is clunky and not well coordinated with existing accountability structures such as those remaining in place under the Building and Construction Industry Security of Payment Act 2002.

I will finish it there. It is a complex area of law, but we will be opposing this bill.

Sheena WATT (Northern Metropolitan) (16:17): Thank you very, very much for the opportunity to rise today and make a contribution to the Building Legislation Amendment (Buyer Protections) Bill 2025. It is one that I would like to say marks a defining moment in the history of housing in Victoria. It really is a monumental step forward in protecting buyers from dodgy builders, restoring community confidence in the construction sector and putting in place the kind of consumer-focused regulatory framework that Victorians rightly expect and absolutely deserve.

Let us be clear from the outset: buying or building a home is, well, for many Victorians, the biggest financial decisions most will ever make, and yet for too long that decision has been shadowed by uncertainty. Too many families have seen their dream home turn into a financial nightmare. This bill is about turning the tide. It is about putting the consumer at the heart of our building system, making sure that the builders who do the wrong thing are held to account and giving families the peace of mind they deserve.

At the core of this legislation is the creation of the Building and Plumbing Commission, or BPC, a new integrated building watchdog with real teeth. The current regulatory environment has been confusing at best and utterly disempowering at worst. Consumers are bounced between the multiple agencies of the Victorian Building Authority (VBA), Victorian Managed Insurance Authority and Domestic Building Dispute Resolution Victoria when something goes wrong; it is all too much, and it stops now. The BPC will be the one-stop shop with the power to investigate, enforce and rectify poor practices. We are not just creating a regulator, we are creating safeguards. Rectification orders will give the BPC the power to compel builders to fix defective or incomplete work, even after the occupancy permit is issued. There is no more ducking responsibility, no more blaming someone else: if it is not up to standard, it must be fixed. When rectification fails, insurance will step in, not as the last resort but as a first resort. The first-resort domestic building warranty will ensure that homebuyers can access support when they need it, not without waiting for their builder to go bust or disappear into the night. This is a massive shift from a reactive system to a proactive one.

For apartments four storeys and above we are introducing a developer bond scheme – a 2 per cent bond held by the regulator to be used if the developer fails to rectify serious defects. Think of it like a rental bond but for multimillion-dollar developments. It is fair, it is practical and it puts consumer protections first. Let us not forget why this reform is necessary. A small group of dodgy builders and developers wreaked havoc across our state. They cut corners, they exploited loopholes and they left families absolutely devastated. The opposition had a chance to act a decade ago. They promised similar

reforms, but they backed down at the first sign of pressure from their mates. They failed to act when they had a chance, but we are acting right now. While I have heard in contributions here and in conversations out there in the public lines parroted from industry lobbyists – pretending to care about homebuyers while defending the very practices that harm them – we on this side are standing up for working Victorians. It is not just supported by government; it is supported by consumer groups, by good builders – yes, good builders – and most importantly by unions.

I want to take a moment to speak directly about the critical role that unions have played in advocating for safer, fairer outcomes, not just for workers but for the community as a whole. Often there is scaremongering from those opposite about unions in the construction sector, but let us be honest, if it were not for the tireless advocacy of the building and construction unions like the Plumbing and Pipe Trades Employees Union that I spoke of yesterday and the Electrical Trades Union, we would not be having this debate today. It is unions who raise the alarm about unsafe work sites. It is unions who push for rigorous inspections, licensing and stronger enforcement mechanisms. It is unions who have been standing alongside consumers and workers when these buildings have been left unfinished, when defects have gone unfixed and when wages have gone unpaid. Too often unions are attacked for being too loud – 'You're too bold. You're too disruptive' – but the truth is they were standing up against some really systemic negligence. You have to be bold and you have to be loud, because silence is what lets these dodgy operators thrive. This bill is about holding bad builders accountable, but it also, at its heart, honours the thousands of construction workers who take pride in their craft and who want to see high standards upheld. It honours our apprentices for learning their trade the right way and who deserve a future in a respected and well-regulated industry. This government has backed our young Victorians to develop their trade with free TAFE, free car rego and free support and mentoring for first-year apprentices in priority TAFEs.

We know that when the Liberals championed the Australian Building and Construction Commission, an agency with no jurisdiction over domestic building and whose sole purpose seemed to be union busting, not consumer protection, there was really no interest in fixing the building industry. Their only interest was in weakening the power of the collective voice of workers. We on this side absolutely take a very different view. We believe that when unions and governments work together we can build an industry that is safer for workers and stronger for consumers. This legislation is informed by input from unions – I had the good fortune only last week of speaking to the head of the plumbers union – and it does incorporate the real experiences of workers on the ground. I actually spoke to apprentices that had started their career – they were on day one – and they were excited to work in an industry that is supported by a government that backs them.

It is backed by the knowledge that safe work sites and quality builds go hand in hand. There has certainly been some concerning trolling from those opposite about the VBA. I just want to take that on. It was Labor that took the tough decisions to rebuild trust. We appointed Anna Cronin as the commissioner, and under her leadership there has been enormous reform: faster complaint resolution, stronger inspections and tougher prosecutions. We are going further, replacing the VBA with the BPC to embed these improvements into a single powerful authority. The data speaks for itself. Are you ready for it? There were over 2400 medium- to high-risk site inspections this year. Frame stage inspections are up. The time taken to resolve investigations is down. Fines are being issued, unregistered practitioners are being caught and called out and the most egregious offenders are being prosecuted. This is a regulator that is working, and it needs more power. This bill delivers just that.

It is hard not to feel cynical when you hear those opposite claiming to care about homebuyers – because this is the same party that voted against this bill in the lower house, right? It is the same party that watered down protections when they were in power, the same party whose members are on the record as opposing new homes, opposing public housing, opposing safety reforms and campaigning – yes, campaigning – against apartments developed in their own electorates. They say they want more homes but oppose the legislation that would make those homes safer. They say they care about affordability but oppose measures that would stop insurance premiums from rising due to bad building practices

and shonky operators. In fact some members of the opposition have themselves fallen victim to dodgy builders. You would think that would make them more empathetic, but instead they have chosen to side with the very cowboys that did them over – what is that? One member even had his kitchen stolen during a build gone wrong, yet when given the opportunity to stand up and support meaningful reform, he voted against it. It is not leadership, it is cowardice.

This bill is part of a broader strategy that includes $6.3 billion of investment in our Big Housing Build, the Regional Housing Fund and the establishment of the future of housing construction centre of excellence, one that I know apprentices were particularly keen on. We are training the next generation of tradespeople, upskilling our workforce and delivering on the promises of safe and affordable housing for all. We are not just reforming laws, we are changing lives. While some cling to failed practices of the past, we are building for the future, brick by brick, policy by policy and reform by reform. Behind every line of this legislation in this bill is a real person, a real family, a couple, a first home buyer and sometimes a woman who has made that brave choice to go it alone and buy her first place and take it on. To you, sister, I say: good on you; you have placed your trust in our building sector and our building system, and with this bill we are backing you.

It is easy to get caught up in legal definitions and regulatory structures, but at the heart of this reform is a very human question: what happens when your home turns into a disaster? I have heard the horror stories of the young couple or the solo single saving for years, only to have their off-the-plan apartment handed over with leaky walls and mould growing week by week; a retiree building their dream home left thousands of dollars out of pocket when the builder just vanished when the job was done; a family of four living in a caravan while they fight for justice that is years away in VCAT. This bill is about stopping those stories. It introduces clear, fair and fast systems to protect the people behind the paperwork. It gives homebuyers a direct line of support through the BPC. It ends the bureaucratic ping-pong nonsense between agencies. It stops the dodgy builders who hope that they can hide behind slow legal processes. Well, you know what, it is over. This restores confidence to buyers who until now felt like they were gambling with their financial future.

Let us not forget renters. These reforms will also help improve rental stock by lifting the overall quality of new developments. Safer and more secure homes do not just help owners; they help tenants, neighbours and the broader community. This is a people-first reform, and when people have trust in the system, everything else – investment, supply, industry, growth – follows. This is how we build not just homes but fairness and dignity into every brick laid. I have got to tell you this bill is what good government looks like. It listens to victims. It is standing up to vested interests. It is protecting consumers. It is supporting good builders, and it is restoring trust. I say to apprentices: this is about you too. It acknowledges and values the indispensable role of unions in shaping a fair, just and safe building industry. It is not just a technical bill. It is a bill that absolutely speaks to our values. It speaks to whom we stand for: working families, first home buyers, renters, tradespeople, apprentices and communities across Victoria who want homes they can trust and a system that has their back when things go wrong. I commend this bill to the house.

Rachel PAYNE (South-Eastern Metropolitan) (16:30): I rise to make a contribution to the Building Legislation Amendment (Buyer Protections) Bill 2025. I will say from the outset that Legalise Cannabis are happy to support this bill. The bill aims to improve regulation of Victoria's construction industry, imposing greater obligations on builders and developers and strengthening the regulator's power to ensure compliance. It aims to simplify the process for consumers facing issues with their builders to have those issues resolved. Consumer advocates are generally supportive of this bill, as it represents a definite uplift in consumer protections. Ultimately the bill aims to restore confidence in our building industry, which as we know, has been rightly subject to a lot of criticism in recent years.

Buying a house is probably the major investment that most of us will make in our lives. It will be our biggest financial asset. As well as representing a huge financial commitment, it is an emotional commitment. It is a commitment to a chosen community and a place we call home. When things go seriously wrong with our home, it can be a source of great anxiety, particularly if remediation drags

on. We know that the majority of builders practise ethically and are doing the right thing by consumers, but we have seen far too many documented cases of building practitioners producing substandard work that failed to meet the most basic safety standards. We have also heard the most heartbreaking stories from people who have been unlucky and ended up having to deal with unscrupulous builders. In the process they have accumulated massive debts, suffering severe financial, emotional and physical distress and spending years of their lives battling with their builders to try and get them to fix the defective work. I am not talking about situations where there has been a misunderstanding between the builder and the client. I am talking about cases where the builder has clearly behaved unethically, is in clear breach of legislation and is ripping off their client.

Unfortunately, under the current system, when a consumer reports building defects to the regulator, the Victorian Building Authority, they find themselves in another world of pain, being bounced around between different under-resourced departments, often without any satisfactory outcome. The failings of the VBA were covered extensively in the 2023 review of the Victorian Building Authority report *The Case for Transformation*. The report exposed a fragmented regulatory system with a toxic culture within the VBA. It highlighted delays in progressing claims, with consumers having to wait years for a building inspector to review their complaint and ultimately no action being taken against the practitioner. This is a quote from that report:

> Some complainants were told they should contact DBDRV or go to VCAT about non-compliant work. VBA staff told some complainants that they should provide their own expert reports for VBA to review or that the VBA would not investigate the matter if such evidence was not provided.

Expert reports can cost thousands, by the way. Then, in a further blow to the complainant, once an occupancy permit has been issued, the VBA has no actual power to get the builder to rectify their work. Owners are forced to take their matters to VCAT, where they may spend years trying to get an outcome. Consumers have been consistently failed by the state regulator and left to fend for themselves.

The bill before us seeks to restructure the regulator to better protect the consumer. The Victorian Building Authority, the Victorian Managed Insurance Authority and Domestic Building Dispute Resolution Victoria will be reconstituted under the new Building and Plumbing Commission. The BPC will be the single source of advice and direction for consumers. It is a one-stop shop, which is good from a consumer perspective. In relation to complaints, the BPC will be available to investigate complaints and has the power to order builders to rectify their defects up to 10 years after completion of the building. This is a substantial win for consumers, as currently the regulator has no power to order a builder to rectify their defective work once an occupancy permit has been issued. Under the new scheme, when a complaint is received, the BPC will assign an inspector to the case. After the inspector has verified the defect, the builder will receive a verbal direction to fix. If they do not comply within a certain time, they will be issued with a direction to fix, which is a binding legal document requiring them to fix the defect. If the builder does not comply, the BPC can contract a builder within their panel of builders to do the repairs and the negligent builder will be liable for the costs.

Noncompliance with the direction to fix may also be grounds for suspension of the builder's practising registration, so there are a few good incentives for builders to comply. A builders can still challenge a decision at VCAT, but this will not stay their direction-to-fix order. The builder will still need to rectify the defects even while the matter is before VCAT. This should go some way to preventing builders from drawing out these matters, as often happens now. Defects will need to be addressed within a certain timeframe, which will be determined in the regulations.

In relation to insurance, this bill makes substantial changes to the domestic building insurance model, with all DBI to be managed by the BPC. Currently domestic building insurance operates under a last-resort system whereby insurance is only paid out to owners in the event of the death, disappearance or insolvency of the builder or if the builder fails to comply with a court or tribunal order. This puts consumers at the back of the queue. Under the new system insurance will be first resort for consumers, meaning that claims made by the building owner for defective, noncompliant work will be met without

the owner first having to sue the builder in VCAT or court or wait for the builder to become insolvent. This change is likely to result in far less court time, because the owner will be able to claim on insurance rather than having to pursue the builder through VCAT or the court. First-resort insurance applies to buildings under three storeys and estates of single dwellings. For apartment buildings over three storeys, so four to 10-storey apartment blocks, a developer bond of 2 per cent of costs will be applied, which will be returned to the builder after two years if no defects are found in the building. We have seen a disproportionate number of defects in four-storey-plus apartment buildings, which are not currently protected. Defects in relation to balconies, waterproofing and roofing are quite common. The BPC will retain rectification powers for these buildings for two years after completion, so it is a great incentive for building practitioners to rectify their defects to get their bonds back.

The bill introduces a new pathway for dispute resolution. Complaints made to the BPC will be investigated to see if they are suitable for dispute resolution. Risks to life, limb or health and safety will incur automatic rectification orders, but for applicable defects, dispute resolution will be managed between the builder, consumer and conciliator. Two-thirds of cases that go through the process will come out with a resolution. Otherwise, for applicable defects, the conciliator will issue a rectification order. If there is no defect, the case will be closed.

The bill makes significant changes to the domestic building landscape in Victoria, but many of these provisions are already taking place in other jurisdictions. Post-occupancy rectification orders apply already in Queensland and New South Wales, for example. In fact the scheme has been operating successfully in Queensland for 40 years. We need a stronger framework to regulate the domestic building sector in this state, particularly with all of the construction that is going to take place over the next decade. Building owners should not have to go broke or commit years of their lives trying to get builders to fix their incomplete, noncompliant or defective works. It is the job of the regulator to hold dodgy practitioners to account and maintain consumer rights. We are hopeful that the new Building and Plumbing Commission will offer those protections for consumers which have been sadly lacking under the current regulatory system. We are hopeful that through these measures, we will start to see some trust restored in an industry where trust has been eroded over time. It is a good first step. We will be asking some questions during committee-of-the-whole stage to get some clarity around some of the more nuanced provisions of the bill. I commend the bill to the house.

Gaelle BROAD (Northern Victoria) (16:40): I rise today to speak on the Building Legislation Amendment (Buyer Protections) Bill 2025, a bill that in principle addresses a deeply felt need for reform but in execution falls short of protecting the consumers it claims to serve. We built a home over 20 years ago, and our builder was fantastic. It was an amazing experience. He had a real eye for detail and did an incredible job, as did the whole crew. But I remember at the time speaking to other people who had had terrible experiences, and we know today that that continues to be a problem. A home is more than just bricks and mortar. It is for most Victorians the largest investment they will ever make. But beyond the economic value, it holds immense emotional and psychological significance. It is their sanctuary, their safety, their future. And when that trust is breached – when the roof literally caves in or water floods the ceilings – Victorians deserve to know that the system is there to back them up. But sadly, far too often it is not. This bill claims to address those failures. The government's stated purpose is to strengthen protections for purchasers of new homes and those engaging in domestic building works. The bill introduces a new insurance scheme and oversight of domestic building contracts and attempts to simplify and clarify obligations in the sector. But intentions are not enough. As drafted, this bill appears to be more about administrative reshuffling than systemic change.

I would like to share the experience of a couple from Bendigo, whose story underscores why buyer protections are not just overdue but urgent. In 2022 this couple purchased their home after receiving a prepurchase inspection that revealed no defects. Days after settlement rain poured in through the roof. A cascade of stress, financial loss and institutional frustration followed. Three licensed roofing plumbers assessed the damage and unanimously concluded the roof was riddled with defects and needed complete replacement. The prepurchase inspector, it turns out, was not even registered with

the Victorian Building Authority, the VBA, and astonishingly there is no requirement in Victoria for such inspectors to be licensed or qualified. This is in stark contrast to other states. How can we possibly claim to protect buyers when we allow unregulated operators to perform inspections on six-figure purchases? The couple paid $47,000 out of pocket for a replacement roof, only to find that the work was also defective.

The second plumber – licensed this time – admitted he had signed his own certificate of compliance and thought it would be okay. Let me be clear: it was not. It was substandard, noncompliant and failed to meet the Australian standards. Yet when the couple lodged a formal complaint the VBA advised that no action would be taken unless a pattern of poor workmanship could be established. A one-time failure, apparently – even one that costs tens of thousands of dollars – is not enough. Only after months of independent research did they discover the existence of the ministerial order governing plumber insurance. The VBA did not guide them. The consumer affairs department did not assist. The Australian Competition and Consumer Commission said the issue was too small to matter. They eventually settled an insurance claim for $63,000 – still $12,000 out of pocket – for a roof they had already paid once to have fixed. They described the entire claims process as opaque, drawn out and riddled with contradictory advice, even from senior officers within the VBA.

This is not a theoretical example. This is a real Victorian couple who tried to do everything right and were failed at every step. Their experience reflects not only regulatory gaps but a cultural problem within our consumer protection bodies – polite disinterest, shifting responsibility and a reluctance to prosecute even clear misconduct. We must remember that the background to this bill includes well-publicised failures in the building sector: scandals involving dodgy builders, collapsed companies and devastated consumers. The Porter Davis collapse is fresh in the minds of many – a builder with active permits and deposits collected from over 1700 home buyers, who suddenly found themselves with no house and little recourse. This bill, for all its intent, does not go far enough to stop history from repeating. These residents and I support the intent behind the bill. We agree that reform is necessary, but reforms must be real. They must be effective, and they must address the root problems.

They have raised some key points about what they believe is needed to genuinely protect Victorian consumers. These residents that were affected suggest mandatory licensing and registration for prepurchase inspectors – without qualifications inspections are worthless and dangerous – and a ban on self-certification. No licensed practitioner should be allowed to issue compliance certificates for their own work; that is a conflict of interest, not consumer protection. My constituents also suggested stronger enforcement powers for the VBA or its successor and a cultural shift that prioritises consumer protection over bureaucratic box ticking; real support for consumers navigating the insurance system – not just vague webpages but accessible, accurate, consistent guidance and help; penalties for those who lie about their qualifications or submit fraudulent documents – at present the cost of dishonesty is borne by the consumer, and that must change; and an honest assessment of who should manage the new insurance scheme.

Another local resident has also fallen foul of the system that was meant to protect her. They purchased an off-the-plan unit in California Gully near Bendigo in June 2021, and a certificate of occupancy was issued in November 2023. The purchaser asked a qualified electrician to meet with the building supervisor. It was established by the independent electrician that the building had various defects. They asked that these be remedied prior to occupation. In March 2024 the conveyancer advised that the property settlement would occur. However, the list of defects was not remedied. These defects were not small items. They included no heating and cooling systems installed, exposed bare wires and a smashed window. They found the builder to be in breach of the contract and appointed a lawyer to advise them that the property was incomplete and they would not proceed with the purchase. Eventually they were forced to either accept an incomplete build and pursue building insurance afterwards or refuse settlement altogether. The builder is on a credit watch list and has also been taken to VCAT previously for incomplete property. A hearing was held in the Bendigo Magistrates' Court in October 2024. My constituent was then told that they would be countersued. Another hearing was

held in January this year. The builder has since sold the house to someone else, along with two others on the same plan, and kept all three deposits. This saga caused great distress to my constituents, who feel completely let down by the system.

The concerns raised by my constituents and industry experts are not minor. They include fears that the new insurance scheme will replicate the failures of the old one – that delays in payment will persist, that consumers will be left in the dark and out of pocket, that oversight bodies will continue to prioritise risk avoidance over accountability. My colleagues in the lower house recommended two reasoned amendments: first, that this house declines to pass the bill until the amendments to the Domestic Building Contracts Act 1995 are made public, and second, that the bill should not proceed unless a two-year legislative review is written into the act. I am afraid these reasoned amendments were defeated, and they were defeated despite major concerns.

The Liberals and Nationals undertook significant stakeholder consultation on this bill, including major builders, industry bodies, developers and insurance. The feedback was overwhelmingly critical. Stakeholders reflected the view that while reform is needed, this bill does not represent the right reform. The proposed 2 per cent developer bond on residential apartment buildings over three storeys is meant to safeguard apartment buyers. However, this scheme is widely criticised as clunky and poorly integrated with existing mechanisms like the Building and Construction Industry Security of Payment Act 2002. There is near universal concern it will simply add to project costs without delivering proportional consumer protection. Another major concern is the introduction of a 10-year window for defect claims without a precise definition of what constitutes a defect or reasonable reporting timeframes. This ambiguity increases legal risk, deters builders and inflates construction costs.

The establishment of the new Building and Plumbing Commission – essentially a rebranded aggregation of existing staff from the VBA, Victorian Managed Insurance Authority and Consumer Affairs Victoria – risks being little more than a cosmetic change. Without genuine reform this change will not deliver improved outcomes for consumers. If we pass this legislation without addressing the core weaknesses and without the consultation, the clarity and the consumer focus it desperately needs, we risk repeating the same failures that led to the Porter Davis debacle and the heartache of home owners. Without these changes we risk entrenching the very failures we seek to correct, creating a system that is more complex, more costly and less effective for the Victorians it is supposed to protect. Reform without implementation is merely a promise unfulfilled. Consumer protection without enforcement is just a headline. This Parliament must do better. Let us get it right not just for the sake of public policy but for every Victorian whose roof is leaking, whose savings are draining and who looks to us in this place for justice.

Lee TARLAMIS (South-Eastern Metropolitan) (16:50): I also rise to make a contribution on the Building Legislation Amendment (Buyer Protections) Bill 2025. I will not make a lengthy contribution. I just want to add my support to this bill and acknowledge how significant it is in terms of reform. I echo the sentiments that have been expressed by the many speakers in this chamber today who are supporting this bill and who have used many examples of experiences that either themselves or their family members have had or even that their constituents have had. I think it has been clear from the contributions across this chamber that, wherever they stand on this bill, members have had representations from constituents with bad experiences that they have had with purchasing a home or building one.

I will not go through all the elements of the bill, but I will touch on a few elements in support of the proposed integrated regulator, which will improve the consumer experience and the system and ultimately work to improve the quality of new buildings. It will empower consumers more. As we have seen, the current system is very complex and confusing, and it has led to a minefield that customers are forced to navigate, which has caused inconvenience, uncertainty and much frustration.

As has been said, building a new home will likely be the biggest purchase of your life. For many it is a dream come true. I know through personal experience that when you put your heart and soul into

designing something that is going to be your forever home and you see it transform, you cannot wait to move in and start to enjoy your new life in that place. Many people have made contributions today and spoken in reference to shoddy builders and the small number of shoddy builders that are out there. I think by and large builders do the right thing or try to do the right thing, but what has not been picked up in the debate today is that there are systemic problems within the building industry at the moment. Sometimes we see in the media examples where shoddy builds have taken place and people cannot live in them and all those sorts of things. There is a systemic issue, because of the power imbalance, where builders, whether they be small or large, cut corners to get the build complete and to move on to the next build. Then you have a situation where you are trying to navigate this system where you have paid your money, the house has been handed over to you, the builder has moved on to the other houses that they are building and when you try to get rectification works done they say they cannot get trades to do the work. They can find trades to continue to do the other homes where they are receiving incremental payments at various stages, but they cannot get trades to come back and do warranty work. When you are in your new home and you are having all these defects – or you cannot actually physically move in, effectively, and live in the home because of all the disruption that you are having from trying to get works done – it can be very taxing on your family and lead to all sorts of other issues.

It is interesting that those opposite give examples of all these issues that have happened with people who have raised concerns with them about their experiences. Some seem to be saying in their contributions that we cannot possibly hold builders to account because if we do and we make them rectify their shoddy work that will be a financial impost on them. Well, I am sorry – do it properly the first time. Do not do shoddy work. Sometimes it is simply a matter of cutting corners. If it is because of the conditions that are set by the builder on their trades where they put time pressure on them to get jobs done, they are still responsible for that, because they allow it to occur and they do not pull it up.

I have done a knockdown rebuild recently, so I have had a lot of experience. I could sit here for hours and tell you about the experiences that I have had and the frustration that those have caused. There are situations where plumbers have come out five times for one particular item and told us after each time, 'That's the best we can do.' When we prove to them that it is not the best they can do and they can do better and they come back again, on the sixth time the supervisor came out and said they should have just done it properly the first time. That was us being disrupted six times – this is one small example – when they could have done it properly the first time. That is increasing costs for the company, which they will build into their cost structures and pass on. And it is not just the matter, it is the concealment.

In another example we had a situation where our front door was so far out of alignment that the wall had cracked, and what they had done, rather than fix it, was remove the seal from one side of the door so the door would actually close. If they had left that seal on, which is supposed to be there on one side of the door, the door would not have been able to close. Our upstairs bathroom has had several tiles removed, and it has been that way for five months. The underfloor heating wires are exposed, and they have been sheared from when they removed the tile, so it is not safe. When the inspector came out he would not turn it on, because it was not safe because it could arc. That has been like that for five months. We could not use the shower in our ensuite for eight weeks. We have had roof leaks, cracked pipes – all sorts of things. We go for months on end without actually getting a response – email silence. Because I have raised so many concerns, my customer liaison officer will not talk to me over the phone. And as you know – you have experienced me – I am not an aggressive person, I am fairly calm. I come across in a calm manner; I am not an aggressive person. I simply ask questions: 'Is this good enough? When are you going to address this?' – these sorts of things. But apparently that is not appropriate, so I can only communicate through email.

I am not going to name the company today – I may on another occasion – other than to say they are a large-volume builder. Trades have come out and they have looked at these things and said, 'You know what? This is nothing. You should have seen what I was working on last week', in terms of rectification works. And I said to them, 'Well, why didn't they just get you to do this in the first place?',

and they said, 'Don't know. We do the maintenance and the repairs. We don't actually do the front-end work.'

It is quite telling when we had to have all of our floorboards ripped up and replaced and we had to move out of the house, and it was only by chance that I went back into the house while these works were being undertaken and found that there was an issue with the subflooring, and I raised a concern about it and they sent trades around to have a look, and the tradesperson came in and looked at the floor and said, 'I reckon the problem is there, there and there.' I said, 'Oh, really? But you haven't pulled up the floor yet and had a look.' And he said, 'I don't need to. There's a whole bunch of nails banged in there, there and there that aren't supposed to be there.' So clearly there were issues with the subflooring, but rather than rectify it at the time before they went on with the build, they simply bashed in a whole bunch of nails and hoped it would not be a problem. Well, it was a problem, and it meant we were out of the house for four days. Then when the floorboards were down, we had to repaint the house, all sorts of other things as well, which we are still waiting for.

These are just a few examples that I am raising here today because they are examples that get raised with me by constituents all the time. It is why we need a powerful regulator with teeth. It is why we need to empower the consumer and hold builders to account so that they do not have built within their systems the situation where they say, 'Let's just get the house fixed. We can deal with these issues later on, and if we put enough pressure on, enough delay, nine times out of 10 people will just fold and give up because there's too much hassle and move on.' That should not be an acceptable situation that we are in. The want and the need for more houses should not come at the expense of quality. It should not be a trade-off; it is not an either/or. We need to build more houses and we need to do them right. And as I said, if you build them right the first time and do not cut corners, you will not have to come back and do it again, which will run up costs exorbitantly for these companies.

I do not accept this argument that if you make builders come back and fix the work that they have done shoddily the first time it is an impost on that builder. No. In fact the consumer should be compensated for the time that they lose when they have to keep coming back, because once handover occurs it is on them to make themselves available to let them into the house to come and do the repairs. If they come and say, 'We're coming tomorrow,' and you say, 'I'm sorry, I can't get time off work to come and do that,' they say, 'Okay, we'll see you in two months. We gave you an opportunity.' That is not acceptable. As I said, I could go on for hours with all sorts of examples, but I am not going to today, because we have been here for a long time, other than to say that this bill is a very important bill. These changes are very important, and they will have a real impact on people and customers and will address that power imbalance. I wholeheartedly support it.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (17:00): We have heard so many contributions in this place today in the course of the debate on these reforms that speak to themes of disempowerment, of distress, of financial loss and often of enormous anguish for families who have often saved for many, many years to get into a home of their own, only to have their hopes dashed and their wallets emptied and to be left high and dry.

It is with more than a small measure of alarm that I have listened to the contributions in this place from those opposite, who have spent considerable periods of time whilst on their feet talking about the impact of builders who are dead, dodgy or otherwise insolvent, only then to say that with these reforms, geared exactly as they are to addressing the shortcomings that have been the subject of voluminous contributions from the coalition, they will not support a bill that is geared entirely toward addressing some of the very worst aspects of a system that really has ended up for all the wrong reasons on the front pages of papers and in prime-time television slots, telling the stories of people with tears running down their faces and looking at sites where, frankly, work has been passed off as suitable, passed off as accessible and passed off as amenable to compliance with contracts but which has on any reading, by people like me, who are not registered builders, been quite disgraceful.

That is not to say that we do not also have an interest in making sure that the industry is recognised for the work that it does in delivering better and best practice outcomes in domestic building contracts. I have said on a number of occasions in discussions with those stakeholders, including stakeholders that have been referred to in contributions around this place and in support of arguments against this bill, that the vast majority of builders take enormous pride in their work. They work hard to attain the skills and to deliver the work that they themselves would choose to enjoy were they to live in the homes that they are building or with the adjustments they are making to the homes that are there already.

Again reform is needed where a race to the bottom has enabled too many disgraceful operators to get away with the sorts of practices that mean that government intervention is needed, is fair, and is warranted. When Porter Davis disappeared, it was the government that provided support to people who were left high and dry. Again a large-scale company, not having had the foresight – to put it at its most charitable, perhaps – to have the relevant insurance product in place, broke the hearts of people who just thought that a builder could be relied upon. Similarly, when Montego Homes left people high and dry in similar situations, government provided an extension to the supports that had been provided in the course of the Porter Davis imbroglio so that people affected by that builder could get a measure of restitution. Then Chatham Homes was a further example of substandard practices, engaging with consumers in a way that provided them with no measure of certainty or consistency about the recourse that they might be able to avail themselves of. That is one example of the case for reform. It is also crucial that we address the need for certainty across the industry in providing a one-stop shop – a consolidation of a variety of services.

I want to commend Anna Cronin, who, having taken on a role at the Victorian Building Authority in 2023, has worked tirelessly to create, drive and sustain operational and systemic change; to make sure that sunlight, as the best disinfectant for bad practice, could be applied to the workings of the VBA; and to make sure that the people in the VBA who have worked tirelessly and who do take pride in their own work around regulation, around assessment and around assistance to people needing support, are given the support that they deserve in order to do their job. There are components of this bill which increase the volume of auditors and inspectors to do the work necessary to ensure that the better quality and the best quality outcomes for a consumer-focused system are able to be delivered.

There are transitional provisions in this bill, which will also enable us, as we work towards the development and the finalisation of regulations, to manage insurance – first resort, last resort – to work towards the developer bond scheme, the 2 per cent scheme, which is consistent with what is happening in New South Wales, and a decennial operation as part of a longer term transition, and then also to make sure that information is able to be accessed in a transparent fashion and that people can understand what is happening as part of builders warranty work and as part of the standards that ought apply across a range of the steps and processes that are involved.

Dispute resolution will also be at the heart of this work, because we know that where consumers are required to or are left with no choice but to head to VCAT this is a situation that is often incredibly intimidating. We are often talking about people who have scrimped and saved in order to get a home of their own suddenly being faced with a quasi-judicial tribunal, which can be an enormous deterrent to seeking any kind of remedy. A one-stop shop, with a capacity to build in dispute resolution, initial work to have all reasonable efforts undertaken to work with a builder to resolve a matter, and then also rectification orders – the way in which those orders are issued and the expert, reasonable and measured approach that will be taken to the issuing of those orders – sitting alongside developer bonds and first-resort insurance, will give people, again, that measure of certainty.

That certainty is being provided not only to consumers. Laudably, Anna Cronin and the VBA, including as they continue the transition through to the work of the Building and Plumbing Commission, which will ensure upskilling, training and efficiencies over the coming months, have also worked to provide that measure of certainty and security to stakeholders. There has been lengthy discussion. Again, I have heard a number of contributions that have claimed that consultation and discussion with stakeholders has not occurred. There have been lengthy discussions. There have been

meetings and discussions with me, with staff, with the department, with agencies and with the VBA to talk about the positions and the priorities of stakeholders across the spectrum of the issues of regulatory reform and oversight.

Consultation does not mean veto, however. Consultation does not mean that everybody providing their view will achieve every outcome that they desire. Consultation and discussion about the development of these reforms has sought to strike a reasonable and carefully calibrated balance between the importance of being able to do business in Victoria and continuing to deliver the record number of homes that we are building and that we are approving, the downward pressure that is placing on home costs and on the price to purchase, the things that we are doing that are working through the housing statement and the fact that Victoria is achieving 98 per cent of its targets under the Commonwealth's nominal target of 1.2 million and that we are outstripping the approvals of other states, including New South Wales and Queensland, but also to provide certainty around what will happen from here so that as we move to increase the scale of buildings, whether that is up to three storeys or whether it is anything higher than that – to which a 2 per cent developer bond would apply – we have a measure of rigour in the system and that we continue to apply definitions that have been operational for decades here in Victorian statute but that we take the best of what has also been adopted in other jurisdictions. We know that, with a measure of clarity and transparency and with the opportunity for the VBA to become the Building and Plumbing Commission to bring in insurance functions, dispute resolution, assessment and support for consumers and builders, we will see a magnitude of improvement that consumers deserve. We will see that as we expand as a city – to a city the size of London by the 2050s – we are providing people again with a confidence in a market that matches the aspiration that has caused people to save for that deposit in the first place.

The development of this bill is part of ongoing reform. There will be a considerable component of discussion as regulatory work continues. As we move toward understanding the way in which stakeholders, consumers and other parts of the system of regulation operate, these conversations need to continue, and they should. The way in which we get better outcomes for systems-based reform is assisted immeasurably by that process. So I want to thank people who have been part of this discussion. I want to thank those people within the opposition and across the crossbenches who have engaged with us to share the stories of people who have come to their offices, often in states of high distress, talking to, not only from a consumer perspective, the loss and the disadvantage and the uncertainty and in many cases the trauma that they have suffered in relation to the home – the dream home, often – that never materialised. But also those builders who bemoan the fact that their reputation is being indirectly affected and compromised by the actions of others who simply do not hold themselves to the same standards that those taking pride in their work are at great pains to do.

I am looking forward to a committee discussion in this matter. But again, what I would say – this bill and these reforms stand for the propositions of the levelling of a power asymmetry that for too long has been a source of enormous distress. These reforms crystallise the desire that we have, not only to address the challenges of insolvency or of bad builds or of dodgy practices, but also to make it clear that from here systemic reform will enable us to get ahead of these issues, to prevent them and to have a practice of early intervention that gives people a measure of comfort and of confidence.

[NAME AWAITING VERIFICATION]

To people like Kane Perry, who have seen the practices of dodgy builders firsthand: this reform is for you. For people like those who have visited the offices of people on the other side of the chamber today: this reform is for you. For those builders who work so hard, not just to earn a living, not just to have a business that stands the test of time as we see upward pressure on materials and challenges around workforce, but also for those builders who deserve better than to be lumped into the same bucket as those builders who have absolutely no regard for the quality of standard and compliance that is reasonable to expect: these reforms are for you. To staff at the VBA, again those staff who have done the right thing, often in very, very challenging circumstances, those staff who have persisted, who have worked alongside Anna Cronin in making sure that we can build a system that is more

rigorous, that is more accountable, that is more transparent and that has better oversight: these reforms are for you. And for anybody who is contemplating putting that deposit to good use in making an opportunity for themselves and for their families in taking advantage of the work that we have done, for example, in off-the-plan stamp duty exemptions and concessions, in the sort of support that we are providing to people around first home buyers grants, the sort of assistance that we are giving to people in ways that have translated from the home buyers equity fund in Victoria through to the Help to Buy scheme at a national level, those 11,000 people who have accessed the scheme in Victoria: these reforms are for you. These reforms are for the many, many people who will dream of home ownership and who deserve homes that are free from defects and deserve processes that enable defects to be addressed, addressed promptly and addressed to a standard of compliance that can be reasonably expected and relied upon.

These are important reforms. These are reforms that are based in a desire to deliver a better set of outcomes for people, often with less than the amount of power that might otherwise enable them to take action to achieve those outcomes themselves. On that basis, I commend the bill to the house.

Council divided on motion:

Ayes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:23)

Aiv PUGLIELLI: If it is all right, I will ask all my questions on clause 1. That would be great. My office has been in touch with someone who has been struggling with a very defective apartment building. They are in the middle of a huge mess at the moment trying to rectify these defects. They tell me that when the certificate of occupancy was issued, the one-page building site inspection report literally said:

[QUOTE AWAITING VERIFICATION]

> From the inspection, completed works generally appeared satisfactory.

This does not sound like a very high bar to be setting: 'generally appeared satisfactory'. Can I ask what is being done to make sure that final building inspections are always done and to a high standard?

Harriet SHING: It is very difficult for me to comment on the content of a report that, firstly, I have not seen about a building that I do not know anything about based on an experience that you have referred to here. When a report is issued it is required to identify the detail of any defects that might be evident to the person who has undertaken the report, and this is also why we want to make sure that in the course of these reforms – and that is not part of the changes, that is the standard of assessment that is required and is reasonable to require – the work that we have done is making sure that reports will have the necessary rigour and that processes will have the necessary, I suppose, depth to them that people like the person you have referred to should be able to expect. We have got an allocation of $63.5 million over last year's budget to assist the Victorian Building Authority with an uplift of

inspections by 50 per cent, so this will then mean that we have an opportunity for more inspections to be undertaken but also to make sure that people are getting a measure of responsiveness and then also detail in the reports that are provided. When we do have an assessment in a report about the quality of an inspection that identifies defective, noncompliant or incomplete work, there are opportunities for claims to have first-resort insurance accepted, and if the regulator is not satisfied that a building owner has suffered loss, a claim might be refused, and then there might be an opportunity to appeal a decision of a regulator to refuse a claim at VCAT or also to look at dispute resolution. So this is intended to accommodate a range of different processes, a triaging process through the VBA and the Building and Plumbing Commission (BPC) to assist people in the first instance with raising a matter for review directly with a builder. We want relationships to be able to be preserved and to operate functionally while defects are remedied but then, in the absence of that work, to have first-resort insurance or further action from the VBA.

Aiv PUGLIELLI: While I appreciate what you have said in relation to the particular scenario, in the scenario the reports are saying 'Generally appeared satisfactory' and what they are describing is something that was clearly defective, in this instance it has led to a very poor outcome. Can I ask: as part of future reforms is there going to be any further work done to make sure that building inspections are done thoroughly and identify defects where possible before a certificate of occupancy is issued?

Harriet SHING: One of the things that these reforms do, one of the things that is most important I think, is in serving the interests of consumers we want to make sure that the regulator can order the rectification of defective, noncompliant or incomplete building work. The regulator will be able to use rectification orders if it is satisfied the circumstances necessitate it and without a mandatory dispute resolution process. So that means that consumers will not need to spend time and money seeking orders from the Domestic Building Dispute Resolution Victoria (DBDRV) or VCAT if the regulator is satisfied the building work needs to be fixed and a genuine attempt has already been made between the owner and the builder to have the work rectified. So at the moment the VBA's powers to issue a direction to fix are limited to before an occupancy permit is issued, which is the issue that you have just covered there. The bill provides the regulator with new powers to issue rectification orders to people who carry out building work – as I said, that is defective, noncompliant or incomplete – and rectification orders can be issued to whoever is responsible for carrying out the building work. That includes registered builders, unregistered persons including subcontractors and owner-builders, as well as developers in certain circumstances, and we may well get to that, and they can be issued to any class of building. They can be issued at any time during the construction phase and up to 10 years after the issue of an occupancy permit or a certificate of final inspection. This is again a really, really important measure of certainty for people, particularly with regard to latent defects, and I think we heard from a number of people, including Ms Purcell as I recall, about latent defects and the lack of clarity about how a remedy might be able to be pursued in those circumstances.

I hope I have covered that off in relation to the power to issue rectification orders to people carrying out that building work in those circumstances where it is defective, noncompliant or incomplete. The granular details about insurance and operational matters will be further prescribed in the regulations, and there will be consultation with key stakeholders. This is a bill that sets out the principles of the reform. So as we are talking about large-scale, long-term, systems-based reform, including as we adopt the provisions of frameworks that operate in other jurisdictions, we are creating as much room as we possibly can to consult with stakeholders around what that looks like in practical and operational terms.

For class 2 buildings, the Building and Plumbing Commission will be advised when an occupancy permit is being applied for, and the Building and Plumbing Commission can go in and do an inspection. So if there are serious defects, then the occupancy permit will not be issued. Serious defects: again, there is a very significant process around the determination of something which is a defect of a serious nature. We are not talking about the wrong paint colour here. We are talking about something of serious and significant impost upon the capacity to occupy a building, for example, and there are other situations in which that might apply. But the Building and Plumbing Commission will

be using their own intelligence analysis programs. Again we are talking about high level expertise in matters that I and maybe you are not necessarily qualified to go into the detail of. But we do want to make sure that we are targeting those higher risk issues like, for example, balconies and waterproofing. That is the kind of scenario that we are talking about.

Aiv PUGLIELLI: Further on rectification orders, if a rectification order is issued once people are already living in a building and the works are significant and require residents to move out for weeks or even months, can I ask: who is responsible for these costs?

Harriet SHING: Mr Puglielli, just by way of clarification, it appears to me that you are asking about costs sustained by somebody who has sustained loss because of that defective work and where a rectification order is issued and that work needs to be undertaken, requiring them, for example, to vacate a premises.

A rectification order can be issued around workmanship issues or building work not complying with plans and specifications. Matters unrelated to workmanship or variances with plans and specifications set out in a contract, such as cost disputes or contract variation disputes, are not within the scope of matters for which a rectification order can be issued. Domestic Building Dispute Resolution Victoria, again coming under the umbrella of these reforms, will be the appropriate pathway for parties to seek to resolve these types of contractual issues. The objective of rectification orders is to ensure that, where this is undertaken and a rectification order is complied with, that a regulator is able to be satisfied that work has been improved to a standard that is acceptable.

Incomplete work, for example, means building work that is not complete according to the contract for the carrying out of the work, except for any omissions or defects that do not prevent the building work from being used for its intended purpose. 'Noncompliant' means building work that does not comply with the Building Act 1993 – again we are talking about existing definitions here – the regulations, any building permit issued for the carrying out of the work or any binding determination that applies to the carrying out of the work. 'Defective' in relation to the building work other than domestic building work, includes a failure to maintain a standard or quality of building work specified in the contract under which the work is carried out. In relation to domestic building work, 'defective' includes a breach of any warranty listed in the relevant section of the Domestic Building Contracts Act 1995 (DBCA). A rectification order can be issued during the construction process and up to 10 years after either the occupancy permit has been issued, the certificate of final inspection has been issued, or for building work that does not need a building permit, the date of practical completion.

Aiv PUGLIELLI: Just further on rectification orders, can I ask: what protections are there for seriously defective building work that is identified in a building where there is no way to rectify it? For those circumstances, how will this be addressed and how will consumers be protected?

Harriet SHING: The granular details of insurance and operational matters will be prescribed in the regulations, as I indicated to you in answer to a question earlier. The bill sets those principles, and we are creating as much room as we possibly can to make sure we can consult with stakeholders to get this right. Under the first-resort domestic building warranty, the Building and Plumbing Commission will be able to arrange for the rectification of defective work, and that may include the demolition and reconstruction of work that cannot be rectified. The specific details of cover will be determined, as I said, in regulations and of course subject to consultation.

It is accepted that buildings should be built properly and not require rectification work post the occupancy permit; that is kind of the whole underpinning of this piece of reform. The bill moves in this particular direction by enabling the regulator to step in to prevent the registration of a plan of subdivision or the issuing of an occupancy permit. If an apartment building is affected by serious defects, then the developer will not be able to sell the apartment until those serious defects are fixed. There are significant incentives for a developer or a builder, firstly, not to get it wrong, and secondly,

if something does happen, to rectify it promptly in order to secure the resolution, settlement and occupancy of a premises that they have been responsible for delivering changes to under a contract.

A rectification order may be issued to rectify defects, and multiple parties responsible for carrying out the defective work can be issued with the order. The way in which that is apportioned will be a matter that is relevant to the parties who are set out in that rectification order – they will be jointly and severally responsible. But again, where that involves a number of parties, that would be the subject of discussion between them. In addition to that, financial contributions from other building professionals, such as engineers, draftsperson, building surveyors et cetera, could be pursued by the owners on the basis that they failed in their responsibilities by delivering a house which is defective and requires total demolition and reconstruction. It is also really important that builders satisfy themselves that the plans and designs that they are receiving – that is, the remit of their work for the purpose of that contract – are compliant with the standards that apply to a builder in being able to deliver to an acceptable standard.

Aiv PUGLIELLI: Just on to developer bonds, there have been concerns raised with my office by owners that a 2 per cent bond might not be sufficient in all cases. For a higher end building that might cost in the tens of millions of dollars to build this would only be developer bond of a few hundred thousand dollars which, as they have described, would not go far enough should there be significant defects or issues. Can I ask: how will these types of builds be protected with the current level of bond?

Harriet SHING: The current level of bond or the 2 per cent as prescribed in the legislation?

Aiv PUGLIELLI: As in the bill.

Harriet SHING: Okay. Mr Puglielli, as I understand it, you are asking about whether essentially 2 per cent of the construction cost is sufficient to address the remedy that might be required. The developer bond scheme (DBS) itself operates, as you would know, for the development and delivery of buildings that are four storeys and above. It is going to operate in a way that requires the developer to issue a bond in favour of the regulator before applying for an occupancy permit. That is, as you quite rightly pointed out, set at 2 per cent, the cost of construction of a residential apartment building. I just want to be very clear in the point that I am about to make: the bond amount was initially set at 3 per cent. We had very careful discussion with a range of stakeholders, including the HIA, Master Builders and others, and as a consequence of those discussions and as part of good-faith consultation, discussion and engagement, that was reduced to 2 per cent of the cost of constructing a residential apartment building.

Developers will appoint an assessor if their nomination is approved by the owners corporation, and in some instances the regulator might be required to appoint a building assessor. Within 15 and 18 months of the issuing of the occupancy permit, the building assessor will carry out a preliminary inspection and prepare a report identifying any reportable defects. After the preliminary report is completed, the developer will be given an opportunity to rectify the identified defects – that is, without reaching into the quantum of the 2 per cent of construction costs that is required to be remitted to the regulator at the outset. The developer must then appoint the same building assessor to carry out a final inspection and report between 21 and 24 months of the occupancy permit issuing. That is able to be deployed as a measure to incentivise a developer to actually address any issues around defects that might arise. On completion of the final report, the owners corporation will be able to make a claim on the bond on matters, including the rectification of outstanding defects, and it will be as a bond returned to the developer if no outstanding defects are identified or if the preliminary report – that is, the report undertaken between 15 and 18 months – does not identify any defects.

Any proposed future increases to the bond would occur through regulations, and that then needs to go through a public consultation process because it will not be a matter that occurs above and beyond what is set in the bill at 2 per cent. The bond could be active for a period that would require its release sooner than two years in certain circumstances, so where the preliminary report does not identify any

details. The form of the 2 per cent bond, again just to be to be clear about what that looks like, can be, for example, a bank guarantee issued by an authorised deposit-taking institution, a bond issued by an insurer approved by the regulator – and in New South Wales, which has a bond scheme, it is actually usually a bank guarantee and not an insurer bond – or another form of security that is prescribed in regulations. It could be, for example, if the regulations allow it – and that is yet to be determined – that it might also be able to be paid to the regulator in cash.

Aiv PUGLIELLI: Just on to another matter, in a media release announcing this bill and the changes that it will bring I understand you are quoted as saying:

> It's essential that consumers are protected and supported when buying or building their home, and we'll continue to work with industry to get the balance right, and deliver quality homes of a consistently high standard.

Can I just ask if you could clarify this statement and explain what you mean here? What balance needs to be struck with regard to consumer protection?

Harriet SHING: As I said in summing up the second-reading debate, the principles that are driving these reforms are based on better visibility of consumer priorities and of consumer concerns and misgivings about the regulation of the system, confidence in the way in which regulation occurs and consistency of outcomes. It has also been about making sure that we can, wherever possible, simplify the engagements that people have with the system of regulation, which is where again in bringing together insurance functions, dispute resolution and compliance measures, we have essentially that – I really hate this term, but it is true – one-stop shop. We really need to make sure that people are not having to go to various parts of the system, which has previously been the case. It is enormously complex. It is really time consuming. And again if we are talking about consumers, for example, who are from culturally and linguistically diverse communities, people who speak English as a second or third language, the system can be impenetrably difficult.

This is where, again, when we are talking about that power asymmetry that is often applied with families who are time poor and resource poor, dealing with large-volume builder situations along the lines of what we have heard about here in the debate today that led to interventions from government – even understanding what the standards are that apply for the purpose of an acceptable build or an acceptable rectification – can be very difficult. This is where again online resources, clarity of information, accessible detail as to process and that triage from within the regulator will all help to strike that better balance. That also provides certainty and a greater line of sight effectively for the industry. It has also not been without its challenges for builders and for contractors to understand the way in which a system needs to be navigated. This is where again direct discussion between consumers and builders is the starting point for what can, hopefully, be resolved by way of an outcome without recourse to a more formal process, whether that is a call on first-resort insurance, a rectification order or indeed some form of prohibition or sanction from the regulator in the event that works are not performed or somebody refuses to actually comply with an order made by the Building and Plumbing Commission or the VBA.

Aiv PUGLIELLI: Just moving on to the issue of phoenixing, can you speak briefly to what is being done to prevent builders from phoenixing? And have you considered making business directors personally liable to reduce the opportunity for businesses to disappear before they are held to account?

Harriet SHING: This is a big one. Again, phoenixing is a challenge. We had reforms introduced in 2019 that enable the VBA to refuse applications for new registration or the renewal of registration if the applicant is suspected to have engaged in illegal phoenixing activity. Again, we have seen situations where assets are emptied from one corporate structure and transferred to another for it only to pop up with people being left with no effective recourse or meaningful recourse because they are taking action essentially against a dead entity. The changes that were introduced in 2019 mean that the corporate activity of building practitioners who have served as directors, secretaries or influential persons of companies within two years of the company or companies entering external administration

may be deemed unsuitable for registration or renewal, and there are similar deeming provisions in a range of regulatory frameworks. The corporations act, for example, has a range of pretty significant sanctions there.

That then goes on to the other question that you have asked about personal liability, but this is a really fraught issue in the industry, and it really harms consumers. That is why the bill is about providing protections with that first-resort insurance scheme and then also streamlining dispute resolution. This is about measures that help to protect consumers no matter how dodgy a builder might be with phoenixing. It is really hard to effectively police, but the bill is about putting measures in place to protect consumers from harm even where the phoenixing still occurs – again, the developer bond, and that framework is also there to provide that measure of security in the same way that a residential tenancies bond operates, as I think one of the government speakers referred to earlier. If claims pursuant to developer bond insurance policies are made, the new regulator will seek financial recovery from builders and have an ability to track directors or individuals to ensure they are held financially accountable and identify them if they seek to engage in illegal phoenixing activity. As you know, the developer bond scheme provides an incentive – it is a 2 per cent incentive to continue trading beyond completion. Set aside that 2 per cent – that is one component – and if they want to continue trading and if they do not want to attract the attention of the regulator, including, for example, by bringing the broader industry into disrepute, there is a significant incentive for that to happen. For a major development of $50 million, for example, the developer would be required to lodge a bond or bank guarantee of $1 million.

In terms of personal liability, the Building Act includes a duty that nominee directors of a company registered as a building practitioner have to ensure that the body corporate complies with the requirements of the Building Act and also the regulations. This means that there is a penalty of 500 penalty units – that is that is about $98,000 – that applies for breaches, so the director is accountable as well as for the actions of the company. It is an offence for nominee directors of building corporations to not comply with a rectification order, so that is baked in with penalties set up to almost $500,000 per offence. There are some frameworks in there that are designed not only to incentivise and to encourage good behaviour but also to deter and to have sanctions that apply to substandard or offending behaviour.

Aiv PUGLIELLI: I have about three questions left – just flagging for the room. I move on to first resort insurance, which you mentioned with regard to that scheme. Would you consider or have you considered indexing payouts to construction inflation?

Harriet SHING: This is detail that we would go into as part of the work on consultation. We do want to make sure that we are getting it right around the way in which the scheme operates, and this is also where any kind of detail around what this means in material terms needs to be worked through and should be worked through. That is how we get a better product. That being said, if an insurance claim has been accepted by the first resort domestic building warranty scheme, the regulator will be able to arrange for the rectification of defective or noncompliant building work or incomplete building work or the payment of compensation. The priority of the regulator will be to rectify the defect, so this is a remedial space. We do want to facilitate outcomes that put people in the position that they would otherwise have been but for that defective or incomplete work, rather than pay compensation, so that primary issue is resolved.

If a payout is required, the quantum of any payout would be based on quotes to complete the required rectification work, and they would reflect current construction costs for the rectification work. Anyone who has been to any kind of major hardware store in the last few years will know very directly and very personally, as a microcosm example of the cost of changes to primary materials or building materials, that there is a huge amount of volatility in the system on pricing. Before insurance payments are triggered, the builder responsible would be issued with a rectification order giving them an opportunity to fix the issue at their own cost. That will be point in time dependent. The experience of the Queensland Home Warranty Scheme – that is also a first resort scheme, which I think, Ms Payne,

you referred to in your contribution earlier – shows that the majority of builders comply with rectification orders if they are issued. This is not something which is blithely ignored by the sector, based on the experience of other jurisdictions. That in turn reduces the need for insurance payouts and drawdowns on the consumer's cover limit. Coverage of the insurance scheme will be dealt with in regulations, and this will give government a measure of flexibility to be able to respond to, monitor and react to market forces. That is the same with any legislation where regulatory frameworks apply. Everything from a penalty unit through to periods of time by which the impact of legislation can be assessed is often and very appropriately set out in regulations for exactly that purpose.

Aiv PUGLIELLI: My remaining questions relate more to implementation provisions in the bill. Minister, are you confident that there will be sufficient capacity at the new Building and Plumbing Commission to efficiently handle all of its new functions in a timely manner?

David Limbrick: That is one of my questions.

Harriet SHING: I will attribute it to you as well, then, if you like. Thank you, Mr Puglielli – and Mr Limbrick as well – for a question which may well anticipate one of Mr Limbrick's questions and therefore remove the need for it to be asked, although I am happy to repeat this. Given that you are in the chamber, Mr Limbrick, you may not require me to. We allocated, as I indicated earlier, $63.3 million to this work in last year's budget, the 2024–25 budget, to establish and operate the integrated regulator, and additionally staff from the Victorian Managed Insurance Authority (VMIA) and Domestic Building Dispute Resolution Victoria – there are so many initialisations in this entire sector, so I do apologise; I will try to spell it out as we go – will transfer to the regulator. That will ensure the regulator has access to staff with the right skills and continuity of service delivery. Anna Cronin will also be continuing as the commissioner through to the CEO, and that will be a big part of that continuity.

The regulator will also be resourced with additional boots on the ground, so there will be a 50 per cent increase in auditors and inspectorate staff as part of this envelope. Subject to the passage of this bill, all of the staff that are currently with Domestic Building Dispute Resolution Vic and the VMIA's domestic building insurance (DBI) business will transfer across to the VBA. Additional staffing will really depend on the level of demand that we have for Building and Plumbing Commission services. That organisation will fund the recruitment of new staff via a number of revenue streams, and that will include the building permit levy and insurance premiums. Forty-two staff are expected to transfer from the VMIA to the VBA. So 92 staff of a part- or full-time nature in an ongoing mode of employment and 30 casuals are expected to transfer from Domestic Building Dispute Resolution Victoria to the Victorian Building Authority. That is something that we will continue to work through. It is also about the operational changes and the resources, and much of that information will be deployed, made more efficient and combined to remove or reduce duplication.

Aiv PUGLIELLI: This last question I think largely overlaps with the response you have just given, so forgive me. Are you able to just confirm how much additional funding has been committed already for the delivery of the provisions under this bill? Can you also speak to what additional resources will be provided into the future so that the intentions of this bill are achieved?

Harriet SHING: One of the things that we are doing here with the allocation of the $63.3 million is establishing the framework by which these new functions can operate under one roof. As we designed the merger of the building regulation bodies under the VBA and then into the Building and Plumbing Commission, there was some really careful consultation with the relevant union, the Community and Public Sector Union, around the preservation of jobs. There are specific protections for workers who are being transferred between those bodies. Staff will continue to be employed on terms no less favourable than those which were in existence before they were reassigned. I cannot comment on any future funding envelopes. I suspect that if I were to try to do that here we would see the Treasurer straight into this chamber with some very choice interventions and seeking that I be

turned off at the mains. I hope that gives you a measure of certainty around the $63.3 million at least being locked in as part of assisting with the operationalisation of these changes.

David LIMBRICK: I have a few questions for the minister which are rather specific and technical. I refer to clause 73, new subsection 45(1A)(a), where it reads 'in respect of which a claim under the statutory insurance scheme may be made'. Could the minister explain the operation and intent of this particular section?

Harriet SHING: Essentially this is about making sure that, to bypass what might other otherwise be conduct by a builder that seeks to delay the delivery of an insurance claim, the claim itself is made directly by the aggrieved party to the regulator, which is again where first resort applies. That is the essence of that particular provision, so the party who is not the building owner must obtain the authority's consent to the claim before making the claim – that is, there would need to be an engagement with the VBA before the matter is referred to the Domestic Building Dispute Resolution Victoria or to the extent that the matter could be or is the subject of a claim under the statutory insurance scheme (SIS). Matters that do not relate to potential claims on the statutory insurance scheme – they might be contractual matters like payment disputes between a building owner and a builder – will not be prevented from progressing to dispute resolution, if that helps.

David LIMBRICK: If I can provide a scenario which has been raised with me. if a home owner has not paid their final payment for their house and yet they have an insurance claim put in through the statutory insurance scheme, would it be the case that before attempting to obtain that money from the home owner, the final payment, they would need the authority's consent? Is that the case?

Harriet SHING: That would appear to be a contractual matter rather than one within the scope and the contemplation of an insurance matter, so it is not appropriate to comment on the specifics of the granular detail of the question that you have been asked. But it does not in and of itself appear to relate to incomplete, noncompliant or defective work in the scenario that you have just outlined.

David LIMBRICK: Just for further clarity then, if there is an insurance claim by a home owner and the builder may be owed money, they would still have the ability to enforce their normal contractual rights without first obtaining consent from the SIS. Is that correct?

Harriet SHING: Yes.

David LIMBRICK: That was good for clarifying that. The next question I have is on clause 74, new section 45GA, suspension of referral. If there is a dispute resolution process through the DBDRV, then that would be effectively paused or stopped if there was an insurance claim. Is that correct?

Harriet SHING: The section applies in relation to a suspension of the conciliation of a referred dispute or a relevant matter under the part, pending a decision about a claim under the statutory insurance scheme if there is a matter that has been accepted as a referral, and after that matter is accepted the referring party claims assistance under that insurance scheme in respect of the building work to which that referral or matter applied. So it is a first resort scheme, if that helps.

David LIMBRICK: I thank the minister for clarifying that. However, doesn't this create a sort of perverse incentive in that if a builder has sought dispute resolution through the DBDRV and then if the home owner wants to delay that process, for example, if they can launch an insurance claim through the SIS, doesn't that suspend the normal conciliation process?

Harriet SHING: Given the consumer focus is actually geared toward providing remedies to consumers, it is outcomes that consumers are seeking rather than prevarication. Consumers have told us and have told other jurisdictions repeatedly that it is the lack of certainty, the lack of transparency and the lack of a clear pathway as to how to resolve disputes rather than how to avoid them that is cause for so much advocacy around the reforms that are set out in this bill. This is where DBDRV is for contractual disputes and insurance scheme work is for noncompliant, defective or incomplete work, if that helps.

David LIMBRICK: But effectively, the contractual disputes and the insurance disputes through this clause are sort of intertwined, because if there is a contractual dispute – like let us say the builder has not received final payment and then the home owner initiates an insurance claim – then the contractual dispute is suspended until that insurance claim is completed. Is that not the case?

Harriet SHING: Mr Limbrick, if the builder's claim is about contractual issues, it will not be delayed by an insurance scheme claim. Does that give you the clarity that you were after? Yes.

David LIMBRICK: Clause 84 is basically around the definition of 'defective'. There has been some concern from some people that 'defective' is a very wide term. In the second-reading speeches, including my own, everyone was talking about very bad, severe defects like mould and these sorts of things, but a defect could also be that the shade of paint was slightly different to what you thought or imperfect or maybe the tiles were not exactly the colour that you thought, so there are a whole range of things that could be classified as defects. So what I am concerned with is everyone has been talking about, including the government, how this is intended for severe, major things, so how do we prevent this scheme being used for things that are minor defects compared to major defects?

Harriet SHING: I was wondering who the first question about tiles would come from, and I am glad it is you, Mr Limbrick. The section 8 warranties in the Domestic Building Contracts Act are really long established and understood. They have been in place for 30 years. Similar protections are also available under the Australian Consumer Law. So this is not an issue that sits out as a unique example of ambiguity here. The warranty period under the Domestic Building Contracts Act is 10 years, and that has existed for 30 years, and that will not change under the bill. DBDRV currently conciliates disputes about the section 8 warranties, including the inspection of domestic building work for breaches of warranties, and they also indemnify building owners against loss or damage resulting from a breach of the section 8 warranties, including for defective domestic building work. So for the first time the building regulator is able to enforce the 10-year warranty period rather than leaving consumers to pursue a builder through the courts to enforce warranties, and in protecting consumers from defective work carried out by the builders it is also about making sure that we are clear that this is not reasonable, this is not wear and tear, and we are not talking about maintenance, we are not talking about matters that might otherwise fall beyond the scope of the definition of the DBC act as it has been applied.

The issues that we have heard from consumers and from the industry up to this point have not been about the definition of 'defect'. We have been hearing about the loopholes in the system that have allowed dodgy builders to send working families into tens and hundreds of thousands of dollars of debt. That is not a tile that is a different colour to the one that you anticipated; we are talking about waterproofing, we are talking about balconies, we are talking about the sorts of things that create more than perhaps an aesthetic inconvenience.

The loopholes also devalue the work of the vast majority of builders. As I said in my summing-up, as so many other people have said in speaking to this bill, the vast majority of builders strive to provide a high-quality product. So again, back to the question about tiles, it is not about the colour of the tile. It might be about the way in which a tile is laid such that a room that ought to be waterproof and that ought to be fit for purpose and that ought to be able to be used for its intended purpose is not, rather than what shade of ceramic you chose to put into your bathroom.

David LIMBRICK: I accept the intent of what you are talking about there, but if the government is having – a term that the minister has said that she hates – a one-stop shop, wouldn't all consumers go to the one-stop shop for every problem that they saw? Surely that is that is what would be incentivised, right? If I had some problem with my house, wouldn't I just go straight to the statutory insurance scheme and make a claim, no matter how big or small, because that is the one-stop shop?

Harriet SHING: The idea of a one-stop shop is intended to create traffic to assist people with understanding what their rights and obligations are. That applies for consumers and also for builders.

That is not dissimilar to Consumer Affairs Victoria. People bring all sorts of questions to that particular body all the time. They are skilled human beings who have experience in managing the provision of assistance to people and also in making informed decisions and assessments about the issuing of rectification orders to ensure that that is not unfair and unreasonable.

This is about decisions that are taken by reference to the circumstances in play in any given situation; they require an appraisal of circumstances and of the way in which circumstances have come to be in existence, and we are putting forward a less alienating regulator. This is actually about a user-friendly interface with regulation for people, again, who often will not understand what rights they have or what obligations and responsibilities that they have, and in order to access that information a user-friendly and accessible model of regulation is the thing that we are going for here. It is about human and industry expertise, and again we are working with the increase of 50 per cent in people qualified to do that to make sure there is not only the scale within the system to accommodate what may well be an increase in the number of inquiries that come through but also the capacity of the system within that one-stop shop to be able to address and respond to those inquiries as part of a triage and an escalation or referral pathway.

Jeff BOURMAN: Minister, as you are aware, I have been approached by an industry body to ask some questions. The first one is to do with rectification orders. Can you please describe the process for builders to be given an opportunity to rectify defects before a warranty claim is submitted and guarantee that the process will be included in the regulations?

Harriet SHING: It is good that we are in a position in the committee stage to be able to have these conversations. It is disappointing that you were not supportive of moving into this committee stage in relation to the second-reading debate.

In practice at least four opportunities will be available to rectify defects before an insurance claim is triggered. In the first instance, in the majority of cases consumers will attempt to informally resolve defective work by speaking to their builder. Then if the builder refuses or fails to rectify the defect, the consumer will be required to serve a notice on the builder, stating the facts of the matter. It is also really important, as we provide that balance – referring back to the quote that Mr Puglielli provided from the announcement as it was made at the time – to provide the builder with a reasonable opportunity to rectify those defects. Again, it comes down to what is reasonable, and that will vary in the circumstances. An insurance claim will not be decided until that notice period has expired, and this is similar to Queensland. Thirdly, if the Building and Plumbing Commission progresses the insurance claim, there will be a site inspection, and standard practice is for the builder and the owner to be present. That would then enable each party to put their case forward. Again, this is what Queensland does. The fourth step: where the work is defective, the Building and Plumbing Commission will issue a rectification order, but before it does that, the commission will give the builder an opportunity to provide reasons why they should not be issued a rectification order. Again, this is about an assessment of circumstances in play – assessments that are undertaken by human beings with relevant industry and real-life experience. If the BPC determines that issuing a rectification order is reasonable in the circumstances, it will issue the order and specify a period of time for the builder to comply. Where we do not have compliance in time, there will be an insurance response that is triggered.

Jeff BOURMAN: This process, is it written out somewhere, Minister? I believe it is not in the bill, but would it be included in the regulations?

Harriet SHING: I will not foreshadow what is in the regulations, because to do that would be to present them as a fait accompli, and the very process of consultation requires that that not be the case.

Jeff BOURMAN: I want to move on to the dispute resolution process. Can you assure us that the Building and Plumbing Commission's consent is not required to refer contract disputes to the DBDRV, Domestic Building Dispute Resolution Victoria?

Harriet SHING: Mr Bourman, the Building and Plumbing Commission's consent is not required to refer contractual disputes to Domestic Building Dispute Resolution Victoria. Payment disputes are contractual disputes. Consent, though, from the Building and Plumbing Commission would be required if a builder wanted to refer a matter relating to domestic building work to conciliation. The term 'domestic building work' is defined in the act, and it does not include payments, just to be really clear there. The purpose of those new sections is to ensure that consumers who have a claim for defective domestic building work under the scheme are not brought into Domestic Building Dispute Resolution Victoria conciliation proceedings, given the policy intent of the warranty scheme is actually about resolving defective work issues quickly, without the need for people to enter into conciliation.

Jeff BOURMAN: Moving on to insurance triggers, Minister, given the very limited time for comment on this legislation, can you assure us that the regulations will be written to ensure clarity over insurance triggers and define expectations for both consumer and builder?

Harriet SHING: I do not accept that there has been a very limited consultation in relation to this bill. I have been in numerous conversations and discussions with stakeholders. This has been part of ongoing work from government in relation to reform. We have heard speakers from the opposition talk about how this has been going on for years. The response has been part of development for years, and this is something which we will continue to develop as part of the proposed regulation development process. But again, just for the record and to be really, really clear, we have worked with industry, with stakeholders, with consumers and with people who have experience of the impact and the damage that shoddy practices have caused, not only to the sector but also to people who have and should continue to have the right to get what they pay for and have access to a process that they can understand and that facilitates better outcomes.

Jeff BOURMAN: Thanks for the comment about the limited time stuff. These are someone else's words, as you are aware, but I am still not entirely sure whether we covered the part about whether the regulations will be written to ensure clarity over insurance triggers and to define expectations for both consumers and builders.

Harriet SHING: The objective of developing regulations is to provide clarity, and that is where a process of consultation will inform the delivery of that clarity. But again the purpose of regulations is to regulate and to do so in a way that achieves primary purposes that are geared back to achievement of the principles set out in the bill.

Jeff BOURMAN: As you are aware, these are other people's concerns. Minister, can you guarantee there will be appropriate opportunity for real consultation with the industry before the regulations are finalised?

Harriet SHING: I addressed this in my summing-up with the hope that other people's words would not be required, and to that end I am happy to reaffirm that as part of my job in this portfolio it is incumbent upon me to ensure that I am continuing to engage with industry. I take my obligations in this portfolio very, very seriously, as does the regulator; Anna Cronin has worked tirelessly with industry and with stakeholders to work through the practical and the operational details of the scheme and of the reforms as they progress. This is also about making sure that we are maintaining and improving the exchange of information and the goodwill within the sector that we know is essential to its success over time. Nobody wants to see these reforms fail, unless of course they are looking for a cheap political gotcha moment. I think that is something which is far eclipsed in importance by the certainty that consumers deserve and by the transparency that the sector is calling for.

Jeff BOURMAN: Minister, we understand the bill relies on the definition of a defect, which I am not going to go into, described in the Domestic Building Contracts Act 1995. This includes a breach of warranty as listed in section 8 or a failure to maintain a standard or quality of building work as specified in the contract. This assumes that the contract adequately defines a standard of work which most domestic contracts without a superintendent do not adequately do. Section 8 of the act refers to

implied warranties and proper and workmanlike manner. These descriptions are subjective and invite dispute. How can these 30-year-old definitions be relied on when this bill requires the building to be defect-free for 10 years post occupation? Many of the products and materials included in the building do not carry warranties of this length. This leaves a high likelihood of dispute as to what constitutes a defect, particularly later in the stages of the warranty. How can the builder be held responsible for warranties for a period longer than that offered by the manufacturer? Would the minister consider updating the *Guide to Standards and Tolerances 2015* to ensure that it meets current date needs, defines and clarifies expectations for both parties, particularly in respect to warranties, and reduces the opportunity for dispute?

Harriet SHING: The definition of 'defect' is being used in this bill because it sufficiently captures the type of work that should be considered for rectification orders. Again, the definition of 'defect' has not been front and centre for the duration of the 30 years that it has been applied in the act, and the Domestic Building Contracts Act 1995 has been something that has been able to be deployed, interpreted and understood over the course of that time in a relatively settled manner. Defective domestic building work is currently inspected by DBDRV assessors, and the chief dispute resolution officer issues dispute resolution orders to enforce breaches of domestic building work requirements if a mediated outcome between a consumer and a builder is not possible. Again, that is done by reference to the circumstances in play at any particular time and done on a case-by-case basis. DBDRV relies on the *Guide to Standards and Tolerances* when making a determination about whether domestic building work is defective. If we were to use the regulations to define 'defective', we would then see inconsistent definitions of 'defect' in the Domestic Building Contracts Act 1995 and the Building Act. That is, if nothing else, going to cause ambiguity, going to cause opacity and going to be contrary to the principles that have underpinned these reforms. It would lead to inconsistent definitions of 'defect' for the rectification order power, again creating potentially a morass of legal uncertainty, the first-resort domestic building warranty scheme works and the developer bond scheme.

Consistent definitions are part of the work that we do in seeking to provide a better alignment of various parts of the statute book. This is what we do here, and it is part of the constant discussions that we have on any number of different pieces of legislation across any number of portfolios. Inconsistent definitions, we all know – and industry works hard through the regulator to avoid them – create confusion, and they weaken the ability of the regulator to effectively enforce defective work, in particular when we come back to that one-stop shop. This is where continuity is as important, when we have an assessor undertaking a preliminary report and then a final report and assessment. So between that 15 and 18 months, and up to a 24-month period, you have to have the same assessor. Again, there is a significant risk that if we have various definitions, inclusive or exclusive of 'defective', based on various parts of a system, that we will see perverse and unintended consequences that actually go against and fall foul of the principles that have underpinned this act. So given the rectification order is an enforcement power with penalties for noncompliance, the act must define 'defective'.

Jeff BOURMAN: I actually do not dispute anything you said, but the question was: would the minister consider updating the *Guide to Standards and Tolerances 2015*, which does not actually get to defining a defect. 'Defect' is covered in the Domestic Building Contracts Act. So basically the idea is that if the *Guide to Standards and Tolerances* – I am projecting the thought processes of the people that asked me the question – was updated and clarified expectations, it may just reduce the possibility of any morasses. I am accepting your comments about the definition of 'defect', but there is a guide which I think would help sort it out, which is not necessarily about definitions but expectations.

Harriet SHING: I would not necessarily accept your characterisation of expectations sitting out somewhere separate and distinct from definitions. In order to deliver on an expectation, one needs to know what that expectation is, and in order to know what that expectation is, one needs to have a definition. I appreciate where you are coming from, but I do not accept the characterisation of the distinction there.

Nonetheless, the VBA is reviewing the standards and tolerances to support transparency, and again, that is one of the underpinning measures of this work. We want to make sure that industry is given every measure of support that is reasonably available to assist in making these reforms work – and work well. We do not want to see this fail. This is why we will continue to do the work that enables us to provide clarity to the sector, consistency in decision-making and transparency.

Just to just to be really clear, that information is already available on the VBA website, so this is something which is in the public domain. We will continue to deploy a range of methods to ensure that information continues to be freely available but also that people can ask questions, whether that is with a consumer focus – people calling up to have a telephone conversation, people accessing online materials or the warranty scheme terms being published – or whether it is about working with industry to ensure that good practices are also supported, because, again, this is not only about cracking down on dodgy builders, it is about amplifying good work, and it is about making sure that we are supporting a sector that supports so much economic growth and prosperity but also the delivery of, fundamentally, people's hopes and dreams in bricks and mortar.

Sitting suspended 6:31 pm until 7:32 pm.

Jeff BOURMAN: My final question for the minister is: can the minister explain how the BPC proposes to administer the insurance scheme and clarify the relative roles and responsibilities?

Harriet SHING: Again, that is a matter that will be dealt with as an operational matter through the regulations.

David DAVIS: There are a number of questions I want to ask, and with the leave of the committee we might try and focus on clause 1 for expedition purposes. There are a number of issues. The most immediate one I think here is the impact of possible amendments on the Domestic Building Contracts Act, which is one of themes that I want to pursue. The proposed section 316 of this particular building amendment seems to preserve builders' existing DBI eligibility limits. Is that right?

Harriet SHING: Save for the work that will be covered for minimum financial requirements for builders registration, yes, that is correct.

David DAVIS: Will the minimum financial requirement system on 1 July 2026, or whatever other commencement date, preserve the existing eligibility limits or the capacity to buy policies and therefore sign contracts to build homes? If not, what process will be in place to ensure home builders have the capacity to take on new work to help Victoria achieve its targets?

Harriet SHING: In establishing a statutory insurance scheme for first resort domestic building warranty for residential buildings up to three storeys, first resort domestic building warranty enables building owners to submit an insurance claim for defective, noncompliant or incomplete work, subject to time limits. Minimum financial requirements will be the registration process for builders, so they will be set in regulations to be developed later this year, but cover will come into force where a building owner enters into an insurable domestic building contract valued at $20,000 or higher with a registered building practitioner, and that contract is deemed to be covered even if the builder has not paid an insurance premium.

David DAVIS: The proposed definition of 'insurable domestic building contract' includes a higher threshold of $20,000. Ideally the similar thresholds for contracts being major domestic building contracts and a builder needing to be registered will also change. There is already significant confusion about the existing thresholds of $16,000 and $10,000 for insurance and building contracts being different. How will that be addressed?

Harriet SHING: The threshold is being increased to $20,000 in recognition of the increased cost of building work, and this will bring Victoria into line with New South Wales. The previous threshold of $16,000 had not in fact been increased for many, many years, so this is effectively about an intention

to make sure we have got an alignment with another jurisdiction but also to review the threshold during the Domestic Building Contract Acts review.

David DAVIS: The repeal of sections 25AB(3)(b) and 25AB(4) of the Building Act means that if a subsequent builder is engaged, the relevant building surveyor does not need to check whether insurance has been obtained by a subsequent builder who has been engaged once the building permit has been issued. This suggests that insurance cover is issued only once for each job. Does this mean that a subsequent builder never needs to worry about their eligibility limits being impacted if they take on work rectifying or completing another builder's work? Therefore I ask: how will this risk be priced in premiums?

Harriet SHING: You do actually need insurance per project. That applies to each entity undertaking a project.

David DAVIS: Even a partial project?

Harriet SHING: A partial project is still in and of itself a project.

David DAVIS: The definition of 'speculative domestic building work' covers homes built by a builder but seems to exclude the scenario where one of possibly many homes is being built for occupation by the actual builder. It also seems to exclude a build-to-rent scenario. Is that deliberate?

Harriet SHING: On what basis do you say it seems to exclude build-to-rent? Can you just put a bit more context on the record?

David DAVIS: It does not seem to be captured.

Harriet SHING: Sorry, Mr Davis. For the sake of clarity, I am just wondering the basis upon which you are asserting that build-to-rent is not covered where a developer might be part of delivering that particular project.

David DAVIS: It just does not seem to be there.

Harriet SHING: The primary purpose of the scheme is to provide a measure of regulation for developers and projects, irrespective of whether they are build-to-rent or not. I am very happy to feed this into the process of the development of regulations, however, to put that beyond doubt. But again, the developer still has to operate within their limits and within their thresholds as they apply to any project and under any mechanism.

David DAVIS: Proposed section 137K sets out when a consumer is entitled to assistance under a statutory insurance scheme. This is when they have suffered loss arising from or in connection with domestic building work that is incomplete, defective or noncompliant. There is no reference to rectification orders here. On face value the section does not require that a rectification order be made. It is subject to any provisions in part 9A or the regulations. It seems that regulation-making power in section 137ZL(a) would be the provision that allows for regulations to set circumstances in which assistance could be provided. Is that a fair summary?

Harriet SHING: I am struggling to get my head around it. There was a lot of context in what you have just said in terms of the overarching provisions.

David DAVIS: Do you want me to read it again?

Harriet SHING: Yes, if you could.

David DAVIS: Proposed section 137K sets out when a consumer is entitled to assistance under an SIS. This is when they have suffered loss arising from or in connection with domestic building work that is incomplete, defective or noncompliant. There is no reference to rectification orders here. On face value section 137K does not require that a rectification order be made. It is subject to any provisions in part 9A or the regulations. It seems that regulation-making powers in section 137ZL(a)

would be the provision that allows for regulations to set circumstances in which assistance can be provided. Is that a reasonable summary?

Harriet SHING: Because of earlier provisions in the act, the Building and Plumbing Commission will actually have the power to make rectification orders here subject to regulations, so again, the regulation-making process will be part of what informs the way in which the BPC can enact that power.

David DAVIS: What happens if regulations are not made or are disallowed? How is the risk to be managed, as I cannot imagine the SIS will be able to manage a free-for-all claims regime?

Harriet SHING: There is a significant element of speculation that you are inviting here based on regulations that are yet to be developed. Again, I do not want to foreshadow what those regulations might say or the way in which that might be countenanced in the development of those regulations. Again, as with an answer to Mr Bourman that I gave earlier, for me to presuppose what the regulations might say would be to undermine the very purpose of the consultation that is intended to assist in delivering them.

David DAVIS: New section 137L describes who is excluded from claiming SIS. Interestingly, a builder who pays the applicable insurance premium is excluded by paragraph (f), but a builder who does not pay the premium is not excluded. Does this mean a builder who obtains a building permit under false pretences without insurance is able to claim SIS?

Harriet SHING: It is reasonably open to conclude that if a builder has obtained a permit or any form of approval under false pretences, then they would not be able to be the beneficiary of any advantage that would flow from something delivered in bad faith, in error or in contravention of the law.

David DAVIS: I think the minister is right.

Harriet Shing: Can we just say that for the record again? I like the sound of it.

David DAVIS: It is all right; I have said it once. Under the SIS the assistance provided includes payment of compensation directly. Does this mean that a consumer may be paid compensation, sell the home without carrying out rectification works and leave another consumer, a future owner, at risk? What measures will be in place to ensure that a subsequent consumer does not find themselves left bearing costs of repairs that should have been funded by the previous owner of the home?

Harriet SHING: The point of rectification is to restore the person to the position that they would have been in but for the defective, deficient or unsuitable work. The point of compensation is not to create a windfall opportunity for an owner or a consumer. It is to work toward the resuscitation or preservation of a relationship as an alternative to action by the regulator for breach. Where a purchaser of a property receives a home that is not fit for purpose, then if it comes within the scope of the time period within which, for example, a developer bond might apply, then there may well be a remedy available there. There may well also be remedies available through contract, particularly a contract of sale, and there may well be remedies available in a pre-sale inspection, for example, whether that is about somebody coming in to assess waterproofing work or the structural integrity of stumping.

David DAVIS: I am not sure that is a perfect answer, but we move on. The offence for entering into a contract and being paid a deposit is being replaced by a new offence. This is no longer a link to the deposit being paid and instead the SIS must be obtained 10 days after the contract is entered into or before work starts, whichever is earlier. This will change industry practices in dealing with untitled land contracts and other contracts where the commencement of building work may be significantly delayed. In good times about 20 per cent of these contracts are cancelled. I doubt that many builders will be able to accommodate at least 20 per cent of their eligibility being committed for jobs that may not proceed. Whether consumers or developers benefit from consumer loss, losing access to price

certainty for their home building contracts when they purchase their land, is a question. I think the point is made. Is this to be addressed? How will this be addressed, this issue?

Harriet SHING: It might help if I just give you a little bit of broadbrush information to assist. A measure of remedy provided under the SIS will largely be for the rectification or completion of building work. Compensation can be paid to consumers – in the example you just gave, for example – for lost deposits or accommodation costs, and that goes to a point that was made in earlier questions. The regulations will set out the scope of that assistance provided under the SIS, and that is where, again, that process of consultation will be important. There is a new section 137O, and that provides the builder with more time to pay the applicable insurance premium, compared to current arrangements in which a builder must take out a domestic building insurance policy before being able to demand or receive money under a major domestic building contract. The builder will only be able to take on domestic building work within limits, subject to those current arrangements within the DBI, and a builder taking on work beyond their maximum construction limit can actually in any event lead to solvency risks and also expose insurers to financial risks as well.

David DAVIS: Will a premiums order under section 137Q be a legislative instrument and subject to parliamentary or other scrutiny? After all, the BPC will be a monopoly.

Harriet SHING: Premium orders will be subject to ministerial approval and oversight. It is important to note that they still need to be within the manageable ceiling, but again, that is a process for ministerial engagement and decision-making.

David DAVIS: Just to be clear, does that mean they are a legislative instrument and subject to parliamentary scrutiny?

Harriet SHING: No, it is ministerial approval and oversight.

David DAVIS: Parliament cannot disallow or change in whole or in part.

Harriet SHING: No.

David DAVIS: Just let me say that that is a lot of power for a minister. The SIS cover starts on the earliest of three dates. The third option is the date on which the parties agree that domestic building work is to be carried out. This may mean that in contracts with a variable commencement date, the date a builder is expected to commence, and not the date they do commence, is the start of cover. It is not clear why this is necessary or what impact it will have. Would the minister explain?

Harriet SHING: Mr Davis, the third option covers scenarios where deposits are paid after the builder and the owner agree to the domestic building work but before a contract is signed, and this responds to issues that were identified with the collapse of Porter Davis – again, a matter which includes an overlap of the subject matter that you have discussed in your question, which was part of a number of your colleagues' contributions around the basis for parts of these reforms and the need to continue to improve the transparency, rigour and accountability of the system overall.

David DAVIS: New section 137T requires that a SIS notice of cover be provided by the BPC to the consumer as soon as practicable after it is issued. New section 137U makes it an offence for a builder to represent that a notice of cover has been issued when it has not. This may catch out builders if BPC does not send the notice of cover to the consumer or there is a processing error. It would be preferable for the builder to also be sent a notice of cover, and this should be legislated and not left to good administration.

Harriet SHING: Can you just put that question at the end?

David DAVIS: I am just saying: is that a fair concern?

Harriet SHING: Okay. Thank you, Mr Davis. When you sat down you asked whether that was fair. The offence in new section 137U that you have referred to could only be enforceable if the builder

or any other person actually knowingly misrepresented that a notice of cover had been issued. The Department of Transport and Planning will consider whether the regulations can prescribe that a notice of cover be also sent to the builder.

David DAVIS: New section 137V allows for the BPC to revoke or vary notice of cover if domestic building work is being reduced. This is not a term used elsewhere, but presumably it is intended to capture a situation where the work to be done is being reduced and not the price paid to the builder. If the latter were the case, this would create an incentive for a consumer to vary a contract to remove work from the builder and give it to another person, who may be another builder. There is also provision for the cancellation of cover. This seems similar to the existing informal rules, though the definition of 'domestic building work' will be critical for the purpose of subsection (1)(d), as the existing definition includes some preliminary work, such as preparing plans and specs. This may be resolved – I just want your reflection on that – by the DBCA review.

Harriet SHING: The revocation or varying of a notice of cover is referred to in new section 137T(3), and that covers instances where a notice was issued for building work that is not domestic building work. New section 137V, as you have quite rightly pointed out, specifies what the Building and Plumbing Commission must do with any insurance premium paid in circumstances where the notice of cover is revoked or varied, and that should be read in tandem with 137T(3). So in essence, yes, 137W(1)(d) may be resolved by the DBC act.

David DAVIS: New section 137X requires an additional premium payment to be made if the value of the domestic building work will increase the value of the domestic building work by $5000. This seems to require the builder to pay an increased premium if a variation exceeds $5000 in value. Presumably it will become more common for variations to be split up and not exceed $5000 in value, if possible. The bill and the regulation-making powers seem to have no provision to require builders or owners to report the variations which trigger this process. It is also unclear why the amount triggering the increase in SIS premiums is not consistent with that in triggering increased payments of the building permit levy. We know from past experience that differing thresholds for similar transactions create confusion. Is there a reason for this, or is it just a juxtaposition that actually may create confusion?

Harriet SHING: Section 137X places an onus on the builder to pay any additional premium if the contract is varied and increases in value, as you have indicated, by $5000 or more. So the onus will be on the builder to report the variation, noting there is a penalty for failing to pay additional premiums if the contract is varied by more than $5000. That $5000 figure represents 25 per cent of the minimum value of $20,000 of an insurable DBC, so a higher threshold can be prescribed in regulations for building work with a higher value. A variation to the premium is required to manage those financial risks to the insurer in providing cover due to the increased value of the building work, noting that premiums are actually the primary source of finance available to meet insurance liability. The building permit levy, for example, is collected for distinctly different purposes.

David DAVIS: I am just trying to keep this moving along. I could ask further questions, but I will not. New section 137ZD allows the BPC to recover payments from the builder or any other person through whose fault the claim for assistance arose. This would seem to purport to allow the BPC to sue any third party, such as an insured building surveyor, engineer, architect, supplier or an uninsured subcontractor to recover for their negligence as a debt. Is that possible, is my first question. And it is assumed that the BPC's right to recover payments made to a consumer from a third party will need to go through the courts and not VCAT. What happens if these matters go to a trial and the court finds that the claim was the fault of a person other than the builder? Will the builder be compensated, if they are still in business, if the court finds the claim was not their fault?

Harriet SHING: There is a lot in what you have just asked me about a range of decisions, including any orders that might be made by a court or tribunal, and I do not want to get into the weeds on those scenarios because they are so deeply hypothetical and speculative. But what I can confirm to you is

that 137ZD enables the Building and Plumbing Commission to pursue any person who is at fault for the claim. That is consistent with new section 137K(2), which entitles a building owner to seek assistance if they have suffered loss from or in connection with an act or omission of any person engaged by the builder. These matters around judicial intervention or order are so granular and so speculative that I think they are probably beyond the scope and the remit of the bill for the purposes of this committee discussion.

David DAVIS: Except that it does set up this regime where claims can be made for any other person. That does, it seems to me, go through the courts. So I do not think that is speculative.

Harriet SHING: You are asking about what a court might do and what might happen after a court might do something.

David DAVIS: It may well be that a future court finds in certain cases – not in all cases but in certain cases – that someone else is at fault. How will that be applied?

Harriet SHING: Again, Mr Davis, I will just take you back to the provision of the bill. The BPC can pursue anyone who is at fault for a claim. That is consistent with 137K(2), which enables a building owner to seek assistance if they have suffered loss from or in connection with either an act or an omission of any person engaged by the builder. There may well be separate proceedings that a party wishes to pursue in certain circumstances, but you are inviting a level of speculation that presupposes an abandonment of the separation of powers. The courts will do the work that they do with the remit that they have. As I have said, if a court finds that someone else is at fault, then the builder can also go through the courts to seek compensation. We are talking about two fundamentally different streams of remedy, recourse and process.

David DAVIS: I am not going to labour the point. I do think there is an issue here, but I will just leave that. Proposed section 137ZH provides that the BPC, when deciding when to discipline a registered builder, is not to have regard to any adverse consequences for the statutory insurance scheme as a whole or any particular aspect. This would mean that if the BPC knows that imposing a suspension or cancellation of registration is going to push the builder into insolvency and therefore trigger the SIS claims, it cannot take this into account in making a decision. This of course does not mean that the BPC cannot take into account the suspension or cancellation of registration – that the suspension or cancellation of registration will lead to potentially hundreds or thousands of consumers not having homes finished or being impacted – regardless of whether SIS exists or not. Am I looking at this correctly here? Is that a fair summary?

Harriet SHING: Decisions about whether to take disciplinary action are a matter for the VBA – the Building and Plumbing Commission. Proposed section 137ZH, which you referred to in your question, removes adverse consequences for the SIS as a factor in the VBA's decision-making to take disciplinary action, so my view would be that, no, you are not looking at it correctly.

David DAVIS: On a different matter, proposed section 137ZJ allows the BPC the discretion to seek tenders for carrying out building work. This leaves open the question of who actually engages the successful tenderer to carry out the work. The Domestic Building Contracts Act would seem to require the building owner to enter into the contract and not the insurer. It is not clear if this is a common practice in the insurance industry, as we hear anecdotal evidence that insurers use non-DBCA-compliant contracts without any evidence of harm to consumers. I am just trying to understand – again, is that a correct summary?

Harriet SHING: Proposed section 137M provides that assistance under the SIS is for rectification of defective or noncompliant work or the completion of incomplete domestic building work by or on behalf of the VBA, so that provides the Building and Plumbing Commission with flexibility as to whether it contracts directly with the builder or approves a builder chosen by the owner.

David DAVIS: Moving on, it is welcome to see that a person affected by a SIS decision may apply to VCAT for a review – this presumably means a builder as well as a consumer. Does it also possibly mean a third party, since the BPC will have the power under section 137ZD to pursue claims against them as a debt? Presumably if a party is dissatisfied with the decision of VCAT, it has the right to seek a judicial review by a court. The bill is silent on this matter, and I am just presuming that that is the case in the normal course.

Harriet SHING: Essentially, Mr Davis, yes. Any person who is affected by a decision to provide or not provide assistance under the SIS can seek a review of that decision in VCAT, as you have identified. VCAT decisions can be appealed if a party believes that VCAT has erred in its decision, and you are well aware of the framework by which VCAT interfaces with the court. Action under proposed section 137ZD would usually be through the courts, so the relevant person has the chance to respond to any recovery action being undertaken or sought to be undertaken by the Building and Plumbing Commission.

David DAVIS: On to a different matter: the amendments to the DBCA are seen by some as problematic. The existing section 45 of the DBCA allows for a party to a domestic building work dispute to refer the dispute to the DBDRV. This allows a builder to refer a payment dispute to the DBDRV. This is recognised by section 44(2)(e) of the DBCA, which lists:

> an alleged failure to pay money for domestic building work performed under the contract.

It is, I think, fair to say that very often it is perhaps critical to realise a payment dispute will be accompanied by a consumer issue. This will happen even if there is no genuine cause for a consumer issue, as a consumer's reluctance – and I am not suggesting all consumers; obviously it would be a small class – or inability to pay is potentially rationalised by finding a reason to justify their action. This approach could be supported in certain circumstances by building consultants. Clause 73 of the bill disrupts this process. If a builder has to make a payment claim, it will always be related to domestic building work in respect of which a claim may be made under the statutory insurance scheme by the consumer. The proposed section 45(1A) of the DBCA will require a builder wanting to lodge a payment dispute to first obtain BPC consent to that claim before making the claim. There only has to be the possibility that a claim will be made. The circumstance where a claim has been made is covered separately in the section.

Harriet SHING: I will respond to that and to the statements that you are reading into the record. Proposed new section 45(1A)(a) is only engaged if a claim under the SIS may be made. Payment disputes will not be covered by the SIS, and therefore a SIS claim in relation to a payment dispute cannot be made. This allows the builder to refer a payment dispute to conciliation. Section 44(2) of the DBCA defines a domestic building work matter to mean:

> any matter relating to a domestic building contract or the carrying out of domestic building work …

New section 45(1A) only applies to domestic building work. Payment disputes would be a matter about the domestic building contract, so it is acknowledged that a builder seeking to refer a payment dispute will likely be accompanied by a building owner raising an issue about the building work. In that scenario, the owner could either make a SIS claim or seek a referral for conciliation. If a claim under the SIS is made, that would not prevent the payment dispute from reaching conciliation if that referral is actually accepted. The Building and Plumbing Commission can determine, through operational guidance, the criteria that it will use to decide whether to consent before a matter can be referred.

David DAVIS: If a DBDRV conciliation is underway, the proposed section 45GA of the DBCA also stops conciliation until a subsequent SIS claim is accepted or rejected. Is that correct? Once again, the builder is stopped from pursuing a payment claim during that halt. Any delay in conciliation, however caused, will add to the financial pain for a builder and increase the compulsion to settle regardless of the merits of the claim against them.

Harriet SHING: Payment disputes will not be covered by the SIS. Similarly, matters relating to the domestic building contract will not be prevented from being referred to conciliation. Essentially this is about building disputes, just to bring you back to the distinction there around the payment dispute notion that you have just outlined versus the building dispute and the matter at issue.

David DAVIS: Clause 80 prevents a builder from applying to VCAT to stay a SIS decision while a review is underway – VCAT is banned from ordering a stay. Essentially a consumer could be paid money or indeed work could be undertaken while the builder awaits the outcome of the review. We assume there is no mechanism to compensate the builder if the review application is ultimately successful. Is that right?

Harriet SHING: People can apply to VCAT to seek a review of a decision to issue a rectification order, but the decision cannot be stayed. That ensures that the building work is rectified as quickly as possible for the consumer. Defective building work could render the building unsafe to occupy, and it is important that these matters are able to be resolved in a timely manner. Allowing these decisions to be stayed would delay rectification for many, many months, which is an experience which too many people understand on a deeply personal level. In some cases they have endured that situation for years. That results in really significant detriment for consumers who have to live with defective work during this period or, as we covered in the answers to previous questions, possibly seek alternative accommodation in some instances. Again, I spoke with a gentleman earlier this evening who has been in precisely that situation, and the impact upon him and his family and his kids in particular, while they have awaited the removal of mould, has been something that has severely compromised their quality of life and the certainty that they deserve around finding a place to call home that is safe and that does not in and of itself create all sorts of hazards for them.

At times we have had unscrupulous builders using the VCAT process to prolong dispute resolution, and they have incurred huge amounts of legal costs and debt for working Victorians on top of often moneys sunk in managing the impact of that work. The process through DBDRV and then VCAT often runs 18 months to two years, so we are determined to make sure we are striking that balance. To go back to the first principles in this act and the basis for these reforms, the way in which we are removing that capacity to seek a stay is geared toward providing certainty and comfort fundamentally to people who are often in situations of very, very high distress and financial disadvantage and often in a very, very precarious financial situation as a consequence.

David DAVIS: Clause 82 repeals the power for a relevant building surveyor to stay a direction to fix if the building work has been accepted for conciliation by the DBDRV. It is unclear why this is proposed. This is only a discretion and does not allow for a possible injustice to be prevented if the RBS has erroneously issued a DTF and the conciliation process resolves the issue.

Harriet SHING: Where building work has been found to be noncompliant by a surveyor or the regulator, a referral to conciliation should not be used to defeat or delay compliance with that direction. So the removal of an ability to stay a direction to fix is consistent with the approach in rectification orders in the bill and a situation where a rectification order is not stayed during the review process. Unlike rectification orders, noncompliance with a direction to fix is not grounds for immediate suspension of the relevant builder, but it is grounds for disciplinary action under section 179(c).

David DAVIS: The proposed new section 75A defines 'defective' very widely. This issue has been well stated before, and it is worth stressing that the statutory warranties in section 8 of the DBCA are very broad. New section 75F in particular can easily be used to assert work is not to the quality specified in a contract and therefore defective. The definition allows for a rectification order to be made for even minor issues with building work. Note that the proposed section 75B does not require that it even be proven that the builder is responsible for the defect and the building work simply needs to have been carried out by them. So I guess what I am saying here, or what has been put to me by others, is that this very broad definition can result in relative or more minor things. I accept that there are many major things – I will come to that; I have got an example I want to talk about later – but there

are many of those. But this is also possible under these definitions. What protection is there for builders in this respect?

Harriet SHING: I am sure we will get to 'serious defect' and the definition of 'major building element', for example, and the impact of serious defect on the building process. As I have addressed in answers to previous questions, the definition of defect is broad because it sufficiently captures the type of work that should be considered for rectification orders. It is aligned with the definition of defective that has been in the Domestic Building Contracts Act 1995 for the last 30 years. This is a definition which has been in operation literally for decades, and this definition is defined as having, as you have indicated, the same meaning as the term used in the DBCA. It is currently inspected by DBDRV assessors, and the chief dispute resolution officer issues dispute resolution orders to enforce breaches of domestic building work requirements if a mediated outcome between consumer and builder is not possible. DBDRV rely on the guide to standards and tolerances when making a determination about whether domestic building work is defective. That is a publicly available document on the VBA site, and of course this is part of undertaking processes of transparency and clarity that we are in a position to be able to review the work of access to that guide to standards and make sure that we are providing assistance with the way in which that guide operates.

But again, I just want to be really, really clear that if were to change the definition of defect to be something inconsistent with the DBC act and the Building Act and inconsistent for the purpose of the rectification order in the first-resort domestic building warranty scheme and the developer bond scheme, we would create an enormous set of potentially cascading circumstances of complexity and potentially legal challenge that would weaken the ability of the regulator to effectively enforce defective work in its new role, again seeking to be a one-stop shop building regulator. So the act needs to define defective, and given that the rectification order is an enforcement power with those penalties for noncompliance, it needs to sit within the statute.

The scope needs to cover the scope of possible claims under the SIS, and the SIS covers building owners for loss suffered due to work that is defective in prescribed timeframes. It is one of those areas where, again, the ministerial order and related powers also use the same definition of defective as that in this bill, and consumer protection available through last-resort and future first-resort insurance relies strongly on the established definition of defective in the DBCA. The definition of defective for the rectification order therefore has to be consistent with that. That is what I hope will give you a measure of clarity about the definition. A rectification order is issued to persons who carried out the work; it would not be issued to builders who did not carry out the work.

David DAVIS: Another definition of interest is the definition of 'developer', and this has an overlap with the definition of 'domestic builder'. Note that new paragraph (c) defines developer as:

> the person responsible for the coordination and control of the carrying out of the building work …

Is this not another way of saying 'managing' or 'arranging' of the carrying out of the domestic building work? Wouldn't a person captured by paragraph (c) in new section 75A need to be a registered builder?

Harriet SHING: No, but they could be. The activities that are described are broad enough that they can be undertaken by a range of persons who are not building practitioners.

David DAVIS: The definition of 'incomplete' is not linked to a point in time. It is intended that the work can only be incomplete if the builder claims the work is complete and it is not. The expression according to the contract may require the builder to have claimed that the work is complete by perhaps claiming payment, but this is not clear. What happens if a builder suspends work due to non-payment and the client claims this means the work is incomplete and can trigger a claim for a rectification order?

Harriet SHING: Whether it is complete or not comes down to the contract, and the stage at which the building work is complete can be inferred from the contract. Similarly, whether at a point in time or a stage of construction it is not is something that is anchored back into the contract. The

circumstances where building work may be incomplete can therefore vary. A builder could, for example, abandon a project or refuse to continue until demands for additional payment not agreed to in the contract are met. But the starting point there, Mr Davis, for the purpose of determining 'incomplete' would be what is set out in the contract – the milestones and the extent to which there may be a departure from those milestones – in seeking to assert that there might be a right to seek additional payment.

David DAVIS: The proposed section 75B sets out when the BPC may issue a rectification order. It quite rightly goes beyond the registered builder who is named on the building permit. With many home building projects it is not uncommon for the consumer to either undertake work themselves or engage another party – for example, the client may be a trade or have a relative or friend who is a trade. It must be noted that a rectification order (RO) can be made against a builder who carried out the work if the BPC is satisfied that the building work is incomplete, noncompliant or defective. It is not necessary for the BPC to show that the builder is at fault. This is, according to some who have spoken to me, problematic, as the builder actually may not prove to be legally responsible for the problem. For example, an architect, designer or other engaged by the client may make a mistake, and this may lead to a defect. The order may still be made against the builder.

A builder may have options to pursue other parties, but this will take much longer and be without the owner having an interest in pursuing the rights. This amendment transfers to a builder the risk that should be imposed on an architect or draftsperson engaged by an owner directly. It is potentially a problematic outcome that the owner's architect or draftsperson, who may also administer the contract for the owner, can avoid responsibility for defective plans or designs. If the builder is compelled by an RO to rectify the fault, the fact that DBDRV, VCAT or the courts may months or more likely years later order a different outcome is likely to be of little help to a home builder.

Subsection (1) also requires the BPC to only issue an RO to the person who carried out the work. This is important because it means that any recipient of the RO has the right to assert that the RO is invalid as it has been issued against a person who did not carry out the work. With many home building projects with occupied homes it is very easy to imagine scenarios where building work has been carried out by a person other than the registered builder named on the building permit. For this reason alone any deficiencies in the appeal process for an RO will create potential unfairness for a builder if they are simply issued with an RO because they were named on the building permit. This question of agency here I think is a very real one. Minister, you may want to indicate whether my summation there is correct – that there is an issue of agency and potentially builders being held responsible for the errors of others.

Harriet SHING: The bill does not impose any additional liability on the builder that builders do not already carry. In cases where the owners carried out work themselves or engaged another party to carry out works – for example, where an owner has put in a garden bed because they want to grow a heap of parsley and it has had an impact on the structural integrity of the home – the VBA would consider this in their decision on which party or parties to issue a rectification order for. So the VBA have that discretion; they can issue the order to the builder named on the building permit and/or to any other person who carried out the work – in that instance, around relevant subcontractors. But again, it is about the VBA actually looking at the totality of circumstances where there has been more than one party involved in the work as well as what has happened in relation to conduct by the owner.

The bill does not actually address the causative effect of faulty designs in defective or noncompliant work, so if a builder is issued a rectification order for a matter that they believe is attributable to designs prepared by another person – so to the example that you referred earlier, an architect – they still need to rectify the work. This sits very squarely alongside the existing legislative obligations under the section 8 warranties that we went to earlier and in section 16 of the Building Act – that builders need to ensure that their work complies with the Building Act and building regulations. If they have got concerns about the designs that others have provided for the work that they are undertaking, they need

to be raising those matters with the building surveyor and their client. This is something I addressed in the sum-up and in answers to earlier questions.

David DAVIS: Proposed section 75C allows the BPC to apply to VCAT for an extension past 10 years to issue an RO. There is no cap on that extension period, no right for the affected party to be heard on the matter and inadequate controls over when VCAT can make the order. This leaves home builders never 100 per cent certain that their responsibility is at an end. The bill does not clarify whether a rectification order can be made if the work is carried out before the new laws commence. It seems possible the BPC could issue an RO for building work that was carried out before the new law commenced. Is that correct, and is the other problem also true?

Harriet SHING: The regulator can apply to VCAT for an extension to the 10-year period in which a rectification order can be issued. VCAT has to be satisfied that the regulator's reasons for the application justify the extension being approved. This proposal enables the regulator to take enforcement action for significant latent defects that only become apparent after 10 years or in cases where enforcement action has been delayed due to court or tribunal proceedings. I covered this off, again, in my sum-up and also in answers to previous questions in committee. It is anticipated that the regulator will only make these applications in relation to significant defects, and the bill provides that the regulator may decide not to issue a rectification order if it would be unfair or unreasonable to do so. Again, it is the balancing of various considerations in the circumstances, which may vary on a case-by-case basis.

David DAVIS: Proposed section 75E sets out what a RO may require. It does not seem to limit the scope of the RO to building work that is the responsibility of the recipient of the RO. Proposed subsection (2) allows for conditions on the consumer to be specified. This would allow for a consumer to be expected but not, by the looks of it, compelled to allow a builder access to the site. It is not clear what happens if the condition is not complied with. There is no clear mechanism to excuse the recipient of a RO for compliance if the consumer has not complied with a condition. Further, proposed subsection (3) states that a RO must be complied with within a prescribed number of days. If no regulations are made, the BPC may specify a period that it considers reasonable. This leaves open the risk that regulations will prescribe one or perhaps a few types of period and leave the BPC with no discretion to specify a reasonable period of time. Is that correct too?

Harriet SHING: Proposed section 75E(2) provides that the person who has been issued with the rectification order is not required to comply with the order until the conditions on the other person are complied with – the builder would not be required to comply with a rectification order until the other person has complied with conditions that apply to them, providing access to a site, for example. Any potential regulatory options to prescribe a number of days for the purpose of proposed section 75E(3)(a) will be subject to consultation with industry stakeholders before the finalisation of the regulatory impact statement. It is possible that no regulations will be made for this matter, meaning that the number of days for compliance with a rectification order will be what the VBA considers to be reasonable. Again, that will apply, by virtue of the circumstances, in potentially a number of ways. Proposed section 75E(4) relates to damage caused by the original building work that is noncompliant or defective. It does not cover subsequent damage caused by action of other parties or wear and tear.

David DAVIS: Proposed section 75H sets out the contents of a rectification order. It does not, however, include a requirement that any conditions required by proposed section 75E(2) be included. It also should provide a statement as to why the BPC is satisfied the recipient of the RO is the person who carried out the work or is the developer. A RO is replacing, in effect, a judicial process to determine responsibility, and it is not unreasonable to expect a regulator, given some broad power, to be required to explain how it came to its decision. If the builder was found responsible by VCAT or a court, there would be an explanation as to why that finding was made. Will that sort of practice be followed with this section?

Harriet SHING: The regulations can prescribe additional information to be included in a rectification order.

David DAVIS: Including an explanation?

Harriet SHING: That is the process of development of regulations.

David DAVIS: Proposed section 75J applies if an RO overlaps with a DTF, emergency order or building order. This does not entirely make sense as an RO or a DTF could be issued to the builder but an order is issued to the building owner, so this provision may only apply to a spec builder or developer. Subsection (2) purports to require the recipient of an RO to also comply with the DTF, building notice, building order or emergency order, but the original instrument may not be issued to the same person. Does this provision purport to no longer make the owner responsible for a building order or similar? Perhaps the minister would clarify this point.

Harriet SHING: Proposed section 75J applies in cases where the person is issued with both an RO and either a direction to fix, emergency order or building order. It does not apply if one party is issued with a rectification order and a different party, like the scenario you just outlined, is issued with a building notice, for example.

David DAVIS: Proposed section 75K allows for the BPC to extend the time to comply with an RO. It needs to provide that if another person, the consumer, has not complied with a condition, then there should be a right of an extension. Otherwise the consumer can frustrate a legitimate attempt by a builder to rectify so they can gain access to insurance. This potentially unfairly exposes the builder to the risk of disciplinary action because the consumer did not want to have the builder back on their site. While there will be cases where the actual builder may need to be replaced by another builder, it is not necessarily appropriate to allow consumers to frustrate the intent of that builder or their agent to have an opportunity to rectify before insurance money may be claimed. I think that is a fair summary.

Harriet SHING: The VBA, just to be really clear, can extend the number of days within which a rectification order must be complied with upon its own motion. There does not need to be a request made in order to do that, and a builder would not be required to comply with a rectification order until, for example, any condition, such as granting access, has been complied with. A builder who is issued with a rectification order must be given access in this scenario to the property so that they are able to comply with the order, and the regulator can specify conditions to be met by other people, including access to the site, before the order is required to be complied with.

David DAVIS: Proposed section 75O creates a rectification costs order process. This means that the BPC has the power to demand that the builder or developer pay for not only the costs of putting the RO together but also carrying out any investigation before issuing the RO. This is extremely broad and would essentially require a builder or developer to pay for the costs of being investigated for any breach of the building laws if an RO is issued. This provision creates an incentive for the BPC to issue an RO, even if only for a minor issue, to allow it to achieve cost recovery for investigations. There is risk of the perception that an RO has been issued to recover money – it is a significant one – could discredit the regulator. This attempt to cost recover for enforcement activity has the potential to unfairly discredit the regulator or other law enforcement agencies. The minister may wish to comment on that risk and the potential perception that is created.

Harriet SHING: I would like to put it to you in a slightly different way. It is not fair to compliant builders or developers that they bear the cost of the VBA's management of rectification processes that do not apply to them. Those costs should, fairly and reasonably, fall on any builder and developer who carried out the defective building work. Accordingly, the bill provides that the regulator can recover costs directly from the builder whose work requires rectification and the developer who commissioned that work. That is similar to the powers provided to the New South Wales regulator in its legislation. It is also about making sure that we can ensure coverage of complex investigations that often require destructive testing or the sourcing of expert technical advice.

If rectification orders and costs orders are issued, it is because the VBA is satisfied that the party that issued the order is responsible for that defective or noncompliant work. Again, this is about putting a very clear focus not just on consumers and on remedies and rights to rectify losses and to make good but also on an industry which deserves a measure of consistency and accountability in recognising good practices, better practices and best practices but also in finding, isolating and addressing bad practices – the practices, again, that so many people have spoken about in the course of this debate.

David DAVIS: The right in proposed section 75S for a consumer to review a decision to not make a rectification order could create some challenges. In particular, what happens with the dispute resolution process through DBDRV? Will it be put on hold pending the review, or will it continue? What happens if the building work is still underway and the builder is contracted to continue working on the site? Will the building work need to stop pending the completion of a VCAT review?

Harriet SHING: The ability to review a decision not to issue a rectification order will not affect processes at DBDRV.

David DAVIS: The ban on VCAT staying an appeal against an RO effectively makes an appeal pointless for a builder. There is of course no corresponding impact on consumers who appeal a refusal to make a rectification order, and presumably any recovery action by a builder for payment will continue to be blocked. It is not clear why VCAT cannot be trusted to decide whether the stay of an RO is appropriate. Why is that?

Harriet SHING: Mr Davis, I would not characterise this as trust or lack of trust in VCAT. We have covered in quite some detail the practical consequence of delays. A building owner's decision to seek a review of a VBA decision not to issue a rectification order is not going to affect a cost recovery action by the builder. That is because review of the rectification order and a builder seeking payment are actions that are handled by separate bodies. On the one hand, we have got a review of an RO being a matter for VCAT, and a builder who is seeking payment would be a matter for DBDRV in the first instance. That would also involve different parties. Again, just to be really clear, this is not a question of trust or lack of trust in VCAT.

David DAVIS: I have got more of those, but I think I have done a fair effort. I am now interested to understand about developer bond schemes. The value of bond determination is one issue. The DBS is designed to protect purchasers from defects in the constructed building; therefore a 2 per cent bond should only apply to costs associated with erecting the building itself. Should the DBS exclude demolition works?

Harriet SHING: There are a range of scenarios here where demolition or deconstruction or preconstruction or site preparation may be different parts of a project or not. Again, that would be a matter that could be considered throughout the development of the regulations. The regulatory impact process is something I think that might be able to give some clarity to circumstances in which a definitive answer could be given as far as the method for calculating the cost of work to be prescribed goes.

David DAVIS: In determining the bond value of mixed-use developments I would presume this should hinge on apportioning contract value, so should the DBS only apply to the residential portion of a development in accordance with its stated objectives? There would obviously need to be a detailed breakdown. For example, the building where my electorate office is has got a large supermarket and commercial zone and then some commercial offices and so forth and then a residential tower. It seems to me that the bond scheme should apply to the residential component of such a development.

Harriet SHING: Again, this is a matter of some potentially considerable complexity, because the bond amount, as you have identified, will be set at 2 per cent of the cost of constructing a residential apartment building. In the scenario that you have talked to there is retail and possibly commercial on the same footprint as the residential building. Anything about first-resort insurance and the developer

bond scheme I think is most appropriately dealt with in the regulations, particularly because we want to make sure that the more granular we get, the more –

David DAVIS: This is going to be a common issue.

Harriet SHING: yes, the more we can direct our discussions through to the regulations, because again regulations need to have a measure of dexterity to them in responding to the way in which we build, how we build and the models for building, as they need a measure of flexibility and dexterity across every other part of the statute book. I would say that is squarely a matter to be addressed through the regulations and through that process of consultation. To that end I am well aware of stakeholders who will be keen to participate in that process, particularly around the way in which we develop that method for calculating the cost of work.

David DAVIS: I will not enter into a long-running discussion about whether things are better done by regulation or by clear legislation.

Harriet SHING: You can table it if you want.

David DAVIS: No, I could go for a while. Anyway, we will just leave it at this hour. The matter of bond exemptions: some say the bill should exempt build-to-rent and purpose-built student accommodation developments. The key purpose of the developer bond scheme is to protect individual unit purchasers in a strata scheme from defects after settlement, but build-to-rent and purpose-built student accommodation have no individual purposes existing. The developer retains ownership of the entire building, so they carry the risk of defects themselves. Is it the government's intention that such groups in such circumstances would carry the risk, or would they be clobbered with the 2 per cent as well?

Harriet SHING: The objective of the developer bond scheme around providing apartment owners with a pathway to having defective work rectified while we move to introducing that mandatory decennial liability insurance scheme is something which would tend toward that application of the term 'owner' given its plain and ordinary meaning. But again, this is something where in a range of scenarios the regulatory development process and the impact statement work would be well deployed. Your point is well understood, and this is where, again, I do not want to pre-empt the outcome of the regulatory development process. This is where what that impact statement work and the consultation work looks like and how it is concluded will no doubt include issues just like this one.

David DAVIS: I just want to talk about the stage at which a bond payment should be shifted to and whether that should be, in general, later in the process. Defects cannot easily be assessed during an active construction phase. Lodging a bond during construction creates unnecessary cost and red tape, some would argue. A developer should be only required to lodge the bond before an occupation certificate is issued. Is that the government's intent, or is this bond to be required to be lodged at a much earlier point?

Harriet SHING: Developers will be required to issue a bond in favour of the regulator before applying for an occupancy permit.

David DAVIS: With bond security lodgement, are developers permitted to provide bank guarantees or an insurance bond from a third party? It is a bit unclear as to whether developers may use a third party bank guarantee or insurance bonds to satisfy the DBS requirement. If permitted, these providers should be approved by the Building and Plumbing Commission to ensure financial reliability. Clarity is needed regarding acceptable forms of bond payment and the process for provider approval.

Harriet SHING: The developer is responsible for obtaining the developer bond and issuing it in favour of the regulator, and it can be in forms like a bank guarantee issued by an authorised deposit-taking institution, a bond issued by an insurer approved by the regulator or another form of security

that is prescribed in regulations. Regulations prescribing other forms of security are currently being explored.

David DAVIS: Will the regulations set out the details of any fees, including the exact cost of lodging the bond, processing, administration and facilitating inspections?

Harriet SHING: That will be a matter for the regulations.

David DAVIS: Curious. When it comes to the appointment of a building assessor, the BPC should maintain, I would have imagined, a pre-approved panel of qualified building assessors allowing an owners corp. to select an assessor from that panel. Is that the way the process will operate? And this would, I would presume, help unbiased and quick assessment.

Harriet SHING: The prescribed qualifications for building assessors will be settled in regulations that are subject to a public consultation process, and regulations will prescribe the qualifications required to perform the role of a building assessor. Options for who can perform the assessor role will be developed in consultation with industry to ensure there is an adequate pool of assessors to meet the requirements of the developer bond scheme.

David DAVIS: If subcontractors are utilised by assessors for specialist inspections – for example, fire safety or waterproofing – will subcontractors also need to be licensed or certified?

Harriet SHING: The assessor will ultimately bear the responsibility for work of specialist subcontractors, but again, this is a matter for exploration in the regulations. There will be scenarios where there are quite intricate levels of expertise, often from a very small pool of people with that level of expertise, so hydrogeological expertise or everything to, I do not know, disaster management mitigation expertise. Again, this is one of those areas where the regulations will come into their own, but the assessor is ultimately the auspicing arrangement for any further work that is undertaken as part of that assessment.

David DAVIS: Will assessors be required to hold high levels of professional indemnity insurance?

Harriet SHING: The bill establishes that if a process similar to New South Wales is utilised where eligible professional associations maintain a panel of appropriate assessors, then that association is not liable for anything done or omitted to be done in good faith when accrediting a person. If necessary, alternative immunity provisions may be included in a future bill.

David DAVIS: That would require some sort of protection against Supreme Court action, I would have thought – no? No. Okay. Will assessors be engaged contractually or statutorily?

Harriet SHING: I will take you to new section 137ZS, functions of the building assessor, whereby:

> A qualified person may be appointed as a building assessor to carry out any of the … functions under this Part …

It goes on to detail them, and a developer must nominate an assessor, so it is an appointment as a building assessor.

David DAVIS: What constitutes a reportable or serious defect is a question that has been raised with me. Does it need to affect health and safety? Does it include poor finishes that breach the building code or amenity expectations? Are DBS assessors expected to review code compliance and build quality? As put to me, the question is: why might this be important? The building might technically meet code but still be poorly built and finished – for example, uneven tiles. It has been put to me, a clear and consistent definition of 'a serious and reportable defect' is critical to guide assessors and prevent long, lengthy disputes, and it should not include cosmetic or minor issues. I just wonder if you want to indicate how that idea of a reportable or serious defect is to be defined.

Harriet SHING: Mr Davis, as I have said in answers to questions that have been put to me along these lines before, perhaps by stakeholders who are sharing a range of concerns and priorities, the definition of serious defect is:

> a defect in a major building element that is caused by non-compliant work; or
>
> a defect in the building work or in a building product used to construct the building work that –
>
> is attributable to –
>
> defective design; or
>
> defective or non-compliant building work; or
>
> defective materials; and –

this is the key –

> has caused or is likely to –
>
> cause the building to be uninhabitable or prevent it from being used for its intended purpose; or
>
> cause the building or a part of the building to be destroyed; or
>
> cause the building or a part of the building to be under threat of collapse; or
>
> the use of an unsafe building product; or
>
> a defect …

of any kind that is prescribed by the regulations.

I just want to also give you a bit of context here as a counterpoint to use of the term 'cosmetic', which you referred to earlier. A major building element includes a fire safety system within the meaning of the Building Code of Australia; waterproofing; an internal or external load-bearing component that is essential to the stability of the building or a part of the building; a component that is part of the building enclosure, being a part of the building that separates its interior from the external environment; or any aspect of the mechanical, plumbing or electrical services of the building required for compliance with the National Construction Code.

David DAVIS: When it comes to the issues around inspections and reporting, the assessor should consider prescribed information that could relate to building defects, including complaints, maintenance reports and pre-existing defects lodged. What contributes to a comprehensive defect inspection? Does that include the views of all affected stakeholders, for example? What else contributes to that comprehensive inspection?

Harriet SHING: It is really important to keep in mind that a rectification order can only be issued for building work that is carried out in a noncompliant or defective manner or is incomplete. Any damage caused after completion, such as general wear and tear or lack of maintenance, is not grounds for issuing a rectification order. The bill also provides that the regulator has discretion not to issue a rectification order if it considers it would be unfair or unreasonable in the circumstances to do so. Fair wear and tear or lack of maintenance would be sufficient grounds for the regulator to refuse to issue a rectification order. In Queensland, where similar provisions exist, the Queensland Building and Construction Commission imposes limits by internal policy on when directions to rectify for non-structural matters are issued, and we would expect the regulator to develop similar policies. Again, I would have a look, if I were you, at 137ZZD(2).

David DAVIS: Another question in this vein is: can assessors engage in destructive work, that is, cut open walls, floors or ceilings if they need to to uncover hidden defects? And how will right-of-occupier laws apply if destructive work affects a private dwelling?

Harriet SHING: The regulations will be able to provide further guidance on the way in which inspections can be undertaken. Again, there is some complexity there around the practical circumstances whereby the state, safety or condition and the likelihood of any compromise to that, in

accordance with the definition that I have just read out, might be a matter warranting exploration in a way other than visually.

David DAVIS: If an assessor identifies a serious defect, they should be, I imagine, legally required to report it to the BPC. Is that correct? Does that ensure better oversight?

Harriet SHING: We have gone through this in answers to previous questions, but there will be a preliminary inspection process 15 to 18 months after the issue of the occupancy permit. Then there needs to be a report prepared about the reportable defective work. The developer will then be provided with a period to address the defective work identified in the preliminary work. Then a final inspection needs to be conducted between 21 and 24 months post occupancy – I assume you are talking about a post-occupancy period – with the assessor checking whether the defective work identified in the preliminary work has been rectified. Any work that has not been rectified will be listed in the assessor's final report, and the owners corporation can then make a claim on the bond to pay for the cost of fixing the outstanding items listed in the final report.

David DAVIS: On the issue of bond claims, when defects are found and the bond is enacted, the owners corp should be required, I imagine, to obtain multiple quotes for the rectification works. Is that how that will operate?

Harriet SHING: I will take you through to 137ZZO and 137ZZS. Where an owners corp applies to the regulator to claim on the bond, the regulator will be either able to approve the claim, approve a lesser amount than what was claimed or refuse the claim. If an owners corporation and a developer are in dispute about the amount to be claimed on the bond, the regulator can commission an independent report to determine the appropriate amount that needs to be claimed, and an owners corporation must use the bond payment only for the purposes that it was approved for, and any unused amount is to be returned to the developer. So again, there is an interest in making sure that this is not an auction for the purpose of obtaining the most expensive quote in undertaking those works.

David DAVIS: If the original builder of the property was responsible for defects, would they be permitted to quote on rectification? Another question that comes out of this section: an inspection commissioned by a builder should not be accepted as qualified grounds to trigger the release of the developer bond. To explain that a bit more, the request to release funds should only be made through an independently approved building assessor. Is that correct?

Harriet SHING: If I have understood you correctly, Mr Davis, you are asking about how there might be any actual or perceived conflict of interest that is managed when appointing a building assessor. Is that correct?

David DAVIS: Yes.

Harriet SHING: Yes, it is. Okay. The relevant building surveyor for an apartment development will not be able to undertake the role of a building assessor for the same project. Preventing conflicts of interest is obviously self-evidently important, and developers will not be able to appoint a person who is an associate, contractor or employee of the developer or has been within the two-year period preceding the person's nominations as a building assessor. They will also not be able to appoint anyone who has been involved in the design, construction or certification of the building work carried out for or in connection with the construction of the residential apartment building. The fact that a person is or has been appointed by the developer as a building assessor for a residential apartment building does not make that person an associate of the developer. Following the first inspection report, the builder-developer has the opportunity to fix the defects, which they should actually be doing in the first instance.

David DAVIS: Is the legislation framed in such a way that it will only apply to contracts awarded for works after the bill takes effect? Is that the case, and if so, when is that likely to be? To explain, the reason I ask that is because I think there is a lot of complexity here, and there will need to be a time

period to deal with this. A number of the property sector groups bitterly oppose developer bond schemes, but I think they make a reasonable point about the time period that it will take to put this in place.

Harriet SHING: Yes. Mr Davis, I appreciate where you are coming from, and that has actually been part of the rationale for really extensive discussion and engagement. One of the things that we will continue to do as we develop the regulatory impact statement is consult with industry and key stakeholders, and that builds on more than 60 major industry and consumer bodies to engage with the bill and the drafting process on over 19 sessions in the last four months, and that has included round tables and working groups and facilitation sessions and one-on-one engagements, including meetings that I have had with people directly. Stakeholder consultation sessions have occurred in December, January, February and March this year, and I have continued to meet with people in the months following that, and we will continue to have conversations around the way in which transition periods are developed and required for certain provisions. Again, arrangements for commencement of scheme application to developments is a matter for the regulations, but more broadly, the measures commence in a staged fashion.

The first stage, to integrate insurance, regulatory and dispute resolution functions into the VBA, will occur by August this year, and that includes transferring DBDRV services and VMIA's domestic building insurance operations to the VBA. The second stage will implement the developer bond scheme and rectification orders by December this year. And the third stage will close the DBI market, introduce minimum financial requirements and implement first resort warranty schema by no later than 1 July next year. So obviously there is a regulation development process built into that staged approach, and that is where further industry and stakeholder engagement will continue.

David DAVIS: I have largely finished that list there, but I just want to, by way of example, bring to your attention a particular case. I think it is useful because it fleshes out some of the problems that exist now, and some parts may be helped by the bill, but other parts may not.

The case relates to a builder, Donnellan Constructions Pty Ltd – Heath Donnellan. There is a registration number.

A member: His brother.

David DAVIS: No, I do not believe it is. I am not suggesting that in any way. It was put to me:

[QUOTE AWAITING VERIFICATION]

> I am writing in regards to losing our house and all our belongs. See attached photos. By way of background this contract was signed in 2017. The builder failed to build the house in nine months. In 2018 we went to the DBDRV and got VCAT certificates. In 2019 the builder abandoned the house and we went to VCAT. We engaged another builder to finish it. In 2022 my entire family got very sick and my kids were hospitalised. Experts found our home to be contaminated by sewage and toxic mould, rendering it uninhabitable. Mould experts found a cut in the sewer pipe. See photos –

I am not going to tender the photos in the chamber here –

> Raw sewage had flooded the wall cavity and under the floor. Lab tests revealed toxic mould had contaminated all our belongings and was present in dangerously high levels in our bodies. We lost all our possessions and had to move out with nothing into emergency accommodation. The insurer refused to pay out, despite being covered for escaping water. They blame the builder. From 2019 to 2025 the builder has repeatedly disregarded the VBA and VCAT, breaching 38 VCAT orders. The VBA have investigated. They have called in their own experts and are sitting on it. Other families have also come forward with similar complaints about this builder.

The questions here are: why hasn't the VBA acted against the builder and taken away his licence, given its significant powers? But the deeper question for our committee here is: how would cases like this be dealt with differently? I think there is probably a constructive answer to that first question. The second question is: why has VCAT failed to hear this case in a timely manner, given it first went to

VCAT in 2019 and the builder has breached some 38 VCAT orders without any consequence? I am told that this will go there again in July.

The delays at VCAT in this circumstance have been extraordinary, and nothing in this bill deals with that delay that is occurring at VCAT. I am just wanting to get an answer in a sense to what has happened here in this case. Would this bill fix this sort of problem? How would it fix it? The second thing – the linked matter – is: how does this bill deal with the delays that are in fact experienced at VCAT?

Harriet SHING: Thank you to the person who has shared with you what sounds like just the most awful experience. I am really sorry to hear that this person has gone through so much, not just as that relates to substandard building work and risk to health, the loss of possessions and the uncertainty of needing to move out into emergency accommodation but then the delays and the prevarication and what sound like some truly persistent and damaging patterns of behaviour. I am not able to comment on this particular case because I do not have the detail and nor do I want to overstep any requests for privacy that the person may have.

David Davis interjected.

Harriet SHING: Well, Mr Davis, I take your point that they may not be interested in privacy, but nor would it be appropriate or responsible for me to speculate on what might be incredibly sensitive matters involved in the case that you have just referred to. In this scenario, and without having all of the detail available to me, that person would likely – and it is not definitive, because again, there is a significant caveat here that I am wishing to put on the record – have been covered through the SIS, and the Building and Plumbing Commission could issue a rectification order to the builder.

To your second point, Mr Davis, about VCAT and about persistent breaches and the delays that have occurred, this bill is not about VCAT, it is about closing precisely the loophole of abuses of VCAT processes which, based on what you have said here tonight, is occurring as a result of the builder's intransigence. Again, I do not have any means by which to verify what you are saying or what has been put to you. Under our bill and as I have explained in answers to you in previous questions, the rectification order cannot be stayed at VCAT for this precise reason – for this precise reason – and the builder would have to rectify. I have been through the offence penalties provisions of the bill in talking to its operation and the intent to bring this back to a consumer focus.

What I would say to you, Mr Davis, in light of the example that you have just talked to here and the very human impact that appalling practices constitute and the fact that these cases are not occurring in isolation, that there are families who are experiencing this level of loss, distress and disadvantage all too often – you just have to talk to the VMIA to know what is happening; we have got Efy here tonight, who leads a team at the VMIA, who is so used to hearing these stories of heartbreak – is that this is the basis for the reforms. This is about providing a consumer-focused framework for proactive early intervention and prevention of these practices and recognition and reward of good and better and best practices but also remedies for people like this person through the form of a SIS or a rectification order.

What I will say, Mr Davis, based on what you have just said, is I would find it extraordinary if, in light of the reforms that are set out in this bill, the opposition were not to support it. Because if you are not to support this bill, Mr Davis, then ostensibly you are saying that the experience of the person whose story you have just read into the record is something that does not deserve to be addressed or remedied or recognised or, for the purpose of the candour that they have displayed, respected. So I would encourage you, Mr Davis, using the quote and the experience that you have just put into *Hansard* yourself, to invite your colleagues to stand in support of this bill when it moves to the third reading. What you have explained is precisely the rationale for the reforms, and to the person who shared that story, I would say: these reforms, they are for you.

David DAVIS: I have just heard the set of comments from the minister there at the end. I intend to stop asking questions now, but I intend to make one further comment, and that is that the government

has been in power for almost 11 years now. This case that I have given to you now began in 2017. There have been two state elections since then, and the government has chosen not to deal with many of the points that have been raised by this case. As I have said in this chamber many times, there has been case after case after case, and my office is no different to offices of other MPs. The question of whether this bill actually fixes these points is a separate question, and there are real questions about aspects of the bill. I think it is a bit rich for the minister to point at the opposition when her government has been in power for almost 11 years. Two elections have gone through this particular case, but the government has chosen not to act through most of that time. The question of whether this bill does the trick is a different and legitimate question. But no, the government is actually responsible for the regime that is in place because it has not acted for more than a decade.

Harriet SHING: This is a set of reforms that we invite you and your colleagues to support in signalling a unified departure from the regulatory framework that has, by design or by omission, failed to provide support for people when they have needed it most. I recall, Mr Davis, that there was nearly identical legislation brought to Parliament in 2013, and it was abandoned. Mr Davis, it was not a Labor government in 2013.

Mr Davis, we have worked to understand the breadth, the scope, the cost and the impact of shoddy practices, of hazards and of risks ever since we were elected in 2014. Whether it is flammable cladding and the cladding rectification work, whether it is this bill here, whether it is increasing, enhancing and providing a measure of dignity in the apartment design standards or whether it is the work that we are doing to make sure that codes are understood and are developed and that we ensure compliance with them across building and construction, we have worked assiduously to understand and not to walk away from or to turn away from the issues and the problems that are felt in very real, very human ways by people just like the person who has sent you that case study.

Mr Davis, it does not stand to reason that if you are saying that these reforms are needed, there is any reasonable basis upon which you should refuse to vote for them. It is inexplicable that you would identify so many problems, so much heartache, empty wallets, broken hearts, incomplete builds, people living in emergency accommodation, people at their wits' end and people with no money and no sense of hope and vote against this legislation. As I have indicated to you, the statutory insurance scheme, rectification orders, the developer bond scheme and the work around assessment and inspection are all geared towards making sure that consumers have precisely the remedies that would address, prevent and provide early intervention too in the case study you have outlined.

Mr Davis, I am not going to make any further remarks, because I do know that you like to have the last word. But what I will say is that if you wish to be part of a better system and if you wish to be part of the work being done under Anna Cronin at the VBA and under the work of teams that every day are pulling towards better outcomes, then you will vote for this bill. And if you do not vote for this bill, Mr Davis, then any number of the platitudes that you have provided to this chamber and that your colleagues have talked to in the case studies that have come before this place, which are in *Hansard* forever, will have counted for nothing. I commend this bill to the house, Mr Davis, and I look forward to the opportunity – the hope – that you will stand in support of it when it comes to the third reading.

David DAVIS: I thank the minister for her homilies delivered in that little presentation. I will make a couple of very quick points; I will not labour it. 2013 was a time when the government at the time faced significant mischief from the opposition, which broke up the process of legislation coming through both houses of Parliament. So I would not necessarily blame the government of the day for a lack of progress with certain legislation; I would be blaming Daniel Andrews on many of those points, actually. But leaving that narrow point aside, the fact that there are real problems with the system and the government has failed to act for more than 10 years – nearly 11 years – does not mean that the government's solution is the perfect one. It does not mean that the government's solution is the right one. That is the point that I would make – that there does need to be change, but the government's approach is flawed.

Harriet SHING: Thank you, Mr Davis, and thank you to everybody who has asked questions and made contributions in the course of this debate. It is a somewhat unorthodox step that I am about to take, but I think it is important to put some names on the record – those people who have been such an integral part of the development of these reforms, who have been working towards these outcomes that we may well, hopefully, see achieved shortly after decades – 15 years, 20 years – of work:

[NAMES AWAITING VERIFICATION]

Kane Perry, Ada Young, Rob Bosinovski, Thomas Sanky, Vishal Chopra, Craig Fernandez, Megan Peacock, Callum Wilkinson, Shareen Harper, Alyssa Duncan, Peter Parsons, Jenny Gabriel, Sam Owens, Angela Iannicelli, Chris Archer, Miles Hutchinson, Nick Prenn, Efy Karagiannis – who has been in the gallery for the entire debate – from the VMIA and her team, Lachlan Cloak, Alex Sutton, Peter Holding, Sean Cleary and Leo Gifford. Thank you for all of your work, your effort, your advocacy, and most importantly, the very, very human approach that you have had to understanding where people are and what needs to be done from here.

Clause agreed to; clauses 2 to 106 agreed to.

Reported to house without amendment.

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (21:38): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (21:39): I move:

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

Council divided on motion:

Ayes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read third time.

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

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (21:45): I move:

That the house do now adjourn.

Gisborne Aquatic Centre

Wendy LOVELL (Northern Victoria) (21:45): (1682) My adjournment matter is for the Minister for Community Sport, and the action I seek is for the minister to allocate $1.5 million in funding for the Gisborne Aquatic Centre to convert the heating of the pool from gas to electric. Australians love the water, and those who do not have the luck to live by the beach or a river love swimming at their local pool. Even in a hot country like Australia, the winters get chilly, and swimmers really appreciate a heated pool for year-round exercise. Gisborne Aquatic Centre offers a heated pool, and it is increasingly popular with residents in the Macedon Ranges, receiving almost 200,000 visitors in 2023–24. The pool is currently heated by gas boilers, which are responsible for 18 per cent of the council's scope 1 carbon emissions, and council is now doing what it can to reduce its emissions. Heating is also expensive, and local councils who want to offer a heated pool for their community are struggling with the mounting cost of gas. To reduce cost and emissions, council is seeking to switch from gas boilers to electric heat pumps to heat the pool in Gisborne. Council is ready to get this conversion done, with designs and costings on hand. All that is needed is financial support from the state government of $1.5 million to fund the conversion. This project will meet a genuine community need, reduce costs for local government and align with the Victorian government's emission reduction policy. I urge the minister to give close consideration to council's need for funding and to invest in the future of swimmers in the Macedon Ranges by supporting this important conversion project.

Rail freight services

Tom McINTOSH (Eastern Victoria) (21:47): (1683) My adjournment matter is for the Minister for Ports and Freight. The action I seek is for the minister to provide an update on how the Victorian government is supporting producers and taking more trucks off our roads by encouraging more freight via rail.

Woodside Burrup facility

Katherine COPSEY (Southern Metropolitan) (21:47): (1684) The action I seek tonight is for the Minister for Environment to advocate to his federal counterpart to withdraw the provisional environmental approval of the Woodside Burrup Hub gas expansion project. Climate science is clear, the community is watching and the time to act is now. Labor's support for a number of massive new gas projects is incompatible with Australia's stated goal of limiting global warming to 1.5 degrees. Woodside's North West Shelf extension gas project alone would use 91 per cent of the government's net zero 2050 carbon budget at a federal level. All of our scientists and expert organisations – the CSIRO, the International Energy Agency and the Intergovernmental Panel on Climate Change – tell us that no new gas projects can proceed if we are to meet our climate targets.

This decision has also dropped a bomb on one of Australia's most precious cultural treasures. Murujuga country has one of the world's most significant and dense collections of ancient art, with more than 1 million rock carvings, some dating back nearly 50,000 years. These petroglyphs depict species that are now extinct, early human figures and cultural narratives of immense importance to the region's traditional owners. A rock art monitoring project compiled last year, but shamefully only issued on Friday, acknowledges that emissions of nitrogen oxide and sulphur dioxide from existing gas projects have damaged the rock types on which the art is etched. It has been reported that the minister's decision to give approval to the project has been made in the absence of meaningful consultation with the traditional owners. We have also seen shameful behaviour by Woodside. Not only did they recently spill 16,000 litres of toxic petroleum products into the ocean, this week we saw their CEO take the most extraordinary swipe at young people, trying to shift the blame for Woodside's climate harm. Well, millions of young Australians would need to order about 215,000 Temu T-shirts each for them to reach the emissions estimates for the North West Shelf extension. They see right through your spin, Woodside.

While Labor stands with the fossil fuel CEOs who are sneering at young people while blowing up their future, the Greens know which side we are on. Just this morning a Victorian Greens request to

urgently debate the federal government's decision to approve the extension of the North West Shelf gas project here in the Victorian Parliament was denied. The Greens say if Labor approving a climate bomb with projected emissions of up to 6.1 billion tonnes is not a matter of urgent public importance, then what is? We will keep standing up for a safe climate and a fossil fuel-free future.

Energy policy

David DAVIS (Southern Metropolitan) (21:50): (1685) I notice that steps have been taken in recent day, including tonight, to announce the likelihood of a gas import terminal for Victoria. What I am seeking from the Minister for Energy and Resources is a clear indication that energy prices will not rise further. We understand that the state government has now got itself in a desperate position with respect to gas. No exploration licence has been issued since 2013 in Victoria. The gas supply is dwindling from Bass Strait, and the state government has not done enough to foster or support gas exploration and the bringing on of new onshore conventional gas, which could actually solve many of our problems. Instead of doing that the state government is now trying to cover its nearly 11 years of failure by actually building an import terminal. An import terminal carries the risk of further increases in gas prices. We have already seen gas and electricity prices surging in Victoria. So what I seek from the minister is a guarantee that any gas import terminal built in Victoria will not result in increased gas prices for Victorian consumers and instead that the state government change its attitude to gas, encourage more exploration and allow a proper process to bring on new onshore conventional gas. The risk here, like all Labor failures, is they cannot manage money. They cannot manage a proper process.

Members interjecting.

David DAVIS: Well, 16 per cent is the electricity increase in the last 12 months to the last March quarter in Victoria. That is the ABS figure. Victoria's electricity price has gone up by 16 per cent, and gas prices similarly. There have been huge increases in gas and electricity prices over the last 11 years under Lily D'Ambrosio and Jacinta Allan. Those increases are hitting families and they are hitting businesses. That is why I am seeking this guarantee that the import terminal that the government is seeking to build will not lead to increased gas prices for consumers, households or businesses.

Teacher workforce

Jacinta ERMACORA (Western Victoria) (21:53): (1686) My adjournment matter is for the Minister for Education Ben Carroll, and the action I seek is for him to update me on the extra teachers employed in Victorian schools. The Allan Labor government is providing financial incentives for hard-to-staff roles, like in regional areas, paid placements for students training to be teachers and employment-based degrees. I look forward to an update from the minister.

Middle East conflict

Anasina GRAY-BARBERIO (Northern Metropolitan) (21:53): (1687) My adjournment matter this evening is for the Premier, and the action I seek is for her to advocate to her federal colleagues to impose urgent sanctions on Israel. We have all seen the horrors of the genocide in Gaza and the ethnic cleansing of Palestinian people, and after more than 11 weeks of a total aid blockade 2.1 million people remain in critical need. Children are starving; families are dying. On 23 May, 198 trucks were finally permitted to enter Gaza carrying wheat flour, medicine and nutrition supplies – barely 20 per cent of the territory's daily prewar needs. These limited deliveries are often disrupted by looting and security threats. No fuel or hygiene products are being permitted. This is a deliberate engineered humanitarian collapse. The UN under-secretary general for humanitarian affairs and emergency relief coordinator said that without aid 14,000 babies could die. The World Food Programme estimated that 71,000 children under the age of five will be acutely malnourished in coming months. 14,100 cases are expected to be severe.

This week Ward al-Sheikh Khalil, a six-year-old, awoke surrounded by fire and watched her mother, two siblings and 33 others burn to death. In the same week the Premier attended an event toasting the

state of Israel, where speakers claimed that 'there is no genocide in Gaza'. How dystopian and how completely careless to ignore independent human rights bodies – the UN and Amnesty International – who have been explicit in saying that the Israeli government is committing genocide against the Palestinian people during its ongoing invasion and bombing of the Gaza Strip.

It is completely tone-deaf, Premier, to ignore the pleas of thousands of protesters from across Victoria and to ignore the murder of 50,000 little children. Premier, you should be condemning war crimes, not legitimising spaces that deny or minimise the suffering of thousands of Palestinian babies and families. What kind of message does this send to our Palestinian community right here in Victoria? It is inhumane and unconscionable for any government to remain passive while the extermination of a people and culture continues.

Point Cook community hospital

Trung LUU (Western Metropolitan) (21:56): (1688) My adjournment matter is for the Minister for Health regarding vital health infrastructure in the western suburbs, with no money allocated to Point Cook community hospital in the 2025–26 state budget released last week. The action I seek is for the minister to update my constituents on the progress of this project. In the state budget the government promoted its investment of over $634 million into the healthcare system; however, not a single cent was promised for the Point Cook community hospital in my electorate. The Point Cook community hospital project was first promised back in 2018 along with 10 other community hospital projects across the state. Yes, the Labor government promised my constituents in 2018 that it was meant to be completed in 2024. The community hospital in Point Cook will cater for growing population demand, yet seven years on my constituents are still waiting for the promised hospital.

Over the last couple of years we have seen construction begin at Craigieburn community hospital in the north and Cranbourne community hospital in the south-east. The last update to my constituents about this project was the fact that a builder was appointed in 2022 – a builder appointed three years ago, four years after the announcement and no action since then. My community in the west is still waiting with great concern after seven years and no funding allocated in the current 2025–26 budget. The people of Point Cook desperately need an adequate health service in their region. Not only would the hospital provide mental health services close to home, but it would also relieve pressure on hospitals like Werribee Mercy and Sunshine hospitals, which are already struggling to cope with the healthcare crisis. The hospital was promised in 2018 to be completed by 2024, but we are now entering the later stage of 2025 and still work has not begun, and the project is nowhere near to being completed.

The question is: does the minister care about health outcomes for the people in the west in Point Cook? The people in the western suburbs deserve decent health care, not broken promises made by Labor and not budget blowouts.

Lysterfield Primary School kindergarten

Michael GALEA (South-Eastern Metropolitan) (21:58): (1689) I raise an adjournment matter this evening for the Minister for Children, and it concerns a very important program, the kinder on school sites program. I know that we have seen many such sites and kinders rolled out across Victoria, including in my region of the south-east. It has been great to have the minister out several times to various facilities in Clyde North, and it has been such a pleasure – I know how much she enjoys coming out as well – but I ask today if the minister could update the house on progress on another very exciting kinder on school site project in Lysterfield at the primary school, which we are looking forward to seeing open in the next year.

Financial abuse

Georgie PURCELL (Northern Victoria) (21:59): (1690) My adjournment matter is for the Minister for Prevention of Family Violence, and the action that I seek is for her to advocate to her colleagues in the federal government to fully agree to and implement all 61 recommendations of the federal parliamentary inquiry into financial abuse. I would first like to congratulate members of the

Parliamentary Joint Committee on Corporations and Financial Services and all stakeholders who contributed to the extensive and landmark report into this insidious form of abuse.

Nationwide the financial toll on victims of financial abuse was estimated to be $5.7 billion. We know that this disproportionately impacts women. Twenty-seven per cent of women in Australia, approximately 2.7 million women, have experienced some form of abuse by a cohabiting partner. Sixteen per cent of these women, or 1.6 million, have suffered from partner economic abuse, compared to 7.8 per cent of men. First Nations people, the elderly, culturally and linguistically diverse Australians and those living in remote and regional communities are all also more likely to be victims of financial abuse.

The inquiry found that child support being weaponised against victims is one of the most frequent forms of financial abuse. The withholding of child support not only hurts custodial single parents – again, who are largely women – but also robs children of the support that they need in order to thrive. This has been an issue that I have heard about from some of my own friends and so many of my own constituents, with little to no pathway to resolve it, further adding to the stress and extra responsibility that often comes with solo parenting.

We have almost reached six months after the report was first handed down, and although I recognise the complexity of the wide range of recommendations, it is vital that the Victorian government advocates to the Commonwealth to ensure that this is not just another report that collects dust. Ending financial abuse is a critical component of addressing the gender-based violence crisis in this country, and I hope that the government can take this matter seriously.

Agriculture sector mental health

Bev McARTHUR (Western Victoria) (22:01): (1691) My adjournment matter for the Minister for Health concerns the mental health of regional Victorians, particularly farmers, and the consequences of the government's new emergency services and volunteers tax. The action I seek is a statewide survey of GPs and frontline medical staff to determine the mental health impact of growing economic stress on agricultural communities. In recent weeks mental health has been frequently mentioned in this place in sad but usually vague general terms. One of my constituents, a general practitioner in a busy diverse Warrnambool clinic, has written to me and her other Western Victoria Region representatives to explain the specific real-life consequences. She wrote:

[QUOTES AWAITING VERIFICATION]

> I write with concerns regarding the health and wellbeing of our rural community, directly impacted by policy proposed and passed in Victorian Parliament recently, policy which I perceive is contributing to significant levels of distress and anticipatory anxiety of further financial hardship.

She outlines three de-identified cases from just one week of consultations: a hardworking family with three children closing a small dairy on 200 acres due to drought, now wondering how they will pay the levy on land that is not producing income; a retired CFA volunteer of 40 years, whose modest retirement income from leasing land is now under pressure from rate increases; and a family in a complex succession-planning situation in extended drought facing tens of thousands in extra levy costs without savings to draw on. These are not abstract concerns. They are personal, immediate and health related. As the GP explained:

> These apprehensions generate degrees more empathy for me as a medical practitioner with origins in agriculture. I inherently understand the highs and lows of farming. I also have a strong sense of civic responsibility. I believe in each of us contributing to society, but I do not understand how some local members could possibly have supported this grossly unfair tax.

She added:

> Emergency services will defend houses in an emergency. They will not defend acres of land, fencing, farming infrastructure or plantations of trees thoughtfully planted by farmers. Rural communities, like those in

> suburban Melbourne, should only contribute an amount proportionate to what would realistically be defended in an emergency.

Minister, as we speak, not one of this doctor's Labor or Greens representatives has replied to her. So I ask you to act, Minister. We want this statewide survey of GPs immediately so that medical staff can determine the mental health impact of growing economic stress in agricultural communities.

Little Dreamers Australia

John BERGER (Southern Metropolitan) (22:04): (1692) My adjournment matter is for the Minister for Carers and Volunteers, Minister Spence. Minister, there are more than 62,400 young carers in Victoria. Young carers are people up to 25 years old who provide unpaid care and support to family members or friends who have a disability, mental illness, chronic condition, an alcohol or drug issue or are frail and aged. The person they care for may be a parent, partner, sibling, their own child, a relative or friend. When inadequately supported, a young carer's health, mental health or wellbeing can be seriously affected. That is why I am thrilled with Australia's leading young carers organisation, Little Dreamers Australia, successful application for the Future Ready program. I am proud that our government is boosting organisations like these so young people can reach their full potential. The action I seek is that the minister arrange a time to visit the organisation with me to congratulate them formally as well as see the incredible work that they are doing in person.

Emergency Services and Volunteers Fund

Joe McCRACKEN (Western Victoria) (22:05): (1693) My adjournment matter is for the attention of the Treasurer, and it relates to the emergency services tax. Late last night the Ballarat City Council unanimously passed a motion speaking out against the tax, which was described as cruel, toxic and out of touch. The motion condemned the tax as a 'significant financial burden' on Victorian property owners. The motion also called for the Victorian Treasury to collect the tax, not local government.

The mayor of Ballarat Cr Hargreaves slammed the financial burden it was placing on residents in the middle of a cost-of-living crisis. Deputy mayor Cr Taylor said the emergency services tax would collect more than double the 2020 levels. Cr Lapkin, the mover of the motion, said it was a 'crushing burden' on farmers. He said:

> To this Labor government, country Victoria is expendable and exploitable, it sees rural regions as a source of low-hanging revenue fruit that can be taxed to the hilt …
>
> The Victorian government's emergency services tax will destroy livelihoods and perhaps even lives …

Cr Lapkin's motion was seconded by Cr Jay Morrison, who is a member of the Labor Party. He said:

> The timing of this levy could not be worse; we are in the midst of a cost-of-living crisis …

He continued:

> … we are taking action, we are standing up for our community and are calling for a better, fairer approach.

Cr Des Hudson, also a member of the Labor Party, said:

> This is unfair, it's a burden, it's at a time when we can least afford it, and we deserve a better outcome …

These are your Labor councillors saying this, Treasurer, yet you continue to ignore your own party members and your own MPs, especially the ones in regional communities. Cr Saunders said:

> This cruel impost is going to create mental health problems …
>
> This cruel and sneaky tax is abhorrent.

Jim Rinaldi's ward represents a lot of the northern part of Ballarat, where the farmers are. He said the government would not have any idea what it is like to struggle for a dollar and that they are out of touch. Cr Tess Morgan, another Labor councillor, said that she is proud to be part of the councillor group that is aware of the cost-of-living crisis, unlike those opposite. It is just a shame that you guys over there are blissfully unaware.

The action I seek from the Treasurer is simple: take a step back, listen to many of the regional Victorians, including some of your own people, and scrap the emergency services tax, because if you do not, you will owe regional Victorians a great, great apology.

Glasses for Kids program

Sonja TERPSTRA (North-Eastern Metropolitan) (22:08): (1694) My adjournment matter is for the Minister for Education in the other place, and the action I seek is for the minister to provide me with an update on the benefits of the free Glasses for Kids program for students in our great public schools in the North-Eastern Metropolitan Region.

COVID-19

Georgie CROZIER (Southern Metropolitan) (22:09): (1695) I do not want to mention COVID, but I am going to have to in light of reports that have come out this evening suggesting that a strain that is wreaking havoc in China is now in Victoria. It is the new variant, NB1.8.1. As we know, under the management of Labor in this state, when the draconian measures were put in place we had the harshest of restrictions and the worst outcomes. The impacts of those measures that the government took at the time we are still feeling today. I am concerned obviously about what happened in the pandemic and what the government did and the massive, shocking impact it had on many Victorians.

But at the time, as you will recall, the government were saying that they were taking these measures to keep our doctors and nurses safe and to protect our health system. Given we have a large degree of vaccine hesitancy in this state and given the government has cut money to the public health units in the latest budget, it concerns me greatly that messages around various issues, especially around infectious diseases and childhood vaccination programs, are not being heard because of the harsh and draconian measures – the hard-hitting measures – that the government took at the time. Given the approach of the government during the pandemic about protecting our health system, given these reports today that say that this is moving very quickly – infecting cells faster than any other variant I think was the report – and given the budget cuts to our public health units by this government, the action I would like from the minister is to provide the advice she has received as to the impacts that are going to be felt by our health workforce this coming winter because we have got the worst flu season and now this COVID variant.

Drought

Gaelle BROAD (Northern Victoria) (22:11): (1696) My adjournment matter is to the Minister for Agriculture. I would like to acknowledge the state government's support of the motion put forward yesterday by my colleague Bev McArthur regarding the need for urgent support for drought-affected farmers. The action I seek is for the government to urgently deliver on this commitment to identify other areas of rural Victoria, including the north-east and central Victoria, also experiencing significant drought conditions and to provide immediate targeted help to drought-affected areas, including subsidised water supply for agricultural purposes and financial assistance with fodder and water delivery.

It has been very difficult to find hay. I was speaking with a supplier who put 3500 bales for sale online, and it sold the same day. People are travelling right across the state. You can see trucks carting hay everywhere and now coming from further afield. Water cartage operators are flat chat. Some are taking weeks to deliver water because of the demand. I spoke with Dan Straub, mayor of the Shire of Loddon, who has raised concerns that their shire is not considered to be in drought. Dryland farmers are desperate trying to feed livestock, and some are facing uncertainty, not sure if they will even get a crop this year. They do not appear to have a Bureau of Meteorology weather station. The data comes from outside their shire, and it is not accurate. They appear to be in a black hole. Many councils are wondering why they have not been declared drought affected when the conditions on the ground are

so dire. The minister will have received correspondence from the mayor of Murrindindi shire, Cr Damien Gallagher:

[QUOTE AWAITING VERIFICATION]

> I write to express disappointment and concern that our region has been excluded from the state's expanded drought support package.

It goes on to say:

> Across our shire, primary producers, particularly in the cattle sector, are being forced to destock due to the lack of feed and the near exhaustion of hay supplies and on-farm water storages. The financial and emotional toll is growing, with broader impacts already being felt by rural businesses and local communities.

The government's drought package missed the mark, and that has been noted in the correspondence as well. Mansfield shire have also written to the minister, and they have expressed great frustration, particularly at the passing of the emergency services tax. The Victorian Farmers Federation has also been a strong advocate. President Brett Hosking has put forward initiatives in a framework that highlights longer term barriers: the need for improvements in pest control and improved freight access for fodder transport. My Nationals colleague Annabelle Cleeland has sponsored a petition that has had over 6000 people sign it. People do not want to get handouts, but they need a fair go and they are running out of options. Their paddocks are bare, dams are dry and the cost of transporting hay and water is climbing by the week. Food security is a top priority, and farmers affected by drought need urgent support. Right now there are people selling their livestock and paying $500 a tonne for feed and thousands carting water just to keep stock alive.

Language education

Evan MULHOLLAND (Northern Metropolitan) (22:14): (1697) My adjournment is to the Minister for Education, and I seek the action of the minister to consider improving the diversity of languages taught in Victorian schools to better reflect the many languages spoken across our communities. Victoria is well known for its diversity, and my electorate is proudly one of the most diverse parts of our state. But many communities within my electorate and across Victoria are expressing concern over their cultures being unrepresented in our schools. This has been a long-running issue, and it is a matter I have raised several times previously in adjournments, questioning issues surrounding the lack of representation of languages like Punjabi as a language within the Victorian curriculum. According to the ABC, the latest census in 2021 reports that Punjabi is the fastest growing community in Australia, with around 240,000 people speaking the language at home. It is also the fourth most commonly spoken language in Australia. Knowing this, guess how many schools you think offer Punjabi currently? Well, the ABC reports the sad reality is that just two Victorian government schools offer Punjabi as a language for students to learn. Clearly this represents a fundamental problem. It is not just limited to the Punjabi language. Languages such as Turkish, Arabic, Hindi and Vietnamese also lack appropriate representation within our education system and in common use across Victoria.

It is natural to understand that parents want the ability to pass on their language and pass on their culture to their kids. They should rightly have that opportunity when they come to Australia. We want for Australia to be part of their story and for their story to be part of the Australian story, and for that they need to pass on their language as well to their kids to not lose their language and lose their culture once they become an Australian. In many situations children attend the Victorian School of Languages outside of normal school time in order to help improve their understanding of their own language and culture. It begs the question of why some of the most commonly spoken languages in Victoria are not currently taught at Victorian schools. The answer is it should not have to be this way. Instead it should be the case that the Victorian curriculum allows students this choice, especially given how important these languages are to many communities. When I attend countless multicultural events, often the first thing I am asked is the opportunity to speak Punjabi language in the curriculum, the opportunity to teach Hindi language or Turkish language or Somali language in the Victorian curriculum. I seek the

action of the education minister to consider reform to help introduce these unrepresented common languages into the Victorian curriculum.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (22:18): There were 16 matters today: Ms Lovell to the Minister for Community Sport, Mr McIntosh to the Minister for Ports and Freight, Ms Copsey to the Minister for Environment, Mr Davis to the Minister for Energy and Resources, Ms Ermacora to the Minister for Education, Ms Gray-Barberio to the Premier, Mr Luu to the Minister for Health, Mr Galea to the Minister for Children, Ms Purcell to the Minister for Prevention of Family Violence, Mrs McArthur to the Minister for Health, Mr Berger to the Minister for Carers and Volunteers, Mr McCracken to the Treasurer, Ms Terpstra to the Minister for Education, Ms Crozier to the health minister, Mrs Broad to the Minister for Agriculture and Mr Mulholland to the education minister. I will make sure all those are passed on for an appropriate response.

Wendy LOVELL (Northern Victoria) (22:18): I have two outstanding responses that are matters of concern to my constituents, and I would appreciate if I could have answers to question 1534, which was asked on 19 March to the Minister for Transport Infrastructure regarding the Yan Yean Road upgrade, and question 1558, which was asked on 2 April to the Minister for Planning regarding the Cooba solar project.

House adjourned 10:20 pm.